



# **The Association of British Investigators**

The Self Regulation of Investigators in the Private Sector:

A Discussion Document

## Foreword

“The Association of British Investigators will celebrate its centenary in 2013. During the past 98 years, the association, a voluntary members’ organisation, has been at the forefront in setting, maintaining and improving integrity and quality standards in the private investigation industry. Sadly, it has been alone in this quest and much more needs to be done.

The situation that prevails in the UK today has received considerable media exposure recently; some of the reasons why we find ourselves in this position are expanded upon within these pages.

This paper is presented as a discussion document, designed to apprise the reader of the current unsatisfactory position of our un-regulated industry and to stimulate debate around how the position can be improved. We also offer a proposal for self-regulation, which if supported; I give my word that the Governing Council of the Association will work tirelessly to bring it about.”

Tony Imossi

**President**  
**The Association of British Investigators.**

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## Executive Summary

1. It is estimated that there are between 5,000 – 10,000 self-employed investigators who ply their trade in the private sector. Add to this the number in-house, employed investigative personnel, loss adjusters, bailiffs, debt collectors, investigative journalists, information brokers etc who also carry out ancillary investigative functions and the number could quite easily double.
2. Some of these investigators have questionable antecedents. It is possible for anyone, even criminals, to advertise and trade as a private investigator. There are no background or competency tests. Until very recently no nationally recognised qualification for private investigators existed. As a result, some lack integrity, many lack know how, knowledge of the controlling legislation, training, understanding of customer care or basic business acumen. This is significant cause for concern when one considers that in the overwhelming majority of cases, the evidence that private investigators are called upon to gather ends up, or has the potential to end up in a court of law.
3. There is an ever-growing and instant demand for information and intelligence from all sectors of society. Developments in communication and information technology mean that this information is now available from a multitude of sources – most legal, some not – that were unheard of and certainly not available even fifteen years ago, raising significant privacy issues as have been evidenced recently by the actions of the press and those acting for them.
4. Owing to finite resources, the investigation of business crime has never been a priority for the police service. Unless allegations are of robbery, burglary, very high value fraud, or a particular business sector (insurance & finance) is prepared to privately fund dedicated police units, it is not investigated by them. Complainants are advised to instruct private investigators - just as they do in civil matters - to identify the suspects and gather sufficient evidence to enable the police to consider criminal proceedings. Further government cutbacks are likely to create a new demand for investigators in the private sector to gather evidence on behalf of corporate clients, to enable them to mount private prosecutions, bypassing the police service altogether unless cases are referred back to them through CPS intervention, once criminal proceedings are in train.

5. It seems incredible then that the UK is one of the remaining countries in the free world where there is no current system for the vetting, registration or licensing, of investigators in the private sector. The Private Security Industry Act, 2001 introduced the concept of mandatory licensing for private investigators but having suffered from a subsequent lack of political will and the abolition of the proposed regulatory authority – the Security Industry Authority – it appears that government now favours some form of self-regulation.
  
6. The purpose of this paper is to stimulate discussion by proposing a regime of vetting, an accredited, nationally recognised qualification as evidence of competence, licensing and self-regulation of investigators in the private sector, at no cost to the public purse, initially by the Association of British Investigators whose objective is to achieve chartered status as membership numbers grow enabling it to develop into the Chartered Institute of Investigators should these proposals find favour and support.

## **Introduction and Overview of the Private Investigation Industry:**

7. Private Investigators were gathering evidence to put before the courts in the United Kingdom long before the first police force was established in London in 1829. Some might say that the formation of the Metropolitan Police, by the then Home Secretary, Sir Richard Mayne, was because private investigators as a body were un-vetted, un-trained, un-disciplined and un-regulated; some of them acted criminally or irresponsibly. Notwithstanding the integrity, professionalism and abilities of some of the hard working investigators among their number, the private investigation industry was viewed negatively and with suspicion. In the intervening 170 years little, if anything, has changed.
8. A 2011 snapshot of the UK private investigation industry largely reveals a loose, un-quantified network of un-vetted, un-trained, un-qualified, un-regulated, un-licensed, self-employed individuals, operating in many cases from their homes, with sub-contracted instructions and cases criss-crossing the nation between them. There are a lesser number of franchises, partnerships and investigation enterprises that are registered as limited companies; there are also a handful of large, well known multi-national companies – some of them US based – who employ a small number of expert permanent staff. That said, to cope with the sheer volume and variation of work the industry is called upon to deal with, even the largest investigation businesses sub-contract work to the self-employed majority, many of whom are honest, hard-working and do their very best to act professionally.
9. Unfortunately, the terms “Private Investigator” and “Private Investigation” are collectives into which a miscellany of individuals and activities that don’t fit comfortably with other labels are also placed. A topical example of this point, are those individuals who have come to prominence in recent past over phone and computer hacking, telephone and electronic interception and unlawful bugging allegations. Their names and alleged criminal activities are unknown to the majority of honest and honourable practising private investigators; none of them has ever applied to or become a member of the Association of British Investigators. Few of them are known to trade as private investigators. Their activities principally fall under the heading of “Information Broking” and if the allegations are true, they are nothing other than common, white collar criminals who have seized the opportunity to make a lot of money through the invasion of individual and organisational privacy.

10. Initially set up to form a network of like-minded, self-employed, investigators in the private sector between whom work could be sub-contracted, a small number of trade associations have been formed in this country. Membership is entirely voluntary:
  - The Association of British Investigators (ABI) – 1913
  - The Institute of Professional Investigators (IPI) – 1978
  - The World Association of Private Investigators (WAPI) – 2001
  
11. WAPI does not fit the same historical criteria of the ABI or IPI in that it was set up as an organisation to act as a voice, when licensing was first mooted, for unaffiliated private investigators.
  
12. The arrival of the internet in the mid – late 1990's revolutionised the private investigation industry in this country. As more and more private investigators and members of the public got to grips with e-mail and began exploring the World Wide Web; access to information about private investigation and investigators, investigation products, lawful and illegal techniques and cheap advertising with worldwide reach suddenly became available.
  
13. A number of Private Investigator related e-mail fora, free and open to all with an internet connection, such as United Kingdom Professional Investigator Network (UKPIN), WAPI Open Forum (UKPIN2) and British Agents (BA) sprang up. Suddenly, instead of posting sub-contracted instructions to a tried tested and trusted fellow member, it was possible to outsource work instantly to a worldwide network of individuals purporting to be private investigators. A large number of these were and still are inexperienced, part-time amateurs, many of whom have a poor standard of literacy, with little or no technical or legal knowledge, who see this type of work as easy money and are not afraid to bend the rules to get it. A significant number are not registered or notified under the Data Protection Act and have turned to hacking, blagging or bribery as a means of obtaining information unlawfully from public servants or the employees of financial institutions, utility and telecommunication companies. The attrition rate amongst those who carry out investigation and surveillance activities in the private sector has increased significantly. Many of the established, traditional, investigators in the private sector who go about their business honestly are finding it hard to compete.

### **The Current Situation and Reasons for Change:**

14. The net effect of this technological development has been to add a further layer of difficulty in assessing the number of practising, private investigators in this country as the number changes by the day. Additionally, the use of global e-mail addresses, such as Hotmail.com, makes it almost impossible to determine where an investigator is actually based. Flowing from the increase in numbers of those wishing to try their hands at private investigation has been a noticeable diminution of integrity, quality, financial probity and professionalism within the industry. It has also changed the principal reason for the existence of the two principal trade associations.
15. Private Investigators no longer need to belong to an association, merely to locate a colleague from its membership directory, to whom they can outsource work in another part of the country. The fact that membership of the ABI (not so the IPI) did not fall and is slowly growing is therefore surprising.
16. Having spent some time consulting members to establish why, it became clear that membership of the Association of British Investigators is looked upon internally and externally as evidence of personal achievement and as an endorsement for their business. The reason given to us is that ABI membership is seen by the industry, the public and prospective clients as bestowing an integrity and professional quality standard on its members.
17. This no doubt stems from the fact that all applicants for ABI membership, unlike the other trade associations are:
  - Subject to extensive due diligence and vetted to include initial and continuing checks at CRB and of their financial probity.
  - Required to supply at least two professional references.
  - Required to sit an entrance examination of their competence and knowledge of the controlling legislation.
  - Subject to a face to face interview by a selection panel.
  - Required to hold a policy of Professional Indemnity Insurance.
  - Subject to a discipline code and demonstrably effective complaints investigation process based on the Association's bye-laws and code of ethics and professional standards.



