



EMPLOYMENT TRIBUNALS

Claimant: Miss D Burns

Respondent: The Chief Constable of Greater Manchester Police

Heard at: Manchester

On: 12-15 May 2025
and 18-21 August 2025
(21 August 2025 in chambers)

Before: Employment Judge Slater
Ms M T Dowling
Mr P Dobson

Representation

Claimant: In person
Respondent: Mr D Jones, counsel

RESERVED JUDGMENT

The unanimous judgment of the Tribunal is that the Tribunal has no jurisdiction to consider the complaints of protected disclosure detriment, which were presented out of time.

REASONS

Summary

1. The claimant is a police officer who has served with Greater Manchester Police (GMP) since 2004. She remains engaged as a police officer but has not attended work since 2 July 2020. The claimant had a period of sick leave which began on 3 December 2018 before a brief return to work in or around June 2020. The claimant understands that administrative records currently show her as being on sick leave, but she has not submitted a certificate of sickness since December 2019.

2. The claimant made what she asserts to be a protected disclosure to a senior police officer on 17 May 2019, including allegations of corruption within GMP. The

claimant does not believe her allegations were investigated. She was referred to occupational health, which resulted in a diagnosis of delusional disorder, following information provided to GMP's psychiatrist by GMP, that the claimant was not under surveillance. A second consultant psychiatrist, in the NHS, made the same diagnosis having received a similar assurance from GMP. The claimant's GP does not believe that the claimant is suffering from delusional disorder.

3. The claimant, after attempting other means of redress, brought complaints of protected disclosure detriment and disability discrimination in the Employment Tribunal.

4. For reasons set out in our conclusions' section below, we have concluded:

4.1. That we do not have jurisdiction to consider the complaints of protected disclosure detriment which were presented out of time in circumstances in which we consider it would have been reasonably practicable for the claimant to present the complaints in time; and

4.2. If we had concluded we had jurisdiction, the complaints of detriment would have failed on their merits for the reasons given above.

Case management prior to the final hearing

5. There had been four private preliminary hearings for the purpose of case management on 23 October 2023 (p.54), 16 February 2024 (p.70), 24 May 2024 (p.93) and 9 December 2024 (p.136).

6. The complaints of protected disclosure detriment were clarified at the preliminary hearing on 23 October 2023. The respondent sought a stay in the case at that hearing on the basis that there was an ongoing PSB investigation into matters raised in the claimant's claim form (p.56). The judge decided that the application did not need to be decided at that hearing, but the application could be considered, if still pursued, at a further hearing listed on 16 February 2024. At the hearing in February 2024, the respondent provided no information about the status and progress of the PSB investigation. The claimant said she had not been approached by the PSB in connection with its investigation. The judge recorded that, if, at any point, the respondent encountered difficulty in responding further to the claims because of the investigation, they could apply further for a stay. No subsequent application for a stay because of the investigation was made and this Tribunal heard no evidence about such an investigation.

7. The issues in the protected disclosure detriment complaints were identified at the first preliminary hearing, on 23 October 2023, but there was difficulty in identifying the disability discrimination complaints which remained unclear by the fourth preliminary hearing on 9 December 2024.

8. At the fourth preliminary hearing on 9 December 2024, Employment Judge Serr decided that the best course of action, to progress the case, against what he described as spirited opposition by Mr Jones, was to stay the disability discrimination claim until after the conclusion of the claim for public interest disclosure detriment. He considered it probable that the dispute between the parties would be resolved by that claim but, even if it was not, any future Tribunal

dealing with the disability discrimination claim would have the benefit of key findings of fact from the public interest disclosure claim. He ordered that, following the conclusion of the public interest disclosure detriment claim, the claimant would, within 14 days, write to the respondent and the Tribunal indicating whether she sought to withdraw her disability discrimination claim or proposed to continue with it, in which case the Tribunal would list the case for a 3 hour preliminary hearing to consider the claim and give directions for its progress.

This Final Hearing

9. The final hearing dealing with the public interest disclosure detriment complaints was listed to be heard over 5 days, 12-16 May 2025. We were not able to start hearing the claimant's evidence until the afternoon of the second day, due to dealing with preliminary matters and the amount of reading. The claimant's evidence took longer than anticipated by the provisional timetable, due largely to the need the claimant felt to give very full and lengthy answers to questions. By the end of the fourth day, we had heard two of the respondent's witnesses, former Superintendent Mark Smith (now retired) and Detective Superintendent Hurst. We limited the claimant's time to question DS Hurst to one hour 40 minutes (to finish cross examination by 4 p.m.) since he was not available the following day and we considered his evidence to be peripheral to the issues in the case. DS Hurst had no personal knowledge of relevant events. He had been called as a witness when the respondent thought they were not going to be able to call Mark Smith. In practice, the claimant finished her questions to DS Hurst earlier than her allotted time, by 3 p.m..

10. Of the respondent's remaining two witnesses, Dr Rogerson was only going to be available for one hour on the Friday, due to clinical commitments. Detective Chief Inspector Jane Curran was available for the full day on Friday, but the claimant was not able to commit to completing her cross examination of DCI Curran within the day. We wanted to avoid going part heard at a time when a witness was still giving evidence and did not feel it would be fair to limit the time the claimant had on Friday 16 May to cross examine DCI Curran, since she was an important witness and we had not informed the claimant previously that a time limit would be applied to question the witness. We, therefore, decided, as suggested by Mr Jones, to adjourn at the end of Thursday 15 May and re-listed for 18-20 August 2025 with the parties, to complete evidence and hear the parties' oral submissions and 21-22 August 2025 for the Tribunal's deliberations in chambers.

11. We informed the claimant that she would be limited in her time to cross examine the remaining witnesses, allowing what we considered to be a very generous time estimate of one complete day on 18 August and up until noon on 19 August, if required, to cross examine DCI Curran. The claimant would then have a maximum of 1 hour and three quarters to cross examine Dr Rogerson on the afternoon of 19 August. The claimant had told us that she did not have many questions for Dr Rogerson. We agreed that Dr Rogerson could attend remotely to give his evidence. We informed the parties that we would give them a maximum of 1.5 hours each for oral submissions on 20 August 2025. We considered this a generous allocation of time; more than we would normally have given.

12. The evidence was concluded at the resumed hearing in accordance with the timetable by 3.15 p.m. on 19 August 2025. The claimant had finished her cross examination of DCI Curran by 11.40 a.m. on 19 August 2025, and took 35 minutes to cross examine Dr Rogerson. The Tribunal took more time questioning Dr Rogerson than had the claimant.

Application to decide time limit issue first

13. Just before the start of the hearing, we were given a Counsel Note prepared by Mr Jones. This included the suggestion that the Tribunal deal with the time issue first, since, if this was decided against the claimant, that would be the end of the case.

14. The parties agreed that the last alleged detriment took place in July 2020. The list of issues had identified it as around September 2020, but the claimant agreed, on being referred to the relevant letter (p.305), that it was 9 July 2020. ACAS early conciliation began on 5 June 2023 and ended on 13 July 2023. The claim was presented on 17 July 2023. The parties agreed that the claim was presented long after the primary time limit expired. The issue for us on time limits was, therefore, whether it was reasonably practicable to present the claim in time and, if not, whether the complaints were presented in a reasonable time thereafter.

15. We heard submissions from the parties as to whether we should hear the time limit point first, or decide it after hearing all the evidence, together with other issues. The respondent invited us to hear it first. The claimant opposed that application.

16. We gave oral reasons for deciding to deal with the time limit issue together with all other issues, after hearing all the evidence in the case. Our reasons were as follows.

17. The parties had prepared for the full hearing. Whilst the time limit point, if it went against the claimant, had the potential to shorten proceedings, dealing with it first, if it went in the claimant's favour, also had the potential to extend proceedings and increase the risk of not completing the evidence and submissions that week. Whilst it was possible that the time issue could be dealt with as a discrete matter, given the complicated history of the case, we were not sure that we would be in a position to make a decision as to whether it was reasonably practicable to present a claim within the normal time limit, without hearing evidence which would put the claimant's actions in context.

18. We, therefore, went ahead with hearing evidence on all issues.

Consideration of a r.49 order

19. The Tribunal understood, from its reading, that the claimant alleged she had been the victim of a sexual offence. At a previous preliminary hearing in October 2023, the judge at that hearing commented that the claimant was making serious sexual allegations against two named police officers and it was not clear whether this would necessitate some protection under what was then rule 50 and is now rule 49 of the Employment Tribunals Rules of Procedure. The judge said this would need to be explored further at another hearing. He said consideration would need to be given to whether naming them could lead to any potential alleged victims

being named. For the purposes of the Record of that hearing, he anonymised the police officers' names as a precautionary measure. These officers were subsequently referred to in witness statements as X and Y and their names in large part redacted from documents in the bundle.

20. The Tribunal raised with the parties at the start of the hearing whether any order might be required. The claimant said she did not wish her name to be anonymised and explicitly waived any right she might have under the Sexual Offences Act not to be identified. The claimant did not apply for any privacy order. Mr Jones told us that the respondent made no application for a privacy order. Consequently, the police officers previously referred to as X and Y were named as Y (sometimes referred to as Y-X but who we will refer to in these reasons as Y) and X and referred to by their names during the hearing.

