

CONFLICT OF INTEREST ASSESSMENTS

GUIDANCE

MEMBERS (UK)

THE ASSOCIATION OF BRITISH INVESTIGATORS

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1. INTRODUCTION

- 1.1. This Conflict-of-Interest Assessments Guidance document is designed to assist professional investigators in identifying, managing, and disclosing conflicts of interest that may arise during their work.
- 1.2. A conflict-of-interest occurs when personal, financial, or other interests interfere with the professional investigator's ability to act impartially and in the best interest of the investigation and its stakeholders.
- 1.3. This guidance aims to ensure transparency, integrity, and the highest standards of professionalism in investigative practices.

2. EXECUTIVE SUMMARY

- 2.1. The ABI expects professional investigators to conduct their business in a professional and compliant manner, which requires a conflict-of-interest assessment prior to accepting an assignment.
- 2.2. Where a conflict-of-interest exists, professional investigators must take proactive steps to manage and mitigate its impact on the investigation.
- 2.3. Professional investigators should disclose any conflicts of interest promptly to the appropriate stakeholders or supervisors.
- 2.4. Annexed to this guidance is the ABI model assessment in table format for professional investigators' use.
- 2.5. Failure to disclose conflicts of interest may result in disciplinary action against ABI members.
- 2.6. Professional investigators should carefully consider this guidance and compare it with their own business model to ensure they always maintain the highest standards of professionalism and integrity in the professional investigation sector.

3. PART I – Definitions

Conflict of Interest:

A situation in which a personal, financial, or other interest of a professional investigator, or a close associate or family member, could compromise or influence their judgement, objectivity, or decision-making during an investigation.

Professional investigator:

Any individual involved in the conduct, management, or oversight of an investigation activity, including lead professional investigators, team members, sub-contractors, and supervisors.

4. PART II – Guidance

4.1. IDENTIFICATION OF CONFLICTS OF INTEREST

- 4.1.1. Professional investigators must actively assess their potential conflicts of interest before accepting an investigation. This includes a thorough review of personal, financial, and professional relationships that may create bias or compromise objectivity.
- 4.1.2. They should disclose any conflicts of interest promptly to the appropriate stakeholders or supervisors.
- 4.1.3. Conflicts of interest may arise from, but are not limited to, the following situations:
 - Financial interests, including ownership, investments, or compensation from entities related to the investigation.
 - Personal relationships with individuals involved in the investigation.
 - Prior involvement in the subject matter of the investigation.
 - Any other circumstances that may compromise impartiality or objectivity.

4.2. MANAGEMENT OF CONFLICTS OF INTEREST

- 4.2.1. Where a conflict-of-interest exists, professional investigators must take proactive steps to manage and mitigate its impact on the investigation. This may include, but is not limited to:
 - Recusal: A professional investigator should withdraw from any involvement in the investigation where a conflict-of-interest exists.
 - Independent Review: If recusal is not possible or practical, an independent party may be appointed to review the professional investigator's work and decisions to ensure objectivity.
 - Disclosure: Professional investigators should disclose their conflicts of interest to relevant stakeholders, including supervisors, colleagues, clients, and affected parties, as appropriate, and without risking a compromise of the conflicting interest.
- 4.2.2. Professional investigators should maintain accurate records of all conflicts of interest identified, actions taken to address them, and any resulting decisions or recommendations. For this purpose, the ABI provides, annexed hereto at Annex I, a model assessment table.

4.3. CONFIDENTIALITY AND PROFESSIONALISM

- 4.3.1. Professional investigators must maintain strict confidentiality regarding conflicts of interest and any related information disclosed during the management process.
- 4.3.2. Professionalism and ethical conduct should be always upheld. Professional investigators should avoid any actions or behaviour that could create a perception of bias or compromise the integrity of the investigation.

4.4. TRAINING AND AWARENESS

- 4.4.1. Professional investigators should undertake comprehensive training, for themselves and their staff, on conflict-of-interest policies and procedures. This training should be conducted regularly and cover areas such as identification, management, and disclosure of conflicts of interest.
- 4.4.2. They should familiarise themselves with this ABI guidance and their own organisation's conflict-of-interest policy, guidelines, and reporting mechanisms.

4.5. COMPLIANCE AND CONSEQUENCES

- 4.5.1. Compliance with this guidance is regarded by the ABI as good practice for all professional investigators.
- 4.5.2. Professional investigators should report any suspected conflict-of-interest violations to the appropriate stakeholders or supervisors.

4.6. REVIEW AND REVISION

- 4.6.1. Professional investigators should review and revise their own conflict-of-interest policy in line with this ABI's guidance periodically and revise their own guidance and/or policy version to ensure its effectiveness and alignment with evolving best practices and legal requirements.
- 4.6.2. They should communicate to all their staff and contractors their conflict-of-interest guidance and/or policy, and they in turn should acknowledge their understanding and compliance with its provisions.
- 4.6.3. Feedback and suggestions for improvement should be actively submitted to the ABI to assist the ABI to enhance this guidance.
- 4.6.4. They should review and update their own policy and/or guidance at least once every two years or as necessary, based on changes in regulations or organisational needs.

Annex I

Conflict-of-interest Assessment Table

Case Reference / Operational Title	
Client	
Date of Assessment	

Conflict-of-interest Factor	Assessment Questions	Evaluation ¹
Employment or Affiliation	Are you currently employed by or affiliated with any party involved in the investigation?	Yes / No
Financial Interests	Do you have any financial interests, such as ownership, investments, or partnerships, that could be affected by the outcome of the investigation?	Yes / No
Personal Relationships	Do you have any personal relationships, such as family, friends, or close associates, with any individuals involved in the investigation?	Yes / No
Previous Involvement	Have you previously worked on a case or investigation that is related to the current one, or do you have any personal knowledge or involvement that could impact your objectivity?	Yes / No
Bias or Prejudice	Do you hold any biases, prejudices, or strong opinions that could influence your ability to conduct an impartial and unbiased investigation?	Yes / No
Confidentiality	Can you ensure the confidentiality of sensitive information related to the investigation, and are you able to avoid any conflicts that may arise from sharing such information?	Yes / No
Legal or Regulatory Requirements	Are you aware of and in compliance with any legal or regulatory requirements that may affect your ability to conduct the investigation objectively and ethically?	Yes / No
Professional Code of Ethics & Professional Standards	Are you familiar with and committed to upholding the ABI code of ethics and professional standards relevant to your role?	Yes / No
Organisational Policies	Are there any policies or guidelines in place, other than this ABI guidance, that address conflicts of interest?	Yes / No
	If so, are you aware of these policies or guidance and committed to following them?	Yes / No
Mitigation Strategies	If any conflicts of interest are identified, can you propose and implement appropriate mitigation strategies to maintain objectivity and integrity throughout the investigation?	Yes / No
Independent Verification ²	Have you sought an independent third party to assess your potential conflicts of interest and provide guidance on the investigation?	Yes / No

¹ In the evaluation column, "Yes" indicates that a conflict-of-interest exists, while "No" signifies that there is no conflict-of-interest identified. If any conflicts of interest are present, it is crucial to establish appropriate mitigation strategies to ensure the integrity and objectivity of the investigation.

² Independent verification, involves seeking an independent third party's opinion to evaluate potential conflicts of interest. This step helps ensure objectivity and adds an extra layer of assurance to the conflict-of-interest assessment process.