

Should Private Investigators Be Licensed in the United Kingdom?

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DISSERTATION ABSTRACT

This dissertation critically analyses the advocacy for licensing of private investigators in the United Kingdom by conducting a comprehensive literature review and primary research, through a multiple-choice survey among members of professional bodies. Such a study will analyse the research findings and discuss the results compared to existing literature. The primary research question guiding this inquiry is: "Should private investigators be licensed in the UK?"

To address this question, an extensive literature review was conducted to explore the current regulatory landscape and qualifications, Home Office reviews of licensing the investigative sector, reviews and reports from HMG inquiries and historical cases of malpractice in the private sector. This review provided the context to develop a targeted survey distributed to members of various professional associations representing private investigators.

The findings and analysis of the primary research offer valuable insights into the perspectives and preferences of members within two of the leading investigative professional bodies. The survey findings revealed that most respondents believe private investigators need further regulation, whether through SIA licensing or industry bodies being granted regulatory powers. Key reasons cited by respondents included an increase in the industry's professional reputation, individual data protection, a minimum skills competency level and improved service delivery by the investigative industry. Moreover, the survey results indicated that participants were of the opinion that licensing could reduce and prevent criminal and unethical practices and provide a deterrent to such behaviour through compliance and enforcement checks.

The findings of this dissertation suggest that introducing a licensing system for private investigators in the United Kingdom is necessary and supported by professional investigators. This research contributes to the ongoing debate on the regulation of private investigation and provides a foundation for future policy recommendations to improve industry standards and safeguard public interests. Further research is needed to address implementation challenges and ensure the successful establishment of licensing for private investigators in the UK.

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TABLE OF CONTENTS

Dissertation Abstract	i
Acknowledgements	ii
List of Tables & Figures	v
Introduction	1
Literature Review	4
Current Legislation.....	4
Current Standards & Qualifications.....	5
Home Office & SIA Reviews.....	6
HMG Reviews & Reports.....	8
Malpractice in the Private Investigative Sector	10
Research Methodology	14
Research Philosophy.....	15
Research Type.....	15
Research Strategy	15
Time Horizon	16
Sampling Strategy.....	16
Data Collection Method.....	16
Data Analysis Technique	18
Ethical Considerations.....	19
Limitations.....	19
Primary Research Findings	21
Primary Research Analysis	25
Question 1- Current Industry Regulation	25
Question 2- Prevention of Illegal & Unethical Practices.....	26
Question 3- Effect of Licensing on Industry Reputation	27

Question 4- Experience of Unethical & Unlawful Practices	27
Question 5- Quality of Service.....	28
Question 6- Standards of Qualification & Experience	29
Question 7- ICO Registration & Public Liability Insurance	29
Question 8- Licensing of Individual Sectors	30
Question 9- Licensing Compliance & Enforcement	31
Question 10- Professional Standards Indicator for Clients	31
Discussion.....	33
Conclusion & Recommendations	35
Bibliography	38
Illustrative References	39
Appendix A- Legislation Covering Private Investigations	40
Appendix B- Exemptions of Licensing As A Private Investigator Under PSIA 2001	41
Appendix C- Copy of Respondent Consent Form	42
Appendix D- List of Abbreviations	43

LIST OF TABLES & FIGURES

Table 1- Home Office Identified Harms by Unlawful & Unethical Private Investigators- (Home Office, 2007).....	7
Table 2- Security Industry Respondents- Sector Further Regulation by the SIA- (Home Office, 2017)	8
Table 3- Operations Analysed by Project Riverside- (SOCA, 2008)	10
Table 4- Criminality Identified in the Private Investigative Sector- Project Riverside- (SOCA, 2008)	11
Table 5- Selected Multiple Choice Survey Questions & Answers.....	18
Table 6- Question 2- Other Responses	21
Table 7- Question 4- Participants' Comments.....	22
Table 8- Participants' Comments on Qualifications and Experience.....	23
Table 9- Other Areas Identified for Licensing by Respondents.....	24
Table 10- Statistic Descriptive Overview- (Creswell, 2014)	25
 Figure 1- Saunders Research Onion (Research Gate, 2023)	 14
Figure 2- Question 1- Survey Responses.....	25
Figure 3- Question 2- Survey Responses.....	26
Figure 4- Question 3- Survey Responses.....	27
Figure 5- Question 4- Survey Responses.....	27
Figure 6- Question 5- Survey Responses.....	28
Figure 7- Question 6- Survey Responses.....	29
Figure 8- Question 7- Survey Responses.....	29
Figure 9- Question 8- Survey Responses.....	30
Figure 10- Question 9- Survey Responses	31
Figure 11- Question 10- Survey Responses	31

INTRODUCTION

This dissertation aims to critically analyse the advocacy for licensing of private investigators (PIs) in the United Kingdom (UK). This will be achieved through a study of current literature and undertaking primary research. This research will analyse and discuss the findings compared to current literature. The benefits to the industry and public will be explored while examining the increased accountability a licensing regime would bring. If required, recommendations will be made about licensing the investigative industry in the UK. Currently, any individual can undertake private investigative activity regardless of skills, experience, competency, or criminality, as there is no direct regulation of private investigations by any government body in the UK.

Under current legislation that covers the Security Industry, the Private Security Industry Act 2001 (PSIA), provision is contained for licensing Private Investigators under schedule 2(4). (UK Government, 2001). The PSIA was introduced in the UK to regulate and improve the standards of the private security industry. The act responded to concerns about the private security industry's lack of regulation and standards, which led to untrained and unlicensed security personnel, inadequate screening of employees, poor-quality service, and alleged corruption and links to organised crime (Gill, 2016). The act established the Security Industry Authority (SIA) as a regulatory body responsible for licensing and regulating the private security industry, intending to improve the quality and professionalism of the industry. However, over the twenty years since being established, to control and enhance the private security industry for the public, the SIA is yet to commence regulation of private investigators.

In September 2021, there were 181 private investigation agencies listed as Data Controllers (Information Commissioners Office, 2021), and according to the Office of National Statistics (ONS), approximately 4,000 individuals were listing their occupations as private investigators (Office of National Statistics, 2020). However, it is estimated by professional industry bodies, including the Association of British Investigators (ABI), Institute of Professional Investigators (IPI) and the World Association of Private Investigators (WAPI), that this could range anywhere from 5,000 to 10,000 individuals (HCHAC, 2012).

The estimated value of the private investigation industry in the UK is £1.7 billion. The industry has experienced moderate growth over the past five years, with an annual growth rate of 2.6% between 2016 and 2021. It is highly fragmented, with many small and medium-sized enterprises operating in the market. Over the next five years, the private investigations sector is expected to grow with an annual growth rate of 2.2% (IBIS World UK, 2021).

A private investigator is a skilled professional, hired to conduct investigations for private individuals, corporations, or other organisations. The role is defined under schedule 2(4) of the PSIA as activities that are:

"Any surveillance, inquiries or investigations that are carried out for the purpose of-

(a) obtaining information about a particular person or about the activities or whereabouts of a particular person; or

(b) obtaining information about the circumstances in which or means by which property has been lost or damaged." (UK Government, 2001)

The role of a private investigator can be broadly summarised into four key areas: business intelligence, litigation support, problem-solving and domestic and personal investigations (Home Affairs Committee, 2012). For example, businesses may employ a private investigator to prove allegations of fraud or workplace assault. At the same time, a solicitor may hire a private investigator to gather evidence during a matrimonial dispute or undertake Process Serving on their behalf. This is independent of, though sometimes sub-contracted by police, law enforcement or other government agencies (such as local authorities or the Department of Work and Pensions). Private investigators may be hired for various reasons, including collecting evidence for legal cases and investigating fraud or other criminal activities and civil matters. Private investigators may work for private investigation companies or, more commonly, operate as self-employed individuals. They may work alone or as part of a team and specialise in particular investigations, such as surveillance or computer forensics.

Primary research for this paper has been undertaken in the form of a survey distributed on behalf of the researcher by two of the leading industry bodies, the Institute of Professional Investigators (IPI) and the Association of British Investigators (ABI), to

gain an understanding of the views on licensing of private investigators by professionals already working within in the industry.

After analysis of the findings and a comparison undertaken to published literature, aims to establish with, if necessary, recommendations whether a multi-billion-pound industry, with thousands of individuals operating in the United Kingdom, requires regulation or whether current legislation and safeguards provide the necessary legal protections, moral and ethical assurances, and accountability to the public and clients.

LITERATURE REVIEW

This chapter analyses and explores the current legal framework and the arguments for and against licensing within the private investigations sector through a study of contemporary literature. As previously mentioned, the licensing of the private investigative sector has been provisioned for under the PSIA since 2001, yet, His Majesty's Government (HMG) has failed to introduce licensing for over twenty years. There have been numerous reviews and calls to introduce licensing from differing areas of HMG, including the Home Office and the SIA, and professional industry bodies, such as the IPI and ABI. Firstly, this chapter will review current legislation and industry standards that apply to the private investigations industry, in addition to the current standards and qualification that are anticipated to be required for the award of an SIA Private Investigators Licence. The sector has repeatedly been investigated by authorities and received harmful exposure in the media, particularly concerning journalists' use of private investigators. Subsequently, a review of these activities and their reputational impact will be analysed.

CURRENT LEGISLATION

Although there is currently no overarching enacted legislation for Private Investigators (PIs) in the UK, this does not mean PIs operate in a professional vacuum immune from legislative oversight. The nature of the role that PIs undertake means there is a myriad of legislation to ensure compliance with, such as Data Protection/ GDPR or the Human Rights Act and to have a professional knowledge of, particular to the type of investigation being undertaken (Essential and desirable legislative knowledge under BS:102000 is supplied at Appendix A). If a PI is working under instructions to conduct surveillance from a government institution, such as a local authority, this falls under the Regulation of Investigatory Powers Act, 2000 (RIPA), yet the act provides no protection under the law for those working for non-governmental clients.

In all cases, the primary current statutory protection comes under the Data Protection Act 1998 (DPA) due to the processing of personal data. However, the penalties for the misuse of personal data are negligible, up to £5,000 in a magistrate's court, under Section 55 of the DPA. According to the Information Commissioners Office (ICO), fines have typically been around £100 (ICO, 2011). This provides little deterrent to intentionally or unintentionally- disclose personal information, protected under legislation, to other parties, or gain information through illegal practices, such as

blagging or accessing hacked data. Whilst there is a requirement to register as a data controller with the ICO, there are no other current legislative requirements, such as Disclosure and Barring Service (DBS) checks or mandatory public liability insurance for a PI to undertake prior to providing investigative services to private clients in the UK. There are also no restrictions or checks on persons residing in another country undertaking investigative activities within the UK (Home Affairs Committee, 2012).

