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## 1. Code of Ethics and Professional Standards

### Policy Statement:

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

It flows from the ABI's determination to:

Be fair.

Be transparent.

Be accountable.

Be honest.

Be cautious.

Be thorough.

Be law abiding.

Be mindful of the confidentiality of that with which members are entrusted.

Protect and enhance the reputation of the ABI and its members.

### Principle 1 – Responsibility and Accountability

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

### Principle 2 – Honesty and Integrity

ABI members are to act with honesty, integrity and must not compromise their position, that of the ABI or any of their clients.

### Principle 3 – Caution and Thoroughness

ABI members are to (a) verify the credentials of clients to ensure that they have lawful and moral reasons to request an investigation and (b) maintain suitable competency and resources to meet the client's expectations.

### Principle 4 – Conflict of Interest

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

### Principle 5 – Acting within the Law

ABI members are to obey the law and refrain from carrying out any act that they know, or ought to know, is unlawful, or contrary to ABI policy.

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

No ABI member is to abuse their position and must respect the rights of all individuals.

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

#### Principle 7 – Equality, Diversity, and Inclusion

ABI members will treat everyone with dignity and respect in every interaction and will not discriminate on the grounds of, nationality, language, religion, or belief, political or other opinion, national or social origin, disability, age, sexual orientation, marriage or civil partnership, family circumstances, gender, gender reassignment, pregnancy or maternity status, age, property, birth or other status or any other unfair distinction. In addition, the ABI will not tolerate bullying, harassment, or intimidating behaviour.

#### Principle 8 – Confidentiality

ABI members are to treat information with which they are entrusted during the course of business with respect and access or disclose it only for the purposes for which it is intended; attending to all instructions within the principles of the data protection law.

#### Principle 9 – General Conduct

ABI members are to act in a professional manner. They must not behave in a manner which brings, or is likely to bring, discredit upon the ABI or any of their clients, or act in a way that undermines or is likely to undermine confidence in the ABI or that of any of their clients, or breach or permit a breach of the ABI's memorandum, articles of association (articles), bylaws or code of ethics and professional standards.

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

ABI members are expected to challenge and when appropriate take action or report breaches of this code and the improper conduct of colleagues.

2. Member's consent

By completing the application for membership and by an ABI member's payment of the annual subscription to renew membership, provides the member's clear unambiguous consent to the processing of the member's personal data by the ABI secretariat or the GC of the ABI for the purpose of administering membership, income and expenditure accounts, compliance, discipline and the general governance and promotion of the ABI and its membership. It is further understood that the member may at any time withdraw such consent by giving notice in writing to the ABI secretariat with clear instructions what if any of the member's personal data may be processed.

3. ABI partners

All members are required to strictly adhere to any and all restrictions, requirements and agreements entered into by the ABI with any of its partners. This includes respecting ABI partners' and other parties' trademarks and other intellectual property rights.

4. Terms of business (member to member) UK GDPR [article 28(3)]

All instructions involving the processing of personal data as between members, as controller or processor, (including joint controller, or sub-processor), will be undertaken under the contractual terms as agreed between the members but which contractual terms include at least the UK GDPR [article 28(3)] elements of the ABI model inter-agency (member to member) terms of business as published by the ABI from time to time and available on the ABI web site. Such terms will apply by default in the absence of a controller - processor / processor - sub-processor agreement covering such terms.

5. Membership selection

- 5.1. The president of the ABI will nominate from the members of the GC a chairperson to conduct, appoint, and supervise a membership selection committee responsible for the assessment, acceptance, deferment, or rejection of applications for membership to the ABI.
- 5.2. All applicants for membership must complete and submit to the ABI secretariat a prescribed application form together with any required supporting documents. Any relevant omission, false declaration or statement on any application form may render such application invalid.
- 5.3. The membership selection committee will consider all applications and will decide upon the applicant's suitability for the appropriate category of membership of the ABI.
- 5.4. Where disputes arise between applicant and membership selection committee the applicant has the right of appeal to the GC, by notification to the ABI secretariat within 14-days of the dispute arising.

6.5 Application review

Subject to the recommendations of the membership selection committee, UK based applicants may be required to attend before the membership selection committee for a review of their application. Candidates must satisfy the membership selection committee that their knowledge, ability character and conduct meet the ABI's requirements and that they satisfy and conform to all relevant statutory legislation.

