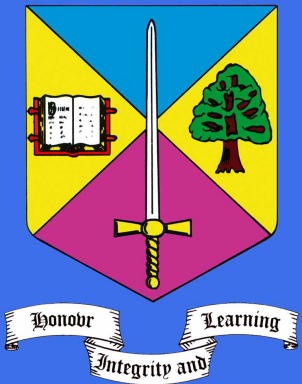


BODY ARMOUR

for professional investigators

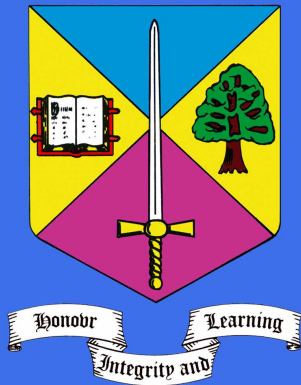


The Professional Investigator

IPI
Jubilee House
3 The Drive
Brentwood
Essex
CM13 3FR

Tel: 0870 330 8622
Fax: 0870 3308612
Email: admin@ipi.org.uk

David Palmer FIPI
Editor



Contents

AGM ►

Do I need to take a licence? ►

SIA Conference ►

ABI Seminar Report ►

The SIA - is it acting ultra vires ►

Frank China ►

Law updates ►

Body Armour ►

AGM Minutes ►



As this is the last issue of the
Journal to be issued before
the festivities, may we wish all
members and their families a

*Happy Christmas
and a Prosperous and
Successful 2015.*

Annual General Meeting

The Annual General Meeting took place as is now usual at Great Scotland Yard, and we were slightly dismayed to notice that the former police building is being partly gutted, although the Civil Service Club will remain in place. The old police building's façade will remain and be cleaner, though, so all is not historically lost.

We rattled through the business part of the meeting, but members may wish to note that **Richard Newman FIPI** has retired from the Board, and the Board now has a vacancy that can only be filled by co-option (which would last until the next AGM). Richard was thanked for his service and advice during his term of office and he has promised that he will remain a valuable source of industry information.

The final formal act of the formal meeting was the appointment of **James Harrison-Griffiths FIPI** as your new Principal.

Awards

We then had the pleasant task of making the following awards.

Richard Cumming was awarded his Fellowship certificate following successful submission of his thesis, which you all read in the last issue of The Professional Investigator.

David Pryke and **Lynda King** were awarded their Honorary Membership certificates, and were thanked for their help and friendship during their 10 years at our 'helm'.



L to R: Brian Walker, James Harrison-Griffiths and Debbie Mallinson.
Standing: David Palmer

continued>>

Then **Simon Smith**, your Secretary General, was awarded his Fellowship of the Institute – much to his surprise. The Board had elected him Fellow for his service to the Institute. Simon has done a lot of work promoting the Institute and bringing in custom and partnerships over the last 3 years, and much of his work has helped the Institute start moving more rapidly towards becoming more profitable. Of course, all that ‘profit’ is only income as we are a non-profit body but the more income we have, the better benefits we can provide.

Guest Speakers

Then came our guest speakers. Dave Humphries, SIA Director of Partnerships and Interventions, joined the SIA in February 2010. He has been a regular attendee at the AGM and it was hoped that this year he would be able to come and welcome licensing with us after the Home Secretary’s July 2013 announcement. Unfortunately that celebration remains on hold – not Dave’s fault.

Dave advised us that the situation with licensing remains, now, with the authorities at Ministerial level. There had been discussion between the various interested parties – BIS (because of the impact on businesses), DCMS (because of Leveson) and so on. Unfortunately, the addition of a new computer system means that if licensing came in tomorrow he believed it would probably be 12 months before it became an offence to act without a licence.

(That said, Scotty’s Law applies. In Star Trek the Chief Engineer Scotty was famed for working



Richard Cumming was awarded his Fellowship certificate following successful submission of his thesis



Lynda King being awarded her honorary membership certificate



David Pyke being awarded his honorary membership certificate



Simon Smith receives his Fellowship of the Institute certificate

continued>>

**the addition of a new computer system
means that if licensing came in tomorrow
he believed it would probably be 12 months
before it became an offence to act without
a licence**

miracles but claimed in one film that he would inflate repair time estimates by 100% and then 'work miracles' in half the time. Hopefully the SIA thinks along the same lines but we all know the excellent history government has with the introduction of new IT systems. I digress.)

After the bad news Dave took questions. He was asked if the SSAIB (see ABI Seminar Report) was right in saying that small/micro-business would have to get BSI 102000 inspections in 12 months. Dave's belief is that they were not. With BIS and in an effort to get things moving he anticipates a requirement that firms sign up to a Code of Conduct rather than an expensive and arguably unnecessary inspection regime, although that would be available to those who wanted that 'badge' for their company.

Another development – you may recall that Business Licensing was causing an issue. Originally, BL would be a requirement for any business other than a sole trader. This raised the question - if I am a sole trader but elect to become a limited company, would I have to be

business licensed. Last year the opinion was 'yes' but Dave said that the new thinking was 'no'. There would be further updates in due course; for example, addressing the 'sole trader' who then employs more staff on a temporary basis but not permanently.

Dave spoke and was spoken to (at?) for about 90 minutes!

Debbie Mallinson works for IQ Ltd, our Awarding Body for the Level 3 Award in Investigation. She had replaced Ray Clarke at the last minute and apologised on his behalf. She briefly explained the IQ status and thinking and then moved on to more practical issues.