Additionally, there are exemptions under the PSIA 2001 for professions that carry out similar activities as private investigators and will be exempt from licensing should it be introduced (UK Government, 2001). Such as journalists, to ensure investigative journalism and associated freedoms of speech are not impacted. A complete list of exemptions is provided in Appendix B.

CURRENT STANDARDS & QUALIFICATIONS

Although no mandatory qualifications are required as a private investigator, an increase in accredited qualifications and standards has emerged in the last decade. This has, arguably, evolved from including private investigators in the PSIA and the initial announcement of qualifications required by the SIA for PIs for licensing, with the SIA endorsing such qualifications as late as December 2011 (Industry Qualifications, 2017). The licence requirement was going to be for a Level 3 in Professional Investigations with modules covering Principles of Planning and Reporting of Investigations and Principles of Gathering and Using Information for Investigators. Furthermore, this qualification ensures knowledge of current legislation to all newly qualified PIs of the requirement to register with the ICO, as they would be processing personal data (Industry Qualifications, 2017). More specialist roles, such as surveillance, now have separate awards progressing to a level 4 stage from specialist training providers.

In 2013 the first British Standards for the Code of Practice for the Provision of Investigative Services, BS:102000, were published. A fully revised edition of the standard was published in 2018 (British Standards Institute, 2018). It sought to provide deliverers of investigative services a way to demonstrate their accountability and professional standards to clients and an aspirational benchmark for providers to attain. This is yet to be a mandatory standard in the UK. In addition to BS102000, ISO9001 Quality Management is another standard investigative providers can attain to demonstrate that they meet stakeholder and customer needs within statutory and

regulatory requirements relating to investigations. Although not an industry-specific standard, it provides a recognisable ISO, known across varying industries as a benchmark of seven quality management principles. These are a standard of customer and stakeholder delivery and processes, with internal and external auditing processes undertaken to gain and maintain accreditation (ISO, 2015).

Within the investigative industry are three central professional bodies in the UK: the ABI, the IPI and WAPI. All of them undertake professional accreditation checks prior to membership, with some, such as the ABI, requiring a DBS certificate and proof of educational and experience levels. All bodies have a code of ethics for investigators to comply with, a breach of which would result in a disciplinary process with possible discreditation (ABI, 2023)(WAPI, 2023)(IPI, 2023). All professional bodies have repeatedly been vocal and lobbied for the introduction of licensing for PIs in the UK, including at government hearings such as the Leveson Inquiry and the Home Affairs Committee. Nevertheless, even from such institutions, such appeals have been unsuccessful with HMG.

HOME OFFICE & SIA REVIEWS

The SIA suspended PI licensing development in 2006 (Home Office, 2007), despite continued engagement with awarding bodies after this date. Since then, there has been a single comprehensive review, in 2007, relating to licensing of the investigative sector: a Partial Regulatory Impact Assessment (PRIA). The sector was also included in the SIA's general review (SIA Review 2016/27). The full regulatory impact assessment of the introduction is yet to be published by the SIA. This is only anticipated once a decision has been made to introduce licencing.

The PRIA engaged with the previously mentioned industry bodies and the Scottish Investigators Forum (SIF) through the process and outlined four options for licensing the private investigative sector:

1. Do nothing;
2. Alternatives to regulation;
3. Licensing with no competency criteria; and
4. Licensing with competency criteria

The PRIA argued that the benefits of introducing licensing would include removing those that utilise the investigative industry to pursue criminal activities and increasing

reputation with the public in the industry, while additionally raising standards and competency (Home Office, 2007). It also envisaged investigative businesses partaking in the Approved Contractor Scheme (ACS) to further spread industry best practices.

IDENTIFIED HARM	
1.	Unethical private investigators try to access data through unlawful means.
2.	Unethical private agents use intimidating, threatening or unlawful behaviour as part of their investigation/ surveillance.
3.	Private investigator not competent to conduct investigation/ surveillance (no knowledge of law or core skills required).
4.	Clients instruct private investigators for unlawful or immoral reasons. Subject(s), or their personal information/data, under investigation, is then potentially put at risk.
5.	Concerning private purchasers of services: Cash is paid upfront; however, no service is delivered, and the supplier is untraceable.
6.	Unlawful surveillance conducted by private investigators.

Table 1- Home Office Identified Harms by Unlawful & Unethical Private Investigators- (Home Office, 2007)

This PRIA concluded that, through the lack of current licensing, there is a veritable risk of harm to the public, caused by unlawful and/or unethical investigators operating in the sector and that implementing option four, licensing with competency criteria, would significantly contribute highly towards mitigating the identified harms towards the public (Home Office, 2007). However, it did acknowledge that there will always be elements of unlawful and unethical practices by unlicensed security operatives in any sector licensed by the SIA.

In 2017 in a review of the SIA to evaluate its performance for the Home Secretary, a whole chapter was dedicated to licensing private investigators, recognising the licensing regimes in place in comparable countries in Europe, North America and Australasia. Also noted, was the enthusiasm of industry bodies to introduce regulation and that, when surveyed across the security industry, 19% of respondents, out of a total of 691, chose the private investigative sector, secondary to in-house security operatives to become licensed (Home Office, 2017).

	Answer Choice	Response %	Response Total
1.	In-house Manned Guarding	36	249
2.	Private Investigators	19	128
3.	Security Consultants	12	85
4.	No other sectors	10	72
5.	Alarm Installers	6	43
6.	Cyber Security	5	38
7.	Locksmiths	3	24
8.	Electronic Security Device Manufactures	1	5
9.	Safe Makers	0	1
10.	Other	7	46

Table 2- Security Industry Respondents- Sector Further Regulation by the SIA- (Home Office, 2017)

HMG REVIEWS & REPORTS

Since the introduction of the PSIA in 2001, there have been numerous HMG reviews and reports into the Private Investigations industry, the most infamous being the Leveson report considering the News of the World phone hacking scandal and the use of private investigators by journalists. The Leveson Inquiry investigated the role of private investigators (PIs) in the illegal acquisition of information by the British press. The inquiry found that newspapers regularly employed PIs to obtain confidential and personal information about individuals, often using illegal methods such as phone hacking, computer hacking, and bribery. The report also found evidence of collusion between the press and the police in using PIs.

The report made several recommendations to address these issues, including the creation of a regulatory body to oversee PIs; new criminal offences for the illegal use of PIs; and more substantial penalties for breaches of data protection laws. The report also called for greater transparency in the use of PIs, including the requirement for newspapers to disclose when they have used a PI to obtain information. The Leveson

Report highlighted the severe ethical and legal issues surrounding the use of PIs by the press and called for urgent action to address these issues (Leveson, 2012).

It raised serious questions about the private investigative industry to such an extent that a House of Commons Home Affairs Committee (HCHAC) was established, publishing its findings in 2012. The inquiry was initiated in response to concerns about the private investigation industry's lack of effective regulation and oversight, particularly concerning the use of unlawful or unethical methods. The inquiry heard evidence from various stakeholders, including representatives from the private investigation industry, regulatory bodies, and civil liberties groups. The committee identified several issues with the current regulatory framework, including the lack of a mandatory licensing regime, inadequate training and qualification requirements, and insufficient sanctions for misconduct. The committee also highlighted the need for greater transparency and accountability in using private investigators by public bodies, such as the police and intelligence agencies. The inquiry recommended several reforms to address these issues, including introducing a mandatory licensing regime for private investigators, establishment of a new independent regulatory body, and strengthening sanctions for misconduct (HCHAC, 2012).

The Daniel Morgan Independent Panel Report, published in June 2021, highlights the widespread corruption between private investigators and police officers in the UK. The report exposes the failure of the Metropolitan Police to properly investigate the murder of private investigator Daniel Morgan in 1987, partly due to the corrupt relationships between some police officers and private investigators involved in the case. The report reveals that such relationships were common in the 1980s and 1990s. This culture led to the failure of investigations into serious crimes, including murder. The panel found that the police had not adequately investigated the links between private investigators and police officers, allowing corruption to continue. The report recommends the need for greater transparency and accountability in the relationship between private investigators and police officers and that regulatory frameworks need to be strengthened, including the creation of licensing for PIs, clear guidelines on the use of PIs by police forces and increased scrutiny of financial relationships between PIs and serving Police Officers (House of Commons, 2021). It should be noted that Jonathon Rees, a former business partner of Daniel Morgan and charged with his murder, was additionally involved in the News of the World phone hacking scandal.

MALPRACTICE IN THE PRIVATE INVESTIGATIVE SECTOR

In 2008 the Serious Organised Crimes Agency (SOCA) produced a report titled *Private Investigators: The Rogue Element of the Private Investigation Industry and Others Unlawfully Trading in Personal Data under Project Riverside*. It analysed five operations undertaken by the Metropolitan Police Service (MPS), SOCA and the National Crime Squad (NCS). It identified one of the key enablers of criminal activities covered in the report as the lack of regulation in the private investigations industry, unlike regulated public authorities whose investigations fall under RIPA 2000. It also identified other enablers such as knowledge of policing to counter investigation methods and techniques (including technical surveillance); former colleagues supplying current confidential police intelligence and information; and the cultivation of serving officers as sources through socialising, membership of a Freemasons lodge and exaggerating past law enforcement backgrounds to establish connections (SOCA, 2008).

