



Are your security officers acting lawfully?

ADP Security Systems Ltd, which undertakes manned guarding for companies across Hampshire, including Southampton, Portsmouth, Petersfield, and Winchester, is warning all small to medium sized companies to protect themselves from the heavy penalties that could be imposed through employing unlicensed security guards.

Although the new security industry licensing came into effect in March this year, as part of the Private Security Industry Act of 2001¹, according to Dave Preston, director of ADP Security Systems Ltd, there is still a danger that some end-users may inadvertently be acting illegally and risk receiving a severe fine or invalidating their insurance.² He explains: “If security officers are working without a licence, the company employing them and the end-user could be liable to a heavy penalty of up to £5,000 or even five years’ imprisonment. End-users of security can be prosecuted for using unlicensed guards even though they are employing them through a guarding company on a sub-contract basis. There is also a maximum penalty of six months’ imprisonment for the guard involved.

“For their peace of mind, and to avoid legal penalties, we would urge facilities managers and business owners to double-check that all of the guards on site hold an individual licence from the SIA. Licensed guards are provided with a badge that they wear to show they are licensed,” Dave continued.

ADP Security Systems fully supports the principle of licensing, which has been introduced to improve security officer training and standards of security service. Further information about the issue can be obtained from www.the-sia.org.uk.

Notes:

1. The Private Security Industry Act 2001 creates several new criminal offences. From 20th March it will be an offence to:
 - provide a designated security service without a licence;
 - employ an unlicensed person in an activity for which a licence would be required;
 - contravene licence conditions by claiming approved contractor status when no such approval exists;
 - misrepresent the terms of the approval;
 - violate the terms of the approved contractor scheme if the scheme were to become compulsory in future;
 - obstruct a person, authorised by the Security Industry Authority, who has powers of entry;
 - fail to comply with the requirements of a person, authorised by the Security Industry Authority
 - make an unauthorised disclosure of information obtained when working under the Security Industry Authority's authority;
 - make false statements to the Security Industry Authority.

2. The penalties for committing an offence can be either:
Summary conviction at a Magistrate's court – the maximum penalty is six months' imprisonment; and/or
a fine of up to £5,000 or trial on indictment at the Crown Court, whereby an unlimited fine and/or five years' imprisonment could be imposed.