18. Those who are now willing to put themselves through the rigorous process to become and remain as ABI members and a number of professional investigators who care for the future of this industry and their personal and business reputations, do so because now that mandatory licensing seems to have dropped off the political agenda, they fear for the further deterioration of professional standards, integrity and financial probity. There is a feeling of certainty that the lack of regulation will inevitably represent a danger to our clients, whether they are members of the public, corporate clients or central or local government.
19. The Association of British Investigators has always been in the vanguard of driving up standards in this industry. We stood alone in lobbying parliament to introduce licensing in the 1950's and 1970's. Private Investigators were added to the Private Security Industry Act, 2001 at the 11<sup>th</sup> hour, as a result of continual pressure from Bruce George MP who agreed with our stance and championed our cause. We provided momentum and chairmanship of the Investigators' Sector Group, during meetings and negotiations with the Home Office and later the SIA after the Act was introduced.
20. The success and effectiveness of the regulatory regime exercised by the Association of British Investigators and the professionalism of its membership has been recognised by the Drivers and Vehicle Licensing Agency (DVLA), by whom we have been granted sole Accredited Trade Association status for access to the on-line vehicle keeper database, in certain defined circumstances. Supported, for similar reasons, by the Information Commissioner's Office and the DVLA, we have received the unique endorsement of The Law Society of England and Wales and the Law Society of Scotland for the use of ABI members by their solicitor members for investigative assignments.
21. To take the professionalism, technical knowledge and ability of the industry to an even higher level, we will shortly be launching the ABI Academy. The rationale is for the Academy to provide accredited training (60 hours) and assessment, leading to a level 3 QCF qualification in Professional Investigation for our members and newcomers to the industry. The qualification is based on the National Operating Standards for Private Investigators. It conforms to the standards set by the SIA for the mandatory, licence to practice qualification. A regime of Continual Professional Development will follow, as will accredited training leading to qualifications in specialist subjects such as surveillance, money laundering, insurance fraud investigations etc.

22. We have been working with OFQUAL and the SIA approved Awarding Body IQ (Industry Qualifications) and it's CEO, Raymond Clark (former CEO of the Security Industry Training Organisation – SITO) for many months to develop the qualification and the forms that assessment might take. The proposed qualification has been submitted to OFQUAL for approval and inclusion on the Qualifications and Credit Framework (QCF). Approval is expected very shortly.
23. Recent developments in ABI policy provide a useful example of how important robust due diligence and vetting procedures are for public protection. Prior to the introduction of mandatory CRB checks for our members 2 years ago, new members were required to certify on their application for membership that they had no previous criminal convictions (other than for minor motoring offences and accommodating the provisions of the Rehabilitation of Offenders Act).
24. In 2009, the association was contacted by police regarding the activities of two private investigators. One had been seen loitering suspiciously outside a school. Further enquiry revealed that he had previous convictions for very serious sexual offences against young girls, had recently been released from prison and was on the sexual offenders register. There being no evidence to charge him with any offence he was released. Having conducted some enquiries, the ABI learned that this person quickly changed his name and moved to another part of the country, where today he is actively engaged in surveillance and private investigation. The police have been informed. In the second case, an ex-police officer with previous convictions, whilst carrying out an insurance claim investigation in a young couple's home, concealed a transmitting covert camera in their bedroom, having made the excuse to visit the bathroom. He was later arrested and convicted.
25. The policy of the Association of British Investigators was changed immediately as a result of these two cases. Neither of the other two trade associations changed theirs and to this day do not require compulsory CRB or financial probity checks to be carried out, or for their members to hold a policy of Professional Indemnity Insurance.
26. Interestingly, WAPI has publicly declared its opposition to vetting and CRB checks. Please see: <http://www.wapi.com/news/gc-news/76.htm>

27. As an illustration of the seriousness of this situation, when CRB checks were introduced by this association at the time of membership renewal, some 5% of the membership failed to renew. Similarly, when it became a condition of membership to hold a policy of Professional Indemnity Insurance we lost a further 6%. As a result of our policy of regular, periodic monitoring of the financial probity of our members, a further four have been expelled so far during 2011, having had unsatisfied money judgments issued against them and having failed to disclose the fact within 28 days. Our bye-laws were further reinforced 2 months ago by the addition of an offence of "Failing to satisfy a lawful debt."
28. Testament to the success of our stance in protecting the public by ensuring that we only accept members of the highest integrity is the fact that since compulsory CRB checks were introduced, not a single one of our members has been arrested, summoned or convicted of any criminal offence. It is a fact that the only effectively vetted, regulated and accountable private investigators in the United Kingdom today are the members of the Association of British Investigators.
29. Despite the best efforts of this Association and the determination of some dedicated, honest, professional, unaffiliated private investigators to raise the level of integrity, professionalism, technical knowledge and ability of this industry to protect the public, the fact remains that a large, although there is no way of telling how large, majority has no wish to do so voluntarily. The reasons for this attitude are speculative, but are believed to stem from both the cost and effort required, a desire to remain low profile, un-accountable and also the fact that effective due diligence and vetting is likely to disqualify a number from consideration.
30. The Association of British Investigators contends that in 2011, there is an even clearer cut and compelling need for some form of compulsory licensing or self-regulation of the private investigation industry in the United Kingdom. The system of self-regulation that the Association exercises over its members is even more robust than that set out in the Private Security Industry Act, 2001 and envisaged by the SIA. We recommend that it is adopted as the model for the self-regulation of the rest of the industry.

## Outline of Proposal:

31. The purpose of this document is to raise awareness of the private investigation industry in the UK, its current problems and the risks faced by members of the public and businesses as a result of a lack of regulation and to offer a solution for consideration. It is not intended to contain detail; if the proposal finds favour and support, this will follow.
32. Building on the coalition governments' view that the industry should move to a form of compulsory self-regulation, the Association of British Investigators proposes its own effective system of regulation be adopted and offers itself as the genesis of a new, self-funding regulatory body. Serious consideration also needs to be given as to whether in-house investigators and those who undertake ancillary investigative functions should also be embraced by any self-regulatory regime. We suggest that self-regulation take the following form and sequence:
- **Training:** for newcomers to the industry or those with experience who may need modular learning in unfamiliar subjects. Delivery options to include face to face, distance learning, e-learning; delivered by qualified trainers.
  - **Assessment:** Multi-choice for newcomers, portfolio for experience investigators. Identification to be produced.
  - **Qualification:** QCF Level 3 in Professional Investigation.
  - **Application for membership:** Written to include two referees.
  - **Vetting:** To include checking references, CRB (relevance & recency factors) and financial probity.
  - **PII Insurance:** Certificate to be produced.
  - **Acceptance into membership:** Entry into public register, membership card with photograph, Induction Pack to include Codes of Ethics & Professional Behaviour and Bye-Laws.
  - **Regulation:** Under the supervision of an independent Chairman and Secretariat, continual periodic checks of financial probity, exposure to complaint investigation, disciplinary procedure and range of penalties from caution to expulsion. Annual membership renewal to include production of current PII certificate and three yearly CRB checks.
  - **Sanction for Non-Membership:** A criminal offence for practising as or knowingly employing/sub-contracting to a non-member.

- **Policing:** This would be ongoing carried out by members of the Association/Chartered Institute who would report non-members who were undertaking investigative functions.
- **Continual Professional Development:** Requirement to undergo a minimum number of hours training on changes in legislation, policies and procedure etc. Delivery method flexible.

### **Cost Implications:**

33. It is envisaged that the proposed system of compulsory self-regulation be entirely self financing, at no cost to the public purse; funding for the non-profit making organisation to come from training course fees, sale of training materials, reference materials and annual membership subscriptions.
34. It is accepted that there will be a need for some initial central funding; envisaged to be in the low six figure bracket, to help with the rental of larger accommodation, office furniture & machinery, IT system, a bespoke software system and some sequential staff costs as membership begins to grow. We suggest that this be in the form of an interest free loan, to be repaid over 5 years. As a gesture of good faith, The Association of British Investigators is prepared to underwrite 25% of the initial funding.

### **The Alternatives:**

35. Realistically there are only two:
- Do nothing.
  - Overturn the decision to scrap the SIA and continue with the mandatory licensing regime as set out in the Private Security Industry Act, 2001.