Operation Name	Agency	Overview
Operation Barbatus	MPS	Investigation into a firm of private investigators, which a client had employed to retrieve information to support divorce proceedings.
Operation Cartyid	MPS	Prosecution involving a private investigator who was unlawfully acquiring data concerning high-profile individuals and selling it to a tabloid journalist.
Operation Flandria	SOCA	Investigation of a particular PI and analysed activities of other PIs highlighted in other SOCA investigations.
Operation Gloxina	NCS	Operation concerning police corruption and private investigators.
Operation (Redacted)	Redacted	Redacted

Table 3- Operations Analysed by Project Riverside- (SOCA, 2008)

Type of Criminality	Operation	Summary
Unlawful Acquisition & Supply of Personal Data	Op. Barbatus, Op. Cartyid, Op. Flarinda, Op. Gloxina Op. (Redacted).	All cases examined under Project Riverside demonstrated a regular trade in unlawfully acquired personal data. In addition, "pretexting" or "blagging" was evident in Operations Carytid & Barbatus.
Technical Interference with Electronic Media	Op. Barbatus, Op. Flarinda, Op. (Redacted)	The increasing use of databases has resulted in increasingly sophisticated methods to acquire this information. Main section – (Redacted). It was also noted that electronic dead-letter boxes were used to communicate.
Interception of Communications	Op. Barbatus, Op. Cartyid	They revealed evidence of unlawful telephone interception by private investigators using a combination of corruption and "blagging". Information sold to media outlets.
Corruption	Op. Barbatus, Op. Carytid, Op. Flarinda, Op. Gloxina Op. (Redacted)	Evidence of corruption between private investigators and police officers, communications service employees and the banking industry.
Perverting the Course of Justice	Op. Flarinda, Op (Redacted)	Numerous examples of private investigators threatening to undermine the justice system. Examples of which, but not limited to, are: <ul style="list-style-type: none"> • Accessing internal police databases, including PNC and serving officers' details. • Unauthorised checking of vehicles on PNC & DVLA databases. • Accessing details of current investigations against criminals, including organised crime groups. • Providing counter-technical surveillance techniques and methods to organised crime groups. • Conducting searches of vehicles and premises of technical surveillance devices deployed by law enforcement. • Attempts to discover the identity of CHISes and locations of witnesses, including for intimidation.

Table 4- Criminality Identified in the Private Investigative Sector- Project Riverside- (SOCA, 2008)

Separate from Project Riverside, the ICO launched its own investigation into data protection breaches in the investigative industry; Operation Motorman. It identified systematic breaches in personal privacy that amounted to a trade in personal information between private investigators and clients. Op. Motorman found evidence of personal information supplied to 305 named journalists, working for a range of newspapers by PIs. Additionally, the client base for personal information varied from finance companies and local authorities attempting to chase debtors to estranged couples seeking details of the other and evidence of criminals purchasing information to undertake fraud or witness/ juror intimidation (ICO, 2006). One-quarter of the data protection offences dealt with by the ICO relate to private investigators, yet take up 60% of the investigative efforts, due to the complexity of the cases and suspects having an intricate knowledge of the legal system (Home Office, 2007).

According to a report by the National Crime Agency (NCA), organised crime groups have used private investigators to gather intelligence on potential targets, such as rival criminal groups, law enforcement officials, and business competitors. Private investigators have also been found to engage in criminal activity themselves, such as selling stolen data, conducting illegal surveillance, and accepting bribes to pass information on to criminal organisations (NCA, 2017). In addition, some private investigators had links to criminal organisations, with some investigators using their professional networks to facilitate criminal activity (NCA, 2020). For example, in 2018, a private investigator was found guilty of acting as a conduit between organised crime groups and corrupt police officers, passing on information and facilitating illegal activity (Sabbagh and MacAskill, 2018), and more recently, a self-styled surveillance specialist was convicted of the supply of cocaine and heroin, in addition to money laundering, as part of a criminal organisation. This included other illegal activities such as tracing and providing locations of mobile phones to criminals in the organisation (Glasgow Courts Agency, 2023).

This chapter has highlighted that, since the provisioning for licensing in the PSIA, there have been repeated historical cases of malpractice in the investigations industry, which have been subject to high-level scrutiny within HMG and the civil service, as well as exposure in the media of wrongdoings by private investigators. Despite repeated calls from various inquiries and panels within the government, the Home Office and the SIA establishing the need for licensing, it is yet to be implemented. Through the work of various law enforcement agencies, it is apparent that the

relationships of some private investigators with the media, the police and organised crime have not only tarnished the name of the industry but also caused actual harm to individuals in data and information sold and transferred primarily among numerous other illegal activities. Through anticipation of the SIAs' introduction and the work of industry bodies, professional accreditation is now available to individuals and organisations providing investigatory services, allowing for a tested, successful regime of standards that can be applied should licensing be introduced. The industry appears to be prepared and highly vocal about introducing licensing. However, the cause for such apathy by the Home Office and the SIA inaction remains obscure.

RESEARCH METHODOLOGY

This chapter aims to provide a thorough understanding of the paradigm and approach which guide the research design adopted in this study. This study will establish if private investigators should become licensed in the UK. The methodology will demonstrate the use of the seven core research design choices (Bryman, 2016). These include the choice of research philosophy, type and strategy, time horizon, sampling strategy, data collection method and data analysis technique (Creswell, 2014), and additional ethical considerations. Applying established methodology practices to this research are critical to ensuring the accuracy, reliability and validity of the data gathered and the analysis results, leading to recommendations later in this paper. A discussion of the choice of quantitative research, as opposed to a qualitative approach and its appropriateness to this study, will be undertaken. In addition to discussing the methods and core choices, an analysis of this research's limitations and sampling issues will be presented with mitigating actions that were undertaken to ensure that this study still provides value in the subject area. The methodology adopted in this study can be represented using Saunders' Research Onion. Figure 1 below shows the layers of Saunders' Research Onion and how they relate.

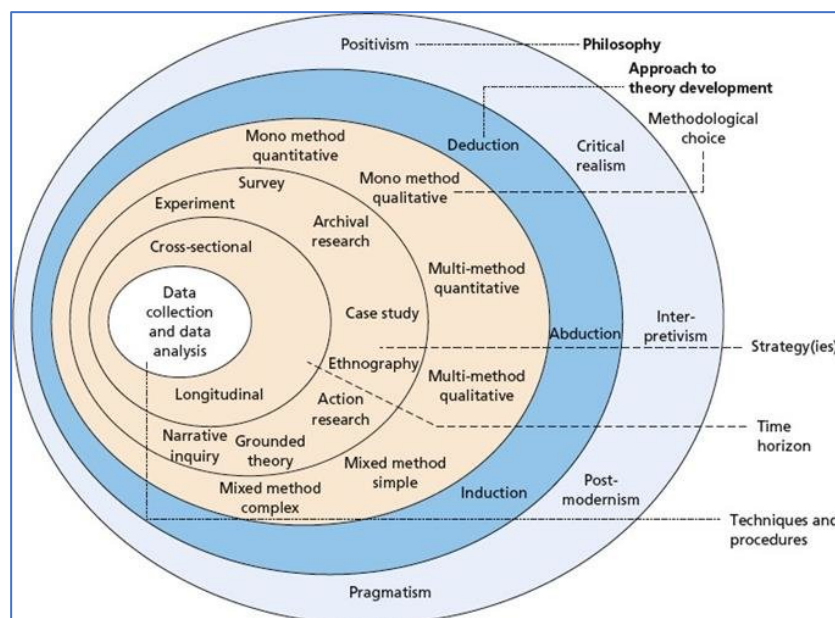


Figure 1- Saunders Research Onion (Research Gate, 2023)

The Research Onion is a framework that outlines the various stages of the research process, from the broadest to the most specific. The layers of the Research Onion

include research philosophy, approach and strategy, data collection method, sample, data analysis, and time horizon (Saunders et al., 2019).

RESEARCH PHILOSOPHY

This study adopts a positivist research philosophy based on the belief that the social world is objective and can be studied using scientific methods (Bryman and Bell, 2011). Positivism philosophy emphasises measuring and verifying facts through logical and objective analysis. The researchers' role is to remain neutral, unbiased and objective, and utilisation of this philosophy retains the integrity of the data collected (Booth *et al.*, 2016). The positivist research philosophy in this study ensures that the research findings are objective, reliable, and generalisable.

RESEARCH TYPE

A deductive approach towards research has been deemed most suitable for this study. This research involves a top-down approach starting with formulating a hypothesis, the advocacy for licensing PIs in this case. Data is then collected to confirm or refute this hypothesis (Babbie, 2012). It is common for a survey to be used in deductive research, allowing for quantitative analysis of the subject. In this case, sampling across current industry professionals represents a knowledgeable section of the population concerning this study. This research type allows for numerical data that can be easily analysed and interpreted using statistical techniques allowing for precise and accurate research results (Creswell, 2014).

RESEARCH STRATEGY

The research strategy adopted in this study is cross-sectional. This involves the collection of data from a sample group at a particular point in time. One way to implement a cross-sectional strategy is through surveys (Babbie, 2012). This strategy is appropriate for this study because it allows for collecting data on a large scale and provides a snapshot of the views of the sample population at a particular point in time, currently the stalled SIA licensing process. When surveying using (Creswell, 2014) a cross-sectional strategy, the researcher aims to collect data from a sample population, ensuring that every individual selected has an equal chance for participation in the study (Creswell, 2014). In the research for this paper, through engagement with professional bodies (ABI, IPI & WAPI), it is anticipated to allow all members of professional investigative bodies in the UK to participate in this study.

TIME HORIZON

Time horizon refers to the length of time a research study is conducted over. It is an essential consideration because it can affect the validity and reliability of the data collected. For instance, a survey conducted over a longer time horizon may be subject to more response variability due to changes in respondents' attitudes or circumstances. Conversely, a survey conducted over a shorter time horizon may be less sensitive to these changes but may also be subject to issues such as respondent fatigue or nonresponse bias (Creswell, 2014). Regarding this study, the time horizon will be four weeks. This will allow for distribution by participating bodies and an adequate period for voluntary respondents to submit their responses. A longer time horizon is not required as the core subject issue has been dormant since the SIA paused the introduction of licensing. Respondents' views will only change upon a change in the SIA's current stance.

SAMPLING STRATEGY

The sampling strategy adopted in this study is a probability sampling technique, specifically stratified sampling. This involves dividing the population into subgroups (or strata) based on specific characteristics, such as profession, in this study, accredited professional investigators, and using data from each subgroup, in this case, each industry body. This ensures that the data collected is representative (Babbie, 2012). Only selecting professional investigators for sampling allows for relevant data on this particular aspect that influences their industry, of which the general population would have no or limited knowledge, and input would be of no benefit to this paper.

DATA COLLECTION METHOD

One common data collection method in survey research is a quantitative multiple-choice survey. A quantitative survey asks questions that can be answered with predefined response options, such as multiple-choice questions. This type of survey helps collect data that can be analysed quantitatively, such as measuring the frequency or extent of certain attitudes or behaviours within a chosen sample population (Bryman and Bell, 2011), in the case of the attitude of accredited investigators towards the licensing of their industry by the Home Office and SIA. Specific, carefully considered questions and response options have been provided to

ensure data is collected in an unbiased, standardised and consistent way to maximise the reliability and validity of the data collected.

