

3rd October 2011

F.A.O Nicola Enston
Deputy Solicitor to the Inquiry
The Leveson Inquiry
Royal Courts of Justice
Strand
London
WC2A 2LL

Dear Ms Enston

Re: Leveson Inquiry into the culture, practices and ethics of the press

Submission from the World Association of Professional Investigators in response to Notice under section 21(2) of the Inquiries Act 2005

Submitted Monday October 3rd, 2011

Prepared by Ian D. Withers - Governing Council Member responsible for Licensing and Legislation Issues

Statement of Ian Douglas Withers – Private Investigator – DOB: 20 February 1941
Governing Council Member of the World Association of Professional Investigators responsible (to the Membership and E-Group) for Legislation & Licensing

1. Ian Withers – Summary of Career history:

I am a Founding Member and a Fellow of WAPI, and have completed 6 Terms of Office as Chairman (2000/2005 and 2007).

A Professional Investigator since 1960, during which time I served as a Police Officer. I was appointed as National Security Advisor to the Seychelles Government from 1979 to 1986. I was also licensed for over 10 years as a Private Investigator in Maryland USA where I am a Member of NCISS, USAPI, NALI, LPIA, PIAM & NAPPS. I have been Chair of the International Membership Section, of the National Association of Legal Investigators since 2004 and a Past Assistant Editor for International News for PI Magazine. I hold the NVQ Level 4 (Investigations), and I have represented WAPI on the ISG - Investigator Sector Group. One of the Investigation Sector Consultants for the recently created NOS (National Occupational Standards) My occupation is as the CEO of Priority

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The other Governing Council Members:

Stuart Withers – Chairman and Mentor - Also a founder member of WAPI and a member of the Chartered Management Institute. A practicing professional Investigator for over 46 years and holds an NVQ Level 4 in Investigation. He is the founder and CEO of Nationwide Investigations Group, Academy of Professional Investigation and Author of the NIG Process Servers Guide, together with being a contributor to the NVQ syllabus in investigation level 3 and 4.

Beverley Flynn – Treasurer - Directly involved in the Investigation Industry for the last 29 years, predominantly on the Sales Marketing & administrative side of the business. Her career commenced in Business Management and joined the Investigation Industry with her late Husband Patrick. Having attained a BA Honours degree in Business Management in the early 1990's, she shortly afterwards formed Insight Investigations with its Head Office based in Birmingham. During her career, she has worked tirelessly to raise the profile and reputation of the Investigation Industry. Becoming the Membership Secretary of WAPI in October 2003 she also held the post of Lady Vice-Chairman of the Association from October 2004 to October 2006 and again from October 2007 until October 2008. Beverley Flynn became Treasurer of the Association in October 2007.

Tony Smith – Vice Chair, E Group Moderator, Complaints & Discipline – A full time investigator since 1977 working with Ferguson Investigations of Liverpool until that business was sold. Tony opened his own business in October 1981 initially working from home and eventually opening offices in Liverpool City Centre and latterly from offices close to Aintree Racecourse. In 1986 Tony was a founder member of the Merseyside Association of Investigators & Process Servers (now the British Association of Investigators & Process Servers) and remained Secretary/Treasurer of that Association until 2000, becoming a Honorary Life Member in 2007. Joining WAPI in 2002, Tony was appointed to the WAPI Governing Council in 2004. Tony moderates the WAPI Open E-Group with well over 1000 members and which is now the second largest Industry E-Group in the World. Tony is a British Mensa 99 Percentile, a Member of Intertel and the Horserace Writers Association. With the inception of the Internet and the problems it can bring to clients, Tony has undergone courses in Internet Investigation and Email tracing, the latest being in April 2011, in an attempt to keep abreast of this ever changing media.

Jorge Salgado-Reyes - Electronic Media - Born in Chile, he came over to the UK aged 7. Having spent his formative years in the UK and Mozambique, he became tri-lingual, speaking fluent English, Spanish and Portuguese. As a result of his language skills, he went to work in the family business as an interpreter but his true

love was that of the private investigator. Not having had a classical private investigator background, he determined that the only way into the industry was to take the corporate route. Starting as a Security Officer and then a Store Detective working for various high street retail stores until he became a Security Manager for a leading high street book seller and then various roles as a Senior Retail Loss Prevention Investigator. Having had 16 years in retail fraud investigations, he decided that he had enough of working for other people and in April 2006, he started his own private investigation agency specialising in corporate investigations, surveillance, process serving and tracing. He is a founder member of e-LEGAL Gathering, an online discussion forum for private investigators. He qualified with a Diploma in Private Investigations and Investigative Interviewing. Currently serving on WAPI's Governing Council in Electronic Media after having served as General Secretary for a year and he is a member of the Federation of Small Businesses.