21. Although neither party had asked for a rule 49 order, the Tribunal, on hearing the evidence, had concerns about publicly naming officers who were not parties to this case or witnesses at this hearing, given the nature of allegations made in this case. After the Tribunal reached its reserved decision, the Tribunal wrote to the parties inviting comments on proposals for an order under rule 49. If the publicly available version of this judgment and reasons has any names redacted, this is as a result of an order made by the Tribunal following promulgation of this reserved judgment and reasons to the parties.

Claims and issues

22. The claimant claimed she had suffered detrimental treatment on the grounds of making protected disclosures.

23. The claims and issues were agreed to be as set out in the case summary of a preliminary hearing held on 23 October 2023, except that it was agreed that 3.1.4 had been included in error. It was also agreed, during the course of the hearing, that the correct date for the letter from Superintendent Mark Smith for detriment 3.1.3 was July, rather than September 2020. The corrected list is included in the annex to these reasons. Since the claimant confirmed she was not seeking any compensation, but only a declaration that her complaints succeeded, the issues relating to compensation have been removed.

24. The claimant confirmed at this hearing that she is not seeking any money compensation, for financial loss or injury to feelings.

Evidence

25. We heard evidence from the claimant. She had produced a written witness statement of 100 pages. For the respondent, we heard evidence from: Mark Smith, a retired police officer who, at relevant times, had been a superintendent responsible for the Anti-Corruption unit (ACU) and the GMP's covert policing unit; from Detective Superintendent Simon Hurst, the current head of the Anti-Corruption unit within GMP; Dr Ian Rogerson, a consultant psychiatrist, contracted to work for GMP; and Detective Chief Inspector Jane Curran. We had written witness statements for all the respondent's witnesses. We agreed that Mark Smith, who was on holiday in Cornwall at the time, and Dr Rogerson, because of clinical commitments, could give their evidence remotely by video.

26. The respondent had produced a witness statement for former temporary Assistant Chief Constable Annette Anderson but, at the start of the hearing, Mr Jones informed us that Ms Anderson, who is retired from GMP, was not able to attend the hearing to give evidence. Mr Jones understood that she was on holiday in the United States. Neither the Tribunal nor the claimant had been informed of this prior to the hearing. The claimant had prepared questions that she wanted to put to Ms Anderson. We said we would defer a decision about what to do about this until the second day, after the claimant had had an opportunity to consider three possible options: (1) agreeing that the Tribunal could read the statement on the basis that the Tribunal would give it such weight as it considered appropriate; (2) not admitting the witness statement in evidence; (3) deferring the evidence of Ms Anderson until a future date, when she could attend to give evidence. When we resumed the hearing with the parties on the afternoon of the second day, the claimant said she wanted to ask Annette Anderson questions so would ask for a postponement of the hearing, after the respondent's available witnesses had given evidence, so she could question Ms Anderson on a future date. Mr Jones took instructions as to whether the respondent still wished to rely on the evidence of Ms Anderson. After a mid-afternoon adjournment, Mr Jones informed us that the respondent no longer wished to rely on Ms Anderson's evidence. The claimant was informed by the judge that the only way she could question Ms Anderson was if she sought a witness order for Ms Anderson's attendance, but she would not normally then be allowed to cross examine Ms Anderson. The claimant decided not to apply for a witness order. The Tribunal did not admit the statement of Ms Anderson in evidence since it had been withdrawn by the respondent.

27. We had an agreed bundle of 710 pages.

28. Some further documents were added at pages 711 to 727, by way of late disclosure by the respondent and with the agreement of the claimant, at the resumed hearing on 18 August 2025.

29. The claimant had covertly recorded a lengthy meeting with DCI Jane Curran and PC Edward Anderson on 12 September 2019. The claimant had, correctly, disclosed the audio recording to the respondent. Unfortunately, it does not appear that the Tribunal made any order as to the preparation of, and agreement of, a transcript of the recording. The respondent's solicitors prepared a transcript of the recording which is included in the bundle (beginning at page 426). This notes that the recording was 2 hours 15 minutes in length. The claimant had not agreed the transcript. Neither had she provided the Tribunal and the respondent with a list of what she considered to be errors and/or omissions from the transcript. The Tribunal became aware during the resumed hearing that the claimant had not read the whole of the transcript and compared it with the recording. When cross examining DCI Curran, the claimant referred to things she asserted were said during the recording, without being able to refer us to the relevant part of the transcript. Mr Jones and the Tribunal attempted to assist in locating the relevant part of the transcript. The claimant said she had prepared her cross examination by listening to the recording and not by reading the transcript.

30. The claimant asserted, when questioning DCI Curran on 18 August 2025, that there were inaccuracies and/or omissions in the transcript, without specifying what

these were. The claimant was unable to take us to the parts of the transcript which she said were inaccurate or contained omissions.

31. At the start of the hearing day on 19 August 2025, Mr Jones told us that the claimant had been through the transcript and provided the respondent with a list of what were largely typos in the transcript on a series of Post-It notes and the respondent did not take issue with any of these corrections. Ms Sidat, Mr Jones' instructing solicitor, was typing up a list of these corrections and later provided this to the Tribunal and the claimant. The claimant said she had just checked the bits of the transcript relevant to her questions.

32. The Tribunal did not have the audio recording of the meeting as part of the evidence before the part of the hearing with the parties concluded and neither party invited the Tribunal to listen to any particular part of the recording. It appeared, during the claimant's closing submissions, that she thought the Tribunal did have the recording. The judge informed her that we did not have this.

33. On 21 August 2025, during the Tribunal deliberations, the claimant sent the Tribunal the audio recording by email. Since, for the reasons we are about to give, we decided it would not be appropriate to listen to the recording, we did not attempt to open the attached audio file and do not know whether the security measures on judicial IT equipment would have prevented us from being able to open this attachment. The claimant asserted, in her covering email, that she had highlighted repeatedly that the transcript was inaccurate. The claimant did not set out what inaccuracies, other than those on her Post-It notes, typed up by the respondent, she asserted there were in the transcript.

34. The Tribunal decided that it would not be appropriate, or a proportionate use of the Tribunal's time, to listen to the recording. The recording is apparently 2 hours 15 minutes long. The Tribunal would not normally listen to the whole of a recording. We normally only listen to selected parts of a recording, if a party invites us to and we are persuaded there is a particular reason to do so e.g. where a party asserts that the tone in which something is said is significant. Even though the claimant is a litigant in person, we considered there was an obligation on her to draw to our attention any significant errors in the transcript in the bundle. If the claimant had not had time to do this prior to the start of the hearing in May 2025, there would have been plenty of time to do this prior to the resumed hearing in August. We did not consider it would be appropriate to delay our decision making to invite the claimant to set out in writing what she said were the inaccuracies and to invite the respondent's comments on this. This would have meant the Tribunal was not able to conclude its decision making in the extra time which had been allocated for this hearing. The final hearing had been listed for 5 days but we went part heard, as described above, after 4 days, and had allocated a further 5 days (3 with the parties and two for the use of the Tribunal, if required) in the week commencing 18 August 2025.

35. The nature of the inaccuracies noted by the claimant on her Post-It note comments were not of a significant nature. We considered it likely that any further inaccuracies would be of a similar nature, unlikely to make a difference to our decision.

36. The Tribunal deliberations were concluded by the end of 21 August 2025. On 22 August 2025, the respondent wrote to the Tribunal in response to the claimant's emails of the previous day. They sent a scanned copy of the Post-It notes the claimant had provided to the respondent on 19 August 2025. They stated that they did not hold a view or object to the audio recording being provided by the claimant.

37. For the reasons given, we have not listened to the recording. If, following receipt of this reserved judgment with reasons, the claimant compares the transcript with the recording and thinks there are significant errors or omissions in the transcript which may have made a difference to the Tribunal's decision, the claimant may make an application for reconsideration of the Tribunal's decision. That should set out what the significant errors or omissions in the transcript were and why she considers that having that information would make a difference to the Tribunal's decision.

Facts

38. The claimant has been a police officer with GMP since 2004.

39. The claimant says, in 2017, she was informed by another officer, PC Z, whom she had known since they were teenagers, before joining the police, that he was a CHIS (Covert Human Intelligence Source). She says he alerted her to a corruption problem in GMP and she drew the conclusion from what he said that he was alerting her to covert activity relating to her. The claimant said she had been confused by some of the things which had been happening at work. The claimant says that Z fed her information about PC Y, who the claimant believes to be a corrupt officer, with connections to an Organised Crime Gang (OCG) and covert activity. The claimant did not initially believe him but began to gather evidence of what she came to believe was covert surveillance of her at times. She formed the view, based on information given to her by Z, that it had been Y who had been involved in a road rage incident with the claimant in 2004 or 2005 when the claimant was a new officer and before Y joined the Force. The claimant reported an incident at the time, when the woman in the other car, who the claimant now believes to be Y, spat at her. The claimant reported the incident at the time and understood that the woman involved was questioned by the police. The claimant has come to believe that the other occupant of the car with Y was a man who is now in prison, serving a lengthy sentence for drug smuggling. The claimant believes that there is a notifiable association between Y and that man.

40. The claimant believes that Y married another officer, X.

41. In 2013, the claimant says she engaged, on one occasion, in sexual activity over a video call with a man who she thought she knew. However, she has come to believe that the man was, in fact, X and not who she thought it was, so the act was not consensual and was an offence under s.4 of the Sexual Offences Act. The claimant has at times referred to this as rape, but we understand the alleged act would not amount to rape within the criminal law since there was no physical contact between the claimant and the man. The claimant has come to believe that X deceived the claimant and behaved in this way at the instigation of Y who the claimant believes was present in the room with him and filming what took place. The claimant believes, from various comments made by colleagues, that video footage of this event has been seen by colleagues. The comments include

references to her body hair and offering her money for sexual activity. The claimant believes that the respondent may have investigated her on suspicion of being a prostitute, as a result of information supplied by Y.