Of interest to investigators was her statement that the SIA is provided by IQ with details of all those who pass their assessment for the Level 3 Award, including the fact that identity requirements have been complied with. At the moment this process is accepted by the SIA as being compliant with their competency and identity requirements, and while the SIA or Theresa May could decide to add new learning outcomes to their list it would be our understanding that recently obtained qualifications would be acceptable up to (an estimated) 2-3 years.

What this means in practical terms is this: if you apply for a licence you will have to demonstrate your competence and prove who you are. The identification process is what it is. You may

**The Board's message, therefore, is get your
Level III Award now and ensure an easy
licence application**

choose to address the competency element through the use of your current qualifications and experience and this will (more often than not – one would hope) be enough. But it would require the SIA to be relied upon to accept them, and/or to take time checking them.

On the other hand, if you have obtained a Level 3 Award from IQ – insulting as this may seem to those of you with higher level qualifications – your competency and identity is 'automatically' proven to the SIA and you need not re-identify yourself or have the potential debate over relevance and currency of your past academic achievements. Five Board members have taken the IQ Exam and passed it. As such they will not have to prove their older qualifications or identity as IQ will tell the SIA they have the required Award and is satisfied who we are. Our applications are more or less completed!

Other factors of note were that the Level 3 Award was due to be reviewed and potentially revised

continued>>

this year but IQ have had a 1 year extension and the Award remains current until the end of 2015.

The Board's message, therefore, is get your Award now and ensure an easy licence application!

Debbie's last input related to whether the industry would want to create higher level qualifications and she advised us how we, as an Institute, could create an accepted qualification/award that belonged to us and only we could promote and provide, or if we preferred, how we could create a qualification that would be mapped onto the Qualifications Framework but would then be 'public property'.

Following the formal part of the day we held a Principal's Reception and our Annual Lunch. At this point, the Principal made a toast to **James Cole** and absent friends.

IPI Distance Learning and Refresher Courses Results

Our congratulations to IPI/IQ students **Brian Adair**, **Robert Brown**, **Greg Symon**, **John Carruthers**, **Neville Abbott** and **Graham Blair** on their recent passing of the IQ examinations. We now await their surveillance plans to finalise their Award assessments.

The Institute remains in possession of a 100% pass rate for 'our' students taking their examinations through IQ.

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.

[Buy Online >](#)

Do I Need to Take a Licence - Related Course?

As an IQ Approved Centre, the Institute is able to look at a professional investigator's experience and qualifications and consider whether such a candidate needs to take the 39 hour course for Level 3 Qualification for a licence. The IPI Centre can **exempt** a candidate from ALL or PART of such a course (based on their assessment of the qualifications and experience) – the only absolute requirement is the taking of the assessment element of the qualification. Indeed, it did so for the Board members taking the IQ exam in April, all of whom now have the Award.

Don't pay for a course you don't need – even ours! If you have experience covering the subject matter in the exam – just take the exam! The Institute, as a non-profit body, is not interested in charging members and other professionals for education they do not need. It has to charge for holding the exam, and to charge a reasonable admin fee for the exemption/documentation process. We make only minimal profit providing this service to professionals.

We would argue that no **IPI Member** should need 39 hours training – and pay for it – because if they DID need it, they wouldn't qualify as Members!!

Contact the IPI at admin@ipi.org.uk if you wish to explore the exemption and take the examination through us. Please note – we can **ONLY** exempt those who **register** through the Institute, and cannot exempt on behalf of other trainers and Centres. (Note: that **doesn't** mean that we cannot recognise other bodies' qualifications – we can, and do.)

The options you might consider as an IPI member are:

Situation	Options	Assessments Required	Action available
I am wholly satisfied I know the material	Contact admin@ipi.org.uk with details of your recent qualifications	IPI will assess at a charge of £15 per application	If IPI is satisfied that criteria are met, just take the exam at £50.
I know the material but believe I need a refresher	Contact admin@ipi.org.uk with details of experience and any qualifications Two options are then available 1. Attend a refresher course run by the IPI and take exam the same day. 2. Purchase the IPI Manual at £75.	IPI will still need to assess at a charge of £15 per application, prior to attendance at course.	Once IPI is satisfied criteria are met through experience and other provided learning, take the exam: Refresher course at £150 (£135 for IPI Members) and is INCLUSIVE of exam cost. Manual is available for £75, exam cost is an additional £50.
I am new to the kind of private investigation knowledge requirements of the SIA			Invest in the Distance Learning Course, which is £375 (£300 for IPI Members) and is inclusive of the exam cost and a digital copy of the Manual

In the event that any member is able to arrange multiple attendees at courses, or multiple manual purchases, please contact admin@ipi.org.uk to discuss further discounts.

Business and Marketing Opportunity

A literary agency is looking for investigators who have worked on real-life cases that would make great books for the reading public. Ideally the case will already be of public interest and in the media, but will reveal a sensational hitherto unreported element to the story. Subjects include missing persons, murder, kidnapping, corporate and political espionage, foreign, military, organised crime and child protection.

However, this list is not exhaustive and all fresh and exciting ideas are welcome. Stories should be of interest to UK and the rest of the English-speaking world. There is a good remuneration package for taking part. If you have a story of interest please email: michael.carroll79@gmail.com.

Making Movies

The IPI received the following appeal from film producers Special Edition Films. If it is something that is of interest please contact the producers directly

Police budgets continue to be cut and the police are more stretched than ever before.

Because of this many ex - police officers and private investigators have found that their expertise is still very much in demand.