No.	Question	Multiple Choice Answers
1.	Do you feel that the industry is sufficiently self-regulated through professional bodies (such as ABI, IPI, WAPI) or licensing should be introduced?	<ol style="list-style-type: none"> 1. No further regulation is needed 2. Industry bodies should be given regulatory powers in lieu of full licensing 3. Voluntary Accreditation (Similar to SIA Approved Contractor Scheme) overseen by a new industry body should be introduced 4. Full licensing should be introduced
2.	Do you feel that any licensing scheme would prevent or reduce any illegal and unethical practices by Private Investigators?	<ol style="list-style-type: none"> 1. Yes- The risk of losing your licence and/or prosecution would be a deterrent 2. No- Some investigators would continue in their methods despite potential prosecution 3. None of the above 4. Other (please specify)
3.	How do you think that licensing would increase the reputation of the industry?	<ol style="list-style-type: none"> 1. Positively 2. Negatively 3. No impact 4. Unsure
4.	Have you experienced Private Investigators operating in a manner that is unethical and/or in ways that could be unlawful?	<ol style="list-style-type: none"> 1. Yes- I have witnessed unethical practices 2. Yes- I have witnessed unlawful practices 3. Yes- I have witnessed both 4. No
5.	Would a licensing scheme improve the quality of services provided by Private Investigators?	<ol style="list-style-type: none"> 1. Improved quality of Services 2. Greater transparency and accountability 3. Increased Professionalism 4. All of the above 5. None of the above
6.	Is the proposed standard of a Level 3 Award for Professional Investigators sufficient for licensing?	<ol style="list-style-type: none"> 1. Yes 2. No- A higher course level should be made standard 3. No- In addition to the Level 3 previous law enforcement investigative experience should be mandatory for sector entry 4. No- Both a higher educational standard and previous law enforcement experience should be required 5. None of the above
7.	Should Private Investigators be required to carry professional liability insurance and prove registration with the Information Commissioners Office as part of the licensing criteria?	<ol style="list-style-type: none"> 1. Yes to professional liability insurance 2. Yes to registration with the ICO 3. No to both 4. Yes to both parts 5. None of the above

8.	What areas of the Investigative industry should come under licencing? Please tick all you think applicable.	<ol style="list-style-type: none"> 1. Surveillance 2. Person Tracing 3. Process Serving 4. In House Investigators 5. Subcontracted Investigators 6. Background Screening 7. None of the above 8. Other (please specify)
9.	If licencing was introduced, how should compliance with licencing criteria be enforced?	<ol style="list-style-type: none"> 1. Regular Inspections & audits 2. By imposing fines & penalties for non-compliance 3. By revoking licences for serious breaches 4. All of the above 5. None of the above
10.	Would you anticipate that if licencing was introduced clients would expect this as an approval of standards of an investigator?	<ol style="list-style-type: none"> 1. Yes- Many clients are unsure of the qualifications or experience required to be an investigator 2. No- Many clients do not ask about qualifications or experience prior to engaging in services 3. None of the above

Table 5- Selected Multiple Choice Survey Questions & Answers

DATA ANALYSIS TECHNIQUE

As part of the seven core research design choices, selecting appropriate data analysis techniques is essential to achieve the research objectives. Descriptive statistics is a technique used in data analysis to summarise and describe the essential features of a dataset. This technique is advantageous when dealing with quantitative data, such as the results of a multiple-choice survey. When analysing data from a survey, descriptive statistics can provide insights into the distribution of responses and the central tendencies of the data. For example, mean, median, mode, range, and standard deviation measures can be used to summarise the data and better understand the survey results (Babbie, 2012). In order to effectively apply descriptive statistics to survey data, it is essential to ensure that the data is clean and organised before analysis. This includes checking for missing data, outliers, and any other errors or inconsistencies in the data. Additionally, it is crucial to consider the survey context and any potential biases that may affect the results, such as response bias (Creswell, 2014).

ETHICAL CONSIDERATIONS

Ethical considerations are to be considered throughout the research process; the first is informed consent. Participants should be fully informed about the purpose of the survey, how their data will be used, and any potential risks or benefits of participating. This information will be provided clearly and concisely, in the form of a participant information sheet, with contact details for the researcher should any respondents need to ask questions before agreeing to participate. A copy of the consent form is available at Appendix C.

Another ethical consideration is confidentiality. Participants should be assured that their responses will be kept confidential and that their anonymity will be protected. This means that their responses should not be linked to their identity and that any data collected should be stored securely. In this study, there is no need to store individual personal details as it will be an anonymised survey with invitations only provided by industry bodies.

A third consideration is a potential for harm. While surveys are generally considered low-risk research methods, it has been ensured that these risks are minimised, such as ensuring that questions are not overly sensitive or invasive. Finally, it is vital to consider the overall ethical implications of the research. This includes ensuring that the research is conducted in a way that respects the dignity and autonomy of participants and that it does not contribute to discrimination (Bryman and Bell, 2011). Additional ethical considerations may exist when working with participants of a professional industry body. For example, the research may need to adhere to the industry body's professional standards or codes of ethics. In this study, industry bodies will be consulted, and approval received prior to distribution to their members. Approval from the university ethics committee was given before the research was undertaken with respondents.

LIMITATIONS

It must be recognised that there are limitations within the use of multiple-choice surveys selected for this paper. Firstly, multiple-choice questions limit the respondent's ability to provide detailed responses and may not capture the complexity of the issue under investigation. Secondly, self-selection bias can be introduced when survey participants are chosen from a specific professional body, as their responses may not represent the wider population (Bryman and Bell, 2011). Lastly, there is a requirement

for some standard of prerequisite knowledge about licensing of private investigators by respondents. It must be noted that another limiting factor for the author was the ability to research while travelling internationally with work in a varying time zone to the respondents' produced limitations on the type and philosophy of research chosen.

By developing a comprehensive knowledge of the seven core design choices and Saunders' Research Onion, a methodology suitable for the subject area and hypothesis has been developed. The philosophy and research types chosen for a multiple-choice survey with industry professionals will allow for a cross-sectional survey spread across an adequate time horizon. Such research will provide sufficient data for analysis whilst being mindful of the methods' limitations and the ethical considerations that must be adhered to throughout the study.

PRIMARY RESEARCH FINDINGS

This chapter presents the findings of this research study, which aims to investigate whether private investigators should be licensed in the UK. The research used a multiple-choice survey distributed to accredited industry practitioners by two professional bodies (the ABI and IPI) to provide an industry-wide cross-section of responses (population). The third, WAPI, did not respond to requests for approval and distribution to their members. Across both institutes, there was a total sample of fifty-two respondents. All respondents completed all survey questions, spending an average of five minutes and four seconds to complete. Individual respondents' answers were saved anonymously. The survey was conducted online, utilising Survey Monkey, an established and secure platform.

For question one, the respondents were asked to specify if the industry is sufficiently regulated or if licensing should be introduced. Twenty surveyed believed full licensing should be introduced, and eighteen answered that industry bodies should be given powers instead of licensing. Eight selected that no licensing is required, while six chose that voluntary accreditation should be introduced under a new industry body.

Participants replied to question two to how they could foresee if a licensing scheme would reduce or prevent illegal and unethical practices by PIs. Thirty of those surveyed thought that licensing would deter such practices, with thirteen selecting that such activities would continue. Participants were also encouraged to provide personal opinions in the other section, which seven chose.

<ul style="list-style-type: none"> • Criminal investigators will continue to be criminals irrespective of licensing.
<ul style="list-style-type: none"> • A bit of both Yes and No.
<ul style="list-style-type: none"> • I believe that most illegal activities are undertaken by persons who are not private investigators, but just purport to be. Licensing should prevent these 'information brokers' from portraying themselves as investigators.
<ul style="list-style-type: none"> • There are already PI's who operate and regularly cross the line. They simply do not belong to any kind of overseeing body. Unscrupulous persons may decide to use logos to give an impression of compliance - as has happened, so considerable thought would have to go into Policing the processes, ideally without having to legislate as legislation can be interpreted too black & white, when there's plenty of grey and not all PI's fit one glove when you drill down to some of the specialisms.
<ul style="list-style-type: none"> • There would be some deterrent but the various criminal elements within the industry would continue their practises.
<ul style="list-style-type: none"> • The system works fine as it is
<ul style="list-style-type: none"> • Business licensing, possibly based on the proposed UK GDPR Code of Conduct will have an effect towards protecting the public. Licensing the individual may have a modest impact on illegal practice, it will not control the greatest causes of harm, in fact it is likely to open greater opportunities for the unscrupulous chancers ripping off the vulnerable victims that look to investigation as a means to address the injustice they have already suffered.

Table 6- Question 2- Other Responses

For question three of the survey, respondents reflected on their views of whether licensing would be beneficial for the industry's reputation. Forty-one responded that it would have a positive impact. Six chose No impact, and two and three selected negatively and unsure, respectively.

Participants answered question four to reflect on their experience of unlawful and/or unethical practices undertaken by PIs, with nineteen saying they had witnessed both, with the same number of respondents saying they had experienced neither. Twelve replied that they had observed unethical practices and two illegal activities. A comments section was left open concerning this type of activity:

<ul style="list-style-type: none"> Many have hit the news. PI's sometimes rely on the fact that people believe that the industry is regulated, using powers they do not have and charging rates that are not valid.
<ul style="list-style-type: none"> I am aware of poor service to clients due to lack of training and unethical pricing. There are lots of operators working in the industry who are not affiliated to any of the recognised bodies who answer to nobody. Example this week of a PI in Scotland getting a 5-year prison sentence for a drug dealing offence and yet if you read his LinkedIn profile he portrays himself as a legitimate PI?
<ul style="list-style-type: none"> Overpricing, false advertising of services. Illegal entry of premises
<ul style="list-style-type: none"> Not so much witnessed, but I am aware of instances of such behaviour. I pick my clients selectively and carry out my own due diligence.
<ul style="list-style-type: none"> Giving out names and addresses without the subjects' permission
<ul style="list-style-type: none"> I have worked in the industry for many years and have knowledge of serious crimes perpetrated by investigators purporting to be ethical and recommending all manner of regulative processes from which they can benefit. Within the profession are sex offenders, murders and organizations who have since the sixties been in bed with organised crime gangs, a former President of an association presenting it's self as being the most ethical group in the UK was connected to the Kray gang. Members of the same group were also connected to the killing of Daniel Morgan.
<ul style="list-style-type: none"> I currently have 2 cases that I am suing a former sub-contractor
<ul style="list-style-type: none"> Not "witnessed" but heard of investigators using both unethical and unlawful practices.
<ul style="list-style-type: none"> I frequently receive complaints from members of the public who have suffered a loss or other harm from interacting with the unaccountable firms

Table 7- Question 4- Participants' Comments

In response to question five, would a licensing scheme improve the quality of services provided by PIs? With improved quality of service, greater transparency and accountability, and increased professionalism, twenty-four answered all, eleven responded none would be improved, ten to greater transparency and accountability, four to increased professionalism and three to increased quality of services.