42. Various events took place, including someone falling from a motorway bridge onto the claimant's car, that the claimant has come to believe are linked to criminal activity by Y, who she believes has OCG connections.

43. The claimant believes that she has been the subject of covert surveillance at times, some of which may have been to protect her from harm. She believes this may be why there was an immediate response to the motorway bridge incident from medical staff.

44. It appears from the claimant's written document which she read out at the meeting with ACC Anderson on 17 May 2019, (p.307) that the claimant tried to raise with ACC Anderson in 2017 alleged surveillance of her and an attempt was made at that time to refer her to OH for paranoia.

45. We have no way of verifying whether or not these events occurred as alleged by the claimant and whether her beliefs are correct and it is not necessary for us to make any findings of fact about this to reach our decision on the complaints before us. We have heard no evidence to suggest the respondent has investigated these allegations, other than checking whether the claimant had been the subject of authorised covert surveillance.

46. The claimant was absent from work due to work-related stress from early December 2018. She attributes this to the stress of the situation.

47. Whilst the claimant was still on sick leave, Superintendent Jane Higham arranged a meeting for the claimant with Assistant Chief Constable Annette Anderson. The claimant had been repeatedly requesting a meeting to enable her to make a disclosure to Annette Anderson, who the claimant believed to be the correct person to approach about her concerns, since ACC Anderson held the portfolio for Intelligence and Special Operations at the time and previously had been Chief Superintendent for the Professional Standards Branch, which the claimant understood included the Counter Corruption Unit.

48. Supt Higham had a view, prior to the meeting, that the claimant was suffering from paranoia and some form of psychosis in relation to a belief that she was under surveillance (p.711). In an email to ACC Anderson in April 2019, she expressed this view and wrote that she had told the claimant "kindly but firmly that in my view she would find herself eventually being sectioned as her behaviour was getting more and more unpredictable." Supt Higham maintained her view about the claimant's mental health after the meeting with ACC Anderson and subsequently. For example, she expressed the view, in an email dated 11 September 2019 (p.259) which formed part of the material provided to Dr Rogerson, that the claimant's beliefs about what was happening to her had no basis in reality. We have no evidence that Supt Higham carried out any investigation into any of the claimant's allegations.

49. The meeting with ACC Anderson took place on 17 May 2019 with Supt Higham in attendance. The claimant read out a lengthy handwritten document. This has

been referred to by the claimant as a 31 page document but it is, in fact, longer, since this does not take account of the writing on the reverse of the numbered pages. The document is at pages 307-369 of the bundle. We have a brief handwritten note at page 370 of the bundle which we are told is an entry from the day book of ACC Anderson. This confirms that the claimant read out the statement.

50. It does not appear Supt Higham and/or ACC Anderson took steps to ensure they retained a copy of the document. We are surprised by this, given the allegations she makes in this document, including allegations of criminal behaviour and sexual harassment at work.

51. The document the claimant read out did not present the information in as clear a way as the claimant has summarised in her witness statement and as she has explained at this hearing. For example, it was not clear from the document that the claimant was asserting (on p.314), that she had been tricked and the person she engaged in a sexual act with was, in fact, PC X (see p.5 of the claimant's witness statement).

52. What the claimant read out included the following allegations:

- 52.1. That she had been the subject of surveillance by CHIS deployments.
- 52.2. That she had been the victim of exposure in July 2007 by someone she understands to be PC X, acting on the instructions of another named officer, Y.
- 52.3. That OCG members have successfully infiltrated GMP.
- 52.4. That her police vehicle had been tampered with.
- 52.5. That a body nearly landed on her car from a bridge over the motorway, an anaesthetist and nurse were following.
- 52.6. That she had been offered money for sexual favours.
- 52.7. That she had been sexually harassed on a number of occasions.
- 52.8. That ACC Anderson directed an officer to sexually assault her.
- 52.9. That ACC Anderson carried on a preposterous investigation started by her predecessor into whether C was a sex worker.
- 52.10. That she was victim of s.4 Sexual Offences Act crime.
- 52.11. That she had been the victim of "technical rape" by a police officer out of some vendetta for her accidentally cutting in front of a drug dealer 14 years earlier.
- 52.12. The claimant referred to written records she had gathered and photographic logs of their surveillance officers.
- 52.13. That GMP had broken into her house.
- 52.14. That there had been an attempt to safeguard her from known and credible risk by surveillance.
- 52.15. That ACC Anderson and her predecessors had watched from the sidelines for 14 years while a psychopath had made attempt after attempt to take her life and they had tried to hide it.

53. During the meeting, Supt Higham tried to interrupt the claimant, expressing concern for her. The claimant wanted to finish reading the document and ACC Anderson told her to continue.

54. The claimant says that Supt Higham would not have been in a position to know whether there was any truth in what the claimant accepts would have sounded to

her like a very unlikely tale. The claimant has no complaint about Supt Higham, whom she has described as very caring.

55. The claimant says the document she read would have provided enough information for ACC Anderson, who operated in Intelligence and Counter-Corruption, to understand what the claimant was alleging. The claimant referred to having compiled evidence, including diaries of events, in support of her allegations.

56. Supt Higham suggested the claimant should see her GP, which the claimant did. The claimant's GP, Dr Parker, who has known her for a long time, did not consider the claimant was unwell, and refused a referral to mental health services. He referred her back to the respondent. At a subsequent appointment, at the claimant's insistence, Dr Parker agreed to make a referral to NHS mental health services and the claimant eventually saw Dr Huda, an NHS consultant psychiatrist. Whilst the claimant was waiting for this appointment, an internal referral to OH was made on the instruction of Supt Higham.

57. It is apparent, from the way it is written, that the notes in ACC Anderson's day book (p.370) were not made during the meeting. It is a very brief summary, rather than notes of what the claimant was saying at the time. It also refers to Supt Higham telling ACC Anderson that the claimant had been referred to her GP because of concerns held about her, which occurred after the meeting. The note records: "It appears that Danielle has mental health issues and receives professional medical support." No diagnosis of any mental health issue had, at that time, been made by a health professional and no treatment had been prescribed.

58. The day book entry also records that ACC Anderson informed the claimant that she had never been subject to surveillance and tried to reassure her and said that she needed support. The claimant disputes that ACC Anderson told her she had not been subject to surveillance. We prefer the claimant's evidence over the day book entry. As noted above, the entry was made after, rather than during, the meeting. We do not know how long after the meeting the entry was made. ACC Anderson did not attend this hearing to give evidence. We find the claimant's evidence that ACC Anderson did not inform her she had never been subject to surveillance more consistent with later documents than the day book entry. For example, in an email to Supt Higham of 2 September 2019, the claimant wrote that ACC Anderson "did NOT significantly confirm or deny knowledge of any such operations/intelligence as is her right/responsibility" (p.418). Supt Higham's email 17 May 2019 immediately following the meeting (p.725) – does not mention ACC Anderson giving any assurance, which we would have expected to see, had such an assurance been given.

59. Since this meeting, no one from GMP has asked to see the written records and photographic evidence the claimant said she had. The only investigation we are aware of into any of the claimant's allegations is that Superintendent Mark Smith checked whether there had been any authorised surveillance of the claimant. DCI Curran, from PSB, who subsequently met with the claimant, did not carry out any investigation. Supt Smith did not carry out any investigation into the allegations about Y and X and corruption. There was no checking of any records which may have existed of the road rage incident in 2004 and the 2007 exposure.

60. Following the referral to OH, Dr Shackleton, the respondent's Force Medical Officer, on 4 July 2019, referred the claimant to Dr Rogerson, a consultant psychiatrist contracted to provide services to GMP, for assessment. The referral (p.146) includes the following:

"In essence she has very strongly held beliefs about the conduct of her fellow officers and operations conducted by GMP that she believes relate directly to her. These beliefs are quite extensive and complex. She has taken the trouble to set out all of these concerns in a document that she has shared with the Assistant Chief Constable.

"The question is whether she is suffering from a mental health disorder and is delusional, or not. The clinical diagnosis depends to some extent on knowing whether the things she refers too [sic] are in fact true. I do not know whether you or I will be privy to that information."

61. The claimant contacted her MP who wrote to ACC Anderson on 25th July 2019. The MP wrote that the claimant apparently made a protected disclosure to ACC Anderson on 17 May 2019 but had not received an acknowledgement of the disclosure. The MP asked ACC Anderson to review the matter raised and reply to him. The MP's letter was passed to the PSB.

62. Dr Rogerson produced a report on 20 August 2019 (p.250). He recorded that the claimant had no previous history of assessment or treatment for any mental disorder. He summarised her concerns about her treatment at work as: having been subject to multiple sexually inappropriate behaviours by a number of officers of GMP over a prolonged period of time; and being subject to directed surveillance by undercover officers. She explained that she believed the reason for surveillance was that GMP believed she held information that an officer was a member of a serious organised criminal network and wished to prevent this information from being released. She referred to the road rage incident involving someone who turned out to be a female officer and was with a drug gang. Dr Rogerson wrote: "The beliefs she described could be delusional in nature depending upon whether there is evidence to support these. They are held with absolute conviction and are complex and inter-related." He recorded that she was orientated in time, place and person with normal attention and concentration, immediate and remote memory.