We would like to talk to ex police officers and investigators who use their skills to tackle the issues of anti social behaviour, burglary or other crimes that really get under the skin of the local community.

We would like to develop a TV series where this person would help the victims of a crime that they feel is being ignored. In each episode they will gain intelligence, put together evidence and at the end of the episode have a file they can hand to the police, helping to resolve the problem.

At this stage we are trying to find the right person. This would be an ex police officer or investigator who has done something about this type of crime, someone with experience working in the neighbourhood, was good with people and who could bring their own personality to the series.

If anyone springs to mind I would be keen to speak to them.

Cathal McElhinney
Special Edition Films
Tel: +44 20 8960 1446
cathal@specialeditionfilms.com

SIA Conference 16th October 2014.

Richard Newman FIPI provided us with the following report on the conference

I attended the SIA Conference today and listened to Elizabeth France CBE who was appointed as Chair of the SIA in January 2014. She said that the move to business licencing should be able to take place, despite the approach of purdah, as it only requires secondary and not primary legislation. There was no definite date mentioned other than it 'should' happen in 2015.

When I asked if the licencing of Investigators would require primary or secondary legislation I was assured that it could be enabled with secondary legislation and thus not affected by purdah. The advent of purdah was the reason given for not proceeding with Private Investigation sector licencing prior to the last election, if I recall correctly.

I was further advised that licencing Investigators would occur after the advent of business licencing.

Bill Butler Chief Executive of the SIA stated that the 'hold up' with Investigators was the need to look carefully at the exemptions to Private Investigation activities. He said that there is a desire to ensure that between the regulation of the Press and Private Investigations there should not be a gap. The SIA website has the following statement on it in relation to this discussion.

"The Private Security Industry Act 2001 defines the licensable activities of private investigations. The Home Office intends to review this definition to ensure that it remains fit for purpose. Questions relating to whether specific activities will be licensable in future should therefore be directed to the Home Office." (SIA Website)

So once again the SIA stands ready to effect Business and Private Investigations sector licencing but waits on the Home Office.

The Home Office Select Committee suggested in the 4th Report of Session 2012-2013 published on 2nd July 2012 that ...

"76. It should be possible to implement such a regime quickly after the creation of the new Security Industry Authority, by the end of 2013 at the latest. The Government should include a timetable for implementation in its response to this Report. In view of the repeated delays, on-going abuses and the risks we have identified, the Government should take action quickly. There is no need to wait for the Leveson Inquiry to report before work to set out the principles of regulation and registration begins. Early publication of a draft bill could allow for public and Parliamentary

consideration of potential legislation alongside the Leveson report."

"On 31 July 2013 the Home Secretary announced the Government's intention for the SIA to regulate private investigation activities." (SIA Website)

More than a year after the Home Office Select Committee recommended that "the Government should take action quickly"

And a further year later "On 30 June 2014, Home Office Minister Lord Taylor, set out the Home Office position on the regulation of private investigations. In answer to questions asked in the House of Lords, Lord Taylor said that the Government expects the regulations to license the activity of private investigations to come into force in 2015." (SIA Website)

So from legislation that was enacted in 2001 we are still waiting to be licenced with a currently projected date of 2015.

Peter Heims, who campaigned for licencing from the 1950's used to say 'not in my lifetime' and he passed away some years ago. I do not want to tempt fate but I can certainly predict it will not happen before I draw my state pension!

continued>>

I also asked Elizabeth France if the SIA would move to create an offence of using unlicensed persons to undertake licensable activities. I understand that this is the law in the Irish Republic. She stated that this would require primary legislation. The suggestion was welcomed by Baroness Angela Smith, the Shadow Home Office Minister, who said it could be considered.

(Please note this report is my personal opinion and should not be associated with or deemed to be representative of the views of any organisation or institute of which I am a member.)

Richard J Newman BA

Life Member & Past President of The A.B.I.;

Fellow I.P.I.; Member I.P.S.A.; Associate C.I.E.A; Affiliate IfL.

Insurance Survey

Members would have received an email from the Secretary General asking that they complete a short survey which was designed to assist the Institute in obtaining reasonable Professional Indemnity Insurance (PII) for each of you.

While the SIA does not yet insist on PII for individual licensees, it remains part of the British Standard. Although the BSI 102000 will not now apply to sole traders and one-person limited companies that does not mean that the Code of Conduct that will apply to those small enterprises will not include a requirement that PII be obtained. Remember, the purpose of all this 'red tape' is protection of the public and PII fits under that heading.

The survey is now closed but thank you for your responses.

ABI Seminar Report

On the 12th of September the ABI held a seminar in Birmingham, and there was a lot of interesting information and debate – including some rather heated discussion on a ‘new’ (16 years late?) decision by the Information Commissioner which may impact many of you in private practice IF approaches by the profession’s bodies aren’t successful. More on that later.

There were quite a few speakers, and in no set order they covered the following subjects.

The SIA Deputy Director Ed Bateman indicated, optimistically, that licensing will start in April 2015 and be enforceable by October that same year. The assembly felt that any change of government in the 2015 election might actually suit us because the PSI Act was Labour’s ‘baby’ and the Home Affairs Select Committee, overseen by a few Labour stalwarts, was pressing for licensing to be introduced.

Ed also suggested that while it is still being reviewed, the Schedule 2, S 4(1) a-d definition of licensable activity is likely to remain unchanged, but the use of the word ‘knowledge’ in the ‘knowledge and consent of the person investigated’ exemption may be removed. There may also be some tightening up of the journalism exemption, but this will be in terminology – as you can imagine, the will to fight the media is tiny.