- 6.6 No applicant whose application is declined or invalidated may make a further application for membership within one year from the date of the decision of the membership selection committee, exceptional circumstances at the GC's discretion, excluded.
- 6.7 By virtue of article 8(b) of the articles the GC may at its discretion and upon the recommendation of the membership selection committee refuse to admit to membership or delay admission to membership of any person notwithstanding that the applicant had fulfilled all the conditions specified in the articles of ABI or in these bylaws.
- 6.8 By virtue of article 8(c) of the articles the GC may through the membership selection committee admit to membership any such applicant notwithstanding that the applicant has not fulfilled all or such of the conditions specified in the said articles or bylaw as are applicable in the applicant's case.
- 6.9 All applications for membership must be accompanied by the appropriate remittance for fees relevant to application as prescribed in these bylaws. Applicants accepted to membership, having paid the prescribed application fee in full shall be deemed to have paid their subscription for the ensuing year. Full, associate, affiliate and consociate membership subscriptions renewal will fall due one-year post membership acceptance. Provisional membership subscriptions renewal will fall due on being upgraded to full membership but in any event no later than the end of the second year of provisional membership.
- 6.10 Membership application fees
- The GC shall review annually the rates of subscriptions and application fees. The current rates are set out in schedule 1.
- 6.11 The annual membership renewal subscription as prescribed above or hereinafter stated is payable for the duration of the membership and ceases being payable on the cessation of the membership save should the former member permit the use of the ABI trademark or otherwise make reference to the ABI so as to imply membership or affiliation in any stationery, web site, email or other marketing material for a period in excess of two calendar months after the cessation of the membership, when a subscription becomes payable to the ABI in the sum of £200.00 plus VAT for every year or part of year that the trade mark or reference continues and on which sum interest and charges will be payable under the Late Payment of Commercial Debts (Interest) Act 1998 should such subscription not be paid within 30 days of invoicing.
- 6.12 Criminal conviction certificate
- For all applications for full, associate, provisional including student, consociate and affiliate membership the ABI will inspect a certificate of criminal convictions at the minimum basic disclosure level no older than 12 months and thereafter on being admitted as a member in any of the said categories an up-to-date certificate not less than every 3 years, shall be inspected. (See schedule 2 for ABI criminal conviction certificate policy statement).
- 6.13 Professional indemnity insurance
- Every full, provisional (save student level) and active life member shall hold a valid certificate of professional indemnity insurance at such level and terms as shall be determined by the GC from year to year and provide the ABI with documentary evidence of the cover. For the provision of this bylaw, active life member shall be defined as a current life member of the ABI who is still actively engaged, either part or full time, in any investigative or litigation support services.
- 6.14 Competency assessment

At the discretion of the GC each applicant for full, provisional, or other category of membership shall be required to have a valid qualification or level of training, as a criterion to gain admission of membership.

6.15 Corporate membership

- 6.15.1 Any public limited company; private limited company; limited liability partnership or unincorporated partnership, incorporated or formed in England, Scotland, Wales, and Northern Ireland and comprising a minimum of two executive directors or partners and one full time employee investigator, in which a minimum of two executive officers, or in the alternative, one executive officer and one member or employee investigator, hold full membership of the ABI, may apply for corporate membership.
- 6.15.2 Any entity wishing to be admitted to the corporate member category of the ABI must have been incorporated or formed prior to the date of application and submit, together with the duly completed prescribed corporate membership application form a prescribed declaration of financial probity signed by the senior full ABI member. Any false statement made or material omission in each of the aforementioned documents renders the application of the corporate entity void. Any such false statement or material omission discovered following the granting of membership to the corporate entity will result in the corporate entity and any consociate corporate investigator therein being immediately expelled from the ABI.
- 6.15.3 Full time employee investigators within the corporate entity having a minimum of one year's investigative experience will be entitled to become consociate corporate investigators within that entity upon payment of the appropriate fee and receive a consociate corporate membership identity card issued by the ABI.
- 6.15.4 A consociate corporate member shall not be deemed a member of the ABI for any purpose other than articles 12, 13 and 14.
- 6.15.5 Corporate members, on membership application and each renewal, are required to provide a full list of all consociate corporate investigators within its employ. The ABI will inspect their criminal conviction certificates, and a fully completed prescribed declaration of financial probity signed by each consociate corporate member. The senior full ABI member carries the ultimate responsibility for effective vetting of all employees and the good governance of the corporate member entity. Failure to properly carry out this annual procedure places the senior full ABI member in breach of principle 9 of the ABI's code of ethics and professional standards and thereby article 13, and liable to immediate suspension and ultimate expulsion from the ABI.

6.16 Provisional membership

- 6.16.1 Notwithstanding the conditions applicable to provisional membership as referred to in article 15 (iv) the conditions and benefits of provisional membership detailed in schedule 3 shall apply.
- 6.16.2 A provisional member must, unless granted exemption by the GC, apply for full membership within 2 years of becoming a provisional member and satisfy the membership selection committee as to suitability.

6.17 Provisional member at student level

- 6.17.1 An applicant in the provisional membership category who has attained the prescribed entry level qualification after attending a full-time class based course through the ABI and who has

yet to engage in any fee paying investigative services for themselves or another will be deemed a student and during such status, which is not to exceed the period of 1 year, will be exempt from any membership application fee until such time as they submit an application for provisional or full membership. During the student period the student will be applied a subscription fee for that 1-year period.

6.17.2 A provisional member at student level shall not be deemed a member of the ABI for any purpose other than articles 12, 13 and 14.

#### 6.18 Retired members

Schedule 4 sets out the criteria, benefits and privileges for retired members and the application and declaration in support for inclusion on the retired members roll.

### 7 Certificate of membership and identity card

All full, provisional (not student), associate, affiliate, and overseas members shall be provided with a certificate of membership and identity card, if requested. All certificates of membership shall be signed by the ABI secretariat and shall remain the property of the ABI. On the cessation, for any reason, of said membership the certificate of membership and identity card must be returned to the ABI secretariat within seven days of said cessation.

### 8 Publication of membership

8.5 Members (not student level) may indicate their membership on stationery and other advertising matter, electronic or otherwise, by use of the letters "M.A.B.I." following their names.

