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Witness Statement to the Leveson Inquiry into the Culture, Practices and Ethics of the Press

This witness statement, containing 4 pages, is submitted in response to a Notice under S.21(2) of the Inquiries Act 2005 served upon David Palmer FIPI F.Inst.L.Ex, Principal of the Institute of Professional Investigators.

1. I am David Palmer, Principal of the Institute of Professional Investigators (IPI). I am a serving police officer, currently based at the Financial Crime Unit (Fraud Squad) of Heddli Gwent Police. My career to date spans 6 years in the Royal Air Force police followed by nearly 26 years in Gwent Police in various roles. I was appointed to the Criminal Investigation Department in 2002 and to the Fraud Squad in 2006. I joined the Institute in 1990, achieved Fellowship in 1995, was elected to its Board in 1996, served on the Board as Principal in 2001-2003, and was re-appointed to that position in 2010. As such, this statement is submitted in my capacity as Principal of the IPI and is not to be taken in any way in the context of my employment as a police officer. The two positions are mutually exclusive and my employers are fully aware of my status.
2. The Institute of Professional Investigators was formally created in 1976. Prior to that the primary organisation for private investigators (only) was the Association of British Investigators. ABI members sought to create an 'academic' arm to that trade association and this was catered for in an ABI vote circa 1975. However, a new Council came into being and the academic concept was shelved. As a result the members supporting the academic, professional ideal left the ABI and started the Institute.
Unlike the ABI, the IPI was opened up to professional investigators in other sectors, particularly the public sector – police forces, HM Forces, government departments, etc. There has never been a high uptake from the public sector, and their representation in the IPI remains small.

The Objects and Ethics of the Institute were then, and remain:

Objects of the Institute

1. *To provide and organisation to assist, regulate or control those engaged in investigation.*
2. *To assist participants to improve their academic and business knowledge in investigation by provision of categories of participation based upon an approved examination structure.*

3. *To provide a system of regulation of the conduct of participants to ensure that they operate within such principles and Code of Ethics as the Institute may prescribe.*
4. *To ensure persons engaged in their investigative profession achieve internationally recognised professional academic and vocational standards and distinctions and to improve their technical expertise by promoting, organising and recommending courses, including correspondence courses, seminars, lectures and by other educational means and to recommend examination structures for the purpose of enabling participants to carry out Object 2.*
5. *To promote the recognition of professional investigation as a profession by government, law and public. Members are required to adhere to the Institute's code of ethics.*

Code of Ethics

I promise

To conduct myself with Honesty, Integrity, and to uphold the highest moral principles and avoid conduct detrimental to my profession;

To conduct all investigations within the bounds of Legality, Morality and Professional Ethics;

To guard my own professional reputation and that of my Professional Associates; and

To uphold the Objects of the Institute and abide by the Memorandum and Articles of Association of The Institute of Professional Investigators Ltd.

The full Memorandum and Articles of Association, and Bye-Laws, are submitted at Appendix 1 and 2. With the exception of small amendments relating to the conduct of meetings and levels of participation, no changes have been made to the Code or the Objects of the Institute since its inception.

The IPI is overseen by a Board of Governors, supported by a Secretariat. It has sub-committees for various purposes (see Articles and Bye-Laws attached), although the number of Governors requires that they are all pretty much managed by the whole Board at this time. Being a voluntary body it has no regulatory authority save that over its own members, and the Ethics and Standards Committee oversees any investigations into complaints or allegations of misconduct. The penalties available to the Board culminate in dismissal from the Institute as its highest available penalty.

We currently have 353 members on our Roll.

Academically, the Institute supports and promotes the obtaining of professional qualifications in investigation. The Institute was the initial driving force and intellectual creators of the first National Vocational Qualifications in Investigations, now formally overseen by Skills for Security. In its formative years it established that Member Level participation of the Institute required that the applicant have an equivalent to what became NVQ Level 4 I Investigations, but were forced to recognise equivalency as the take up and/or availability of NVQ qualifications was and remains poor. As such they recognised experience, courses and parallel qualifications in their peer assessment of an applicant's suitability for participation as a Member.

The Institute further introduced a participation level of Fellowship, requiring that a participant *either* had higher level qualifications, or had achieved recognition through submission of an acceptable 8,000 word thesis on an investigatory subject. (An Honorary Fellowship could be awarded for services to investigation or the Institute.)