63. Dr Rogerson wrote:

"There are in my opinion several options here:

"That Dannielle has been subjected to the alleged sexually inappropriate behaviours and covert operation of surveillance by GMP.

"That Dannielle is presenting with symptoms of a severe mental illness, most likely that of DSM-5 Delusional Disorder 297.1.

"Delusional Disorder is a condition characterised by presence of delusions of one month duration or longer, without prominent perceptual disturbance (hallucinations) and usually not associated with markedly impaired function. Patients can often remain in work and relationships whilst retaining complex and firmly held delusional beliefs upon which they will continue to act.

“Patients with Delusional Disorder are often difficult to engage in services or treatment and symptoms may be persistent for many years.

“I would suggest that Dannielle is referred to local NHS mental health services for further assessment.

“As noted above, one option here is that the allegations are true, but as I am not in a position to investigate these or obtain corroborative information I have given a differential.”

64. Dr Rogerson had a discussion with Dr Shackleton soon after he produced his first report, during which Dr Rogerson suggested a further referral should be made to him.

65. On 28 August 2019, Dr Shackleton provided advice to GMP (p.150), referring to Dr Rogerson’s report of 20 August 2019. He wrote: “In order to provide a more definitive clinical diagnosis it will be necessary for me to know whether any or all of the matters that she has described to ACC Anderson and Supt Higham are accurate or true. I can then discuss the matter further with my colleague. In the absence of that information I regret that I am unable to issue a statement of fitness/unfitness.”

66. On 2 September 2019, the claimant emailed Supt Higham (p.418). She referred to her disclosures on 17 May 2019 and wrote that Supt Higham’s decision, in the absence of any evidence, which the claimant had not provided, was that the claimant was very unwell and Supt Higham considered that the claimant needed a full psychiatric assessment at the earliest opportunity as she was worried for the claimant’s welfare.

67. The claimant wrote that she had tried expeditiously to push this process forward, including forcing her GP to complete a referral to the early intervention team, despite the GP (who had known the claimant for 24 years) stating that she was not suffering from any such disorder/illness. The claimant wrote that she had been seen by Dr Huda and Dr Rogerson and both had reached the same cross roads in their diagnostic process. They were both at a point where they were unable to make a medical diagnosis without further information. The claimant wrote that, in order to receive any form of medical treatment she first required a diagnosis. She wrote that the doctors had requested a clear, specific and unequivocal statement from GMP to state that the claimant had not been and was not being subject to covert policing tactics. The claimant asked that ACC Anderson be asked for this denial. She wrote that the correspondence needed to be clear and not open to interpretation in any way for an expeditious diagnosis.

68. The claimant wrote as follows:

“1) I am saying there is an active OCG member on GMP TFU and GMP are fully aware of this, GMP are saying this is not the case and is a figment of a yet undiagnosed mental illness in me.

2) I am saying I have been subject to directed surveillance under the command of Annette Anderson (as she was the head of PSB at the time), GMP are saying this is a figment of my imagination/hallucination and this is not the case and is a symptom of a serious mental illness.

3) I am saying I have been and currently am being subject to CHIS deployments as part of a covert (obviously no longer covert, but is intended to be) investigation. GMP are saying this is a symptom of serious mental illness.

4) I am saying that I have been subject to extensive very serious criminality over the years at the hands of said OCG as this is the summary of my investigation (this is also the summary of GMP's investigation). GMP are saying that I have not been and that this is a symptom of a very serious mental illness.

5) I am saying that a police officer was sent by someone in PSB to sexually assault me at work, whilst wearing a police uniform as part of a covert policing investigation (for an unknown reason). GMP are saying this has not happened and this officer is not one of many CHIS' and many other officers who have conducted this and numerous other criminal and distasteful actions against me. You guessed it I imagined this and it is a symptom of my serious mental illness."

69. The claimant wrote that, in essence, Supt Higham's decision was, without investigation, that the claimant was poorly and must be helped. She wrote that ACC Anderson "did NOT significantly confirm or deny knowledge of any such operations/intelligence as is her right/responsibility."

70. The claimant wrote: "It is my understanding however that GMP have in essence said I have this serious mental health disorder and therefore GMP need to support this medical investigation by providing a written denial of the matters above to allow diagnosis and then treatment."

71. On 4 September 2019, Edward Anderson, an Assessment Officer with PSB, emailed the claimant (p.420) referring to the letter from the claimant's MP, and asking the claimant to provide them with a copy of the document which outlined the corruption allegations so they could conduct a full assessment.

72. On 6 September 2019, Supt Higham emailed Edward Anderson (p.422) writing that Dr Shackleton had contacted her the day before and they needed someone senior in the organisation to confirm that; "1. There is no substance to the allegations made by Dannielle or 2. That they [sic] may be some substance. This will then allow them to properly assess her fitness for work. Clearly if this is all in Danielle's mind, it means that she is mentally very unfit for work." Supt Higham does not state that, at the meeting in May 2019, ACC Anderson assured the claimant that she was not being subject to surveillance as we would have expected, had that occurred.

73. On 9 September 2019, Inspector Karen Taylor wrote an email (p.422) which was forwarded by Supt Higham to Edward Anderson. This said: "I have today spoken to CI Laura Evans who is a personal friend of Danielle. She as [sic] known Dannielle for 15 years and has felt the need to contact us due to concern over her escalating MH problems. She as [sic] noticed that her behaviour has become increasingly concerning and although her friends are supporting her they are

seeing a change in the way she is presenting. Laura has offered to speak to us if we need any further backgrounds on her. She as [sic] stated that Danielle is continuing to discuss corruption within the police, which she says she has reported and nothing has been done.”

74. On 11 September 2019, Supt Higham wrote an email to Bernie Kearns in OH, amongst other recipients, and copied to Supt Smith (p.259). This email was provided to Dr Shackleton. Supt Higham wrote that she had had a call from Supt Mark Smith (CCU) who was happy to say that the claimant had not been subjected to any surveillance or any investigation by GMP. He could not speak for any other force but it would be highly unlikely that they were not aware if any other force were investigating her. Dr Shackleton annotated this email asking for a reassessment to be arrangement by Dr Rogerson with this information. Supt Higham wrote in the email that the claimant’s beliefs about what is happening to her had no basis in reality.

75. On 12 September 2019 DCI Jane Curran and PC Edward Anderson from Professional Standards met with the claimant. They were to speak to her about the letter from the MP and to update her on the investigation into an alleged sexual assault which was unrelated to the concerns the claimant had raised on 17 May 2019.

76. The alleged sexual assault was by PS Stapleton and was alleged to have occurred in December 2015. The claimant did not report it at the time but made a statement when she became aware of an investigation regarding that officer and alleged inappropriate sexual comments towards female student officers. The alleged sexual assault was not a matter raised in the claimant’s document of May 2019. She has never alleged that this alleged conduct formed part of the alleged pattern of corrupt behaviour. From the report of IO McGinty into this matter (p.399) dated July 2019, it is clear the investigation was in progress some months prior to the meeting on 17 May 2019. IO McGinty did not investigate any of the matters raised by the claimant in May 2019. From IO McGinty’s report, PS Stapleton had received Management Advice in relation to the alleged inappropriate comments towards two female officers.

77. DCI Curran and PC Anderson went first to the claimant’s home but, at her request, went to Hyde Police Station to have the meeting in a private room there. The meeting lasted around 2 hours. The meeting was not officially recorded. The claimant covertly recorded the meeting. The respondent’s solicitors prepared a transcript of the audio recording which is included in the bundle. Unfortunately, the parties had not agreed the transcript. However, during the hearing, the parties agreed some corrections to what appeared to be mishearings about what had been said, rather than deliberate omissions or misrepresentations. The audio recording was not put in evidence. The claimant said she had not gone all through the transcript. However, from the parts that were challenged it appears these were minor typos or mishearings and there were no significant omissions. We accept the transcript as a generally accurate representation of what was said at the meeting.

78. DCI Curran made some notes in her day book but we find these were made some time after the meeting. We make this finding based on the style of the record, which is more in the form of a summary than appearing to be notes taken at the

time. The notes in PC Anderson's day book (p.381) look more likely to have been made during the meeting than those of DCI Curran. Also, DCI Curran said in the meeting that she was not taking notes (p.437) and this is consistent with the claimant's recollection. The claimant, in cross examination, did not disagree with what DCI Curran had written in her day book.

79. In the meeting, DCI Curran said she had not made a final decision about PS Stapleton (accused of a sexual assault against the claimant on a night out) but said it would not be going to the CPS and probably would not go to a misconduct hearing or meeting. DCI Curran said she would confirm with the claimant the next week whether anything would happen. DCI Curran failed to do this, for which she apologised in the hearing. DCI Curran, in her later report, suggested she had told the claimant the final outcome in the meeting.

80. On 12 September 2019 (p.386), DCI Curran emailed Supt Higham, copying in Supt Mark Smith and Bernie Kearns from OH. She wrote that she and Ed Anderson had spoken with the claimant at Hyde Police Station that day. DCI Curran wrote that, when asked directly by the claimant, she told her that to her knowledge, the claimant had not been subject to surveillance. This document was amongst those given to Dr Rogerson before he produced his second report. DCI Curran did not have this information directly from Supt Smith but probably from Supt Higham since she was copied in on the email dated 11 September 2019 (p.259) in which Supt Higham wrote that Supt Smith would be happy to say that the claimant had not been subjected to any surveillance or investigation by GMP. DCI Curran's email of 12 September 2019 does not give any information about the very many allegations made by the claimant or how the allegations would be dealt with particularly in the light of Supt Higham's request in her email of 6 September 2019 (p.422) (following contact from Dr Stapleton) "...that someone senior in the organisation to confirm 1. There is no substance to the allegations made by Danielle..." DCI Curran was aware of this request from her contemporaneous timeline of events (p.707). The emphasis of the email is on health and welfare. The purpose of including the last sentence of the email is unclear. She wrote that "Ed made a comment afterwards that he felt that Danielle just wanted an excuse to go to Hyde police station to say hello to people there and it did seem that way."