When it came to Business Licensing, he said that both BIS and the SIA both have a responsibility to promote business growth and so both are supporting the idea that BL should be cost

negligible for small and micro-businesses, like the majority of those in our sector. This appears to be in keeping with the paper submitted on business licensing which controlled the conditions for those sized businesses, even though they will still need a business licence unless they are sole traders.

As usual, someone present indicated his ignorance of the Act when asking if he needed a licence for etc. etc. It’s been 13 years, folks.

A presentation on the use of social media for marketing purposes was very interesting. Twitter and LinkedIn can be great marketing media, and practitioners really need to review how they use it. To my chagrin, the speaker identified that we have 76 followers – with a membership of 100 and 180+ students. The Board will be giving some thought about what we can do about this but note that we don’t update 10 times a day with other people’s news, and the number of followers reflects awareness more than it can interest – but that awareness is still valuable! Please go to @IPInvestigators on www.twitter.com frequently, register as a follower and make us aware that you’re out there! You can also link to us on LinkedIn. (Facebook is beyond me,.....)

SSAIB gave a presentation on BSI 102000-2013 certification. You will note that BSI 102000 is not a condition of an individual licence but it MAY, some day, be a condition of a business licence. The speaker opened by saying that the ‘world’ was being told that BSI 102000 is NOT a code of practice – but that’s what it says on the cover of the booklet, available from the BSI at a cost (of course – no sense in making it available free to those who have to comply with it, eh?).

SSAIB charges £720 a day for the inspection process, a blanket one day for 0-25 staff and 2 days for bigger firms. They then have to conduct a one day surveillance visit annually at the same cost. They argued that clients want to see BSI certificates, and insurers would start charging more if you didn’t get it. Whether that ‘more’ exceeded £720 p.a. wasn’t discussed. He also suggested that BSI Certification would be an SIA BL requirement after one year of the exemption ‘permitted’ by the document on BL I dissected for the journal. I did not read that when I saw my copy of the SIA’s guidance, so explored it with the SIA at the AGM, where it was stated as

continued>>

clearly as possible that it would NOT become a burden for sole, small and micro-businesses. The SSAIB statement also seemed to conflict with Ed Bateman's statement that BIS and the SIA are minimising costs rather than increasing the financial burden to business.

For its own part, the SIA says (on its website):

*"When you apply for a business licence we will consider whether your business is competent to undertake the designated security service/s it intends to supply. ***One of the ways** (my emphasis. Ed) to demonstrate competence is by obtaining certification to a sector specific scheme that covers the relevant British standards.*

The conformity assessment body that you choose for assessment and certification must be accredited by the United Kingdom Accreditation Service (UKAS) for this purpose. UKAS is the national accreditation body recognised by Government, that quality assures conformity assessment bodies and the certification schemes they deliver.

We expect UKAS to confirm the list of accredited conformity assessment bodies in due course."

(*This means that there are other ways to show compliance and membership of a professional body is mentioned on that valuable list.)

Two IPI Members have already obtained BSI 102000-2013 certification.

Finally came the Big One, the amusing news that the Information Commissioner has 'decided' that PIs using GPS Tracking devices put on target cars are obtaining data unlawfully as it routinely involves the tort of trespass and equates to intrusive surveillance. This (as you can imagine) caused a humungous uproar and I took the lead in arguing that the ICO's arguments need to be scrutinised as they appeared slightly blurry – they argued that RIPA controlled the State, nothing controlled the PIs, so it was against Human Rights – failing to observe that HR doesn't apply to the PI/private citizen. The Institute will be drafting something of a detailed argument for the consideration of the authorities but if someone can forward some points to make it'll be very helpful. On the plus side they're less bolshie about pretexts used on routine enquiries (not 'blagging', just neighbours and other non-data enquiries).

An excellent and informative seminar and our compliments to the ABI for holding it.

The SIA – is it acting Ultra Vires?

The SIA states on their website that *“All trainers delivering SIA licence-linked qualifications are required to hold the ‘Preparing to Teach in the Lifelong Learning Sector’ (PTLLS) or a recognised equivalent and/or higher level teaching qualification.”*

The Principal has asked the SIA this question:

I have queried the SIA's power to make this requirement in the past (and one authority said it does not have such a power), and while I would endorse such a requirement I ask what power, under statute, the SIA has to impose it? What offence is committed if non-compliance is proved? Is it, like driving licence training, a pre-requisite that the training be paid before the requirement is enforceable?”

Looking at the Act itself, my copy of the Act having been downloaded from the HMG website, I find no reference to the words ‘teach’, ‘train’ or ‘trainer’. The SIA is allowed to carry out the following under the Act:

Section 1(2)(e) of the Act states that the SIA can ‘set or approve standards of conduct, training and levels of supervision for adoption by (i) those who carry on business providing security industry services (*training is not a security service under the Act – Ed*) or other services involving the activities of security operatives’

If that latter phrase extended to a training function it should say so, or they could decide that we should all get HGV licences and wear purple fedoras when at work – Ed). Section 1(2)(f) says the SIA can make recommendations, but that does not mean that it can create its own laws.

Section 3 states ‘The Authority may do anything that it considers is calculated to facilitate, or is incidental or conducive to, the carrying out of any of ITS functions. Not ours. (My emphasis – Ed.)