The IPI submitted a Private Members Bill to the House of Commons circa 1978 regarding the licensing of private investigators, while the ABI made similar representations on its own behalf. From 2000 the Institute was active in consultation with the Government and (later) the Security Industry Authority with regard to its support for licensing for private investigators. The IPI attended many consultations with regard to identification of core competencies for licensing purposes, and assisted with consultations on the final 5 competency areas identified by the SIA for the competency element of licensing just before the licensing process stalled.

It remains active in consultations with and through Skills for Security, currently chairing their Sector Competency Group for Investigators. This group recently completed a three-yearly review of the National Occupational Standards for Investigations. The IPI is highly vociferous in its support for licensing for investigators, and would have preferred that higher competency levels/qualifications had been sought by the SIA in its deliberations.

The Institute provides a distance learning course for investigators, the first module of which deals with ethics and standards, and potential responsibilities under the Private Security Industry Act 2001 (should licensing ever finally happen). (The document behind this Module is reproduced in the enclosed Journal - see Appendix 3 and 4.)

3. The Institute self-regulates through adherence to the Code of Ethics, which in turn expects observance of statute and common law as a requirement of a professional investigator.
4. The Institute advises its membership of their obligations and responsibilities under the Law through its journal, *The Professional Investigator*, a quarterly e-publication delivered by e-mail (or by post for those who elect that method). Example copies are attached to this statement at Appendix 3 and 4. It will be noted that in these particular issues address the Protection from Harassment Act, and journalism. Over the years the IPI has been on communication with the Office of the Information Commissioner to ensure that advice it provides its participants is as up to date and clear as possible. Assistance with HRA compliance has also been provided.
5. To the best of my knowledge as a Board member since 1995, no allegations of improper data access or disclosure of any nature by a participant have been brought to the attention of the Institute's Board. The only complaints I have been aware of are complaints over the size of a bill; an allegation of a breach of client confidentiality where an investigator used video of an insurance surveillance for publicity purposes (a matter of dispute over the permission from the client); and a failure by one member to pay another's account. Other complaints made have not been properly supported by evidence from the complainant but relate to behaviour of an investigator, not to data issues. It is expected that the lack of allegations of computer/data hacking are a reflection of the fact that people who conduct such activities are not and never have been welcomed by the professional and trade associations.

6. It has been the Institute's view since inception that self-regulation of the investigation sector is inadequate. While our members, and to the best of my knowledge those of the ABI, are highly professional and ethical in their manner it is evident from press reports and our members' anecdotal comments that there remains a large number of unethical practitioners outside our remit. Some may refer to themselves as 'information brokers', 'consultants' and so on, but their activities undermine the efforts of the private investigation industry to demonstrate its professionalism. When the then Government instituted the Private Security Industry Act, we were both enthused and disappointed; while we as a profession were included, we were to be subject to a long delay while the (understandably) larger areas of the security sector were licensed. It has been further disappointing that despite our own input we have seen delay after delay, and now possibly a complete rethink on licensing from individual licensing to business licensing – which cannot be as effective; for example, businesses tend not to get criminal convictions whereas individuals do.

The IPI therefore supports a return to the original intention of the Act, namely awarding of licences on an individual basis, following assessment of an applicant as a fit and competent person. It is our submission that this requirement may have influenced the use of some of the parties named in the events leading to this inquiry. Parties without the character to remain honest and to act ethically tend not to favour the competency tests of the kind that would have been required of them, and the institutions utilising investigatory services would have been hard pressed to justify the use of the unqualified and un-assessed.

Professional investigators prefer to style themselves based upon the expectations raised in respect of the legal sector, for which most of their work is carried out. Their clients expect, and are entitled to the same levels of confidentiality and legal compliance as a lawyer's. Other professions dealing with client confidentiality, investigations, disclosure and so on are already formally regulated. In the current climate it seems almost inexcusable that our sector remains free of regulation. The only people to benefit from non-regulation are those for whom compliance would be prohibitive or impossible, or those for whom the bottom line is more important than ethical and legal observance.

We support regulation of the individual in parallel to the requirements of the Law Society of its members. Whether this should be via the SIA, or as has been suggested the Ministry of Justice, is not as important as how it is done. We supported and continue to support a competency and 'fit and proper person' test as a precursor to grant of a licence. We promote higher levels of competency than those required hitherto by the SIA in its original proposals, however.

I submit this statement for the purposes stated in the opening paragraph, and believe the contents to be true.



David C Palmer FIPI F.Inst.L.Ex
Principal