Gavin Robertson

**Governing Council Member of the Association of British Investigators  
Regulation and Qualifications**

## **Appendix 1: The history, structure and strategy of The Association of British Investigators.**

36. The Association of British Investigators Limited (By Guarantee) began life in 1913 under the title "British Detectives Association".
37. In 1946 following the cessation of hostilities in the Second World War a second association representing Private Investigators, then commonly described as Private Inquiry Agents or Private Detectives, was formed under the title The Association of British Detectives.
38. In 1953 these two associations conjoined under the title The Association of British Detectives.
39. In 1970 this association formed itself into the current body we have today, The Association of British Investigators Limited (By Guarantee).
40. Over the course of the past decade, the private investigation industry has, through the efforts of The Association of British Investigators and some unaffiliated individuals, taken great strides to increase professionalism and regulation. These efforts have met with some success, although there is still a long way to go. To escape the unfortunate, negative reputation attached to the term Private Investigator, the association refers to them as Investigators in the Private Sector as opposed to Investigators in the Public sector, such as police officers, and those employed by central and local government.
41. The Association is managed by a Governing Council of no less than seven or more than ten, all of who are elected by the membership at an Annual General Meeting in April. Governing Council meetings are held at least 4 times a year.
42. The Governing Council (the Board), membership of which is voluntary, consists of a President, elected annually by GC members, a Vice President and Treasurer selected by the GC and various office or portfolio holders such as Discipline, Marketing, Compliance, Enforcement, Membership Selection etc, who are appointed by the President. There is a full time, salaried General Secretary and a part time assistant, who work from the Association's office accommodation in Blackpool.

43. There are five regional branches, each with its own voluntary Chairman and officers that meet on a quarterly basis. The meetings, which are each supported by local members, are used for training purposes with topical industry related presentations, updates on legal matters, and a detailed presentation or report from the President direct or by another GC member on industry and association matters.
44. The association is a non-profit organisation, which is currently funded by annual membership fees (currently £142 net) and the occasional sale of training or reference material written by members. Financial management is tight, resulting in a healthy positive bank balance.
45. Membership of the association is in the region of 500, which represents an estimated 10 % of investigators in the private sector. This figure does not include bailiffs, loss-adjusters or in-house investigators employed in various sectors such as insurance, banking, telecommunications, utilities, manufacturing and retail, all of whom conduct investigative activities in the private sector and of which there are probably at least another 5000 plus.
46. Retired police officers account for 40% of the membership. Women account for 8% of the membership. The average age of a member is 50 years. The average length of membership is 15 years.
47. There has never been a requirement in the British Isles for the registration or licensing of investigators in the private sector. The total number of investigators practising in this sector is unknown, or at best, an unscientific guess. These guesses have ranged from 3,000 – 20,000.
48. Although we have been lobbying parliament, MP's and various governments of the day since the 1950's, The Association of British Investigators Limited currently has no power to regulate investigators in the private sector, only its own membership, which it does through its Bye-Laws and Code of Ethics. A copy of these documents is provided to each new member, updates and changes are published in the Association's quarterly journal, through regional branch meetings, its members' only e-mail forum and in the members' only section of the Association's website.

49. The effectiveness of the regulatory regime exercised by the Association of British Investigators and the professionalism of its membership has been recognised by the DVLA, by whom we have been granted sole Accredited Trade Association status for access to the on-line vehicle keeper database in certain defined circumstances. Supported, for similar reasons, by the Information Commissioner's Office and the DVLA, we have received the unique endorsement of The Law Society of England and Wales and The Law Society of Scotland for the use of ABI members by their solicitor members for investigative assignments.
50. The strategic objective of the association is to work toward the award of a Royal Charter, in order to become the Chartered Institute of Investigators.



## Appendix 2: Code of Ethics and Professional Standards & Bye-Laws

**BYE-LAWS  
OF  
THE ASSOCIATION OF BRITISH INVESTIGATORS  
(IN FORCE 24<sup>th</sup> AUGUST 2011)**

**1. Code of Ethics and Professional Standards**

**Policy Statement:**

This code, comprising of Ten Principles, is sponsored by the Governing Council of the Association of British Investigators (ABI). It is a reflection of the way in which all members of The Association should conduct their business according to rigorous ethical, fair, professional and legal standards.

It flows from our determination to:

**Be fair**

**Be transparent**

**Be accountable**

**Be honest**

**Be cautious**

**Be thorough**

**Be law abiding**

**Be mindful of the confidentiality of that with which we are entrusted**

**Protect and enhance the reputation of this Association and its members**

***Principle 1 – Responsibility and Accountability***

All members of The Association of British Investigators are personally responsible and accountable for their actions or omissions, as are their employees and other persons paid to assist an investigation. It must be ensured that the latter adhere to this Code of Ethics and Professional Standards.

***Principle 2 – Honesty and Integrity***

All members of The Association of British Investigators are to act with honesty, integrity and must not compromise their position, that of this Association or any of their clients.

***Principle 3 – Caution and Thoroughness***

All members of The Association of British Investigators are to verify the credentials of clients to ensure that they have lawful and moral reasons to request an investigation.

***Principle 4 – Conflict of Interest***

All members of The Association of British Investigators having a personal or conflicting interest in any matter in which they are involved shall disclose that interest, if it is in conflict with the interests of their clients.

***Principle 5 – Acting within the Law***

All members of The Association of British Investigators are to obey the law and refrain from carrying out any act that they know, or ought to know, is unlawful, or contrary to The Association's policy.

***Principle 6 – Authority, Respect and Courtesy***

No member of The Association of British Investigators is to abuse their position and must respect the rights of all individuals.

All members of The Association of British Investigators are to act with self-control and tolerance, treating everyone with whom they come into contact, during the course of their activities, with respect, fairness and courtesy.

***Principle 7 – Equality***

All members of The Association of British Investigators are to act with fairness and impartiality. They will not discriminate unlawfully on the grounds of sex, race, colour, language, religion or belief, political or other opinion, national or social origin, association with a national minority, disability, age, sexual orientation, property, birth or other status.

***Principle 8 – Confidentiality***

All members of The Association of British Investigators are to treat information with which they are entrusted during the course of business with respect and access or disclose it only for the purposes for which it is intended; attending to all instructions within the principles of the prevailing privacy legislation and in particular if controlling personal data to be so notified with the Information Commissioner.

***Principle 9 – General Conduct***

All members of The Association of British Investigators are to act in a professional manner.

They must not behave in a manner which brings, or is likely to bring, discredit upon The Association or any of their clients, or act in a way that undermines or is likely to undermine confidence in The Association or that of any of their clients, or breach or permit a breach of The Association's Memorandum, Articles of Association, Bye-Laws or Code of Ethics.

***Principle 10 – Challenging and Reporting Improper Conduct***

All members of The Association of British Investigators are expected to challenge and when appropriate take action or report breaches of this code and the improper conduct of colleagues.

All members of The Association of British Investigators consent to the circulation in any Association publication the results of any disciplinary action brought against them in consequence of a breach of The Association's Memorandum, Articles of Association, Bye-Laws or Code of Ethics.

**2. DRIVER & VEHICLE LICENSING AGENCY (DVLA)**

2.1 A member who is granted access to the DVLA search facility through the Association must: -

(a) comply with the DVLA regulations,

(b) not retain information obtained from the DVLA for longer than is necessary.

(c) not use information obtained from the DVLA for any purpose other than that declared under which the information was obtained,

(d) inform the Data Subject, as soon as is reasonably practical, in writing, of the reasonable cause that led to the disclosure of information from the DVLA, and

(e) in any event, not apply for DVLA information through the Association for any purpose other than in relation to or in contemplation of a civil or criminal due process of law, such as, Court or Tribunal proceedings, Arbitration, Conflict Management.

2.2 In the event of a complaint against a member in relation to Bye-law 2.1, the member who has obtained the DVLA information must respond to the General Secretary of the Association, within 7 days of receipt of written or electronic notification of the complaint.

**2A ASSOCIATION PARTNERS**

All members are required to strictly adhere to any and all restrictions, requirements and agreements entered into by The Association with any of its Partners.

**3. MEMBERSHIP SELECTION COMMITTEE**

The Council will nominate from the members of the Governing Council a Chairperson to conduct, appoint and supervise a Membership Selection Committee responsible for the assessment, acceptance, deferment or rejection of applications for membership to the Association.