As I scan through the Act the emphasis is understandably on licensable conduct (training is NOT licensable conduct) and the establishment of criteria for the issue of licences. It is of note that where these provisions sit in the Act (Section 7) there is a caveat stating that none of their recommendations are enforceable until the Secretary of State approves them. (Section 7(5).)

I also note the continued thread that activities incidental to the operations of a security operative – e.g. not security based, one might think – are *excluded* from licensing and therefore, by extension, the remit of the SIA.

Section 5(4) of Schedule 2 relates to the as yet un-enacted licensing for Security Consultants. At Section 5 it clearly states:

“This paragraph does NOT apply to the provision of training to persons for the purpose of giving



them qualifications, knowledge or skill for use in the carrying out of the activities of a security operative for others.”

In our view, then, none of this permits the SIA to impose the restriction on trainers, laudable as it is. It can set and approve standards of training but does that extend to approval of or delegated ‘licensing’ of those who can do that training?

So as Parliament itself decided that the SIA could not licence trainers, how can it impose this condition that trainers be qualified? We do not suggest that they should be cowboys, uninformed and so on – but many of us have gone to the expense of obtaining training qualifications we do not need, to comply with an SIA condition they seem to have no right to impose. That’s not to say that unqualified trainers would be welcomed, but that would be for the market, the industry and Trading Standards to sort out, not through unlawful acts on the part of the SIA!

continued>>

The SIA's answer?

"Thank you for your email dated 3 October 2014 regarding teaching qualifications for training providers delivering SIA licence-linked qualifications and our powers to make these requirements.

*Under the Private Security Industry Act (PSIA) 2001 we are required to set the standard for individuals who apply for a licence. **The awarding organisations enforce this via their centre approval agreements with training providers.***

The regulation of qualifications falls within Ofqual's remit, but they also recognise other regulator's requirements.

Failure to meet these requirements could be interpreted as malpractice, possibly withdrawal of centre approval and/or certification of the individuals who receive training from the trainer concerned.

I hope the above addresses the matter raised."

In a later response where they were asked to qualify the matter further, the SIA said,

"It is debatable that the SIA has a statutory power to enforce standards relating to the qualifications that trainers must hold.

The SIA does however have a contractual

relationship with each awarding organisation issuing licence-linked qualifications. This contract references implementation of the SIA's quality requirements, including the qualifications that trainers need to hold. OfQual recognises other regulators requirements as part of its regulatory regime.

In addition, awarding organisations approve training providers. A contract is put in place to govern the relationship between the awarding organisation and the training provider. The training provider undertakes to abide by the regulatory code of conduct and the quality requirements specific to the awarding of certain qualifications."

So I call that a tacit admission that the SIA cannot enforce the requirement, they are reliant upon the Awarding Bodies to do so. The ABs are then reliant upon to training companies to enforce this. This should work, but a company providing an examination assessment has no 'power', even if they have a desire, to require anyone be trained by anyone. Their sole control is the exam/ assessment. If I was to turn up and declare I'd done the training, what obligation has the provider of an assessment to ensure my trainer was qualified, other than market forces and ethics – reliable criteria?

The last paragraph of the SIA reply also shows that there are no specific, defined penalties for the provision of training to be only by qualified

trainers. As a professional body we ought to be encouraging the SIA to seek the power to enforce this, and for the introduction of definite rather than cloudy penalties. In the interim, I have asked/ suggested in a personal capacity that the SIA consider redrafting its inaccurate website claim pending the creation of a more enforceable power.

The IPI WANTS the SIA to have these powers but is right to suggest that until then they should not undermine their authority by making false statements.

Free Adverts for Your Business or Services

The Board has agreed that members who submit articles that are used in the Journal will be entitled to include a copy of their business card (in JPG or PDF form submitted with the submission) so that they can market their services while serving the Institute.

Submissions should not simply be an advert – they must relate in some way to the sector as a whole, to a legal issue, to investigatory practice or have an interesting historical context. We would suggest a 1,000 word maximum but we are open to longer articles where the material lends itself to such length.

Please send your submission to admin@ipi.org.uk, and if they are published your business card will be included.

Articles may be on subjects which the Membership themselves can ask about, like:

- How do I start a business after 30 years in public service?
- What are the best databases to subscribe to for my business?
- What equipment might I need, and what is the best out there?
- Is PII a sound investment or an unnecessary expense?
- Specialist areas of investigation, law or procedure.

The decision is yours.

Recruitment and Overseas Members

At the post-AGM Board Meeting it was agreed that with immediate effect, any potential member introduced by a current member will have the administration fee for administration of their application waived, **a saving of £50** on their application to participate in the Institute.

To monitor this, any member introducing an applicant should contact the Institute at admin@ipi.org.uk to inform us of their proposed new member prior to them submitting their application. On confirmation of receipt of that notice the applicant should make their application and confirm the name of the member introducing them, and having done so will not have to pay their £50 fee.

Overseas Participation

This Institute has the honour of participation from a number of overseas members but it would be wonderful if we could expand on our knowledge by recruiting a greater number of members from other jurisdictions. Their experiences, observations and perspectives on investigation could be detailed in this journal to the betterment of all, and connection to the Professional Academic Institute couldn't help but enhance their professional reputation. The fee waiver still applies.

We therefore ask that overseas members promote their Institute with their peers. All members will shortly receive a 'publicity sheet' that they can use to spread the Institute 'word'.



If your website is not keeping up with technology itrap can give you a boost.