81. On 13 September 2019, DCI Curran had a conversation with Bernie Kearns at OH (JC21). Bernie asked DCI Curran to place the information she had into a report so that OH could reassess the claimant.

82. On 23 September 2019, DCI Curran produced a report on the meeting she and PC Anderson had with the claimant on 12 September 2019 (p.390) which she sent to ACU (p.390). The report states that it is to be "shared as intelligence" with DCI Scales at Counter Corruption Unit (p.394). DCI Scales reported to Supt Smith. The report included, in the background to the meeting, reference to ACC Anderson's day book entry of the meeting with the claimant on 17 May 2019. DCI Curran recorded that ACC Anderson stated (which appears to be a reference to the day book entry) that she informed the claimant at the meeting that she had never been subject to surveillance and tried to reassure her. DCI Curran wrote that she was aware that Supt Mark Smith of Anti-Corruption Unit had confirmed to Occupational Health Unit at GMP that the claimant was not and had not been subject to surveillance as a direct result of requests made by Supt Higham. The claimant was not provided with a copy of this report.

83. As previously noted, the report suggests the claimant was told during the meeting that there was a determination of no case to answer for PS Stapleton. However, as can be seen from the transcript, DCI Curran, in fact, told the claimant that no final decision had been made. Apart from that matter, we consider that the report gives a reasonable account of other things said at the meeting on 12 September 2019.

84. In the conclusions to her report (p.394), DCI Curran writes: "DCI Curran has determined that on the information currently available to her as Appropriate Authority there is insufficient for any formal misconduct investigation or action against any officer. DCI Curran did not carry out any investigation before stating these conclusions. Leaving the claimant's allegations of corruption aside (which DCI Curran told us would be a matter for ACU, rather than for her), the claimant had given information about conduct of other officers which could have suggested investigation would be required. The report also states that the report will be shared as intelligence with DCI Scales at Counter Corruption Unit. It does not say that it is for ACU to investigate as appropriate. From the evidence of Supt Smith, we know that no investigation was carried out by ACU other than checking records of authorised surveillance to be able to make the statement that the claimant had not been the subject of authorised covert surveillance. We find it surprising that, after the allegations made by the claimant, no investigation is initiated into any of the claimant's allegations other than as to whether she had been the subject of authorised covert surveillance.

85. In the subsequent version of the report sent to OH (p.302), DCI Curran added a sentence, not in the version sent to ACU: "Danielle has not been subject to surveillance however DCI Curran has taken the view that this does not necessarily negate other concerns that Danielle has raised." In the light of this statement, it is all the more surprising that GMP did not conduct any investigation into these other concerns to see whether it could be established whether there was any truth in these other allegations.

86. On 23 September 2019, the same day DCI Curran sent the report to ACU, DCI Curran sent an email to Bernie Kearns, intending to send a copy of the report, but there was no attachment (p.489). After being informed in an email on 3 October 2019 that there was no attachment and requesting that it be resent, this was sent on 9 October 2019 to Bernie Kearns who replied that she would place it on file for Dr Shackleton's attention. The redacted version is dated after this email, so it is unclear what version of the report DCI Curran had been intending to send to OH on 23 September 2019.

87. On 26 September 2019, Dr Rogerson provided a further report (p.160), after seeing the claimant that day and being provided with copies of various emails from Inspector Karen Taylor, Superintendent Jane Higham and Laura Evans, Chief Inspector Project Team, together with email responses from the claimant. Dr Rogerson had not identified in his witness statement which particular emails these were and he did not have access to the records which were retained in OH for data security reasons. He had access at the time to the whole OH file but this was added to over time and it would not necessarily be possible to identify from that file what material had been before him. Dr Rogerson confirmed in evidence, in answer to questions from the judge, that what he had seen had included the following emails:

87.1. From DCI Higham, an email dated 4 July 2019 (p.158) which included the statement that, at the time of the 17 May 2019 meeting, DCI Higham had said to the claimant that she thought she was exhibiting signs of paranoia and it was very clear that the claimant required help.

87.2. From DCI Higham, the email of 11 September 2019 (p.259) in which she wrote that Supt Smith was happy to say that the claimant had not been subjected to any surveillance or investigation by GMP.

87.3. From Laura Evans, a police officer and friend of the claimant, an email dated 10 September 2019 (p.272) in which she wrote that friends were coming to the assessment that the claimant was unwell and they were struggling to get the claimant to see this.

87.4. From DCI Curran, the email to Supt Higham dated 12 September 2019 (p.386). Although this document is not referenced in the second report, Dr Rogerson said in evidence that he would have seen it and the annotation on it supports this.

88. We were not able to identify which emails from Karen Taylor Dr Rogerson had read, but there are emails from Inspector Karen Taylor in the email trail with Laura Evans.

89. There was no information from the respondent to assist Dr Rogerson's diagnosis other than the emails he referred to. Dr Rogerson had not seen the claimant's document she read out at the meeting in May 2019 and relied on as her protected disclosure, when making his diagnosis. He had not seen either version of DCI Curran's report dated 23 September and 5 October 2019. The 5 October version was sent to OH on 9 October 2019, after Dr Rogerson had done his second report. Dr Rogerson would have had a better sense of what had been said by the claimant, had he seen DCI Curran's report prior to issuing his report.

90. Dr Rogerson wrote in his second report that he noted from the emails that it had been confirmed by Superintendent Mark Smith that the claimant had "not been subjected to any surveillance or investigation by GMP" and that it would be "highly unlikely" that GMP would not be aware if another force were investigating her. Dr Rogerson said in evidence that he thought it likely that his information from Mark Smith came entirely from the email from DCI Higham dated 11 September 2019 (p.259). This email to Bernie Kearns of OH, amongst others, and copied to Mark Smith, stated:

"I've just had a call from supt Mark Smith (ccu) in the circumstances he is happy to say that Danielle burns has not subjected to any surveillance or investigation by GMP. He cannot speak for anu [sic] other force but it would be highly unlikely that we weren't aware if any other force were investigating her.

....

"Please can this be forwarded to Dr Shackleton for him information asap as we remain concerned that Danielle is behaving in a very strange manner and her beliefs about what is happening to her have no base in reality."

91. Dr Rogerson wrote that it was apparent the claimant continued to hold the beliefs that she has been subjected to surveillance, that there are officers in GMP

who are part of OCG and that there may be risks to her safety. He wrote that she described what appeared to be complex and inter-related persecutory delusions.

92. Dr Rogerson wrote that his impression was that the claimant presented with symptoms consistent with DSM-5 Delusional Disorder. He wrote that she required urgent referral to local NHS specialist mental health services by her GP.

93. The report does not specify that Dr Rogerson is only able to diagnose delusional disorder in relation to the claimant's beliefs about being under surveillance.

94. Supt Smith's assurance, as reported by Supt Higham in her email, is a statement about there being no surveillance without qualifying it as saying this relates to authorised surveillance.

95. In his first report, Dr Rogerson included as one option, that the claimant had been subjected to the alleged sexually inappropriate behaviours and covert operation of surveillance by GMP. When writing his second report, Dr Rogerson had no information about whether or not there was any truth in the claimant's allegations of sexually inappropriate behaviour. He made no reference in his second report to her allegations about sexually inappropriate behaviours but only to her beliefs about surveillance. When giving evidence, Dr Rogerson said he had formed no view about whether the claimant had been subjected to the alleged sexually inappropriate behaviours.

96. Dr Huda, an NHS Consultant Psychiatrist, saw the claimant again on 1 October 2019. They wrote to the claimant's GP on 4 October 2019 (p.163). They wrote that the claimant said she recognised that her beliefs sounded odd and unusual but she felt that the evidence collected was consistent with the conclusions. "Given she has this element of believing that she recognises that other people would think that her conclusions are unusual and that she thinks they are unusual, it suggests it might be more of an overvalued idea, rather than a delusion. Overvalued ideas are dominating strong beliefs that strongly influence people's behaviours. She is prepared to take what she regards as her evidence and discuss it with an expert who can evaluate the strength of the evidence for her, whether the evidence chain backs up her conclusions." Dr Huda wrote that they would see the claimant again in 2 months' time.

97. On 5 October 2019, DCI Curran produced a further document about her meeting with the claimant which she sent to OH on 9 October 2019 (p.297 and p.487). This was produced after speaking to Bernie Kearns at OH who requested that DCI Curran put the information she had into a report so that OH could reassess the claimant. This was very similar to the report sent to ACU but with some differences. The one sent to OH removed sensitive information. It did not contain names of some officers alleged to have committed offences, those alleged to be part of a CHIS network and references to a CHIS network. The version sent to OH, when writing about the alleged exposure in 2007, omitted a part in the version sent to ACU which read "that she knows about a large number of operatives and she can chart back". The claimant was provided with a copy of this report by OH.