3.a) All applicants must complete and submit to the General Secretary a prescribed application form together with any required enclosures. Any relevant omission, false declaration or statement on any application form renders such application invalid.

- 3.b) The Membership Selection Committee will consider all applications and will decide upon the applicant's suitability for the appropriate category of Membership of the Association.
- 3.c) Where disputes arise between applicant and Membership Selection Committee the applicant has the right of Appeal to the Governing Council.
- 3.d) Subject to the Recommendations of the Membership Selection Committee, all applicants, except those resident and practising overseas, must be examined unless otherwise directed by the Governing Council. Candidates must satisfy the Membership Selection Committee that their knowledge, ability character and conduct meets all The Association's requirements and that they satisfy and conform to all relevant statutory legislation.
- 3.e) No applicant whose application is declined or invalidated may make a further application for membership within one year from the date of the decision of the Membership Selection Committee exceptional circumstances excluded.
- 3.f) By virtue of Article 8(b) of the articles of Association the Governing Council may at its discretion and upon the recommendation of the Membership Selection Committee refuse to admit to membership or delay admission to membership of any person notwithstanding that the applicant had fulfilled all the conditions specified in the Articles of Association or in these Bye-Laws.
- 3.g) By virtue of article 8(c) of the Articles of Association the Governing Council may through the Membership Selection Committee admit to Membership any such applicant notwithstanding that the applicant has not fulfilled all or such of the conditions specified in the said Articles or Bye-Law as are applicable in the applicant's case.
- 3.g)i) A Provisional member must, unless granted exemption by the Governing Council, apply for Full membership within 2 years of becoming a Provisional Member and satisfy the Membership Selection Committee as to suitability.
- 3.h) All applications for membership must be accompanied by the appropriate remittance for fees relevant to application as prescribed in these Bye-Laws. In the event of any applicant being accepted as a member of the Association the applicant will be required to pay the appropriate subscription fees posting immediately after receipt of the acceptance letter and invoice. Applicants accepted to membership in the last quarter of the membership year shall be deemed to have paid their subscriptions for the ensuing year.
- 3.i) The Governing Council shall review annually the rates of subscriptions.

**Current Membership Annual Subscription Rates**

Full members	£165.00 (inc. vat)
Life Members	Free
Associate Members	£165.00
Provisional Membership Application Fee (Single Payment)	£165.00

Affiliate Members	£165.00
Overseas members	£165.00
Retired Members	Free
Honorary Members	Free

Full Membership Application Fee	£165.00
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Full Membership (Fast Track) Application fee	£165.00
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3.j) From 1<sup>st</sup> January following a member's 70<sup>th</sup> birthday, that member's annual subscription shall thereafter be reduced by 25% providing they have been a member for at least 10 years out of the preceding 15.

(See Schedule 1 – Examination Procedure)

3.k) All applications for Full, Associate, Provisional and Affiliate Members must provide a Certificate of Criminal Convictions at the minimum Basic Disclosure level and thereafter on being admitted as a Member in any of the said categories do submit an up to date Certificate not less than every 3 years.

3.l) Every Full, Associate, Provisional, (active) Life and Affiliate Member shall hold a Certificate of Criminal Convictions at the minimum basic Disclosure level not older than 3 years, which is to be produced at Membership Subscription renewal.

(See Schedule 2 for ABI Policy Statement).

3.m) Every Full, Associate and Active Life Member shall hold a valid certificate of Professional Indemnity Insurance at such level and terms as shall be determined by the Governing Council from year to year.

For the provision of Bye-Law 3, Active Life Member shall be defined as a current Life Member of the Association who is still actively engaged, either part or full time, as a private investigator in the United Kingdom.

#### 4. PROVISIONAL MEMBERSHIP

Notwithstanding the conditions applicable to Provisional Membership as referred to in Article 15 (iii) the conditions and benefits of Provisional Membership detailed in Schedule 3 shall apply.

4.a) **Benefits:** The benefits of Provisional Membership are defined in Schedule 3.

**5. RETIRED MEMBERS**

- 5a) **CRITERIA:** For inclusion on Retired Members Roll defined hereto in Schedule 4.
- 5b) **BENEFITS & PRIVILEGES** of Retired Membership defined hereto in Schedule 4.
- 5c) **APPLICATION and DECLARATION** in support of inclusion on the Retired Members roll defined hereto in Schedule 4.

**6. CERTIFICATE OF MEMBERSHIP & IDENTITY CARD**

- 6.a) All Full and Overseas members shall be provided with a Certificate of Membership and Identity Card. All Certificates of Membership shall be signed by the General Secretary and President and shall remain the property of the Association. On the cessation, for any reason, of said membership the Certificate of Membership and appropriate Identity Card must be returned to the General Secretary within seven days of said cessation.
- 6.b) Associate members shall be provided with a Certificate of Membership and Identity card. Both shall be overprinted with the words Associate member to confirm that member's status as an Associate member. All Certificates of Membership shall be signed by the President and General Secretary. Identity Cards will be signed by the General Secretary. Both Certificates of Membership and Identity Cards shall remain the property of the Association and shall be surrendered to the Association when requested.
- 6.c) A current membership list, Memorandum and Articles of Association together with a copy of the Bye-Laws of the Association shall be made available to all new members upon admission to membership.

**7. PUBLICATION OF MEMBERSHIP**

- 7.a) Members may indicate their membership on stationery and other advertising matter, electronic or otherwise, by use of the letters "M.A.B.I." following their names. Associate Members may similarly use the letters "A.M.A.B.I."
- 7.b) Members may announce their membership against their individual names on stationery and advertising matter, electronic or otherwise, by appropriate use of the phrase "Member of the Association of British Investigators" and/or the ABI logo providing that they are no less than a 50% controlling beneficiary of the Agency business so announcing the membership. On ceasing to be a member for any reason the phrase and/or any relative lettered abbreviation must be removed at once from any building, advertisement and stationery, electronic or otherwise, used by that person.
- 7.c) Limited Company – Any Member who is a Director of a Limited Company which is engaged in private investigation may use or permit the use of the ABI logo on any letter-heading, stationery or other published material, electronic or otherwise, providing that they are no less than a 50% controlling beneficiary of the Agency business so announcing the membership, unless the said Member is clearly identified by the use of the initials "M.A.B.I."

after the said Member Director's name. The designation "Member of the Association of British Investigators" or "Associate (or Affiliate) Member of the Association of British Investigators" (whichever may be applicable) may also be used, either as an alternative or in addition to the aforesaid initials.

- 7.d) Partnership Firms – Any Member who is a partner of a firm engaged in private investigation may use or permit the use of the ABI logo on any letter-heading, stationery or other published material, electronic or otherwise, providing that they are no less than a 50% controlling beneficiary of the Agency business so announcing the membership, unless the said Member is clearly identified by the use of "M.A.B.I." or "A.M.A.B.I." as the case may be after the said Member Partner's name. The designation "Member of the Association of British Investigators" or "Affiliate Member of the Association of British Investigators" (whichever may be applicable) may also be used, either as an alternative or in addition to the aforementioned initials.
- 7.e) Employee Member – Any Member who is an employee (as distinct from a proprietor, partner or Director of a Limited Company) shall not allow or permit the unauthorised use of the ABI logo on any letter-heading, stationery or other published material, electronic or otherwise, relating to the agency in which such Member is employed. In circumstances where the Member is shown by name on any such material by the employer, the said Member may be identified by the use of the initials "M.A.B.I." or "A.M.A.B.I." (as applicable) after the Member's name. In the alternative, the use of the designation "Member of the Association of British Investigators" or "Affiliate Member of the Association of British Investigators" may be used either in addition or as an alternative to the aforesaid initials.
- 7.f) Officers and Council Members of the Association, either past or present shall be permitted to make reference on their personal stationery or advertising matter, electronic or otherwise, to any office they hold or have held within the Association, providing such reference also details the period for which the office was held. Effective only during any current period of membership of the Association by that member in any membership category.
- 7.g) Publication of the name of any Agency, Firm or Company shall not be allowed in the Association's Directory of Registered Members against the name of any member unless that member be a full-time practising employee, partner or director of such Agency, Firm or Company or, in the case of any member acting as Consultant to any Agency, Firm or Company, one or more of the employees, partners or directors shall be members of the Association.
- 7.h) Accommodation addresses will not be published in the Association's Directory without prior application to and with the approval of the Governing Council. The Council reserve the right to withhold publication of any entry in the Association's Directory.