8.6 Members (not student level) may announce their membership against their individual names on stationery and advertising matter, electronic or otherwise, by appropriate use of the phrase "(*membership category*) Member of the ABI (or Association of British Investigators)" and/or the ABI logo providing that they are no less than a 50% controlling beneficiary of an agency business so announcing the membership. Provisional members (not student level) must ensure the word "provisional" is inserted before the word "member".

8.7 On ceasing to be a member for any reason the phrase and/or any relative lettered abbreviation must be removed at once from any building, advertisement, and stationery, electronic or otherwise, used by that person. Failure to do so will render a fee as set out in paragraph 6.11 above.

#### 8.8 Limited company

Any member (not student level) who is a director of a limited company which is engaged in investigative or litigation support services may use or permit the use of the ABI logo on any letter-heading, stationery or other published material, electronic or otherwise, providing that they are no less than a 50% controlling beneficiary of the agency business so announcing the membership, unless the said member is clearly identified by the use of the initials "M.A.B.I." after the said member director's name. The designation "(*membership category*) Member of the ABI (or Association of British Investigators)" may also be used, either as an alternative or in addition to the aforesaid initials.

#### 8.9 Partnership firms

Any member (not student level) who is a partner of a firm engaged in investigative or litigation support services may use or permit the use of the ABI logo on any letter-heading, stationery or other published material, electronic or otherwise, providing that they are no less than a 50% controlling beneficiary of the agency business so announcing the membership, unless the said member is clearly

identified by the use of "M.A.B.I." after the said member partner's name. The designation "*(membership category)* Member of the ABI (or Association of British Investigators)" may also be used, either as an alternative or in addition to the aforesaid initials.

8.10 Employee member

Any member who is an employee (as distinct from a proprietor, partner, or director of a limited company) shall not allow or permit the unauthorised use of the ABI logo on any letter-heading, stationery, or other published material, electronic or otherwise, relating to the agency in which such member is employed. In circumstances where the member (not student level) is shown by name on any such material by the employer, the said member may be identified by the use of the initials "M.A.B.I." after the member's name. In the alternative, the use of the designation "*(membership category)* Member of the ABI (or Association of British Investigators)" may be used either in addition or as an alternative to the aforesaid initials.

8.11 Officers and GC members

Officers and GC members of the ABI, either past or present shall be permitted to make reference on their personal stationery or advertising matter, electronic or otherwise, to any office they hold or have held within the ABI, providing such reference also details the period for which the office was held. Effective only during any current period of membership of the ABI by that member in any membership category.

8.12 Award recipient

Any member awarded a token of recognition, e.g. "investigator of the year" is allowed only to refer to it on any stationery, marketing material in whatever form in accordance with the rules of the award. Failure to comply with such rules is a breach of article 13(ii) and shall be liable to immediate suspension or exclusion.

8.13 Consultancy

Publication of the name of any agency, firm or company shall not be allowed in the ABI's directory of registered members against the name of any member unless that member be a full-time practising employee, partner or director of such agency, firm or company or, in the case of any member acting as consultant to any agency, firm or company, one or more of the employees, partners or directors shall be members of the ABI.

8.14 Directory entries

A member (not student level) is entitled to one entry in the directory of registered members in the section applicable to the member's status in respect of that member's principal place of business, the cost of which is included in the annual membership fee. Additional directory entries such as a member's branch office may be applied at the discretion of the GC and on payment of the applicable fee set out in schedule 1.

9 Canvassing

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

10 Statements to the press, radio, and television

- 10.5 No member shall make any policy statements concerning the ABI for publication without first obtaining the approval of the president, vice-president, public relations, or marketing officer.
- 10.6 Nor shall any member copy or reproduce any documents relative to ABI matters not already in the public domain and communicate them to any unauthorised third party or with intent to communicate any such matters to any unauthorised third party.
- 10.7 Any such disclosure of ABI matters shall be an offence under this bylaw and may result in forfeiture of membership.

11 Disclosures (criminal, lawful debt and insolvency), disqualifications and suspensions

- 11.5 Any member suspended or expelled from the ABI must remove, within 30 days, any and all reference to ABI membership from all public facing or distributed material, including for example: -

Business cards  
Letter-head and other stationery  
Marketing material  
Advertisements  
E-mail signatures and stationery  
Web sites  
Electronic and hard copy directories  
Presentation slides  
Training material  
Public facing video recordings  
Podcast

- 11.6 Any existing material which contains reference to membership, either in words or by use of the ABI's logos must not henceforth be distributed or displayed. Failure so to do may result in legal action to compel the same being taken against such suspended or expelled member. In any event the ABI will be entitled to the charges by reason of bylaw 6.11 above.
- 11.7 If any member of the ABI is charged with a criminal offence other than minor traffic offences, that member must inform the ABI secretariat forthwith. The GC may take such action as it deems fit.
- 11.8 No member shall take into their business as a director, partner or with any controlling or advisory interest any person who has been disqualified from membership or has resigned their membership whilst in breach of the ABI's bylaws and/or subject to its disciplinary procedure.
- 11.9 Any person who has been convicted of a criminal offence shall not become a member of the ABI or remain a member of the ABI after having been so convicted, subject to the provisions of the prevailing rehabilitation of offenders regulation, and the ABI's criminal conviction certificate policy statement.
- 11.10 Any applicant or member, whilst the subject of a bankruptcy order, voluntary arrangement, debt relief order or other legal declaration of insolvency, shall not be eligible for or remain a member of the ABI. A former member disqualified by the provisions of this bylaw may re-apply for membership of the ABI upon such terms, conditions or restrictions as may be imposed by the GC or its membership selection committee once the bankruptcy order, voluntary arrangement, debt relief order, or other legal declaration of insolvency has been discharged or satisfied.
- 11.11 Any applicant or member whilst an officer, partner or deemed controller of a company or partnership subject to any creditor's winding up petition, receivership, voluntary arrangement, or such other legal