Question six sought participants' views on whether the proposed level three qualification would be sufficient and if previous law enforcement experience should be another requirement if licensing were introduced. Thirty responded that it is sufficient, nine selected that it should be a higher qualification, another nine that none of the above should be required, and three viewed that previous law enforcement should be

mandatory. Only one participant viewed that there should be both a higher qualification level and mandatory law enforcement experience as a requirement for licensing. Comments were also left open for participants to provide their views, of which twenty participants provided input:

<ul style="list-style-type: none"> • Law enforcement is not PI work, the rules cannot be the same
<ul style="list-style-type: none"> • Undertake the role having completed a recognised course. Level 4 in surveillance with a company that has a good reputation. No previous experience is necessary as many police or ex-army may not have had any previous intelligence or surveillance experience. Probably the experience of police is investigation
<ul style="list-style-type: none"> • Level 3 plus previous investigation experience not necessarily law enforcement
<ul style="list-style-type: none"> • Proviso that having obtained a Level 3 they could be on probation until a higher-level award was obtained.
<ul style="list-style-type: none"> • I would suggest that a military or similar is included under the umbrella of law enforcement as investigation skills do not only occur within law enforcement. There are investigators who learn their tradecraft in the insurance, financial sector , marine and automotive also, there are young investigators who learn within the private sector. To keep it narrowed down to law enforcement background will over time create its own issues.
<ul style="list-style-type: none"> • In addition to level 3, there should also be regular DBS checks, ICO registration, requirement for PLI, all as a minimum.
<ul style="list-style-type: none"> • A licence is important, but Training is more important than licence
<ul style="list-style-type: none"> • I think it is but I would say that operatives undertaking surveillance should have either the Level 4 RQF in surveillance or a verifiable equivalent or higher training in Law enforcement or military
<ul style="list-style-type: none"> • Level 3 is outmoded and needs a total revamp
<ul style="list-style-type: none"> • Higher education, an expectancy of increased time and money to be accredited would put people off, as has the ISO scheme - it makes it too time consuming and expensive.
<ul style="list-style-type: none"> • Law enforcement experience is irrelevant.
<ul style="list-style-type: none"> • Very good PI's have been in business for decades without previous law enforcement investigate experience so this requirement is nonsense. Also, so many elements of PI work is not about investigation - take process serving for example.
<ul style="list-style-type: none"> • Gives a good baseline to start
<ul style="list-style-type: none"> • In addition Private Investigators should be audited by UKAS for the BSI Standard 102000 for the provision of investigative services.
<ul style="list-style-type: none"> • No. In addition to an Investigation course: 1: Knowledge base on criminological theory undertaken as a course cert/Uni modules - understanding crime (motivators/political/economic/abuse/mental illness) understanding investigative mindset - (personal beliefs, motivators, bias, prejudice and stereotyping) and how these factors may formulate decision making. Additionally, certification within said purported specialist area. Many agencies are listed as experts. However, they are 'brokers' - hiring skillset and white-labelling/rebranding the work submitted to their clients. Certification and higher education courses of choice can be selected by the individual. I would be happy to be licensed. Additional certification should include DPA/GDPR.
<ul style="list-style-type: none"> • Along with the appropriate experience
<ul style="list-style-type: none"> • This level should be mandatory
<ul style="list-style-type: none"> • Yes with necessary experience
<ul style="list-style-type: none"> • The Level 3 is a complete waste of time
<ul style="list-style-type: none"> • The Level 3 Award is largely irrelevant to the issues faced by the sector in performing their lawful activities. The UK GDPR is relevant yet largely not understood by everyone, including the ICO and lawyers.

Table 8- Participants' Comments on Qualifications and Experience

Question seven asked respondents whether professional liability insurance and registration with the ICO should be mandatory as part of licensing requirements. Forty-seven said yes to both. Three agreed with just liability insurance, and one to just register with the ICO. Only one respondent said neither should be a requirement.

A multiple-choice answer was given for question eight, with those partaking asked to select all sectors within the investigative industry which should come under licensing. The fifty-two participants provided 229 answers in total. The most common answer was surveillance, with forty-one responses, jointly followed by in-house and sub-contracted investigators, with thirty-seven each. Person tracing was selected thirty-six times, and background screening twenty-eight times by participants. 'None of the selections provided' was chosen six times, and other sectors were given twelve times.

• This is the issue, what is the role of a PI, such a wide depth of work involved
• Criminal defence investigations
• All areas of business undertaken by a PI.
• OSINT research
• Any form of paid investigation service
• All of the above
• Specialist Investigations i.e. Asset tracing, Forensics, Digital Forensics etc that mostly can support primary investigations
• Debt counselling, due diligence enquiries, doorstep enquiries, litigation support services.
• All aspects of private investigation should be licensed
• Absolutely everything we do.
• Asset Discovery
• Fraud investigations

Table 9- Other Areas Identified for Licensing by Respondents

For question nine addressed the issues of how licensing enforcement should be undertaken. Options supplied were: regular inspections and audits; imposition of fines and penalties; and licence revocation for severe breaches. Nineteen chose that all of these measures should be introduced. Fourteen selected revoking licences for serious offences, and eight selected regular inspections and audits should be conducted. Five respondents selected none should be undertaken.

The final question reflected participants' views if licensing was introduced; clients would expect this as a standard of approval for an investigator. Thirty-three responded yes and seventeen no, with two participants selecting none.

This chapter has presented the findings from the primary research contributing to this paper. The use of a multiple-choice survey will allow for the analysis of this data using descriptive statistics (Quantitative Analysis) in the following chapter (Creswell, 2014). The previously mentioned limitations must be considered when viewing and utilising these findings.

PRIMARY RESEARCH ANALYSIS

This chapter presents the analysis and statistics of the data collected for this paper. This study aims to determine whether private investigators should be licensed in the UK. The fifty-two sample respondents provide information towards professional attitudes, views, preferences and opportunities for the industry, regarding licensing of the PI sector. Basic statistics have been used to understand overall trends, patterns and response variability.

Type of Statistic	Overview
Minimum	The lowest value in a dataset. It identifies the floor of the responses.
Maximum	The highest value in a dataset. This identifies the ceiling of responses.
Median	The median is the middle value when values are arranged in ascending or descending order. The median provides a measure of central tendency less vulnerable to extreme outliers or values than the mean.
Mean	This is the average of all values to provide an overall data summary.
Standard Deviation	The spread of values in a dataset quantifying the average distance from the mean provides insight into the data's variability.

Table 10- Statistic Descriptive Overview- (Creswell, 2014)

QUESTION 1- CURRENT INDUSTRY REGULATION

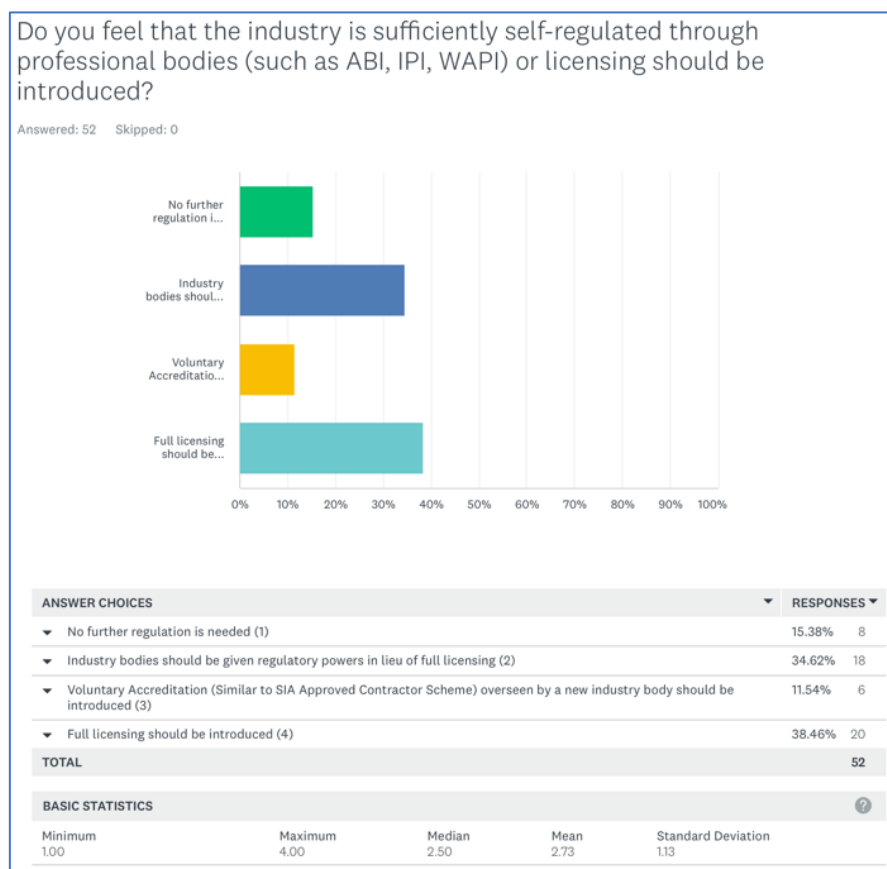


Figure 2- Question 1- Survey Responses

There was almost an even split of 38.46% and 34.62% between those responding that complete licensing should be introduced and that industry bodies should be given regulatory powers in lieu of licensing, respectively. This is a total of 73.08%, or thirty-eight, of respondents who believe that a form of licensing or regulation is required, compared to the current situation.