Web Design and Development

Technology moves quickly. Of all the visitors to your Association's website over the last month, nearly **50 per cent** of them were using a **mobile phone** or a **tablet**. That percentage is only going to increase.

If your website layout does not adapt to the device being used to view it you risk appearing outdated and losing visitors.

We build desktop, tablet and mobile responsive websites using Orchard content management system. Once the site is built you can edit and add pages yourself, **avoiding update charges**.

Our websites are also **SEO optimised** which means people can find you on Google, Bing and Yahoo.

We are experienced in building sites for the Investigation sector so if your site is in need of an overhaul, contact us today.

Are you
looking
good on
mobile
and tablet?



Training Standards

In this vein and linked to another article in this issue (SIA – Ultra Vires?), the Secretary General recently made me aware of a private investigation training agency using the word ‘Inst’ in their website URL. They aren’t an Institute and they train in many fields – which suggests they’re not investigators but professional course designers. Nothing illegal or unethical about that.

This company provide a PI training course. I do not know the content or quality of their training course and make no comment in that regard. It may be very good. What they do say on their publicity material is this:

“On successfully completing this course you will receive two Certificates.

The first certificate is a Diploma awarded by (deleted).

The second is a Certificate of Achievement by (deleted), our accreditation body.

This course has been endorsed under the (deleted).

This means that (deleted) has undergone an external quality check to ensure that the organisation and the courses it offers meet certain quality criteria.”

So far the uninformed may be thinking, “Great, a PI course that is accredited.” BUT the blurb, after pictures of the awarding body’s logo adds it legitimacy, goes on to state (my block letters):

*“The completion of this course alone **does not lead to an Ofqual regulated qualification, but***

may be used as evidence of knowledge and skills towards regulated qualifications in the future. The unit summary can be used as evidence towards Recognition of Prior Learning if you wish to progress your studies in this sector. “

In other words, the best your money (more than the cost of our course) can get from this trainer is the suggestion that an assessing company like IQ or EDI might accept your training. Which it won’t if there’s any important qualification-linked information or learning absent from their course, or (assuming the SIA stands up) if the trainers aren’t properly qualified as per their stated requirements.

A discreet enquiry revealed that the course does not seem to be properly linked to the SIA requirement, but ‘will be’ if/when they come in. They didn’t answer my question regarding qualified trainers so I assume they haven’t any. An enquiry with their ‘accreditors’ didn’t answer that question either, but they did confirm that they have checked the course quality against something described as ‘learner’s or employer’s requirements’ – but presumably not the SIA’s requirements because they didn’t seem to know it existed and that EDI and IQ have accredited

qualifications mapped onto it. The training company said that if regulation comes in they’ll arrange compliance. Then, and not until?

And this is my point. They may not be charlatans but they are unwilling to do what ‘proper’ training companies seek to do, at least yet. Their lack of willing to comply yet is, in my opinion, a reflection on their professionalism. And what proof have we got that this will change after licensing does come in?

I guess we may never find out as it only seems us who’ve asked.

Guest column - Frank China

Just another little European directive is raising its head, everything in this world seems to go via initials; now it is the EAW ... and what is that, well, it is more accurately known as the European Arrest Warrant and what it aims to do is to yet again tear down borders, treating all the individual countries in Europe as one State. Of course you might argue that if you break the law anywhere, you must 'pay the price'.

Regrettably, EAW makes a mockery of 'habeas corpus', which is the fundamental belief that someone has the right to a trial or be set free, a situation which has underpinned the British Legal system since 1679, but not now in Europe and to the British government's credit they opted out of all 133 EU police and criminal justice measures in 2013, however, since these measures will take effect from December 1st, ministers have decided look again and felt they would like to opt in to 35 of the measures, including the EAW, but evidently you cannot partially opt in.

The propagators of these measures say that it will help us fight terrorism; but then we come up with the old and tried British adage, 'one is innocent until proven guilty'. Anything which helps us fight terrorism must be good, but these EU measures seem to be all embracing. There are examples which have come to light where these measures have been used in the most obscure and draconian ways, the tale of Ashya King in Spain, or Andrew Symeou in Greece, so take care when travelling abroad - well, at least when travelling to Europe.

Without going in to great detail, this is just another example of the EU trying to take over, if you Brits want the EU to take over, then

you should be allowed that vote, on the one all the major parties are distancing themselves from. You can see why the new boys 'on the block' are enjoying immense popularity. Promises are broken right, left and centre – this government promised an EU Referendum vote, and also Parliament has a promise to vote on the EAW, then said no. Are there no honest politicians around?



The trouble with all of this is that when you are waiting for something to happen, it never seems to do so. For instance, regulating investigators, there was a massive furore when reporters did their job obtaining information, which later resulted in the substantial report as to whether they had exceeded their authority, or not. It was decided that these 'investigators' need to be regulated, how long ago was that, I've lost count, not months but years.

Why do we bother to vote! In the end it boils down to, is the problem affecting me, is the problem big enough for me to bother to voice an opinion. Will the result of any vote upset the 'status quo'. The political elite need a shake up and it looks as though it might just be happening, it is not simply about parties and politics, it is about leadership, look around and ask who you might like to have on your side in a crises.

I am from another 'world', I have tried to answer this question, but as soon as I come up with my answer, that person does an inexcusable stupid thing ... and it is back to the drawing board. What a world are we living in!

Criminal Legal Aid

Earlier this year the **Ministry of Justice**, following detailed engagement with the **Law Society**, published proposals to help create a more sustainable legal aid market in **criminal litigation**.