## DIRECTORY ENTRIES

- 7.i)a) A member is entitled to one entry in the Directory of registered members in the section applicable to the member's status in respect of that member's principal place of business, the cost of which is included in the annual membership fee. This is identified in the directory by the letter 'P'.

- 7.i)b) A member's branch office designated in the Directory with the letter 'A' and attracting an annual payment, determined by the Governing Council, may be either the usual residential address of the member or commercial premises owned, rented or otherwise occupied for business purposes under licence or other agreement. Where a telephone listing is provided for a Branch Office address, it is a requirement that, in normal circumstances, the telephone is physically manned. Listings of Branch Office addresses in the directory of Members will be acceptable only if such addresses comply with the aforementioned criteria. In the event that any such listing (including Telephone/Fax/DX details) is considered to be equivalent to a permanent accommodation facility, such listing will not be acceptable for inclusion in the Directory of Members and the Association reserves the right to refuse/remove any listing which appears to be an abuse of the Branch Office listing system.
- 7.i)c) At the discretion of the Governing Council and upon an annual payment, determined by the Governing Council, a member may hold a Directory entry designated 'B' which may be a City, Town or Village in which that member provides services and which is close to that member's principal place of business and carrying a reference to the member's principal place of business.

#### **8. CANVASSING**

No member of the Association, or firm, partnership, incorporated company or other body in which a member has an interest shall wilfully canvass or attempt to canvass established clients of another member following agency instructions for that client through the principal member without the principal member's agreement or a period of 12 months have passed since the finality of the instructions. Any member so doing shall be guilty of an offence as defined by this Bye-Law.

#### **9. STATEMENTS TO THE PRESS, RADIO AND TELEVISION**

- 9.a) No member shall make any policy statements concerning the Association for publication without first obtaining the approval of the President, Vice-President or Public Relations Officer.
- 9.b) Nor shall any member copy or reproduce any documents relative to Association matters and communicate them to any unauthorised third party or with intent to communicate any such matters to any unauthorised third party.
- 9.c) Any such disclosure of Association matters shall be an offence under this Bye-Law and may result in forfeiture of membership notwithstanding the punishments as set out in Bye-Law 20.

#### **10. DISCLOSURES, DISQUALIFICATIONS and SUSPENSIONS**

- 10.a) VACANT



- 10.b) If any Member of the Association is charged with a Criminal Offence other than minor traffic offences, that member must inform the General Secretary forthwith. The Governing Council may take such action as it deems fit.
- 10.c) No member shall take into their business as a Director, Partner or with any controlling or advisory interest any person who has been disqualified from membership, or has resigned their membership whilst in breach of the Association's Bye-Laws and/or subject to its disciplinary procedure.
- 10.d) Any person who has been convicted of a criminal offence, other than minor traffic offences, shall not become a member of the Association of British Investigators or remain a member of the Association after having been so convicted, subject to the provisions of the Rehabilitation of Offenders Act and the Association's Criminal Conviction Certificate Policy Statement.
- 10.e) Any applicant or member, whilst the subject of a Bankruptcy Order, voluntary arrangement or other legal declaration of Insolvency, shall not be eligible for or remain a member of the Association. A former member disqualified by the provisions of this Bye-Law may re-apply for membership of the Association upon such terms, conditions or restrictions as may be imposed by the Governing Council or its Membership Selection Committee once the Bankruptcy Order, Voluntary Arrangement or other legal declaration of insolvency has been discharged or satisfied.
- 10.f) Any applicant or member whilst an officer, partner or deemed controller of a company or partnership subject to any Creditor's Winding Up Petition, Receivership, Voluntary Arrangement or such other legal declaration of Insolvency shall not be eligible for membership of the Association or remain a member of the Association. On the completion or satisfaction of such Winding Up action, Receivership, Voluntary Arrangement or other legal declaration of Insolvency, a former member of the Association disqualified by the provisions of this Bye-Law may re-apply for membership of the Association with such terms, conditions or restrictions as may be imposed by the Governing Council or its Membership Selection Committee.
- 10.g) It is a disciplinary offence for a member to fail to discharge a lawful debt. Any member who either personally or in a controlling capacity of a Firm, Partnership or Corporate Entity, is the subject of an unsatisfied Monetary Judgment or Decree recorded personally or against such Firm, Partnership or Corporate Entity, shall within 28 days of the said Judgment or Decree being incurred provide details to the General Secretary. Failure to provide such details to the General Secretary will render the Member liable to immediate suspension and ultimate exclusion from the Association, details of which in accordance with Principle 10 May, for the benefit of the Association in general and its members in particular be immediately circulated within the Association. The member must then, to the satisfaction of the Governing Council, demonstrate that all reasonable attempts to satisfy the said Judgment or Decree are being made. Failure to adhere to the provisions of this Bye-Law may result in the suspension or expulsion of that member. Upon the satisfaction of such Judgment or Decree, the member, if under suspension during the period the said Judgment or Decree remains unsatisfied, may apply to the Governing Council for reinstatement on such terms and conditions as may be determined by the Governing Council.

- 10.h) Any member making a false declaration or statement on any formal Association Communication or Form, may render themselves liable to immediate expulsion. Failure to disclose, to the General Secretary, relevant details of any Insolvency, criminal or other proceedings which may bring the member and or the Association into disrepute, will be subject to expulsion or other such punishment as the Governing Council or its Disciplinary Committee shall decide.

## **11. ANNUAL GENERAL MEETING**

- 11.a) Items from members for inclusion on the Agenda of the Annual General Meeting shall be sent in writing to the General Secretary at least sixty days prior to the date of any Annual General Meeting.
- 11.b) Any Full or Life Member who is qualified by virtue of Article 37 shall be eligible for election to the Governing Council.
- 11.c) No member shall nominate more than three candidates for the Governing Council.
- 11.d) Postal, electronic and proxy votes may be submitted in accordance with Schedule 5.
- 11.e) If the President or Chairperson of any function or meeting of the Association requests a member of the Association, or a guest of a member, to leave such function or meeting the said member must comply with such request. Any failure to comply with such a request shall render the member liable to the disciplinary procedure.
- 11.f) The Governing Council shall, at its discretion, appoint one non-Governing Council member to serve as a Sergeant-at-Arms for a period to be determined by the Governing Council. Such member shall have been a member of the Association for not less than two years. The duty of the Sergeant-at-Arms will concern the security and privilege of admittance to General Meetings and the supervision of vote counting. The Sergeant-at-Arms shall have an assistant who will be known as the Assistant Sergeant-at-Arms, who shall also be appointed by the Governing Council at its discretion and shall have been a member of the Association for not less than two years and be a non-Governing Council member.
- 11.g) The Governing Council or Chairman reserves the right to refuse admission of any non-member to any function of the Association.
- 11.h) The rules and procedure for all general and committee meetings will be in accordance with the Association's publication on such rules and procedure and this publication shall constitute the authority of the Chairperson.

## **12. PRESIDENT ELECT**

The Governing Council SHALL at a Governing Council Meeting not less than ninety days prior to the Annual General Meeting appoint from their members a PRESIDENT ELECT, who MAY be the Vice-President, who will automatically take up the vacant office as President at the forthcoming Annual General Meeting. The President-Elect shall not require to stand down

from the Governing Council and seek re-election. The appointment of President Elect does NOT constitute an 'Office' within the Association.

**13. ELECTION – GOVERNING COUNCIL**

VACANT

**14. FINANCE/AUDIT COMMITTEE**

The Governing Council shall at the first practicable Governing Council Meeting immediately following the Annual General Meeting appoint from its members a Chairperson who will appoint a Committee to carry out the duties of a Finance/Audit Committee. Non-Governing Council members may be co-opted.

Governing Council Members should submit acceptable proof of actual out-of-pocket expenses. G.C. members are expected to incur only reasonable travelling costs. Where a G.C. member uses a private vehicle for travel over public transport the actual reasonable cost of the use of public transport is payable unless special circumstances exist requiring the use of a private vehicle. In such circumstances a cash amount per mile is allowed, determined by the Governing Council. G.C. members attending the evening pre-A.G.M. are entitled to re-claim the ABI negotiated hotel rate for a single bedroom occupancy for one night.