QUESTION 2- PREVENTION OF ILLEGAL & UNETHICAL PRACTICES

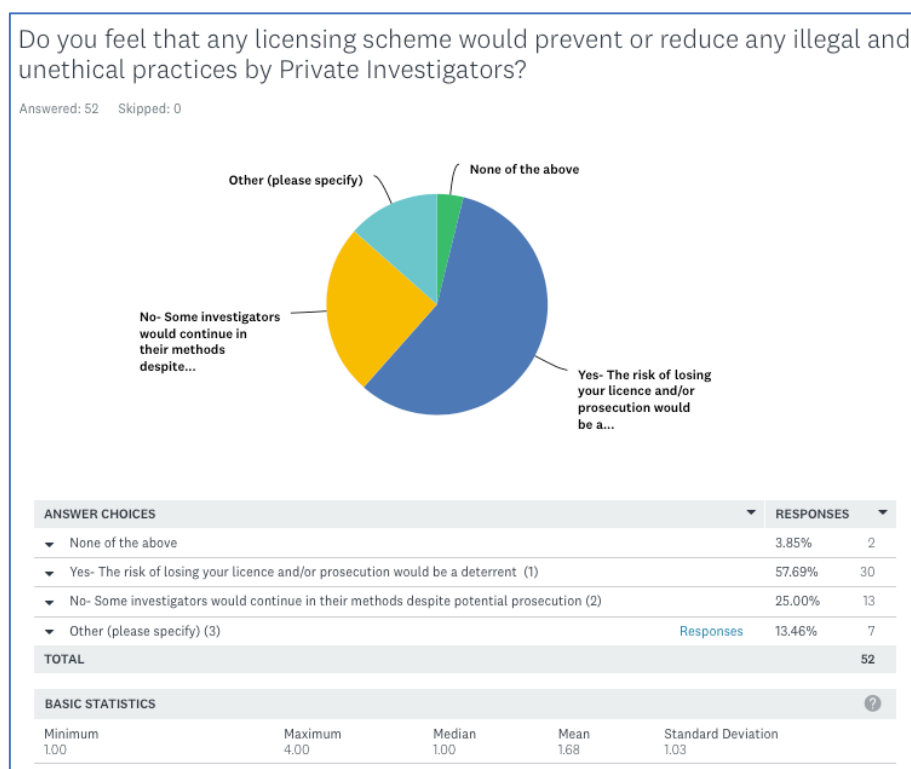


Figure 3- Question 2- Survey Responses

In question two, the majority (57.69% or thirty) of those sampled responded that the introduction of licensing would help reduce or prevent illegal activity in the sector. However, a quarter (25%) answered that it would not. This demonstrates that the current SIA licensing scheme is recognised for having helped reduce criminality across the security industry, and it is viewed that licensing would positively contribute to such practices in the investigative sector.

QUESTION 3- EFFECT OF LICENSING ON INDUSTRY REPUTATION

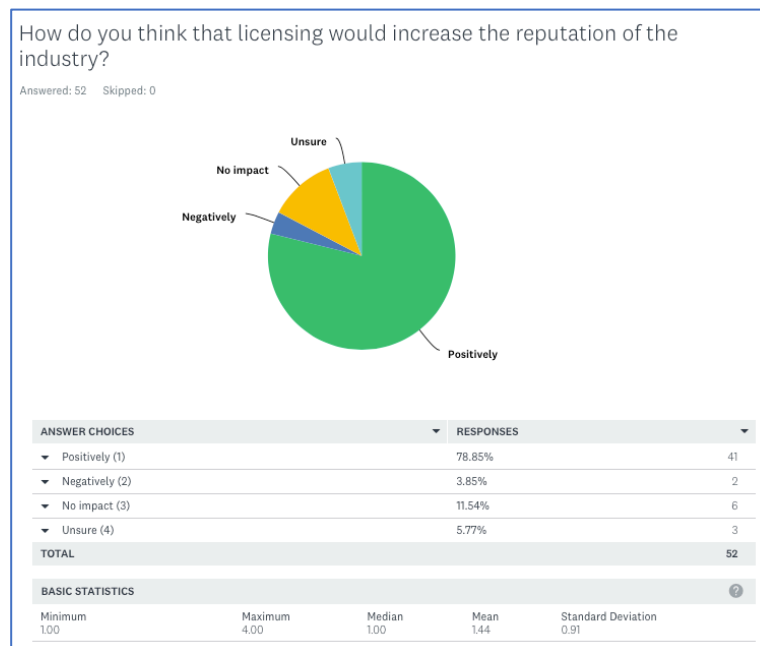


Figure 4- Question 3- Survey Responses

An analysis of question three shows an overwhelming response: 78.85% or forty-one out of fifty-two participants, that professional investigators view licensing the industry would positively increase its reputation. In contrast, only eight (15.36%) thought it would negatively or not affect the sector's reputation. Such a response shows a readiness in the industry to increase its reputation with a national standard.

QUESTION 4- EXPERIENCE OF UNETHICAL & UNLAWFUL PRACTICES

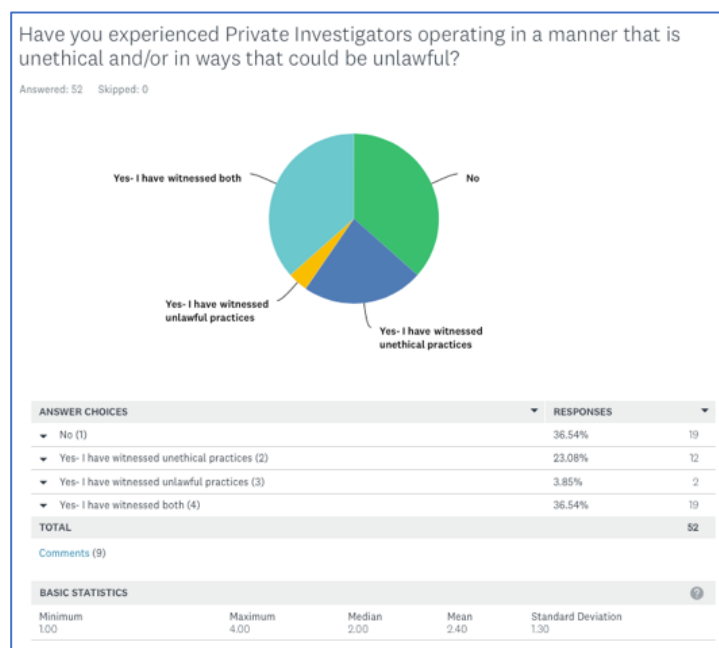


Figure 5- Question 4- Survey Responses

The sample respondents answered that 63.47% had witnessed illegal or unethical practices (or instances of both) in the industry by private investigators. This demonstrates the current disregard for legislation or voluntary codes of practice as a culture within the investigative industry, with only just over one-third (36.54%) having not viewed such activities in the professional work environment.

QUESTION 5- QUALITY OF SERVICE



Figure 6- Question 5- Survey Responses

In providing an opinion on how licensing would improve the quality of services to clients provided by investigators, just over one-fifth (21.15%) viewed that there would be no benefit. However, 78.84% (41) considered that there would be an improvement in one or all three areas: improved quality of service; greater transparency and accountability; and increased professionalism. Such results demonstrate the appetite for increased professionalism and accountability industry-wide and how such benefits would be passed onto clients, resulting in an increased reputation and improved professional standards.

QUESTION 6- STANDARDS OF QUALIFICATION & EXPERIENCE

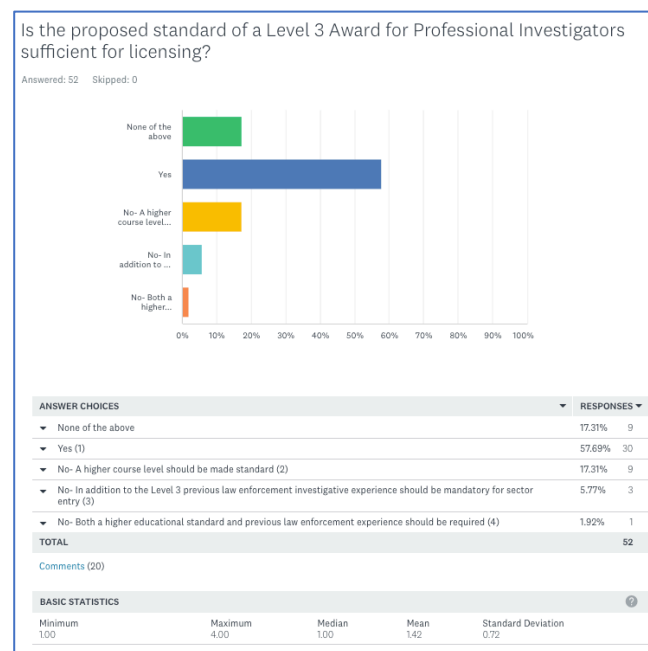


Figure 7- Question 6- Survey Responses

Thirty respondents (57.69%) stated that the previously proposed competency qualification Level 3 in Professional Investigations is sufficient. Additionally, it was asked if PIs should have previous law enforcement experience as a skills base. However, 17.31% responded that there was no requirement for a combination of qualifications or previous experience.

QUESTION 7- ICO REGISTRATION & PUBLIC LIABILITY INSURANCE

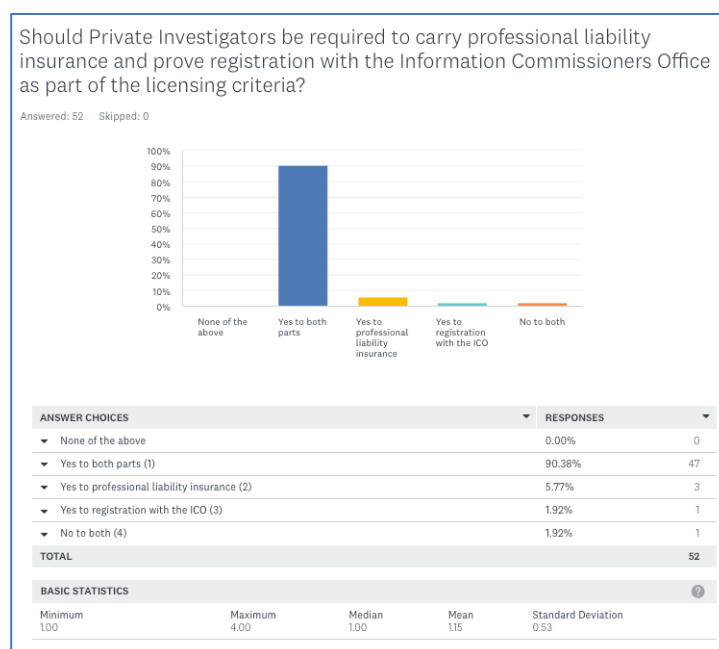


Figure 8- Question 7- Survey Responses

Concerning mandatory registration with the ICO and public liability insurance, as part of the licensing vetting for PIs, 90.38% of respondents said both should become part of this process. This demonstrates the industry's acknowledgement of the data it processes, the current legal and professional requirements, and how this should be reflected moving forward with the SIA.

