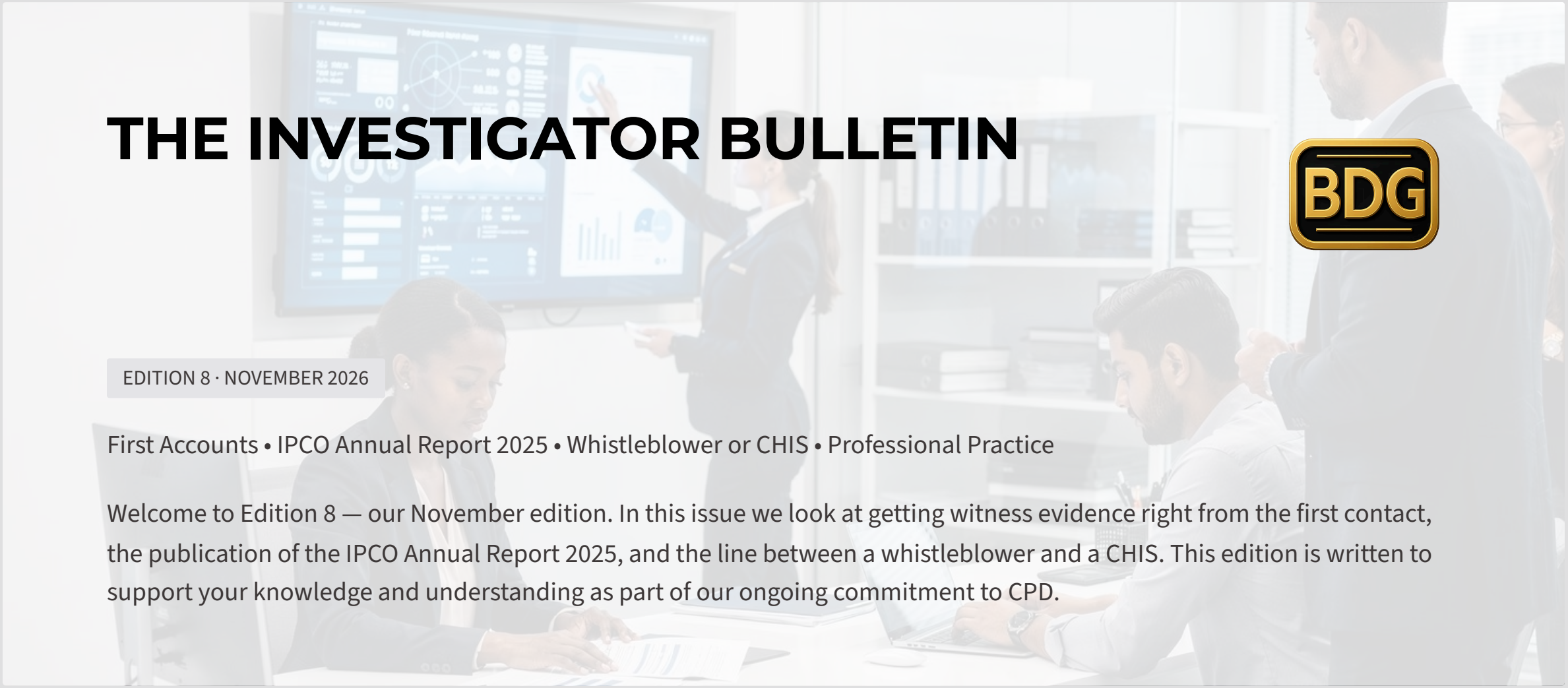


THE INVESTIGATOR BULLETIN

EDITION 8 · NOVEMBER 2026

First Accounts • IPCO Annual Report 2025 • Whistleblower or CHIS • Professional Practice

Welcome to Edition 8 — our November edition. In this issue we look at getting witness evidence right from the first contact, the publication of the IPCO Annual Report 2025, and the line between a whistleblower and a CHIS. This edition is written to support your knowledge and understanding as part of our ongoing commitment to CPD.

In This Edition

EDITION 8 · NOVEMBER 2026

WITNESS EVIDENCE

First accounts, then statements

Getting the witness evidence right from the first contact, and how the first account leads to a s.9 statement

Plus: the Victim Personal Statement, and what our statements course covers.

CHIS

Whistleblower or CHIS?

Watch the relationship, not the label: when a source can become a CHIS whether or not they have been tasked by the Public authority.

IPCO

IPCO Annual Report 2025

Published 29 October 2026: a link to the full report

ARTICLE 1 | WITNESS EVIDENCE | INITIAL ACCOUNTS

First Accounts, Then Statements: Getting the Witness Evidence Right from the First Contact

The first account a witness gives you is often the best evidence you will ever get from them, so it is important to ensure we follow best guidance to not undermine our case and witness evidence from the outset. National evidence-based guidance on obtaining initial accounts sets out how to protect it. It was written for police first responders but these principles transfer directly to all investigators who take complaints on the doorstep, at a premises or over the phone.