As previously announced, they've allowed an unlimited number of own client contracts for providers who meet the required quality standards. They also stated their intention to offer the highest number of duty work contracts recommended - 525 - following specialist research from Otterburn Legal Consulting LLP and KPMG LLP.

They're now consulting on the reports undertaken by Otterburn Legal Consulting and KPMG (including the Ministry of Justice's response to the analysis), the findings/assumptions used in their analysis, as well as the number of duty provider contracts that should be tendered in the forthcoming procurement exercise, by Otterburn Legal Consulting and KPMG.

The on-line survey is available here: <https://consult.justice.gov.uk/digital-communications/transforming-legal-aid-crime-duty-contracts>

Forensic Science

The **Forensic Science Regulator** is seeking comments on the draft guidance on digital forensics method validation.

Go here for further information: <https://www.gov.uk/government/consultations/digital-forensics-method-validation-draft-guidance>

The **Forensic Science Regulator** is also seeking comments on the draft guidance on cognitive bias effects relevant to forensic science examinations, here: <https://www.gov.uk/government/consultations/cognitive-bias-effects-relevant-to-forensic-science-examinations-draft-guidance>

Debt

The **Civil Procedure Rule Committee** is inviting comments on the draft **Pre-Action Protocol for Debt**. This is available here: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/355594/pre-action-protocol-for-debt-claims-draft.pdf

Missing Persons – Consultation on those who must deal with their affairs.

When a person goes missing, there is currently no legal mechanism for another person to manage his or her affairs during his or her absence. This

can lead to the loss of the missing person's assets (for example, through Direct Debits that can't be cancelled) and the deterioration or loss of assets (for example, through lack of maintenance or failure to meet financial obligations, such as mortgage payments). For the same reason the disappearance can deprive dependants of the support they need (and have been used to receiving) from the missing person.

This consultation asks whether there ought to be a new legal mechanism by which a guardian could be appointed to act on behalf and in the best interests of a person who has gone missing.

This consultation also asks if a new system of guardianship of the property and affairs of missing persons is created, what the process and terms of such an appointment should be.

In particular it seeks views on:

- how a guardian should be appointed and in what circumstances
- what the role, duties and terms of appointment of a guardian should be
- how guardians should be supervised and held accountable
- the costs, benefits and equalities impacts of introducing guardianship

This paper is available here: <https://consult.justice.gov.uk/digital-communications/guardianship-property-and-affairs-missing-persons>

Body Armour for Private Investigators

By SafeGuard

Private investigators cover a broad spectrum of cases, from exposing financial fraudsters to unfaithful spouses. While many of us may have an idea of the traditional grizzled PI based on films and television programmes, the reality of their work can be very different from what we imagine – for example, much of their work is performed on computers, searching for vital information. However, classic surveillance and interviewing leads still remain a part of the job (however small), meaning investigators may still encounter people unwilling to co-operate, or those aggravated by being investigated at all.

If an investigator is hired to shed light on a particularly sensitive issue – such as embezzlement or infidelity – the target may well take exception if they discover you tracing their movements. In this case, the risk of confrontation is high, potentially leading to attempted assault. In order to protect yourself, you may need body armour – but how do you know which to choose? Leading protective clothing manufactures, SafeGuard have published the following recommendations.

Wearing the Right Armour

Various types of body armour are available, to protect against bullets, blades, and spiked



continued>>

weapons. Vests are rated at numerous levels, based on the amount of protection they offer, after being tested by the Home Office Scientific Development Branch (HOSDB) in the UK, and the National Institute of Justice (NIJ) in the United States.

Ballistic Vests

Bullet proof vests may seem an extreme form of defence for the majority of cases, but if a threat is made against you, or you believe following particular leads may draw you towards dangerous territory, they may be essential. With an estimated total of more than 4m guns held by British civilians (both legally and illegally), firearms remain a real threat on the UK's streets, particularly in high-crime areas. Should you find yourself investigating individuals or groups who may have access to guns, you'll need to choose the right vest for maximum protection.

Bullet proof vests at level 1 defend against .22 calibre bullets, while level IIA protect against common 9mm ammunition. Vests at level II will stop higher-velocity 9mm and .357 bullets, and level IIIA is designed to stop up to .44 Magnum ammunition. All of these are soft armours, featuring multiple layers of Kevlar, which absorb and disperse a bullet's energy on impact, flattening it.

From there, vests become hard armours, featuring semi-rigid or rigid design, with hard plates

continued>>

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!

[Buy Online >](#)

combined with Kevlar. Level III vests stop rifle fire, while level IV protects against armour-piercing bullets (with plates made of steel, titanium, or ceramics). Both of these are more suited to the most dangerous situations, and given their heavyweight construction, rules them out as discrete protection. However, the defence they offer is worth any increased visibility.

Edged Blade Vests

Stab vests feature multiple layers of tightly-woven Kevlar, which create friction against blades to stop them penetrating (whether used in a slashing or stabbing motion). These are rated at levels I, II, and III, based on the amount of energy used in an attack, and the size of the blade itself.

Spiked Weapon Vests

These are designed to stop items with spiked tips (such as needles and syringes), which may be used against you as improvised weapons. Though the risk of this may be less likely than an attack using knives or guns, if you're entering a volatile domestic environment or a location you believe drug-users may reside in (a syringe attack carries the threat of contaminated DNA or harmful substances, as well as a risk of fatally puncturing a vital organ or severing an artery).