QUESTION 8- LICENSING OF INDIVIDUAL SECTORS

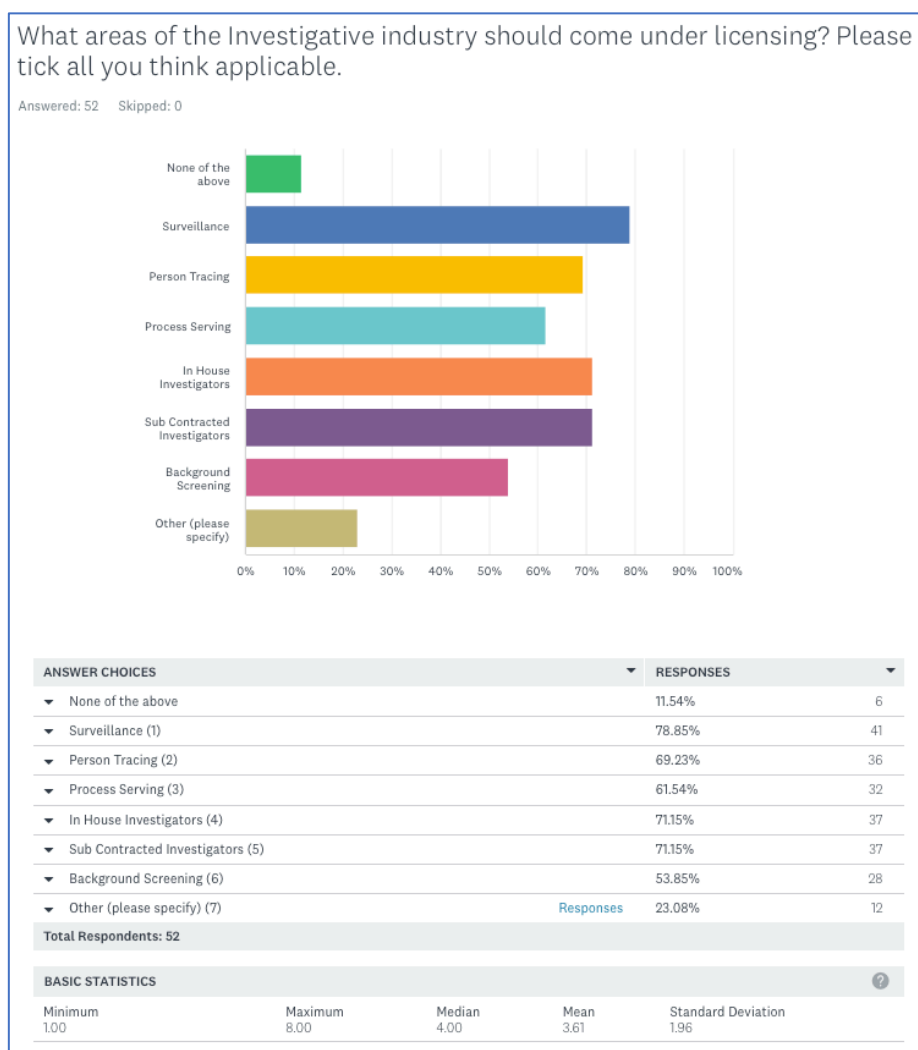


Figure 9- Question 8- Survey Responses

Only six respondents replied that none of those options supplied should be licensed. This is a close parity with question one's responses that no further regulation is required (eight), providing a mean of 3.64% of respondents that viewed that no additional regulation is needed or any sector in the investigation industry should be regulated. The wide selection of responses summarises the broad selection of sectors and the challenge of licensing such a diverse industry.

QUESTION 9- LICENSING COMPLIANCE & ENFORCEMENT

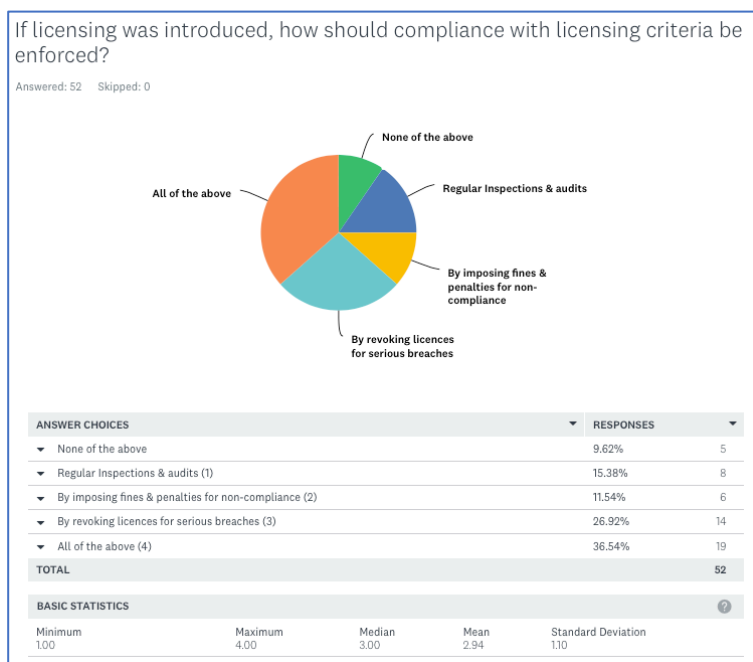


Figure 10- Question 9- Survey Responses

When responding about compliance and enforcement of potential licensing, 90.38% of respondents believed there should be some sanctions for non-compliance, serious breaches and auditing. Over a third (36.54%) of participants considered introducing all three measures. This demonstrates that PIs would readily accept measures already enforceable under the SIA's powers.

QUESTION 10- PROFESSIONAL STANDARDS INDICATOR FOR CLIENTS

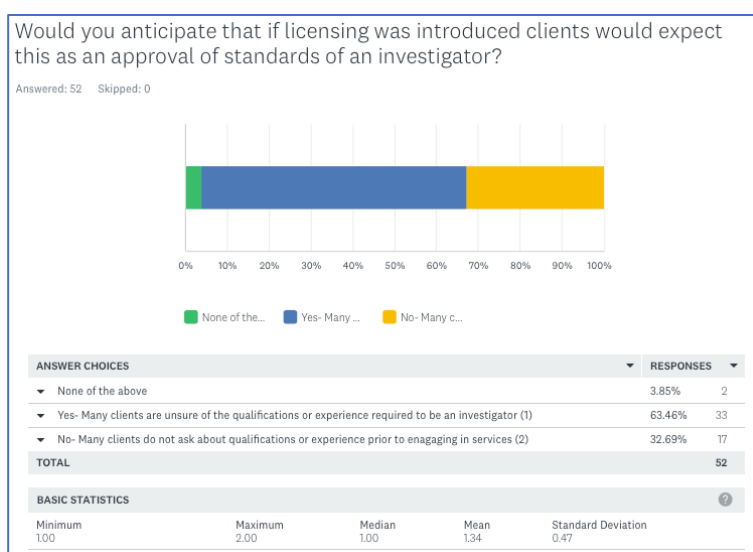


Figure 11- Question 10- Survey Responses

While professional accreditation is available through industry bodies, there is no national standard for clients of investigative services to utilise to ensure PIs' competency and qualifications. If introduced, it was asked of investigators whether they would expect clients to have a licence to demonstrate these, and a majority, (63.46%), responded that they believed this would be something clients would require and use as a standard.

The data provided by respondents has demonstrated an extremely positive attitude towards the introduction of licensing and a view that the previously proposed qualification standard is still relevant to the industry. It has shown that there are still considerable levels of illegal and unethical practices in the industry, and the introduction of licensing would help to reduce these, using sanctions similar to those currently utilised by the SIA. The respondents have also shown a belief that licensing PIs would increase the sector's reputation and additionally provide a benchmark standard and increase the standard of services for clients. The recognition of the need for those in the industry to practice correct data protection protocols and have public liability insurance to protect their clients' interests is notable.

DISCUSSION

The findings and analysis of the primary research offer valuable insights into the perspectives and preferences of members within two of the leading investigative professional bodies. This sheds light on crucial aspects of their experiences and views relating to whether licensing of their sector is beneficial in factors including criminality and unethical practices, industry reputation and proposed standard of qualifications. This section will discuss the results' implications compared to the reviewed literature.

In a large majority, the respondents felt that regulation by the SIA or current industry bodies should be introduced. These participants are skilled professionals, the majority of whom are former police officers- up to 65% of the industry- (HCHAC, 2012) and are more than aware of the potential pitfalls of legislation and regulation of their industry. These professionals are members of industry bodies who have been continually vocal in support of licensing. Such views reiterate the calls from HMG reviews, including the Leveson inquiry and the House of Commons Affairs Committee, of the requirement for regulation of the investigative industry, aside from recommendations by both the Home Office and the SIA.

From reports published by law enforcement agencies and the ICO towards criminality, corruption and unethical activities, a historical trend was established of malpractice by PIs. Given the research data, such unethical and illegal practices are ongoing, with numerous investigators witnessing this. Many of the recorded offences are for breaches of data protection rules, by financial or other gains in supplying information illegally to organised crime, journalists and even some government departments. Although recognised by the SIA that licensing of any sector will not eliminate criminal activity, there is a common view among respondents that licensing would help reduce such activities. In addition to initial DBS vetting as part of a licence application, respondents supported the current SIA compliance and enforcement methods that would become applicable to investigators.

The industry has suffered numerous reputational setbacks in recent years, with events leading to the Leveson report being continually highly publicised, with ongoing civil litigation. Numerous media articles linking certain PIs to organised crime and the link of corruption between serving police officers and PIs in the recently published Daniel Morgan report have further tarnished the reputation of the investigative sector.

Overwhelmingly, participants viewed that licensing would help increase their reputation and provide increased transparency and accountability.