Why the first account matters

The national guidance says information from an initial account is the foundation for the rest of the investigation and that the initial account underpins the formal interview. If essential detail is missed or not drawn out at this stage, the investigation and any later process may be less successful. The guidance also says that if it emerges during the account that the witness may be a suspect, the account should stop and the person be cautioned.

Practitioner Commentary

For a local or public authority investigator, the officer taking the complaint call, the enforcement officer at the scene, or the housing officer on a visit is usually the person taking the initial account. Many do not see it as evidence-gathering at all which can create a vulnerability in any prosecution later.

Five things the guidelines say to do

1

Build rapport and keep it

Eight studies found rapport increases the amount and accuracy of information. Explain who you are, avoid artificial small talk, and keep rapport up throughout.

2

Separate witnesses

Fourteen of sixteen studies found witnesses exposed to co-witnesses were more likely to report things they had not seen. Take accounts out of earshot, on the phone too.

3

Let them use their own words

Open questions tend to improve accuracy; pressing for specific answers reduces it.

4

Don't lead, verbally or otherwise

Twenty studies found misleading questions changed what witnesses reported. Feedback, sounds and gestures can lead too.

5

Record needs, demeanour and reluctance

Record the witness's needs and vulnerabilities, their demeanour, and any reason for reluctance.

Source: College of Policing, Obtaining initial accounts (first published 24 November 2020), https://www.college.police.uk/guidance/obtaining-initial-accounts

ARTICLE 1 | WITNESS STATEMENTS | CJA 1967 S.9

From First Account to Witness Statement

In criminal proceedings, a written statement is admissible to the same extent as oral evidence if the conditions in Criminal Justice Act 1967, s.9 are met:

1 Signed by the maker

It purports to be signed by the maker (s.9(2)(a)).

2 Declaration of truth

It contains the declaration that it is true to the best of their knowledge and belief, made knowing they are liable to prosecution for wilfully stating anything false or not believed true (s.9(2)(b)).

3 Copy served

A copy is served on each other party before the hearing (s.9(2)(c)).

4 No objection served

No party serves notice objecting within the relevant period – the number of days, not less than seven, prescribed by Criminal Procedure Rules, or seven days if none is prescribed (s.9(2)(d), (2A)).

The witness can still be called to give evidence (s.9(4)). Exhibits identified in a s.9 statement are treated as if produced in court by the maker (s.9(7)).

Before it is signed, check it is in the first person and time order, opinion is marked as opinion, and every exhibit is referenced. Without a signature and the s.9 declaration, it will not go in as written evidence under s.9.

Practitioner Commentary

Keep the initial account and the statement as separate records. The statement is taken later, in the witness's words, once you have planned it. Where the two differ, record the difference and the explanation.

ARTICLE 1 | WITNESS STATEMENTS | TRAINING

Building the Statement

A good initial account is wasted if the statement that follows is poorly structured.

Structure your witness statements in five parts:

1 Opening

One sentence saying what the statement is about and when it happened.

2 People

Introduce the people the witness already knows and how they know them.

3 Places

Describe the locations involved; use a sketch or a marked map if it helps, and exhibit it.

4 The account

What happened, in time order, with direct speech recorded as near word for word as the witness can manage. Introduce unknown people as they appear, starting with their most distinguishing feature.

5 Closing

Full descriptions of unknown people, any lack of permission or consent the offence turns on, injuries, and damage to property including the cost of repair or replacement.

Our Statements and Exhibits and PACE courses take this further, with hands-on statement practice with a witness and constructing your own statement: identification evidence under R v Turnbull [1977] QB 224 and the ADVOKATE memory aid, structured descriptions, and the checks to make before a statement is signed.

ARTICLE 1 WITNESS STATEMENTS VICTIMS

Victim Personal Statement

A Victim Personal Statement (VPS) is separate from the witness statement. Right 7 of the Code of Practice for Victims of Crime in England and Wales (the Victims' Code) gives victims the right to make one, explaining in their own words how the crime has affected them physically, emotionally, financially or in any other way, and it can play a part in sentencing. Victims are entitled to make it at the same time as their witness statement and can say whether they want it read aloud in court or read on their behalf; the court decides whether and what is read. Businesses that are victims can make an Impact Statement instead. Read the Code: **https://www.gov.uk/government/publications/the-code-of-practice-for-victims-of-crime**

ARTICLE 2 CHIS RIPA 2000

Whistleblower or CHIS? Watch the Relationship, Not the Label

If your council holds RIPA powers and also receives whistleblowing disclosures, there is a status question most teams never ask. A whistleblower is not a CHIS for reporting wrongdoing, or for reporting it more than once. They can become one the moment you start relying on their relationship with the subject to get information the subject does not know you are getting.