declaration of insolvency shall not be eligible for membership of the ABI or remain a member of the ABI. On the completion or satisfaction of such winding up action, receivership, voluntary arrangement or other legal declaration of insolvency, a former member of the ABI disqualified by the provisions of this bylaw may re-apply for membership of the ABI with such terms, conditions or restrictions as may be imposed by the GC or its membership selection committee.

- 11.12 It is a breach of article 13(i) for a member to fail to discharge a lawful debt (defined as a monetary judgment or decree). Any member who either personally or in a controlling capacity of a firm, partnership or corporate entity, is the subject of an unsatisfied monetary judgment or decree recorded personally or against such firm, partnership or corporate entity, shall within 28 days of the said judgment or decree being incurred provide details to the ABI secretariat. Failure to provide such details to the ABI secretariat will render the member liable to immediate suspension and ultimate exclusion from the ABI. The member must then, to the satisfaction of the GC, demonstrate that all reasonable attempts to satisfy the said judgment or decree are being made. Failure to adhere to the provisions of this bylaw may result in the suspension or expulsion of that member. Upon the satisfaction of such judgment or decree, the member, if under suspension during the period the said judgment or decree remains unsatisfied, may apply to the GC for reinstatement on such terms and conditions as may be determined by the GC.
- 11.13 Any member making a false declaration or statement on any formal ABI communication or form, may render themselves liable to immediate expulsion. Failure to disclose, to the ABI secretariat, relevant details of any insolvency, criminal or other proceedings, which may bring the member and or the ABI into disrepute, will be subject to expulsion or other such sanction as the GC or its disciplinary committee shall decide.

## 12 General meeting (GM)

Items from members for inclusion on an agenda of any GM shall be sent in writing to the ABI secretariat at least sixty days prior to the date of any GM.

- 12.1 Any full or active UK life member who is qualified by virtue of article 37 shall be eligible for election to the GC.
- 12.2 No member shall nominate more than three candidates for the GC.
- 12.3 Postal, electronic and proxy votes may be permitted as required and decided on by the GC.
- 12.4 If the president or chairperson of any function or meeting of the ABI requests a member of the ABI, or a guest of a member, to leave such function or meeting the said member or guest must comply with such request. Any failure to comply with such a request may render the member liable to an article 13(i) offence.
- 12.5 The president shall, at their discretion, appoint one non-GC member to serve as a sergeant-at-arms for a period to be determined by the president. Such member shall have been a member of the ABI for not less than two years. The duty of the sergeant-at-arms will concern the security and privilege of admittance to any GM and the supervision of vote counting. The sergeant-at-arms shall have an assistant who will be known as the assistant sergeant-at-arms, who shall also be appointed by the president at their discretion and shall have been a member of the ABI for not less than two years and be a non-GC member.
- 12.6 The GC or chairperson (of the particular meeting) reserves the right to refuse admission of any non-member to any function or meeting of the ABI.

- 12.7 The rules and procedure for all general and committee meetings will be in accordance with the ABI's publication on such rules and procedure and this publication shall constitute the authority of the chairperson.

### 13 President elect

The GC shall at a GC meeting not less than ninety days prior to the GM appoint from their members a president elect, who will automatically take up the vacant office as president at the forthcoming GM. The president elect shall not require to stand down from the GC and seek re-election. The appointment of president elect does not constitute an 'Office' within the ABI.

### 14 Election of GC

- 14.1 The GC will prior to the GM decide the exact number of GC positions will be available for the following post GM term of no less than 7 and no more than 10 members, which number the GC may vary at its discretion at any time.

- 14.2 Only full or active UK life members may be elected or co-opted to the GC.

- 14.3 The nominee must:

- 14.3.1 Have been a full member for no less than a continued 2-years.
- 14.3.2 Be a member in good standing.
- 14.3.3 Be nominated (sponsored) by a full member of at least 2-years, with the nomination seconded by one other full member of at least 2-years.
- 14.3.4 Submit their nomination to the ABI secretariat by the annually prescribed date using the prescribed nomination form and declaration duly signed by the nominee and both sponsors.
- 14.3.5 The nomination form may be circulated to membership ahead of the GM.
- 14.3.6 The election, if the number of nominations exceeds the maximum number required by the GC, may be held in person at the GM, by postal or proxy vote, by electronic election, as directed by the GC.