In what is a continual growth industry, it is considered by respondents that the adoption of licensing would only increase the quality of services and professionalism received by clients and provide a reputable benchmark for the public when engaging a PI. This would be complemented by utilising the initially proposed Level 3, viewed as an appropriate initial qualification by responding professionals. Additionally, investigative companies can gain further accreditation by becoming certified under BS10200 and ISO9001 as an additional benchmark of their company stakeholder and customer delivery standards and processes.

The only evidence discovered as part of this study as to why this sector is still yet to be standardised and regulated was the previous direction from HMG to await the outcome of the Leveson Inquiry (Home Affairs Committee, 2012), now published over ten years ago. Still, the SIA or the Home Office, of which the SIA is part, is yet to initiate licensing after a recent catalogue of reports and reviews recommending such and support throughout the industry, as proven by this study. It could arguably be viewed that the SIA is failing, in its remit and the public, to regulate and improve the standards of the security industry.

Numerous limitations were faced while conducting the research, primary survey and following chapters. While there were fifty-two respondents from both bodies, with an estimated 5,00-10,000 (a mean of 7,500) investigators operating in the UK, the data provided represents approximately 0.69% of those potentially working in the investigative industry. This means a full range of perspectives may well not have been received. It must also be considered that responses may only be obtained from those members of professional bodies that are proactive and are already advocates of the licensing process, producing bias in the data findings. Additionally, the study focused solely on members of professional bodies and did not incorporate the perspectives of external stakeholders such as the SIA and the Home Office. Despite attempts to engage initially with the SIA and the Home Office for updates concerning the current stance on licencing PIs, negative responses were met. Such information would have provided more insight into the current viewpoint and possible interviews conducted to provide qualitative data in addition to the quantitative data produced as part of this research.

CONCLUSION & RECOMMENDATIONS

This chapter will summarise this dissertation and provide necessary recommendations from the current literature analysis, primary research findings, and discussion. The study aimed to critically analyse the advocacy for licensing private investigators in the United Kingdom. The primary research was conducted utilising a ten-question multiple choice survey, targeting members of two of the investigative professional bodies -the ABI and IPI- to collect insights, experiences and opinions on matters relating to the licensing of investigators, by the SIA in the UK.

The survey findings revealed that most respondents believe private investigators need further regulation, whether through SIA licensing or industry bodies being granted regulatory powers. Key reasons, cited by respondents, included an increase in the industry's professional reputation, individual data protection, a prerequisite minimum skills competency level and improved service delivery by the PI industry. Moreover, the survey results indicated that participants believed licensing could reduce and prevent criminal and unethical practices and provide a deterrent through compliance and enforcement checks.

An up-to-date study reflecting the views of professional investigators provides data and analysis of current opinions and thoughts for the board members of professional bodies to continue their lobbying efforts with HMG. This paper has demonstrated the continued positive support for such from their members. This study's survey results only continue to validate reviews and reports from within HMG for the enacting of the provisioned legislation. Such continued strong support among industry professionals suggests that the Home Office and the SIA should consider implementing a formal licensing framework and process at the earliest opportunity. With historical cases of malpractice and evidence of a significant level of ongoing illegal and unethical activities highlighted in this study, a timely implementation would reduce and deter such activities. Indeed, it is in the SIA's remit to improve and regulate the security industry, and hopefully it will do so within this sector in the near future. Establishing a formal regulatory framework could address many of the concerns raised by survey participants, such as:

Ensuring minimum qualifications and training for PIs, leading to greater professionalism and competence within the industry, will additionally promote continued professional development for investigators. Courses run in conjunction with professional bodies will also allow for networking and cross-pollination of best practices and methods, between new and experienced investigators, even allowing for mentoring programmes to be established.

Establishing an industry-wide code of conduct and ethical guidelines to which PIs must adhere, will thereby enhance public trust and confidence in their services. In addition to individual licensing, this would provide a mechanism for holding PIs to a higher standard, creating accountability for their actions, and further safeguarding the rights and interests of clients and the public. Such a code would benefit from an independent review board to investigate and sanction alleged breaches.

Encouraging and providing a development programme for investigative businesses to comply with BS102000 and ISO9001. If a similar scheme to ACS was introduced in conjunction with individual licensing, it should become the standard for similar accreditation within the investigative sector.

Additionally, implementing a licensing framework could foster cooperation and collaboration between private investigators, law enforcement agencies, professional associations, and other stakeholders, thus contributing to more effective and efficient investigative practices.

While this dissertation provides valuable insights into the question of private investigator licensing in the UK, it is not without its limitations. The primary research was based on a multiple-choice survey targeting members of professional associations, which may not have captured the full range of opinions and experiences within the investigative industry. Additionally, the sample size was relatively small, and the findings may not be fully generalisable to the broader population.

Future research could explore the topic through alternative methods, such as in-depth interviews or focus groups, to better understand the various perspectives on PI licensing. Comparative studies examining PI licensing frameworks, in other jurisdictions, could also provide valuable insights for developing a licensing system in the UK to include a focus on analysing the challenges of introducing licensing for private investigators in Ireland in 2015.

In conclusion, this dissertation has significantly contributed to the ongoing debate surrounding the licensing of private investigators in the United Kingdom. The findings from the multiple-choice survey among professional associations suggest considerable support for introducing a licensing framework, with potential benefits for both the investigative industry and the public at large. As the demand for private investigative services continues to grow, it is crucial for policymakers to consider the insights gained from this research and work towards establishing a well-regulated and professional industry that serves the needs of clients and upholds the sector to the highest ethical standards.

(Word Count: 8,234)

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Figure 1- Saunders Research Onion- Research Gate- www.researchgate.com- Accessed 12/03/2023

APPENDIX A- LEGISLATION COVERING PRIVATE INVESTIGATIONS

The following legislation is deemed essential and/or desirable for the provisions of investigative services, nor is it exhaustive, depending on the investigation and activities of the investigator:

- a) The Data Protection Act 2018 and provisions of the General Data Protection Regulations
- b) Regulation of Investigatory Powers Act 2000 or the Regulation of Investigatory Powers (Scotland) Act 2000.
- c) The Human Rights Act 1998
- d) The Protection from Harassment Act 1997.
- e) The Stalking Protection Act 2019.
- f) The Computer Misuse Act 1990.
- g) The Private Security Industry Act 2001.
- h) The Criminal Procedure and Investigations Act 1996 and the Criminal Procedure (Scotland) Act 1995, as amended.
- i) The Civil Procedure Rules 1998, Part 31 (Disclosure).
- j) The Consumer Credit Act 1974, as amended.
- k) The Police and Criminal Evidence Act 1984 (PACE), the PACE practice codes, and the Criminal Procedure Rules 2015.
- l) The Public Interest Disclosure Act 1998.
- m) The Freedom of Information Act 2000 and the Freedom of Information (Scotland) Act 2002.
- n) The Protection of Freedoms Act 2012.
- o) The Money Laundering Regulations 2007.
- p) The Bribery Act 2010.
- q) The Fraud Act 2006.
- r) The Theft Act 1968.
- s) The Consumer Insurance (Disclosure and Representations) Act 2012.
- t) The Equality Act 2010.
- u) Health & Safety at Work Act 1974.

Source: BS10200:2018- Code of Practice for the Provision of Investigative Services (British Standards Institute, 2018).

APPENDIX B- EXEMPTIONS OF LICENSING AS A PRIVATE INVESTIGATOR UNDER PSIA 2001

Under Schedule 2, Section 4 of the Private Security Industry Act 2001, the following professionals are exempt from being to be licensed as a Private Investigator:

- Activities carried out for the purpose of market research.
- Activities are carried out for the purpose of determining whether a person is creditworthy.
- Activities of a person with a general qualification within the meaning of section 71 of the Courts and Legal Services Act 1990.
- Activities of a member of a relevant accounting body.
- Activities carried out to obtain information exclusively, or the use of information for the purposes of or in connection with publication to the public or to a section of the public of any journalistic, literary, or artistic material or work of reference.
- Registers or other records that are open to public inspection.
- Activities carried out with the knowledge or consent of the individual whose activities or whereabouts information is being sought or any person who has an interest in any property that has been affected by damage or loss about which information is being sought.
- Activities by any person who carries out any inquiries or investigation incidentally and the activities are not that of a security operative.

APPENDIX C- COPY OF RESPONDENT CONSENT FORM

Should Private Investigators be Licensed in the UK?

Research Information

You are being invited to participate in a research study titled Should Private Investigators be Licensed in the UK? This study is led by Christopher Jolley from Buckinghamshire New University as part of a Bachelor's Degree in Security Consultancy and has received ethical approval from the university.

The purpose of this research study is to conduct a qualitative analysis of the arguments for and against the licensing of private investigators in the UK by the SIA and will take you approximately 10 minutes to complete. You may choose not to take the survey, to stop responding at any time, or to skip any questions that you do not want to answer.

If you wish to partake in further research on this topic in the form of a written or verbal questionnaire to expand upon your answers, please email Chris at 21922498@bucks.ac.uk This will allow for further analysis and clarification on views within the industry on this topic. Thank you for taking the time to complete this questionnaire.

Consent Information

The information provided by you in this questionnaire will be used for research purposes. It will not be used in a manner which would allow identification of your individual responses.


Anonymised research data will be archived and made available to other researchers on request in line with current data-sharing practices.

By completing this survey, you indicate that you understand its purpose and consent to the use of the data as indicated above. Should you decide not to complete the survey, the data you have entered up to that point will be used, unless you contact the research team to remove your data.

Point of Contact:
Christopher Jolley,
Department of Aviation & Security,
Buckinghamshire New University,
21922498@bucks.ac.uk

OK

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APPENDIX D- LIST OF ABBREVIATIONS

- ABI- Association of British Investigators.
- ACS- Approved Contractor Scheme.
- BS- British Standard.
- DBS- Disclosure and Barring Service.
- DPA- Data Protection Act 1998.
- HMG- His Majesty's Government.
- ICO- Information Commissioners Office.
- ISO- International Organisation for Standardisation.
- IPI- Institute of Professional Investigators.
- NCA- National Crime Agency.
- NCS- National Crime Squad.
- ONS- Office of National Statistics.
- PI- Private Investigator.
- PRIA- Partial Regulatory Impact Assessment.
- PSIA- Private Security Industry Act 2001.
- SIA- Security Industry Authority.
- SIF- Scottish Investigators Forum.
- SOCA- Serious Organised Crimes Agency.
- UK- United Kingdom.
- WAPI- World Association of Private Investigators.