



POLICY STATEMENT

CRIMINAL CONVICTION CERTIFICATE – UK Members

1. INTRODUCTION

The Association of British Investigators, in its continuing pursuit ensuring its members achieve the highest available standards and are seen as such by those who would seek to use their services, has taken the decisive step of requiring that all active UK based members in the private sector hold a current (not older than 3 years) Criminal Conviction Certificate clear of criminal activity outside a tolerable level.

This requirement, introduced from membership renewals on 01 January 2010, has been implemented as a condition of membership with the following Bye-law: -

3(l) Every Full; Life; Associate; Trainee and Affiliate member shall hold a Criminal Conviction Certificate at the minimum Basic Disclosure level not older than three years, which is to be produced at each membership subscription renewal. (Basic Disclosure meaning a "Criminal Conviction Certificate" as termed in Part V of The Police Act 1997)

This paper explains and defines the degree of tolerance applicable to any entry appearing in a member or prospective member's Basic Disclosure, which when brought to the attention of the General Secretary will be referred to the Enforcement or Compliance appointed Officer:



2. MEMBERS WITH CONVICTIONS

- 2.1. Any convictions recorded on a member or prospective member's Disclosure will not necessarily act as a bar to membership of the Association. Basic Disclosure will only reveal any unspent convictions and takes full account of the Rehabilitation of Offenders Act 1974. Certain unspent offences if shown on a Basic Disclosure may be ignored. Due consideration will be applied to the perceived effect it has on the wider sector, its relevance and recency in particular the effect on the credibility of the Association.
- 2.2. Appeal Process – Membership Application
- 2.2.1. In the first instance, an issue raised in a Basic Disclosure for an applicant for membership will be referred to by the General Secretary to the duly appointed Membership Selection Chairman for adjudication.
- 2.2.2. In the event of membership being denied solely on the Basic Disclosure issue, the applicant will be at liberty to Appeal to the Governing Council by writing to the General Secretary within 14 days of the date of notification, in which he may request a hearing before the Governing Council. The Governing Council will consider the issue at a hearing, if so requested, at its next convened meeting or within 28 days, if no hearing requested, after receipt of the written Appeal.
- 2.3. Appeal Process – Membership Renewal
- 2.3.1. In the first instance, an issue raised in a Basic Disclosure for a member when seeking membership renewal will be referred to the duly appointed Enforcement or Compliance Officer by the General Secretary for adjudication.
- 2.3.2. In the event of membership renewal being denied solely on the Basic Disclosure issue, the member will be at liberty to Appeal to the Governing Council by writing to the General Secretary within 14 days of the date of notification, in which he may request a hearing before the Governing Council. The Governing Council will consider the issue within 14 days after receipt of the written Appeal and if it decides there exist prime facie grounds to deny membership renewal, will give the Appeal further consideration at a hearing, if so requested, the hearing to take place at its next convened meeting.
- 2.3.3. In the event of membership renewal being denied solely on the Basic Disclosure issue the membership will be suspended until if and when the Governing Council so directs otherwise.



3. OFFENCES

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

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

http://www.the-sia.org.uk/NR/rdonlyres/725E43BE-2163-4E85-9151-6EAB15990BC1/0/sia_get_licensed.pdf

This list is extremely informative and should be read carefully. A summary of those offences is listed below:

Relevant offences (All Statutory) include anything involving:

- **Violent/ or abusive behaviour**
- **Espionage or terrorism**
- **Offensive weapons**
- **Firearms**
- **Dishonesty (theft and fraud)**
- **Proceeds of crime**
- **Abuse and neglect of children**
- **Sexual offences**
- **Drugs**
- **Criminal damage**
- **Social security offences**
- **PSIA offences**
- **Licensing Act offences**
- **Some driving offences**
- **S.55 Data Protection Act 1998 offences**

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

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



4. DECISIONS

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

- 4.1 A single caution, warning, absolute or conditional discharge or admonishment will be considered more leniently than other convictions if the member or prospective member has an otherwise clean record as this does not indicate a pattern of criminality and could be considered out of character.
- 4.2 The greater the number of cautions, warnings, absolute or conditional discharges and admonishments on a member's record, the more likely it will be that The Association will refuse membership.
- 4.3 The principles applied to rehabilitation will be taken into account when considering a recent caution where other criminality exists.
- 4.4 Any mitigation in writing accompanying the application for, or renewal of membership.
- 4.5 The Association will consider additional factors where a member or prospective member has two or more cautions, warnings, absolute or conditional discharges or admonishments for **significant** offences in the past five years.
- 4.6 Higher numbers of cautions, warnings absolute or conditional discharges or admonishments for **significant** offences will increase the likelihood that membership will be refused or withdrawn.