98. Both versions of the report state that DCI Curran updated the claimant in respect of the complaint about PS Stapleton and that the investigation had found

no case to answer for him. The transcript shows that DCI Curran had told the claimant no final decision had been taken, although it was likely there would be no action.

99. We find that what DCI Curran otherwise recorded in the report to OH about the conversation on 12 September 2019 is correct but is not a comprehensive account of what was discussed.

100. DCI Curran wrote that PC Anderson had attempted to contact the claimant by phone and email without response. She wrote that, on 12 September 2019, she and PC Anderson attended at the claimant's address to speak to her about a complaint she had made against PS Stapleton (of sexual assault at an off duty police function in relation to which a misconduct investigation had determined there was no case to answer for PS Stapleton) and the claimant's concerns she had raised about serious corruption.

101. The claimant did not want to speak to them at home so, at the claimant's suggestion, they went to Hyde police station and spoke in a private room there.

102. DCI Curran wrote that they asked about the document the claimant had read out to ACC Anderson and the claimant did not, at first, believe they did not have a copy of this. The claimant said she thought the senior officers had taken a copy of the document. The claimant would not commit to showing DCI Curran a copy of the document.

103. What DCI Curran recorded of what the claimant told them included the following:

103.1. That the claimant had been subject to a covert operation, potentially since 2013 when she moved to Ashton. She told them she had diaries and physical exhibits to back this up. She spoke to ACC Anderson about this because she thought ACC Anderson was the SIO for the covert operation.

103.2. There is a female officer with GMP who is associated with an OCG group who was on television on "Send in the Dogs". There is a male GMP dog handler of concern who is married to an OCG member and GMP are aware of this. The claimant believes that he is a sex offender and committed offences in 2002. All the information the claimant is giving now is already known to GMP. In 2017, the claimant went to ACC Anderson and asked why the covert surveillance of her was happening but they said they couldn't confirm or deny.

103.3. The claimant said she had been sexually assaulted a number of times whilst working at Ashton. DCI Curran wrote that they had explored this with the claimant but she did not give further details. The claimant said there was an exposure in 2007 in the GMP woods whilst she was puppy walking. DCI Curran wrote that, despite probing, the claimant did not disclose any details to substantiate a sexual assault.

103.4. The claimant said she was subject to a s.4 Sexual Offences Act offence in 2013.

103.5. The claimant said she wanted GMP to engage with her and tell her what would happen about the corruption.

104. DCI Curran wrote that the claimant appeared to be genuinely distressed and genuine about what she told them. She explained that she had been told that either this happened or she needs support in respect of her mental health. DCI Curran wrote that she told the claimant that, as far as she knew, and this had been confirmed by an officer senior to herself in Professional Standards, the claimant was not and had not been subject to covert surveillance by GMP. DCI Curran wrote that the claimant was surprised to have this confirmed and said that meant that she needed professional help and she knew that was not the case.

105. DCI Curran's report stated that she had determined that, on the information currently available to her, there was insufficient for any formal misconduct investigation or action against any officer. She wrote that she had sent a report about the meeting with the claimant to GMP's Anti-Corruption Unit because of the nature of the claimant's concerns. The claimant had not been subject to surveillance but DCI Curran had taken the view that this did not necessarily negate other concerns the claimant had raised. She wrote that it would be wrong to dismiss the claimant's concerns without sharing the intelligence provided in the same way that any other such report was treated.

106. DCI Curran did not undertake any investigation following this meeting into any allegations made by the claimant. We accept her evidence that it was not her role to investigate allegations of corruption. She sent her report to ACU. They would not ordinarily tell her if they had conducted an investigation or not, and did not tell her what, if anything, they did after receiving the report. DCI Curran did not, following the meeting, carry out any investigation into any of the sexual offences the claimant had alleged occurred. She considered there was insufficient information to submit a crime report. She did not check whether there were any records to substantiate reports the claimant said she had made. DCI Curran thought it highly unlikely the things the claimant alleged had occurred but said in evidence that, just because it is unlikely, does not necessarily mean it is not true.

107. The PSB timeline states that the claimant stated in the meeting that she would not hand over a copy of the document she read in the 17 May 2019 meeting. The transcript does not confirm an outright refusal to a direct request. The claimant thought a copy of the document had been made on 17 May 2019 before she returned to the meeting room and retrieved her original copy. She expressed doubt as to the point of providing DCI Curran with a copy since she had been told Supt Smith had said there was no surveillance and she expected a diagnosis of delusion as a result of that statement. We have seen no evidence that DCI Curran or PC Anderson tried to obtain a copy of the 17 May 2019 document after the meeting. They did not ask to see the other evidence the claimant said she had.

108. In the period 22 to 28 October 2019, the claimant hand delivered letters outlining corruption within GMP to the Chief Constable's office in Merseyside, Cumbria, North Yorks, South Yorks and Lancashire (p.708). She presented her warrant card to get access to the building in Lancashire. GMP decided not to investigate the claimant for misconduct because they consider her to be unwell.

109. On 23 October 2019, Dr Shackleton wrote to Dr Huda (p.167). He included in this letter the following: “ I have been in contact with senior officers involved in this case and I have been unable to establish that her beliefs are true, and specifically I have been told that she has not been placed under surveillance by Greater Manchester Police.” Dr Shackleton asked Dr Huda if he could provide a brief report in respect of his own diagnosis, any proposed treatment and the long term prognosis for the claimant’s condition.

110. Dr Huda replied to Dr Shackleton on 29 October 2019. He wrote (p.169):

“She certainly seems to have strongly held beliefs. These beliefs may reach delusional intensity or they may be what we regard as overvalued ideas, which are strong dominating beliefs that strongly influence people’s thoughts and behaviours. I think that at the moment any diagnosis is highly provisional.

“The best way to proceed is for Dannielle to check her beliefs with someone whose judgement she trusts and to see if she still maintains these beliefs if the person she trusts disagrees with her conclusions.

....

“The prognosis will depend upon a willingness to change her beliefs when people she trusts the judgment of disagree with her.”

111. The claimant’s GP continued in their view that the claimant did not have any mental health problems.

112. The claimant had a brief return to work in or around June 2020. On 2 July 2020, the claimant was granted a period of discretionary paid leave. The claimant was still off work at the time of this hearing in 2025.

113. On 9 July 2020, Detective Superintendent Mark Smith wrote to Dr Huda (p.305). He explained that all covert surveillance activity is governed by the Regulation of Investigatory Powers Act 2000 (RIPA) and requires the written authority of a senior officer of at least superintendent rank or equivalent. He wrote that all such authorised surveillance has been documented in detail since 2000. He wrote that it was highly unusual for him to comment on such matters and Force policy was to neither confirm nor deny details of covert policing deployments. However, in the circumstances, recognising the detrimental effect the claimant’s concerns were having on her health and well being, he had caused enquires to be made. He wrote: “Police Constable Danielle Burns has not at any time during her service with the Greater Manchester Policy been the subject of any authorised covert surveillance whilst she has been on or off duty by officers from the Greater Manchester Police.” He wrote that he would be unable to make any further comments about the operational deployments of the GMP ACU and covert policing resources.

114. On 14 July 2020, Supt Higham sent this letter to Dr Huda (p. 188). She wrote that this was by way of confirmation that there had never been any period when the claimant was under surveillance by GMP officers. She wrote that they would also know if any other force had an interest and that was certainly not the case.

115. Dr Huda wrote to the claimant's GP on 9 September 2020 (p.196). He wrote that they had had confirmation from a detective that the claimant was not under any authorised covert surveillance. He wrote:

“Bearing in mind that this doesn't have seem to have changed her view about what is happening, and that I am only making a judgment about her reports that she has been under covert surveillance, it does seem likely that she is suffering from a delusional disorder on this matter. I cannot comment on all that she has reported as we don't have evidence for or against on the other matters.”

116. Dr Huda prescribed anti psychotics for a period while the claimant waited for psychotherapy.

117. At Dr Huda's suggestion, the claimant approached the Investigatory Powers Tribunal (IPT). She raised a complaint with the IPT on 14 February 2020 with T1 and T2 forms submitted on 22 and 24 February 2020. The IPT issued a notice of decision on 19 February 2021 that they had not found unlawful activity on the part of GMP. The claimant submitted an appeal on 23 May 2022. Her initial appeal submission was rejected and she unsuccessfully sought leave to appeal on 28 July 2022. She sought to challenge the decision to refuse to grant her leave to appeal on 2 August 2022. On 1 December 2022, the claimant received a letter from Sir Brian Leveson stating he had no jurisdiction to investigate or act.

118. The claimant made an application for ill health retirement on 24 February 2021. This application was not initially supported because of an opinion from a selected medical practitioner (SMP), Dr Kishnah, that the claimant was not permanently disabled from performing the ordinary duties of a member of the police. (p.197, 544). Dr Rogerson subsequently gave an opinion that ill health retirement would offer the claimant an opportunity for recovery (579). An opinion was sought from a further SMP, Dr Gridlow. Dr Gridlow determined that the claimant was suffering with delusional disorder and concluded, on a balance of probabilities, that the claimant was permanently incapable of carrying out the role of a police officer. The claimant submitted an appeal to the decision reached by Dr Gridlow, without the knowledge or advice of the Police Federation. The claimant's Police Federation representative requested that HR pause the ill health process so he could conduct a thorough review of the material and medical evidence that had been quoted in support of the appeal.

119. The claimant said she appealed to stop the IHR process when she was calmer. Her understanding is that the process is suspended pending these proceedings.

120. Tim Hanson of the Police Federation produced a report which he provided to the claimant on or prior to 14 September 2022.