### 15 GC appointments

- 15.1 Pursuant to article 42, the GC shall arrange the first meeting of the Governing Council by the end of the day of the GM. The President shall act as Chairman of the meeting, and in the absence of the President, any GC member or Secretariat may act as Chairman. The new GC shall appoint from its members the following positions:

- 15.1.1 A GC chairperson
- 15.1.2 A vice president
- 15.1.3 A treasurer

- 15.2 GC members should submit acceptable proof of actual out-of-pocket expenses. GC members are expected to incur only reasonable travelling costs. Where a GC member uses a private vehicle for travel over public transport the actual reasonable cost of the use of public transport is payable unless special circumstances exist requiring the use of a private vehicle. In such circumstances a cash amount per mile is allowed, determined by the GC. At the GC discretion, GC members attending the

evening pre the G.M. may be entitled to re-claim the ABI negotiated hotel rate for a single bedroom occupancy for one night.

#### 16 Branch activities

- 16.2 The GC may, whenever it appears desirable establish and constitute branches of the ABI in accordance with article 18.
- 16.3 The GC will consider petitions in support of the creation of a branch signed by at least 10 full members of the ABI desirous of forming such a branch.
- 16.4 Any petition submitted to the GC for consideration should include a précis of acceptable reasons for the creation of such a branch. GC acceptance of the creation of a branch will be recorded in the form shown in schedule 5.
- 16.5 ABI branches are eligible to receive out of ABI funds an annual grant to assist in the running of such a branch. A written request must be made by each branch for the GC to consider and award an appropriate amount dependant on the branch's financial standing and anticipated reasonable expenditure for the following year.
- 16.6 Branch rules can be found in schedule 6.

#### 17 Discipline committee

- 17.2 The disciplinary committee shall deal with disputes between members and external complaints and shall consist of:

##### 17.2.1 Discipline chairperson

Who must be a member of the GC and appointed by the president and shall have no vote or casting vote in disciplinary matters.

##### 17.2.2 Committee

The GC shall select members of the ABI who are current full, UK life or retired, who are not members of the GC or investigating officers, to form a panel. The disciplinary chairperson and discipline secretary together with three committee members from the said panel shall constitute a quorum to conduct the determination of the disciplinary process.

##### 17.2.3 Investigating officers

The GC shall select members of the ABI, full, UK life or retired, who are not members of the GC or disciplinary committee to form a panel. As and when necessary, the discipline secretary shall forward to an appropriate investigating officer the file of evidence of complaint with instruction to liaise with the parties in dispute with a view to obtaining all possible further and better evidence for the purpose of enabling the ABI adjudicating officer to determine whether a prima facie case exists against the said member.

##### 17.2.4 Adjudicating officer(s)

A person independent of the ABI and with acceptable legal experiences, appointed by the GC to determine disciplinary actions.

##### 17.2.5 Discipline secretary

The president or discipline chairperson shall select a full member of the ABI, who is not a member of the GC, as secretary to the disciplinary committee without vote or participation in the disciplinary process save for administrative purpose.

17.3 The discipline procedure

The disciplinary committee shall perform its duties in accordance with schedule 7.

18 Definition of an offence

It shall be an offence if any member is guilty of any conduct unbecoming of a member and/or has acted in a manner prejudicial to or likely to bring discredit upon the ABI or contrary to the ABI's memorandum, articles, bylaws or code of ethics and professional standards, or breaches or permits a breach of the memorandum, articles, bylaws or code of ethics and professional standards.

18.2 Officer of the ABI being defender

18.2.1 In the event of the person being complaint of being: -

The chairperson of the disciplinary committee.  
The secretary of the disciplinary committee.  
A member of the disciplinary committee.  
A member of the panel of complaints officers.

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

19 Sanction

19.2 The disciplinary committee shall order, where a member admits or is found to be guilty of an offence defined under the bylaws that the member: -

- (a) be admonished; or reprimanded; or advised; or warned; or
- (b) be suspended from membership for a specified period with such conditions as the disciplinary committee or GC do recommend; or
- (c) be expelled from the ABI.

19.3 The disciplinary committee shall if it deems fit impose sanctions and those sanctions are prescribed as follows:

SANCTION	CIRCUMSTANCES IN WHICH THIS MAY BE IMPOSED.
Dismissal with circulation of findings to ABI membership.	<ul style="list-style-type: none"><li>• Seriousness nature of the case – merits dismissal.</li><li>• Sufficiently serious and aggravated by dishonest denials during the process.</li></ul>
Resignation required – not circulated	<ul style="list-style-type: none"><li>• Sufficiently serious but mitigation offered along with apologies and admissions.</li><li>• Previous history of suspension and failure to heed warnings / advice.</li></ul>
Disqualification from holding any ABI office	<ul style="list-style-type: none"><li>• Previous warnings / suspension.</li><li>• Accumulation of member complaints</li></ul>

	File endorsed lifetime of membership.
Suspension – period at discretion of panel	<ul style="list-style-type: none"> <li>• Sufficiently serious but recoverable with training, advice or warnings.</li> </ul>
File endorsed for lifetime of membership.	<ul style="list-style-type: none"> <li>• Accumulation of less serious infringements.</li> </ul>
Formal warning	<ul style="list-style-type: none"> <li>• Insufficiently serious to merit penalties.</li> </ul>
File endorsed 2 years.	Admits breach with assurances.
Caution	<ul style="list-style-type: none"> <li>• Minor breach and accepts advice.</li> </ul>
Personal file updated 12-month record	
Compulsory training requirement.	<ul style="list-style-type: none"> <li>• Minor breach arising from knowledge gap / misunderstanding.</li> </ul>
Members is instructed to undergo training in specific areas to the satisfaction of the GC.	
No further action – advice given	<ul style="list-style-type: none"> <li>• Minor matter.</li> </ul>
Informally resolved and member’s file updated – 6-month record.	