> This is not a theoretical risk. IPCO's 2025 Annual Report says status drift – failing to identify and authorise a source whose reporting has brought them within the CHIS definition – remains the main category of CHIS error across public authorities (para 7.21).

What the Law Says

Under RIPA 2000, s.26(8), a person is a CHIS if they establish or maintain a personal or other relationship for the covert purpose of obtaining or providing access to information, or covertly disclosing information obtained through it. Section 26(9) defines "covert purpose": the relationship is conducted in a way calculated to ensure the other party is unaware of the purpose. Section 26 also defines "use" of a CHIS to include inducing, asking or assisting a person to act as one.

Not every human source is a CHIS. The test is the s.26(8) definition, not the label you give the person.

Three Lines Investigators Blur

1 Reporting is not a relationship being used

A whistleblower who tells you what they know, saw or came across in their normal work is not a CHIS, even if they keep doing it.

2 No paperwork does not mean no CHIS

Formal tasking is not the test. If you ask the whistleblower to keep up a relationship with the subject so you can learn more, and the subject does not know, the statutory definition may be met whether or not anything is written down.

3 Two regimes, one organisation

Being a prescribed person for whistleblowing does not give an organisation CHIS powers. But a council that receives disclosures and also holds RIPA powers needs its whistleblowing process to sit alongside its covert arrangements, not apart from them.

Don't Forget the Source

> If a whistleblower's role becomes known, their job, their relationships and their personal safety may be at risk. Welfare and duty of care are not an afterthought once a relationship is being used.

ARTICLE 2 CHIS PRACTITIONER COMMENTARY

Whistleblower or CHIS: An Example

Fictional Example

The following scenario is fictional.

An employee at a council contractor reports that her supervisor is falsifying waste transfer notes. She keeps sending updates about what she sees. So far, she is a whistleblower. The investigator then asks her to "stay friendly with him and find out where the loads really go." At that point the council may be using a CHIS without an authorisation.

If in doubt, speak to your Authorising Officer or RIPA Co-ordinator before the next contact.

Sources: RIPA 2000, s.26 (legislation.gov.uk, retrieved 29 October 2026); IPCO, Annual Report of the Investigatory Powers Commissioner 2025, para 7.21.



ARTICLE 3 IPCO RIPA

IPCO Annual Report 2025 Is Out

Published 29 October 2026 – read the **full report** on IPCO's website.

What the Report Covers

IPCO's oversight work, 1 January to 31 December 2025.

Key themes

Strong compliance culture, concerns about compliance and candour, and whether RIPA remains fit for purpose.

Agent X

Investigation into false evidence given to the High Court and the IPT.

Inspections

170 law enforcement, 114 local authorities, 46 prisons, 38 intelligence agencies, 53 other.

RIPA oversight

CHIS, criminal conduct, status drift, directed surveillance.

IPA powers

Bulk powers, interception, equipment interference, communications data, records.

Northern Ireland

IPT litigation and the McCullough Review of PSNI practice.

Errors and breaches

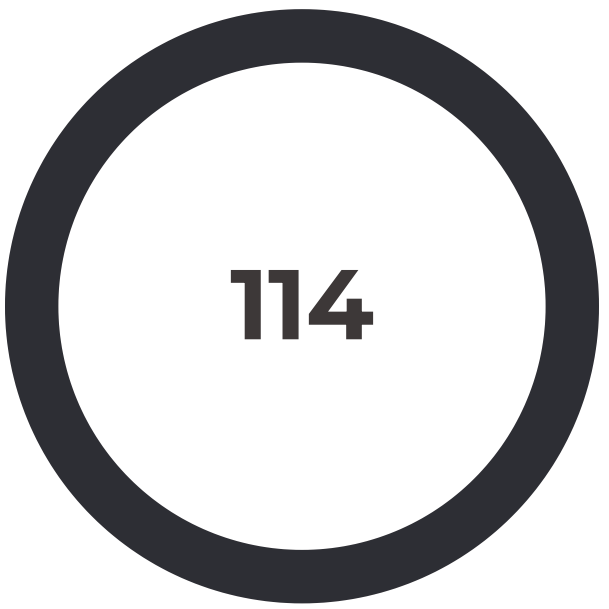
Four errors met the serious error definition.

Technology and statistics

TAP, AI oversight, 366,976 warrants and authorisations.