121. Tim Hanson noted, in paragraph 61 (p.586), that GMP PSB had confirmed to the claimant that she had not been subject to surveillance but had not negated any of the other concerns she raised. He wrote, at paragraph 65 that it was entirely plausible that the separate incidents the claimant recounted between 2004 and 2013 occurred but it was far less plausible that the incidents occurred as part of a conspiracy of retribution against the claimant or that the incidents occurred due to the reasons the claimant believed. He reviewed the claimant's concerns,

identifying concerns about the plausibility of her beliefs in relation to various matters. He identified some questions which, if answered by GMP, could shed further light on the matter (p.591). He suggested that, once these questions were answered, he have a meeting with the claimant, her line manager and a friend, to explain the content of the report and provide the claimant with a copy. The claimant could then decide whether to appeal the SMP findings before the ill health process was progressed. The claimant's understanding is that he asked questions and PSB refused to provide information. We saw no evidence that GMP ever provided the information sought by Tim Hanson.

122. In January 2023, the claimant made a referral to the IOPC following advice from Tim Hanson (p.609). It appears that the IOPC passed the matter back to GMP to investigate. Email 606. There is evidence that the claimant was continuing to correspond with the IOPC up to and beyond the date of presentation of this claim. We note that there are pages in the bundle relating to contact with the IOPC but we were not taken to these specific pages in evidence.

123. On 27 January 2023, the claimant made a complaint to Pennine Care NHS Foundation Trust about the diagnosis by Dr Huda (p.599). On 12 July 2023, they replied (p.669), informing the claimant that their Interim Clinical Director had investigated and was confident that Dr Huda had made an appropriate diagnosis.

124. Also in January 2023, the claimant made what she describes as a "comprehensive General Medical Council submission." The claimant was informed on 30 March 2023 of a refusal to investigate her concern.

125. The claimant also made a complaint to the CQC who refused to investigate as they stated this was not within their statutory remit.

126. The claimant met with her MP who then met with GMP on or prior to 17 February 2020. Her MP expressed concerns about her health. The claimant is not aware of any further action taken by her MP.

127. The claimant wrote to Jess Phillips MP requesting her to act but Jess Phillips MP refused.

128. We accept the claimant's evidence that she was not aware of the possibility of bringing a complaint to the employment tribunal until her GP suggested, in or after March 2023, seeking advice from ACAS. The claimant contacted ACAS who gave advice resulting in the claimant presenting this claim.

129. The claimant had access to advice from the Police Federation, although they refused to provide support with this claim.

130. The claimant said in evidence that she physically had the ability to put forward a claim in the employment tribunal.

131. The claimant commenced early conciliation with ACAS on 5 June 2023. The ACAS EC certificate was issued on 13 July 2023.

132. The claimant presented her claim to the employment tribunal on 17 July 2023.

LawJurisdiction

133. The initial time limit for the complaints is three months beginning with the act or failure to act to which the claim relates or, where the act or failure to act is part of a series of similar acts or failures, the last of them: s.48(3)(a) Employment Rights Act 1996 (ERA). The effect of the early conciliation procedure is that, if the notification to ACAS is made within the initial time limit period, the time is extended by the period of conciliation.

134. Time can only be extended, if the claim was not presented during this initial time limit, if the Tribunal is satisfied it was “not reasonably practicable” to present the claim within that period and it was presented “within such further period as the tribunal considers reasonable”: s.48(3)(b) ERA.

135. Ignorance of time limits will not mean it was not reasonably practicable to present a claim in time, unless the claimant’s ignorance of the relevant time limit is found to have been reasonable: **Wall’s Meat Company Ltd v Khan** [1979] ICR 52.

Provisions relating to protected disclosure detriment

136. The provisions related to protected disclosure, or whistleblowing, detriment, were inserted into ERA by the Public Interest Disclosure Act 1998, to which the claimant has referred in her submissions. The provisions with which we are concerned in this case are those in the ERA.

137. Section 47B(1) ERA provides: “A worker has the right not to be subjected to any detriment by any act, or any deliberate failure to act, by his employer done on the ground that the worker has made a protected disclosure.”

138. What constitutes a protected disclosure is defined by sections 43A to 43H ERA. Section 43A provides: “In this Act a “protected disclosure” means a qualifying disclosure (as defined by section 43B) which is made by a worker in accordance with any of sections 43C to 43H.”

139. The potentially relevant parts of section 43B, as identified in the list of complaints and issues, are as follows:

“(1) In this Part a “qualifying disclosure” means any disclosure of information which, in the reasonable belief of the worker making the disclosure, is made in the public interest and tends to show one or more of the following –

(a) that a criminal offence has been committed, is being committed or is likely to be committed,

(b) that a person has failed, is failing or is likely to fail to comply with any legal obligation to which he is subject,

.....

(f) that information tending to show any matter falling within any one of the preceding paragraphs has been, or is likely to be deliberately concealed.”

140. It is agreed in this case that the alleged disclosure was made to the claimant’s employer, so section 43C is relevant.

141. For there to be a disclosure of information, a statement must have “sufficient factual content and specificity” to be capable of showing a relevant failure: **Kilraine v London Borough of Wandsworth** [2018] EWCA Civ 1436.

142. In **Babula v Waltham Forest College** [2007] ICR 1026, the Court of Appeal held that an employee who informed the police and other enforcement agencies that he believed that an act of racial hatred had been committed could rely on the protection of the whistleblowing provisions to argue that his dismissal was automatically unfair, even though his belief was mistaken. The Court held that a belief may be reasonably held and yet be wrong.

143. In **Chesterton Global Ltd (t/a Chestertons) v Nurmohamed** [2017] EWCA Civ 979, the Court of Appeal gave the following guidance in relation to the public interest test. The Tribunal must determine:

143.1. Whether the worker subjectively believed at the time that the disclosure was in the public interest; and

143.2. If so, whether that belief was objectively reasonable.

144. The claimant must prove, on a balance of probabilities, the facts on which they rely. The claimant must, therefore, prove that they made a protected disclosure and that they suffered the alleged detrimental treatment.

145. If the claimant proves these facts, s.48(2) ERA provides that:

“On such a complaint it is for the employer to show the ground on which any act, or deliberate failure to act, was done.”

146. The employer must show that the protected disclosure did not materially (in the sense of more than trivially) influence the employer’s treatment of the claimant: **Fecitt v NHS Manchester (Public Concern at Work Intervening)** 2012 ICR 372 CA.

147. If the respondent does not prove an admissible reason for the treatment, the Tribunal is entitled, but not obliged, to infer that the detriment was done on the grounds that the worker made a protected disclosure: **Ibekwe v Sussex Partnership NHS Foundation Trust** UKEAT/0072/14.

Submissions

148. Mr Jones provided some written submissions and made additional oral submissions. The Tribunal and the claimant read Mr Jones’ written submissions before he made his oral submissions.

149. The claimant read out written submissions which she had prepared and provided to us. We had not read these in advance, since the claimant said she was going to read them out.

Conclusions

Jurisdiction

150. There was a time limit issue which, if decided against the claimant, would mean the Tribunal had no jurisdiction to consider the complaint.

151. The parties agreed that the complaints were all presented out of time. The last act of alleged detrimental treatment was on 9 July 2020, the date of the letter from Detective Superintendent Mark Smith to Dr Huda. The claimant undertook ACAS early conciliation in the period 5 June to 13 July 2023 and presented her claim to the employment tribunal on 17 July 2023. The claim in relation to the last complaint was, therefore, presented nearly 3 years out of time.

152. The issue for the Tribunal was, therefore, whether it was reasonably practicable for the claimant to present her claim in time and, if not, whether she presented it within a reasonable time thereafter.

153. The Tribunal accepted that the claimant had not been aware that she could bring a complaint to the employment tribunal until sometime in the first part of 2023. However, she had access to advice from the Police Federation and a quick internet search could have informed her of the possibility of bringing a complaint in the employment tribunal. We are not satisfied that the claimant's ignorance about bringing a claim in the employment tribunal was reasonable in these circumstances.

154. The claimant was off work on sick leave or other leave for the great majority of the period between the alleged detrimental acts and when she presented her claim. However, she accepted in evidence that she had the physical ability to present a claim. She demonstrated, by her various submissions to the IOPC and other bodies, that she was able to put together complaints during the relevant period.

155. We conclude that it was reasonably practicable for the claimant to present her claim to the employment tribunal within the relevant time limit. The Tribunal does not, therefore, have jurisdiction to consider her complaints.

The merits of the complaints

156. Although the case fails for lack of jurisdiction, we set out what we would have decided on the merits of the complaints, if we had jurisdiction.

Protected disclosure

157. The alleged protected disclosure is contained in the document read out by the claimant at the meeting in May 2019 with ACC Anderson and Jane Higham (pp.307-369). The list of issues identifies the disclosure as follows:

“Around May 2019, the claimant read out a handwritten document (33 pages in length) to ACC Annette Anderson and Superintendent Jane Higham, in which she says she disclosed information that tended to show that criminal activity was taking place. This involved two uniformed officers, Officer X and Officer Y, who involved themselves in serious sexual misconduct. The claimant also said words to the effect that the respondent was aware of the corruption and failed to positively act.”

158. The May 2019 document contains many allegations, some with supporting detail and others without. We consider, however, that, in deciding whether the claimant made a protected disclosure, we must limit ourselves to the disclosures relating to the matters described in the list of issues, first identified at the preliminary hearing on 23 October 2023 and not subsequently changed.