- 19.4 A member suspended from membership may be required to deliver up to the ABI the member’s certificate of membership and identity card and shall not be entitled to any directory entry during the period of suspension.
- 19.5 ABI members consent to the circulation, in any ABI publication, the results of any disciplinary action brought against them in consequence of a breach of the ABI’s memorandum, articles, bylaws or code of ethics and professional standards.

## SCHEDULES

### Schedule 1 fees

<b>Current membership annual subscription rates.</b>		
Full members payable from being admitted as a member	£276.00	including VAT
Life members	£0.00	
Associate members payable 12-months from admission as a member	£276.00	including VAT
Consociate members payable from being admitted as a member	£60.00	including VAT
Provisional membership payable from being admitted as a member	£276.00	including VAT
Provisional 'student' payable from being admitted as a student	£60.00	including VAT
Affiliate members payable 12-months from admission as a member	£276.00	including VAT
Overseas members payable 12-months from admission as a member	£276.00	No VAT
Retired members	£0.00	
Honorary members	£0.00	
Corporate Member payable from being admitted as a member	£120.00	including VAT
Extra directory entry	£120.00	including VAT
<b>Current application for membership fees.</b>		
Full membership (non refundable)	£180.00	including VAT
Provisional (except 'student') membership (non refundable)	£180.00	including VAT
Affiliate (non refundable)	£300.00	including VAT
Associate (non refundable)	£300.00	including VAT
Provisional 'student' membership	£0.00	
Overseas membership (non refundable)	£250.00	No VAT
Corporate membership	£0.00	

### Schedule 2 criminal conviction certificate policy statement

Criminal conviction certificate policy statement ([CLICK HERE](#))

### Schedule 3 provisional membership

#### Provisional membership

- 20 Any applicant for provisional membership must be at least 18 years old and UK resident.
- 21 Any Applicant:
  - 21.2 Must have shown a commitment to commence full-time investigative or litigation support services but at the time of applying have yet to commence practice in investigative or litigation support services or have been practising for less than six months. Not applicable at student level.
  - 21.3 The applicant need have no prior investigative experience in the private or public sector.
  - 21.4 The applicant should provide two references from clients verifying investigative or litigation support competence or two-character references from verifiable sources. Not applicable at student level.
  - 21.5 The applicant is expected to maintain regular contact with an ABI appointed mentor and ideally attend at least one ABI branch meeting or other event organised by the ABI in any one year. Not applicable at student level.
  - 21.6 The applicant will be required to apply for upgrade to full membership not later than 24 months after being admitted to provisional membership. Not applicable at student level.
- 22 Benefits provisional membership (not student).
  - 22.2 A mentor or mentors will, where possible, be allocated to the provisional member to assist by telephone or e-mail with any queries raised.
  - 22.3 Arrangements will be made to provide practical training/experience where possible with full members and without cost to the provisional member.
  - 22.4 The provisional member will have a right to attend certain business/social meetings organised by the ABI, subject to any fees, which may be applicable.
  - 22.5 The provisional member will receive any free publications issued by the ABI to its members.

#### Schedule 4 retired membership

##### Criteria for Inclusion on retired members roll

23 Any full, overseas or active life member with ten continuous year's membership in the preceding fifteen-year period or former Officer of the ABI and be aged not less than 55 years, upon ceasing practice in investigative or litigation support services and not a consultant; director; partner nor member of any investigative concern or ancillary (including litigation support) services provider, and who agrees to act in accordance with and continue to conform to the articles, bylaws, code of ethics and branch rules of the ABI, may apply to be enrolled on the Retired Members Roll.

24 Benefits and privileges of retired membership

24.2 No annual subscription payable.

24.3 No requirement to hold Professional Indemnity Insurance cover.

24.4 No requirement to be registered with the ICO.

24.5 Receives at no cost the ABI's members' publications.

24.6 Entitled to participate in the ABI e-mail discussion group.

24.7 Entitled to attend and participate in all membership meetings of the ABI (without voting rights).

24.8 Remain eligible to be nominated for the Frank Martin Award for services to the ABI.

##### Application form for inclusion on the retired members roll

I, \_\_\_\_\_ (full name)  
Membership No. \_\_\_\_\_ HEREBY apply for retired membership and declare:

1. I am no longer in private practise nor in any capacity a consultant to nor director; partner nor member of any investigative concern or ancillary (including litigation support) services provider.

2. I have no business reference or entries nor am I personally associated with any business reference or entries of any investigative or ancillary provider nature in any advertising medium.

3. I agree to act in accordance with and continue to conform to the articles, bylaws, code of ethics and professional standards, and branch rules of the ABI.

4. I further declare that if at any future period I resume investigative or ancillary service activities I will no longer qualify for the retired membership roll and undertake to notify the ABI secretariat forthwith.

[A member registered on the retired membership roll found to be in breach of this undertaking may be expelled from the ABI].