**15. ASSOCIATION BRANCHES**

The Council may, whenever it appears desirable establish and constitute branches of the Association in accordance with Article 18.

The Council will consider Petitions in support of the creation of a Branch signed by at least 10 qualifying members of the Association desirous of forming such a Branch.

Any Petition submitted to the Governing Council for consideration should include a précis of acceptable reasons for the creation of such a Branch.

- 15.a) Association Branches are eligible to receive out of Association funds an annual grant to assist in the running of such a Branch. A written request must be made by each Branch for the Governing Council to consider and award an appropriate amount dependant on the Branches financial standing and anticipated reasonable expenditure for the following year.

**Branch Rules can be found in Schedule 6.**

**16. DISCIPLINARY COMMITTEE**

16. The Disciplinary Committee shall consist of:

16.a) CHAIRPERSON – Who must be a member of the Governing Council and appointed by the Governing Council and shall have no vote or casting vote in Disciplinary Matters.

16.b) COMMITTEE - The Governing Council or Chairperson shall select ten Members of The Association who are currently Full, Life or Retired, who are not Members of the Governing Council or Complaints Officers, to form a Panel. The Disciplinary Chairperson and Secretary together with three Committee Members from the said Panel shall constitute a quorum to conduct the determination of the disciplinary process.

16.c) COMPLAINTS OFFICERS – The Governing Council or Chairperson shall select nine Members of the Association, Full, Life or Retired, who are not Members of the Governing Council or Disciplinary Committee to form a Panel. As and when necessary the secretary of the Disciplinary Committee shall forward to three of the Panel of Complaints Officers the relevant file which form the basis of a complaint and each of the three Complaints Officers will independently decide whether or not there is a prima facie case to answer. The majority decision of the three Complaints Officers will determine whether or not there is a prima facie case.

16.d) SECRETARY – The Governing council or Chairperson shall select a Full Member of the Association, who is not a member of the Governing Council, as Secretary to the Disciplinary committee without vote or participation in the disciplinary process save for administrative purpose.

**17. DISCIPLINARY PROCEDURE**

The Disciplinary Committee shall perform its duties in accordance with Schedule 7 hereto.

**18. DEFINITION OF AN OFFENCE**

It shall be an offence if any member is guilty of any conduct unbecoming of a member and/or has acted in a manner prejudicial to or likely to bring discredit upon the Association or contrary to the Association’s Memorandum, Articles of Association, Bye-Laws and/or Code of Ethics or breaches or permits a breach of The Association’s Memorandum, Articles of Association, Bye-Laws or Code of Ethics and Professional Standards.

**19. OFFICER OF THE ASSOCIATION BEING DEFENDER**

19. In the event of the person being complaint of being: -

19.a) The Chairperson of the Disciplinary Committee.

19.b) The Secretary of the Disciplinary Committee.

- 19.c) A member of the Disciplinary Committee.
- 19.d) A member of the panel of Complaints Officers.

Then it shall be lawful for a quorum of the Governing Council to appoint another full member to assume the duties of that person.

## **20. PUNISHMENT**

- 20. The Disciplinary Committee shall order, where a member admits or is found to be guilty of an offence defined under Bye-Law 18 that the member: -
  - 20.a) be admonished; or reprimanded; or
  - 20.b) be suspended from membership for a specified period with such conditions as the Disciplinary committee or Governing Council do recommend; or
  - 20.c) be expelled from the Association.
  - 20.d) The Disciplinary Committee shall if it deems fit impose conditions and/or recommendations to any punishment ordered.
  - 20.e) A Member suspended from Membership may be required to deliver up to the Association the member's Certificate of Membership and Identity Card and shall not be entitled to any Directory Entry during the period of suspension.

## **SCHEDULES**

### **Schedule 1**

#### **21. EXAMINATION PROCEDURE:**

The Association shall, as required, appoint Examiners in the event of a written examination of candidates being required.

### **Schedule 2**

#### **22. POLICY STATEMENT**

### **MEMBERS WITH CONVICTIONS**

- 2.1 Any convictions recorded on a member or prospective member's Disclosure will not necessarily act as a bar to membership of the Association. Basic Disclosure will only reveal any unspent convictions and takes full account of the Rehabilitation of Offenders Act 1974.

Certain unspent offences if shown on a Basic Disclosure may be ignored. Due consideration will be applied to the perceived effect it has on the wider sector, its relevance and recency in particular the effect on the credibility of the Association.

## 2.2 Appeal Process – Membership Application

2.2.1 In the first instance, an issue raised in a Basic Disclosure for an applicant for membership will be referred to by the General Secretary to the duly appointed Membership Selection Chairman for adjudication.

2.2.2 In the event of membership being denied solely on the Basic Disclosure issue, the applicant will be at liberty to Appeal to the Governing Council by writing to the General Secretary within 14 days of the date of notification, in which he may request a hearing before the Governing Council. The Governing Council will consider the issue at a hearing, if so requested, at its next convened meeting or within 28 days, if no hearing requested, after receipt of the written Appeal.

## 2.3 Appeal Process – Membership Renewal

2.3.1 In the first instance, an issue raised in a Basic Disclosure for a member when seeking membership renewal will be referred to the duly appointed Enforcement or Compliance Officer by the General Secretary for adjudication.

2.3.2 In the event of membership renewal being denied solely on the Basic Disclosure issue, the member will be at liberty to Appeal to the Governing Council by writing to the General Secretary within 14 days of the date of notification, in which he may request a hearing before the Governing Council. The Governing Council will consider the issue within 14 days after receipt of the written Appeal and if it decides there exist prime facie grounds to deny membership renewal, will give the Appeal further consideration at a hearing, if so requested, the hearing to take place at its next convened meeting.

2.3.3 In the event of membership renewal being denied solely on the Basic Disclosure issue the membership will be suspended until if and when the Governing Council so directs otherwise.

## 3. **OFFENCES**

Using the guidance published by The Security Industry Authority, The Association will consider in the same way the impact certain convictions would have upon both the membership and The Association's responsibility and duty of care to the public.

Offences that would be considered as relevant can be found at:

[www.the-sia.org.uk/NR/rdonlyres/725E43BE-2163-4E85-9151-6EAB15990BC1/0/sia\\_get\\_licensed.pdf](http://www.the-sia.org.uk/NR/rdonlyres/725E43BE-2163-4E85-9151-6EAB15990BC1/0/sia_get_licensed.pdf)

A summary of those offences is listed below:

Relevant offences (All Statutory) include anything involving:

- **Violent/or abusive behaviour**
- **Espionage or terrorism**

- **Offensive weapons**
- **Firearms**
- **Dishonesty (theft and fraud)**
- **Proceeds of crime**
- **Abuse and neglect of children**
- **Sexual offences**
- **Drugs**
- **Criminal damage**
- **Social security offences**
- **PSIA offences**
- **Licensing Act offences**
- **Some driving offences**
- **S.55 Data Protection Act 1988 offences**

3.1. Some Statutory offences (those resulting from an Act of Parliament) were previously known as Common Law offences. Some examples are rape, theft, assault. Therefore, Common Law offences will always be treated in the same way as offences now described as statutory offences.

3.2. Statutory Offences (and Common Law) may contain many derivatives under the single heading i.e. THEFT ACT 1968 takes into account offences covering shoplifting to robbery. For the sake of clarity, all such derivative offences will be treated in the first instance, in the same way as the statutory offence.

#### 4. **DECISIONS**

When making decisions about an applicant's eligibility for membership or member's continued membership, The Association will consider the following:

4.1. A single caution, warning, absolute or conditional discharge or admonishment will be considered more leniently than other convictions if the member or prospective member has an otherwise clean record as this does not indicate a pattern of criminality and could be considered out of character.

4.2. The greater the number of cautions, warnings, absolute or conditional discharges and admonishments on a member's record, the more likely it will be that The Association will refuse membership.

4.3. The principles applied to rehabilitation will be taken into account when considering a recent caution where other criminality exists.

4.4. Any mitigation in writing accompanying the application for, or renewal of membership.

4.5. The Association will consider additional factors where a member or prospective member has two or more cautions, warnings, absolute or conditional discharges or admonishments for **significant** offences in the past five years.

- 4.6 Higher numbers of cautions, warnings absolute or conditional discharges or admonishments for **significant** offences will increase the likelihood that membership will be refused or withdrawn.