ARTICLE 3 IPCO RIPA

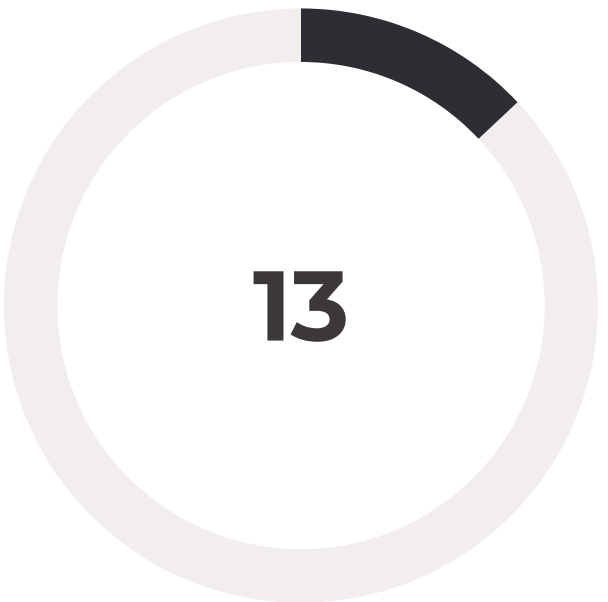
What It Means for local and Public Authorities



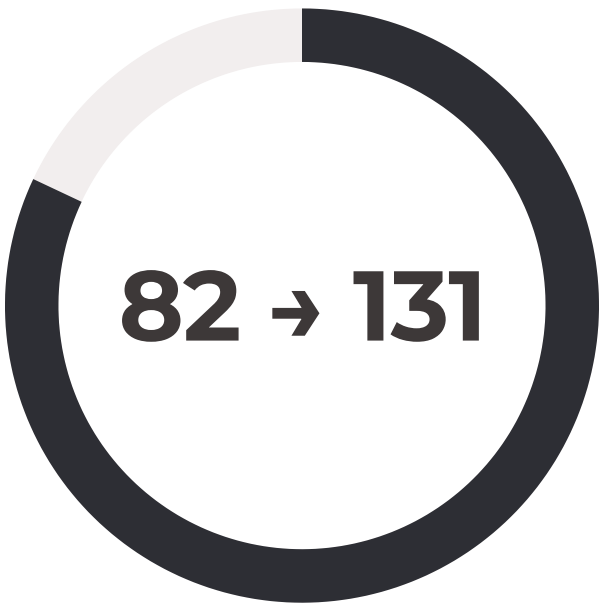
Local authority inspections: in 2025, with high levels of compliance



Directed surveillance: operations authorised by councils



CHIS: authorised by councils



Reported errors: across law enforcement, wider public authorities, local authorities and prisons (2024 to 2025)

IPCO describes local authority powers as generally low-volume activity, identified nothing requiring formal inclusion in the report, and status drift remains the main category of CHIS error.

Source: Annual Report of the Investigatory Powers Commissioner 2025, paras 4.7–4.9 and 7.19–7.21, Figures 12.1 and 12.2.

BDG TRAINING | INVESTIGATION COURSES

BDG Investigation Courses at a Glance

Investigation training tailored to your organisation's needs, from Initial Investigations to court skills. Courses are available individually or in Bronze, Silver and Gold professional packages covering core areas including PACE (1984), Disclosure (CPIA), RIPA, PEACE interviews and courtroom skills.

Initial Investigations

Statements and Exhibits

Disclosure (CPIA 1996)

Investigative (PACE) Interviews

Investigation Management

Managing Digital Evidence

Investigatory Powers

Court Skills

OSINT Courses

Covert Investigations

HUMINT

Personal Security & OpSec

Packages are delivered across 12 months, with in-house or virtual delivery options, and can be fully tailored to your organisation's requirements.

Full details: **www.bdgtrainingconsultancy.co.uk/investigation-training-courses**

BDG TRAINING | INVESTIGATION COURSES

Talk to BDG

We also offer free consultancy to scope bespoke courses for your team. You can book free consultation below:

Get in Touch

📩 Email: info@bdgtrainingconsultancy.co.uk

📞 Telephone: 07495 930125

🌐 **www.bdgtrainingconsultancy.co.uk**

Full course details: **www.bdgtrainingconsultancy.co.uk/investigation-training-courses**

Company No. 10475761 · VAT GB 430302261

Editor's Note

This bulletin is a training and awareness summary, not legal advice. Your organisation's policy and your legal adviser take precedence. If you have a topic you would like covered in a future edition, please get in touch.

BDG Training Consultancy | info@bdgtrainingconsultancy.co.uk

BDG Training Consultancy

The Investigator Bulletin | Edition 8 | November 2026

For Training Purposes Only

---

info@bdgtrainingconsultancy.co.uk