Signed

Dated

## Schedule 5 branch rules

### Branch Rules

1. The title of the branch shall be the ..... branch (the branch) of the ABI.
2. OBJECTS – The objects of the branch are to implement locally the aims and objects of the ABI.
3. MEMBERSHIP – Membership of the branch shall be open to all members of the ABI, as defined in the articles and bylaws. A member of the ABI may attend as many ABI branch meetings as the member chooses.
4. COMMITTEE – The branch committee shall consist of chair, secretary, treasurer and such other members as may be deemed necessary by the branch. No member of the committee shall receive any remuneration beyond reasonable actual costs and expenses they incur in the running of the branch.
5. RETIREMENT AND ELECTION OF COMMITTEE MEMBERS – At each GM all committee members shall retire from office and those wishing to seek re-election become so eligible for re-election. Qualifying branch members may offer themselves for election to any position on the branch committee, be proposed, seconded, and voted on from the floor. The office of chair, secretary and treasurer of the branch shall be vacated, if that officer is no longer an ABI member.
6. DISPUTES - In all disputes, unresolved at branch-level, the final arbiter is the GC in accordance with Article 18.
7. DUTIES – The branch committee duties shall be to organise and administer branch meetings, implement the branch rules and to keep the GC advised as to any matter that the branch considers should be brought to their attention and act upon any instructions, guidance and requests of the GC.
5. MEETINGS
  - a) A Branch GM shall be held once a year, no more than 14 months and no less than 10 months after the preceding Branch GM and at least 21 days notice of such meeting shall be given to the ABI membership subscribed to the prevailing membership e-mail discussion group.
  - b) Three attendees at any GM shall constitute a quorum.
  - c) Voting and resolution shall be carried by a majority of the votes cast by a show of hands by members present; the chairman may give a casting vote in the case of equality of votes but such casting vote can only be exercised to maintain the status quo.
  - d) The branch committee shall be elected by a show of hands at each branch GM by the members present. Any nominated member of the committee that is not present at the branch GM shall have given written consent to serve on the said committee to the secretary of the branch prior to the meeting, each nomination to be proposed and seconded from the floor.
  - e) The branch shall hold any other business, social or education meeting as and when it is considered appropriate.
  - f) Non-members of the ABI may attend branch meetings at the invitation of a member and at the discretion of the chairman, such person shall have no right of audience or voting powers and shall leave the meeting when requested by the chairman.

6. FINANCE – The branch shall be responsible for the conduct of its own financial affairs and shall act within the provisions of the articles. Each branch shall submit branch accounts for the period ending 31<sup>st</sup> December of each year to the ABI's treasurer on or before 14<sup>th</sup> January of the year following.

*Signed* *President*

*Signed* *Secretariat*

*Signed* *Branch chair*

*Signed* *Branch secretary*

*Date:*

## Schedule 7 disciplinary procedures

### Para 1

Any complaint against a member of the ABI must be made in writing and be in the required prescribed format with a wet signature, which form can be obtained from the ABI secretariat on written request and identifying the member complained against.

### Para 2

Upon receipt of the form, properly completed, signed, and with all supporting evidence, by the ABI secretariat, within 21 days, the disciplinary procedure is invoked and forwarded to the secretary of the disciplinary committee. In the first instance the secretary of the disciplinary committee will assess whether the complaint as submitted raises an answerable issue, which if not may request further details or dismiss the complaint and notify the complainant accordingly and decide on the need to notify the member complained against.

### Para 3

The secretary of the disciplinary committee as soon as practically possible after receipt of the properly completed official notice of complaint, together with any supporting evidence, forwards the same to the member complained against by email. Receipt of the complaint by the member will be deemed to have occurred 48 hours after the date of emailing. The disciplinary secretary copies in the disciplinary chair with the skeleton details of the complaint and the date of commencement.

### Para 4

The member against whom the complaint is made must reply to the secretary of the disciplinary committee in answer to the said complaint within fourteen days. Failure to reply within the required time limit or any extension, will result in membership suspension. In all matters the GC will determine whether an expulsion is justified. The disciplinary secretary, as soon as is practicable communicates the member's response to the complainant.

### Para 5

If admitting to all the complainant's allegations and agreeing to remedy the matter in full to the satisfaction of the complainant, then no further action is taken. If the complainant does not accept in total the response of the member complained of the disciplinary procedure continues.

### Para 6

The complainant is required to respond to the reply of the member complained of within 21 days of receipt. Failure to respond within the time limit or any extension renders the complaint liable to be struck out. The complainant's response is to be forwarded by the secretary of the disciplinary committee to the member in question.

### Para 7

The disciplinary chair and secretary then assess the evidence and determine whether the involvement of an investigating officer is required. If in the affirmative the complaint is passed to a Full member of at least 2-years in good standing, who can declare to the secretary their independence and absence of any conflict of interest. The investigating officer's, instruction is to liaise with the parties with a view to, either (a) explore an amicable compromise or resolution, or (b) personally or remotely, obtain oral or written further and better particulars, in anticipation of the complaint escalating to the independent adjudicating officer to determine whether a prima facie case exists against the member.

### Para 8

The disciplinary chair and secretary on assessing the evidence may by-pass the need for an investigating officer and pass the case directly to the independent adjudicator to deal with as below under para 9.

Para 9

Once the appointed investigating officer has completed their task the evidence is returned to the disciplinary secretary who requests a bond from the complainant of £350.00 plus VAT towards the independent adjudicator's fees. Upon receipt of the bond the disciplinary secretary in turn submits the case to the independent adjudicator. The bond is only refunded if the independent adjudicator finds there exists a prima facie case to answer.