Body armour is available in covert and overt styles, offering the versatility you need in a range of different situations. Covert vests are thinner and more lightweight than standard (overt) vests, and are worn underneath clothing. These are ideal for

Covert vests are thinner and more lightweight than standard vests, and are worn underneath clothing. These are ideal for staying safe without drawing attention to yourself

staying safe without drawing attention to yourself, but hard armours are obviously unsuitable to be created in this design, so if you expect high-velocity gunfire, you'd need the higher levels.

Sizing and Fit

To ensure the maximum amount of protection while you carry out your investigations, you must wear the best fit for your size. Before you order a vest, take your height and chest measurements, and check them against your supplier's size chart (if still in doubt, ask their advice). Your vest should sit comfortably against the torso, without being too big or too small – either way, you'll find yourself encumbered with armour that gets in the way (with potentially fatal results). You should feel free to move exactly as you need to, regardless of the vest's design – should you be fired upon or attacked with a knife, you'll need to run for cover or defend yourself with a full range of movement. Be sure to try your vest out thoroughly before you wear it 'in the field' for the first time: stretch, run, crawl – reassure yourself that you'll have the best protection against danger.

Choosing body armour may seem more complicated than you have expected, but it's vital to find the ideal vest for the risks you expect to encounter. The higher levels of armour can prove expensive, but you should never let the cost put you off finding the best protection you can – what price can you put on your own life? Never skimp on any vest, and don't cut corners: your life may depend on it.

Chris Taylor / Communications Director

ctaylor@safeguardarmour.co.uk

<http://www.safeguardarmour.co.uk>

MINUTES OF THE 2014 ANNUAL GENERAL MEETING OF THE INSTITUTE OF PROFESSIONAL INVESTIGATORS*

*These Minutes are not finalised.

Held at the Civil Service Club of Great Scotland Yard, Whitehall, London, SW1

17th October 2014 at 11am.

The following Members were present:

David Palmer, James Harrison-Griffiths, Brian Walker, Richard Newman, Richard Cumming, Richard Bradshaw, Richard Lee, Alan Roberts, Michael Pettit, Ruth Hoffman, Simon Smith, Andy Ryan

We were joined by Honorary Members, David Pryke and Linda King after the formal business of the Meeting. Guests present were Dave Humphreys, Head of Compliance at the Security Industry Authority and Mrs. Debbie Mallinson from IQ Limited and Mr. Matt Flegg, representing a Member.

Apologies were received from the following:-

Paul Elliott, Peter Jones, Mike Welby, Mike White, Alan Marr

1. The Minutes of the 2013 Annual General Meeting having been circulated, it was proposed by Richard Cumming seconded by Richard Bradshaw, that the Minutes be signed by the Principal. Resolution passed nem con.

2. The Accounts having been circulated, the Treasurer reported and highlighted the loss of Membership up to the end of March 2014 but that course income was up. The Treasurer reported that the situation had changed slightly since then with new Members and returning Members. It was proposed by James Harrison-Griffiths and seconded by David Palmer that the Treasurer's Report and the Accounts be accepted. This was carried nem con.

3. The Secretary General's Report, having been circulated, was considered. It was proposed by James Harrison-Griffiths and seconded by Richard Newman that this be adopted and that was carried nem con.

4. There was then discussion from the floor in relation to ideas to increase membership and get matters organised. Following discussion from the floor, the following proposals were adopted:-

- (a) That there should be a one-sided A4 sheet of paper that Members could issue to prospective Members and to colleagues explaining the advantages of the IPI.
- (b) That overseas members should be given greater assistance and matters explained to them.

(c) Members introducing another Member should have the benefit of confirming that there will be no administration fee for those prospective Members introduced by an existing Member. This was agreed.

5. The Principal pointed out that Richard Newman had tendered his resignation from the Board and that subject to that the nominations having closed, the existing Board remained in place. Those who had previously been co-opted to the Board were then elected to the Board. This was carried nem con.

6. The Principal then presented two Fellowships to Richard Cumming and Simon Smith and two Honorary Memberships to David Pryke and Lynda King, of Pelican Management, the former Management Company for the IPI who had retired. James Harrison-Griffiths having been unanimously elected as Principal then took the Chair and David Palmer, having been unanimously elected as Deputy Principal, then stood down.

7. Mr Harrison-Griffiths then introduced Dave Humphreys of the Security Industry Authority who explained the position in relation to Investigator Licensing. There was much discussion of this, but

continued>>

the general principle behind it seems to be that it awaits the Home Secretary's announcement, the Home Secretary having already indicated that 2015 would be the start date for licensing. After a lively discussion, it was concluded that the IPI had to stay on track as it was, we had a number of students who were waiting to take the SIA Approved Exam and we simply had to get on with it.

8. Mr. Harrison-Griffiths then introduced Mrs. Debbie Mallinson from IQ Limited, the Approved Body responsible for our course training and examination. Mrs. Mallinson explained the position in relation to the SAA, OfQual and the framework for the Course and the examination. There was a further discussion and Mrs. Mallinson made clear that any additional requirements for licensing would have to be tackled within the existing system, and those involved in IPI training confirmed that this was feasible. We had, to some extent, "future proofed" our Course.

9. There being no further business, the Meeting closed at 12 noon.

The Professional Investigator

Institute of Professional Investigators
Jubilee House
3 The Drive
Brentwood
Essex
CM13 3FR

Tel: 0870 330 8622
Fax: 0870 3308612
Email: admin@ipi.org.uk