### **SCHEDULE 3 – Provisional Membership**

Any Applicant for Provisional Membership must be at least 18 years old and UK resident.

Any Applicant must have shown a commitment to become a full-time Private Investigator but at the time of applying either yet to become a practising Private Investigator or have been practising for less than six months.

The Applicant need have no prior investigative experience in the private sector.

The Applicant should provide two references from clients verifying investigative competence or two character references from verifiable sources.

Any Applicant must pass the Association's criminality check, including providing Criminal Conviction Certificate not older than 3 years.

The Applicant, if a practising investigator, must hold Professional Indemnity insurance cover.

A once only non-refundable application fee is required. No further subscription fees are payable.

The Applicant is required to attend before a Selection Interview Panel.

The Applicant is expected to maintain regular contact with an Association appointed mentor and ideally attend at least one Association Branch Meeting or other event organised by the Association in any one year.

The Applicant will be required to pass a qualifying exam to Full Membership not later than 24 months after being admitted to Provisional membership.

### **Benefits of Provisional Membership**

A mentor or mentors will, where possible, be allocated to the Provisional member to assist by telephone or e-mail with any queries raised.

Arrangements will be made to provide practical training/experience where possible with Full Members and without cost to the Provisional Member.

The Provisional Member will have 24 hour access to a legal helpline.

The Provisional Member will have a right to attend certain business/social meetings organised by the Association, subject to any fees which may be applicable.

The Provisional Member will receive the ABI Investigators' Journal and any other free publications issued by the Association to its members.



The Provisional Member will receive at a discounted cost the Association's Process Server's Guide and the Best Practise Guide.

#### **SCHEDULE 4 – Retired Membership**

##### **CRITERIA for Inclusion on Retired Members Roll**

Any Full, Overseas or Active Life Member with ten continuous year's membership in the preceding fifteen year period or:

Former Officer of the Association and:

Be aged not less than 55 years:

Upon ceasing Private Investigative practise and not a Consultant; Director; Partner nor Member of any investigative concern or ancillary (including litigation support) services provider:

Who agrees to act in accordance with and continue to conform to the Articles; Bye-Laws: Code of Ethics and Branch Rules of the Association:

May apply to be enrolled on the Retired Members Roll.

##### **BENEFITS & PRIVILEGES of Retired Membership**

1. No annual subscription payable.
2. No requirement to hold Professional Indemnity Insurance cover.
3. No requirement to be data protection notified.
4. Receives at no cost The Association's "Investigator's Journal".
5. Entitled to participate in, without cost, the Association E Group.
6. Entitled to attend and participate in all Membership Meetings of the Association (without voting rights at General Meetings and cease to hold rights conferred under Bye-Law 7.
7. Remain eligible to be nominated for the **FRANK MARTIN AWARD** for services to the Association.

##### **APPLICATION FORM for Inclusion on the Retired Members Roll**

I, \_\_\_\_\_ (full name)  
Membership No. \_\_\_\_\_ **HEREBY** apply for Retired Membership and **DECLARE:**

1. I am no longer in Private Practise nor in any capacity a consultant to nor Director; Partner nor Member of any investigative concern or ancillary (including litigation support) services provider.

2. I have no business reference or entries nor am I personally associated with any business reference or entries of any investigative or ancillary provider nature in any advertising medium.
3. I AGREE to act in accordance with and continue to conform to the Articles; Bye-Laws; Code of Ethics and Branch Rules of the Association.
4. I FURTHER DECLARE that if at any future period I resume private investigative or ancillary services provider activities I will no longer qualify for the Retired Membership Roll and undertake to notify the General Secretary of the Association.

**[A member registered on the Retired Membership Roll found to be in breach of this undertaking may be expelled from the Association].**

Signed

Dated

#### **SCHEDULE 5**

#### **Voting Procedure**

VACANT

#### **SCHEDULE 6**

#### **Branch Rules**

1. The title of the Branch shall be the ..... Branch (hereinafter referred to as 'The Branch') of the Association of British Investigators Limited (hereinafter referred to as 'The Association').
2. **OBJECTS** – The objects of 'The Branch' are to implement locally the aims and objects of 'The Association'.
3. **MEMBERSHIP** – Membership of 'The Branch' shall be open to all members of 'The Association', as defined in the Articles and Bye-Laws of 'The Association'. A member of The Association may attend as many Association Branches as the member chooses.
4. **COMMITTEE** – 'The Branch' Committee shall consist of Chairman, Secretary, Treasurer and such other members as may be deemed necessary by 'The Branch'. No member of the committee shall receive any remuneration beyond reasonable actual costs and expenses they incurred in the running of the branch.
5. **RETIREMENT AND ELECTION OF COMMITTEE MEMBERS** – At each Annual General Meeting all Committee members shall retire from office and those wishing to seek re-election become so eligible for re-election. Qualifying Branch Members may offer themselves for election to

any position on the Branch Committee, be proposed, seconded and voted on from the floor. The office of Chairman Secretary and Treasurer of the Branch shall be vacated: -

If that Officer becomes a Bankrupt or makes any Arrangement or Composition with creditors; becomes of unsound mind; ceases to be a member of the Association; by Notice in writing to the General Secretary of the Association.

In all matters of dispute the final arbiter is the Governing Council of the Association in accordance with Article 18.

a) **DUTIES** – ‘The Branch’ Committee duties shall be to organise and administer Branch meetings, implement ‘The Branch’ rules and to keep ‘The Association’ Council advised as to any matter that ‘The Branch’ considers should be brought to their attention and act upon any instructions, guidance and requests of the Governing Council.

## 5. MEETINGS

a) A Branch Annual General Meeting shall be held once a year, no more than 14 months and no less than 10 months after the preceding Branch AGM and at least 21 days notice in writing of such Meeting shall be given to every member of ‘The Branch’.

b) A Quorum shall be three Branch Members.

c) Voting and resolution shall be carried by a majority of the votes cast by a show of hands by members present; the Chairman may give a casting vote in the case of equality of votes but such casting vote can only be exercised to maintain the status quo.

d) ‘The Branch’ Committee shall be elected by a show of hands at each Branch Annual General Meeting by the members present. Any nominated member of the Committee that is not present at ‘The Branch’ Annual Meeting shall have given written consent to serve on the said Committee to the Secretary of ‘The Branch’ prior to the meeting, each nomination to be proposed and seconded from the floor.

e) ‘The Branch’ shall hold any other business, social or education meeting as and when it is considered appropriate.

f) Non-members of ‘The Association’ may attend Branch Meetings at the invitation of a member and at the discretion of the Chairman, such person shall have no right of audience or voting powers and shall leave the Meeting when requested by the Chairman.

g) Minutes shall be taken at all full business meetings of ‘The Branch’ and copies sent to the General Secretary for circulation to the Council of ‘The Association’ and the Secretary of every other Branch as soon as practical after each Branch Meeting and before the next Branch Meeting.

h) Any matter arising either at Meetings or otherwise which is not covered by these Rules, shall be dealt with under an appropriate Rule of ‘The Association’s’ Articles or Bye-Laws or by ‘The Branch’ Committee.

6. **FINANCE** – ‘The Branch’ shall be responsible for the conduct of its own financial affairs and shall act within the provisions of ‘The Association’s’ Memorandum and Articles of Association. Each Branch shall submit Branch accounts for the period ending 31<sup>st</sup> December of each year to ‘The Association’s’ Treasurer on or before 14<sup>th</sup> January of the year following.

The Council of ‘The Association’ approved the formation of the ..... Branch. Any amendment of the Branch Rules shall be subject to ratification by the Council of ‘The Association’.

The original Copy of ‘The Branch’ Rules shall be held by ‘The Association’ General Secretary and a copy shall be kept by ‘The Branch’ Secretary.

At every election of the Committee the retiring Chairman shall formally present the newly elected Chairman with ‘The Branch’ Rules and receive from him/her a pledge as to their observance, which transfer shall be duly minuted.

Signed	President
Signed	General Secretary
Signed	Branch Chairman
Signed	Branch Secretary

Date:

**SCHEDULE 7**

**DISCIPLINARY PROCEDURE**

Any complaint against a member of the Association must be made in writing by ordinary post or electronically and directed to the General Secretary of the Association at the Association’s Registered Office. The general Secretary will acknowledge receipt of any letter of complaint which is then forwarded to the Secretary of the Disciplinary Committee.