Para 10

As soon as is practicable the independent adjudicator communicates their decision to the secretary of the disciplinary committee. The independent adjudicator's decision is final:

Para 11

The secretary of the disciplinary committee if it is determined no prima facie case exists, as soon as is practicable notifies all parties in writing. The case is then considered closed. If the independent adjudicator determines that a prima facie case exists, the bond is refunded to the complainant and the member against whom the complaint is made must also receive an official notice of complaint detailing the alleged breach or breaches of the articles, bylaws, or code of ethics and professional standards. The official notice of complaint is deemed received 24 hours after date of posting.

Para 12

The defending member must reply in writing to the disciplinary secretary within 14 days of receipt of the official notice of complaint and submit any additional statements of fact or documentary evidence not previously available for consideration by the disciplinary committee.

Para 13

If the independent adjudicator determines that sanction as detailed in bylaw 19.1 (a) or (b) would not reasonably be considered appropriate then, whether or not there has been an admission or finding of guilt, the secretary of the disciplinary committee must, as soon as practicable, arrange a disciplinary committee case management meeting. All parties concerned must be advised by the secretary of the disciplinary committee of the date and time of the case management meeting not less than **twenty-one** days before the meeting. Only the disciplinary committee and chair will be invited to attend to consider the evidence, which if found to be of such a minor nature may unconditionally discharge the complaint and/or recommend suitable advice.

### Case management meeting

Para 14

The disciplinary committee will consider all the documentary evidence as presented by the secretary of the disciplinary committee.

Para 15

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

Para 16

If the disciplinary committee consider that the member complained of is guilty of an offence as defined by bylaw 18, then they may impose a sanction as defined by bylaws 19.1 (a) or (b).

Para 17

If the disciplinary committee considers that the member complained of is guilty of an offence as defined by bylaw 18 but requires sanction more severe than defined by bylaw 19.1 (a) or (b); then the file must be returned to the secretary with the request that a hearing be convened.

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

Para 18

The secretary of the disciplinary committee will, if requested by the committee at a case management meeting or determined by the independent adjudicating officer, arrange a disciplinary hearing to take place. They must notify the parties in writing the date and venue of the intended hearing, not less than **twenty-one** days before the hearing.

Para 19

Not less than **fourteen** days before the hearing, all concerned parties must supply to the secretary any further documentary evidence that they wish to be considered by the committee. They must also advise if they or any witnesses wish to attend the hearing, at their own expense. Not less than **fourteen** days before the hearing the secretary of the disciplinary committee will write to any persons who have requested an audience at the hearing, inviting or declining their attendance and explaining the mechanics of the hearing.

**Disciplinary hearing and appeals**

Para 20

The secretary of the disciplinary committee will act as presenter who will read out the official notice of complaint and then present the documentary evidence to the disciplinary committee only. When requested by the disciplinary committee, the secretary will individually bring into the Hearing room any other persons invited to verbally present their evidence and answer any questions that they committee feel is pertinent to the hearing. They will then be released.

Once all evidence documentary and oral has been submitted, the committee will, privately, determine if the member complained of is guilty of an offence under bylaw 18 and what sanction is appropriate as defined by bylaw 19.

Para 21

The secretary of the disciplinary committee is required to send within **fourteen** days of the committee's decision the result thereof to each party thereto.

Para 22

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

Upon receipt of an appeal request in writing the disciplinary secretary will arrange an appeal hearing. The disciplinary secretary will advise all parties of the date and venue not less than **twenty-eight** days before the appeal hearing date.

Those eligible to attend the appeal hearing are as follows: -

Chair – the current chair of the disciplinary committee who will present the appeal to the committee and have no vote.

Secretariat whose presence is required to record the minutes of the hearing.

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

The complainant or their representative.

GC members – such current members of the GC, not less than three in number, appointed to hear the appeal.

At the conclusion of the appeal hearing the GC members will retire before forming and delivering their judgment. a majority decision carries and is final.

The file and the result of the appeal will be returned to the ABI secretariat and recorded on the member's personal file. The result may be circulated and/or published to the membership as soon as is practicable.

Disciplinary procedure applicable to overseas members

The provisions of schedule 7 shall apply to overseas members.

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

Appendix A

Form of official notice of complaint:

To:

Member No:

Re: Complaint made by:

This is to inform you that the adjudicating officer has determined that there is a prima facie case to be answered as you are in breach of the following ABI bylaws:

It shall be an offence if any member is guilty of any conduct unbecoming of a member and/or has acted in a manner prejudicial to or likely to bring discredit upon the ABI or contrary to the ABI's memorandum, articles, bylaws or code of ethics and professional standards, or breaches or permits a breach of the memorandum, articles, bylaws or code of ethics and professional standards.

Date of issue:

Signed .....  
Disciplinary secretary

## Definitions

**In the articles and bylaws of the ABI members shall include: -**

Full; life; corporate and consociate; provisional and student; associate; affiliate; overseas; retired and honorary members.

Where the ABI is written the reference is to The Association of British Investigators Limited (by guarantee).

### **Definition of a Partner**

Any agency; society: civil, private or public authority with whom the ABI enters into any form of agreement.

### **Definition of lawful debt**

Lawful debt being any debt which has been acknowledged by the Court with the issue of a monetary judgment, decree or equivalent order.