Emma Rowley - General Secretary/Membership Secretary - Has worked within the Private Investigation industry for the past 16 years, starting as an Office Junior and eventually working her way up to Manager – Operational Support and Head of Process Serving. Actively involved within WAPI via Beverley Flynn during the past 8 years, she has assisted and attended every past WAPI event also attended the World Investigators Conference in Las Vegas in 2005 working on the WAPI stand. She also provides administration support to the Treasury. Emma processes all Membership applications/enquiries and produces/compiles all administration for WAPI through her role as General Secretary.

2. The Association:

The World Association of Professional Investigators, WAPI, is a not for profit Company set up as a private investigator's trade Association and Representative Body, "formed by professionals, for professionals". It provides an Association for those engaged professionally in all areas of investigation, including public sector and private sector, companies and individuals, corporate and domestic. The Association began life as an open Professional Investigator Association in 2000, shortly after the UK Government announced the beginning of regulation of the Security Industry, which was to include the Investigative Sector. WAPI was created to empower the many Investigators throughout the UK, Ireland, EU and beyond, who would eventually need a licence to function within the UK/EU, and who were not being represented by the other long established UK Associations, or as many saw them, rather "exclusive" clubs who sat in judgement over the vast majority of those operating within the Sector. The current Membership stands at 420 Members and 1200 eGroup Subscribers

Once regulation became a fact, at least for most Sectors within the Security Industry, some panic set in, as to what criteria was to be imposed for a licence! The vast majority of UK Investigators come from a law enforcement background, many having retired and embarked on a new PI Career, and felt that their experience and various investigative based qualifications were more than enough to be proven as competent.

It has been published by the SIA that there are over 10,000 practising Investigators in the Private Sector alone, and of this number less than 5% have joined the Investigation Associations in the UK. When WAPI was started, the Governing Council mandated that it would be open to all and any practising investigator, private or law enforcement and that Private Investigator Members would have to have, or be granted a licence as and when the regulation started for the Investigator Sector.

Thus the determination of who was competent and qualified was to be /or left entirely to the SIA – Security Industry Authority, and not left in the hands of an “exclusive” Association who would test and examine their membership applications. Furthermore, in accord with the “open” views of the original and successive WAPI Governing Council, the eGroup (an Internet exchange open to Investigators to exchange assignments, news and to seek advice or guidance) was made “open” meaning for all practising Investigators (whether or not a WAPI Member) to be able to join, free and without restriction, enabling a wide range of networking opportunities, a massive Advice Facility where most Investigative based questions or problems can be examined and discussed across a membership in excess of a thousand. It would be true to say that very few – if any questions posed have not been resolved on the WAPI eGroup!

Over the past 11 years, WAPI GC Members have represented the Association’s Membership at numerous Meetings and Conventions including the Home Office, SIA, Information Commissioner and contributed to the National Occupational Standards generated for the Investigation Sector. WAPI has also attended and participated in a number of EU organised Events looking at trans-European regulation and common standards.

During the last 10 years of the SIA, despite numerous meetings and Consultations, the reality is that very little was developed in respect of regulating the Private Sector. Totally contrary to the views of most operating in the Sector, the SIA wanted to introduce Training and Exams for those needing to be licensed!!

WAPI firmly believe that the criteria for competence should be determined by a combination of investigative based qualifications and/or proven experience, and published a Proposal years ago outlining a simple points based system using these factors. Grandfather Rights were disregarded by the SIA, again argued by WAPI who urged the SIA to keep in mind that HGV and PSV Drivers are afforded Grandfather Rights in recently launched new standards for on-going licences for HGV/PSV. Indeed many other Trades and Professions have become regulated over past years with Grandfather Rights built in.

These are the type of Issues that WAPI represented to the various Authorities for our members and the wider Sector during the period 2001 to 2010 through the Multi Association ISG – Investigator Sector Group which was made up from a Representative from all the Investigation Associations to represent the common concerns of the broad Sector.

3. Membership standards & Ethical Standards:

All Applicants to WAPI for Membership are required to supply positive ID, References as to Character and proven Experience and/or Qualifications. WAPI elected not to demand a CRB check because at the time WAPI was created, it was assumed that the SIA as part of the regulatory process would conduct an enhanced CRB. This is an area now being re-considered by the Governing Council, in light of the shelving of Investigation Sector regulation. Applicants however, are required to sign that they will comply with and accept the published Ethical Code for members, plus that they will accept the Associations Complaints and Discipline Procedures (For dealing with Client or other Complaints against a Member, and to resolve Disputes between Members)

The published Ethical Code:

The Association and its Members, Associates and Affiliates shall at all times:

- Conduct all investigations and allied matters with integrity and within acceptable legal, professional and moral guidelines.
- Require a client's undertaking that all information provided by members is for lawful use only.
- Require that all employees and others assisting in an investigation abide by the WAPI Code of Ethics.
- Assist all regulatory and legal authorities when required to do so by law.
- Practice only in matters for which they are qualified and/or competent.
- Refer all matters of conflict between members to the Association's governing body for arbitration, whose decision will be accepted as binding.
- Not misrepresent or exaggerate the activities and services offered by the profession.
- At all times protect the good reputation of the members, their clients, the Association and the Profession in general.
- Deal professionally in all matters with discretion, courtesy and confidentiality within ethical constraints.
- Not deny any professional services to any client for any reasons of race, colour, religion, sex, handicap, sexual preference or national origin.
- Comply with the regulatory and legal requirements within their operational jurisdiction.
- The Association and its Members, Associates and Affiliates shall at all times conduct all Business Matters with integrity and make payment of all properly presented Supplier Bills promptly within agreed or stipulated payment terms, excepting any genuine complaint which should be resolved as quickly as reasonably possible, utilising if necessary the WAPI Members Arbitration facilities.

4. Ongoing Professional Training:

Over the past 10 years WAPI has organised (sometimes in conjunction with the other Associations) Annual and Regular Seminars at which qualified Presenters deliver Lectures on applicable law, and Subjects relative to the Sector, such as Forensics, Locate Inquiries, Data Protection and other controlling legislation subjects.

The next such Convention is to take place in Greenwich on November 19th, 2011 entitled "Hacking, Blagging, Bugging & Tracking – the law" at which a Legal Practitioner will update the expected 100+ Delegates on applicable law.

Such Conventions also provide an opportunity for the Association to remind and re-enforce the ethical standards of the Association

Our Conventions are also open to non WAPI members for the benefit of the profession as a whole.

5. Self Regulation:

WAPI reminds the Membership and eGroup Members on the need to be, and to remain legally and ethically compliant at all times – This is achieved through the medium of the eGroup and through the Annual Conventions.

News items relating to the recent Hacking and Blagging Scandal are published on the eGroups.

The eGroups are open to all Investigators, not just our Members.

Any Member who is convicted of any criminal offence will have their membership of the Association cancelled (or suspended pending any Appeals procedures)

As at this date, the Complaints and Discipline Governing Council Member has not received any complaints against any WAPI Member connected with any allegation of Bribery, Hacking or Blagging.

WAPI have not been aware, nor has any suggestion been made that there is a general increase in bribery, hacking or blagging within the Sector – both WAPI Members and the Unaligned Investigators.

The Media and Private Investigators:

It has been determined through informal surveys across the membership that assignments from the Media have been a relatively common work source for a number of Agencies throughout the UK.

It would seem that these instructions are generally for the locating of individuals, untangling Company Groups and obtaining information in respect or persons who are or may be the subject of a Newspaper story. The general consensus is, that in accepting such instructions the specified requirements are "in the public interest"

We found no Member who indicated that they had been requested to perform illegal acts (such as phone hacking, bugging or similar).

We would respectfully submit that the needs of the Media in terms of research and information gathering for lawful purposes, should continue to be contracted out to the Private Sector, it has been a significant and important source of revenue to the Sector.

Perhaps of greater importance and during these times of uncertainty in respect of Investigators following the Hacking and Blagging Disclosures and given the stalling of Investigator regulation, it has become more and more important that Users and potential Users of Professional Investigative Services including Members of the Public, Legal Profession, Media, Business and Corporate Clients are able to select a credible Professional Investigator who is recognised as a "Professional" and as such is a Member of an established and approved Professional Association such as The World Association of Professional Investigators.

6. Regulation:

The wider Investigation Sector has for over 60 years been seeking regulation – licensing, as has been the norm in many other countries since the early 1900's in the 1950's one Association submitted that Investigators could and should be regulated by the certification method through the County Court, a well tried and efficient method which had for years been applied in respect of Private Bailiffs, known as Certificated Bailiffs. Again in the early 1970'2 The Younger Commission (Privacy) heard Evidence (from this Writer along the same lines, to have all Investigators Certificated as (Certificated Enquiry Agents) through the County Courts, a self-financing method whereby the Applicant could satisfy a Registrar/Judge as to Character and Competence and with References, whereupon he could become Certificated, this would immediately bring in self-regulation to avoid complaints which may lead to suspension or cancellation of the Certification.

To this end, GC Member Ian Withers is attending the Conservative Party Conference in Manchester from Sunday 2nd October 2011, where on behalf of WAPI he will be distributing a Press Release to as many MP's as possible to garner support for PI Regulation by way of transferring from the Private Security Industry Act 2000 to the Tribunals, Courts and Enforcement Act 2007 the regulation of Private Investigators thereby affording an immediate positive step in regulating the Sector to the benefit of All.

7. Attachments:

Press Release
Convention program
Postings made on the WAPI E-Group to benefit/inform the Profession

Submitted by:

Ian D. Withers
Governing Council Member responsible for Licensing and Legislation Issues