**THE SECRETARY OF THE DISCIPLINARY COMMITTEE** within FOURTEEN days of receipt of the complaint forwards by first class mail a true copy of the complaint together with true copies of any enclosures thereto to the member complained against. Receipt of the letter will be deemed to have occurred 48 hours after the date of posting.

The member complained of must reply to the Secretary of the Disciplinary Committee in answer to the complaint within FOURTEEN days, SEVEN days in respect of an alleged DVLA rule breach under Bye-Law 2. Failure to reply within the required time limit will result in membership suspension. Any response received by the Secretary to the Disciplinary Committee will be forwarded as soon as is practicable to the complainant.

**THE MEMBER COMPLAINED OF** If admitting to all the Complainant’s allegations and agreeing to remedy the matter in full to the satisfaction of the complainant, then no further action is taken. If the Complainant does not accept in total the response of the member complained of the Disciplinary procedure continues.

**THE COMPLAINANT** is required to respond to the reply of the member complained of within 21 days of receipt. Failure to respond within the time limit renders the complaint liable to be struck out. The Complainant's response is to be forwarded by the Secretary of the Disciplinary Committee to the member in question. If the Complainant does not accept in full the initial response of the complained of member the Disciplinary Procedure as set out hereunder is invoked.

**THE SECRETARY of the Disciplinary Committee** shall then send a copy of the file to three of the panel of Complaints Officers. Each of the Complaints Officers selected by the Secretary shall then individually study and return to the Secretary's office within twenty-eight days, the copy file to the Secretary together with a finding that either there is a prima facie case to answer or not and their reasons therefore. If they have deemed that there is a prima facie case to answer, they must also determine if the matter is of sufficient seriousness for Bye-Law 20c to be considered.

**THE SECRETARY of the Disciplinary Committee** will upon receipt of the findings of the Complaints Officers determine whether a prima facie case exists against the member. The findings are communicated by the Secretary to the member and the complainant within seven days or as soon as is practicable thereafter. If a prima facie case exists the member must also receive an Official Notice of Complaint detailing the alleged breach or breaches of the Articles/Bye-Laws/Code of Ethics. The Official Notice of Complaint is deemed received forty-eight hours after date of posting. (See Appendix 1, Schedule 7).

**THE DEFENDING MEMBER** must reply in writing to the Secretary within fourteen days of receipt of the Official Notice of Complaint and submit any additional statements of fact or documentary evidence for consideration by the Disciplinary Committee.

If the Complaints Officers determine, by a majority decision, that punishment as detailed in Bye-Law 20.c would not reasonably be considered then the Secretary of the Disciplinary Committee must, as soon as practicable arrange a Disciplinary Committee Case Management Meeting. All parties concerned must be advised by the Secretary of the Disciplinary Committee of the date and time of the Case Management Meeting, by first-class Recorded Delivery Post, not less than THIRTY FIVE days before the meeting. Only the Disciplinary Committee and Chairperson will be invited to attend to consider the evidence.

#### **Case Management Meeting**

The Disciplinary Committee will consider all the documentary evidence as presented by the Secretary of the Disciplinary Committee.

If the Disciplinary Committee find insufficient evidence to proceed, the Secretary must, as soon as is practicable, notify all parties in writing. The case is then considered closed.

If the Disciplinary Committee considers that the member complained of is guilty of an offence as defined by Bye-Law 18 then they may impose a punishment as defined by Bye-Laws 20.a and 20.b. Any suspension must not exceed 3 months.

If the Disciplinary Committee considers that the member complained of is guilty of an offence as defined by Bye-Law 18 but requires punishment more severe than defined by Bye-Law 20.a or a 3 month suspension then the file must be returned to the Secretary with the request that a Hearing be convened.

Following the meeting the Secretary must, as soon as practicable, notify all parties in writing of the Committee's decision.

**THE SECRETARY of the Disciplinary Committee** will, if requested by the Committee at a Case Management Meeting or if determined by the Complaints Officers, arrange a Disciplinary Hearing to take place. They must notify the parties in writing by first class, Recorded Delivery, pre-paid post of the date and venue of the intended hearing, not less than THIRTY FIVE days before the Hearing.

Not less than TWENTY ONE days before the hearing, all concerned parties must supply to the Secretary any further documentary evidence that they wish to be considered by the Committee. They must also advise if they or any witnesses wish to attend the hearing, at their own expense. Not less than FOURTEEN days before the hearing the Secretary of the Disciplinary Committee will write, by first class, pre-paid post to any persons who have requested an audience at the Hearing, inviting or declining their attendance and explaining the mechanics of the hearing.

#### **Disciplinary Hearing**

**THE SECRETARY of the Disciplinary Committee** will act as Presenter who will read out the Official Notice of Complaint and then present the documentary evidence to the Disciplinary Committee only. When requested by the Disciplinary Committee, the Secretary will individually bring into the Hearing room any other persons invited to verbally present their evidence and answer any questions that they Committee feel is pertinent to the Hearing. They will then be released.

Once all the evidence, both documentary and oral has been supplied, the Committee will, in privacy, determine if the member complained of is guilty of an offence under Bye-Law 18 and what punishment is appropriate as defined by Bye-Law 20.

**THE SECRETARY of the Disciplinary Committee** is required to send by first class, pre-paid post, within fourteen days of the Committee's decision the result thereof to each party thereto.

A member against whom a finding of guilt has been made may appeal to the Council against the finding and/or the punishment by giving notice to the Disciplinary Secretary within fourteen days of receipt of the notice of the decision of the Disciplinary Committee. Such notice from the appellant must clearly set out reasons for an Appeal and **must** include any additional evidence not previously available. Failure to comply with the above criteria may disqualify any Appeal. The Governing Council is empowered on appeal to uphold or quash any earlier finding and/or impose a lesser punishment or order a re-trial. They shall also be authorised where they deem necessary to order a re-trial by a new Committee appointed by the Council excluding the original members of the Disciplinary Committee.

Upon receipt of an appeal request in writing the Disciplinary Secretary will arrange an Appeal Hearing. The Disciplinary Secretary will advise all parties of the date and venue not less than TWENTY-EIGHT days before the appeal hearing date.

Those eligible to attend the Appeal Hearing are as follows: -

**CHAIRPERSON** – The current Chairperson of the Disciplinary Committee who will present the Appeal to the Committee and have no vote.

**GENERAL SECRETARY** whose presence is required to record the Minutes of the hearing.

**APPELLANT** (with representative and any witnesses) – are responsible for their own costs and out of pocket expenses in attending the hearing.

**GOVERNING COUNCIL MEMBERS** – such current members of the Governing Council, not less than three in number, appointed to hear the Appeal.

At the conclusion of the Appeal Hearing the Governing Council members will retire before forming and delivering their judgment. A majority decision carries and is final.

The file and the result of the hearing/Appeal will be returned to the General Secretary and recorded on the member’s personal file. The result may be circulated and/or published to the membership as soon as is practicable.

**DISCIPLINARY PROCEDURE APPLICABLE TO OVERSEAS MEMBERS**

The provisions of Schedule 7 shall apply to overseas members.

Any Overseas Member may by arrangement appoint a United Kingdom member to assist and represent the member complained of.

**Appendix A**

**Form of Official Notice of Complaint:**

To:

Member No:

Re: Complaint Made by:

This is to inform you that Complaint Officers have determined that there is a prima facie case to be answered as you are in breach of the following Association of British Investigators Bye-Laws:

**18**

“It shall be an offence if any member is guilty of any conduct unbecoming of a member and/or has acted in a manner prejudicial to or likely to bring discredit upon The Association or contrary to The Association’s Memorandum, Articles of Association, Bye-Laws and/or Code of Ethics or breaches or permits a breach of The Association’s Memorandum, Articles of Association, Bye-Laws or Code of Ethics.

Date of Issue:

Signed .....  
Disciplinary Secretary

**DEFINITIONS**

In the Memorandum, Articles of Association and Bye-Laws of the Association: -

Members shall include, Full; Life; Provisional; Associate; Affiliate; Overseas; Retired and Honorary Members.

Where "The Association" is written the reference is to The Association of British Investigators.

**Definition of a Partner**

Any Agency; Society: Civil, Private or public Authority with whom the Association enters into any form of agreement.

**Definition of Lawful Debt**

- a) "Lawful Debt" being any debt which has been acknowledged by the Court with the issue of a monetary Judgment, Decree or equivalent Order.