159. Officer X and Officer Y are named in relation to the allegation about exposure in 2007 but not named in relation to the incident which the claimant describes in the May 2019 document as “technical rape” by a police officer. We understand from the evidence in this case that the claimant, by the reference to “technical rape” was referring to the incident where she says she has come to understand that a sexual encounter with a man over video, who she thought to be someone she knew, was, in fact, with X. The claimant believes Y instigated this and was present, although not visible to the claimant. This level of detail was not contained in the May 2019 document.

160. The May 2019 document also contains an allegation that ACC Anderson and her predecessors had “watched for 14 years from the sidelines whilst a psychopath has obviously made attempt after attempt to take my life and they have not only not told me about it, they continue to try and hide it.” (p.350). This is an allegation of awareness of corruption and failure to act.

161. We conclude that the claimant was disclosing information about Y and X in relation to the exposure incident. This had sufficient factual content and specificity to be capable of showing a relevant failure. We conclude that the claimant believed that this disclosure of information was made in the public interest and that the belief that it was in the public interest was reasonable. It was clearly in the public interest that, if a serving police officer was committing a sexual offence, this be investigated and any appropriate action be taken, for the protection of the public. Even if the claimant were mistaken in her belief that the man was X, a police officer, it would be in the public interest that an alleged sexual offence be investigated, if possible, and appropriate action taken, for the protection of the public. We conclude that the claimant believed that the information she was disclosing tended to show that a criminal offence had been committed and that belief was reasonable. Exposure, whether or not by a serving police officer, is a criminal offence. We conclude that the claimant made a protected disclosure by the information she disclosed in the May 2019 document alleging an incident of exposure in 2007.

162. We conclude that the claimant was also disclosing information when she read the part of the document alleging “technical rape by a police officer out of some extremely psychopathic and totally fucked up vendetta for me accidentally cutting in front of a drug dealer 14 years earlier.” Whilst the claimant does not name the police officer or the person with the vendetta, we conclude that this statement has sufficient factual content and specificity to be capable of showing a relevant failure.

It does not contain sufficient detail to investigate the allegation, without further information being provided by the claimant, but is more than a bare allegation. It can be understood from the statement that the claimant is alleging a sexual offence by a police officer and that this was in retaliation for a road incident 14 years earlier. There are other parts of the May 2019 statement which we, with the benefit of evidence from the claimant at this hearing, can understand to be related to the same alleged incident, but this would not have been clear to a recipient of the disclosure receiving this information for the first time.

163. We conclude that the claimant believed that this disclosure of information was made in the public interest and that the belief that it was in the public interest was reasonable. It was clearly in the public interest that, if a serving police officer was committing a sexual offence, this be investigated and any appropriate action be taken, for the protection of the public.

164. The claimant believed a criminal offence had been committed because she had come to believe, as a result of various matters, that the person with whom she had engaged in what she considered, at the time, to be a consensual sexual act online was not the person with whom she had consented to engage in sexual activity. She came to believe that the man was, in fact, X, a serving police officer, married to Y, another serving officer, who the claimant understood to have been involved in a road rage incident with her 14 years previously. The claimant holds a genuine and strong belief that this is the case. If her belief is correct, an offence was committed, although not, as the claimant has described it at times, rape (since there was no physical contact between the claimant and the man). One of the reasons Mr Jones invites us to conclude (in relation to whether there was any protected disclosure in anything in the May 2019 document) that the claimant could not have had a reasonable belief in any disclosure, was that at all material times the claimant was suffering from Delusional Disorder DSM-5. However, we note, from the careful way Dr Huda phrased his diagnosis of this disorder, that the diagnosis was only in relation to the claimant's belief about being subject to covert surveillance. Dr Huda (and also Dr Rogerson) had no information from the respondent against which to test the claimant's beliefs, other than the information from Supt Smith that the claimant was not the subject of authorised covert surveillance. Dr Rogerson confirmed that a feature of delusional disorder is that the delusion relates to certain particular matters, whilst the person suffering from that delusion is not deluded in relation to other matters. The diagnosis of delusional disorder does not, therefore, assist in evaluating the reasonableness of the claimant's belief in the criminality of the incident which she described in the May 2019 document as "technical rape". The claimant's allegations may appear, on the face of them, unlikely to be true. We cannot make any assessment as to whether, in fact, the claimant was correct in her belief. However, the claimant does not have to prove that the facts or allegations disclosed are true. It is clear from the claimant's evidence that she subjectively believed the truth of her allegation. The question for us is whether that belief was, in our view, objectively reasonable, even if it turns out to be wrong. The claimant formed her belief as a result of various information including information she was told by a trusted source (the CHIS she had known since she was a teenager), and comments being made about her personal appearance by colleagues which she believed could only have been prompted by them having seen a video of what she had believed to be a private and consensual online sexual act. We conclude that her belief was objectively reasonable on the basis of information available to her at the time.

165. We conclude that the disclosure of information about the alleged “technical rape” by a police officer was also a protected disclosure.

166. We conclude that the allegation that ACC Anderson and her predecessors had “watched for 14 years from the sidelines whilst a psychopath has obviously made attempt after attempt to take my life and they have not only not told me about it, they continue to try and hide it” did not contain sufficient factual content and specificity to be capable of showing a relevant failure. We conclude that this part of the disclosure made on 17 May 2019 was not a protected disclosure.

167. We conclude, for these reasons, that the claimant made protected disclosures on 17 May 2019 by the parts of the document she read out that relate to the alleged exposure in 2007 and the alleged “technical rape”.

Detriment

Detriment 3.1.1 Around the beginning of September 2019, did DCI Curran in a report that she had produced following an interview/investigation meeting with the claimant (PC Edward Anderson present), give an untrue account of the conversation that took place (the claimant says she recorded the conversation covertly)?

168. We have found that DCI Curran produced two versions of a report following the meeting with the claimant: the one dated 23 September 2019 sent to ACU; and the version dated 5 October 2019 sent to OH on 9 October 2019. DCI Curran also sent an email dated 12 September 2019 to Supt Higham, copying in Supt Smith and Bernie Kearns from OH, which was amongst the documents seen by Dr Rogerson before his second report. The claimant will not have known, when presenting her claim, about the version of the report sent to ACU and the email of 12 September 2019, which will have only come to her in disclosure of documents during these proceedings. The claim form refers to a report from PSB sent to OH which Dr Shackleton gave to her. We understand this complaint, therefore, to refer to the version of the report DCI Curran sent to OH. This is the report dated 5 October 2019 which we have found was sent on 9 October 2019, after an attempt had been made to send something to OH on 23 September 2019 which did not have the document attached.

169. We consider the report sent to ACU to be a fair summary of the conversation on 12 September 2019. The report to OH reproduces, in large part, the version sent to ACU but with omissions of names of particular police officers and the omission of references to the claimant’s belief about a CHIS network. We do not consider that the omissions distort the account of the conversation in such a way that it could be said the summary in the report to OH was untrue. There is one part of the report which is inaccurate where it suggests that, on 12 September 2019, DCI Curran told the claimant about the outcome of the investigation into PS Stapleton. In fact, as we can see from the transcript of the recording of that meeting, DCI Curran told the claimant she had not come to a final decision, although what she said made it clear that it was unlikely any action would be taken against him. We do not consider that this inaccuracy is sufficient to describe the account of the conversation as untrue. The complaint relating to this alleged

detriment, therefore, fails because the claimant has not proved, on a balance of probabilities, the facts on which she relies.

170. Even if we had decided that the summary was untrue because of the suggestion that the claimant had been informed of the final outcome of the investigation into PS Stapleton, we would have concluded that the claimant was not subjected to any detriment by that inaccuracy. The complaint would have failed because there was no detriment to the claimant.

171. We conclude that the complaint about detriment 3.1.1. is not well founded.

Detriment 3.1.2 Did Dr Rogerson in mid-September 2019, a doctor who works within Occupational Health and Welfare Branch of the respondent, receive the above report, and rely on it in making a medical diagnosis that the claimant had Delusional Disorder SDM-5?

172. Dr Rogerson issued his second report on 26 September 2019 in which he wrote that his impression was that the claimant presented with symptoms consistent with DSM-5 Delusional Disorder and recommended her urgent referral to local NHS specialist mental health services by her GP. This was before DCI Curran's report was sent to OH on 9 October 2019.

173. This complaint fails because, as a matter of fact, we have found that Dr Rogerson did not receive the report dated 5 October 2019 and sent to OH on 9 October 2019 before he issued his report on 26 September 2019. He could not, therefore, have relied on it in making his diagnosis that the claimant had delusional disorder and the claimant was not subjected to a detriment as alleged.

174. We conclude that the complaint about detriment 3.1.2 is not well founded.

Detriment 3.1.3 On 9 July 2020, did Superintendent Mark Smith send a letter to Dr Huda, an employee of the NHS, in which he misrepresented the position in relation to the claimant through explaining that the claimant had never been subject to any version of any investigation by the respondent and refuted the entirety of protected disclosure.

175. The relevant letter appears at page 305 of the bundle. As noted in our findings of fact, Superintendent Mark Smith explained, in that letter, that all covert surveillance activity is governed by the Regulation of Investigatory Powers Act 2000 (RIPA) and requires the written authority of a senior officer of at least superintendent rank or equivalent. He wrote that all such authorised surveillance has been documented in detail since 2000. He wrote that it was highly unusual for him to comment on such matters and Force policy was to neither confirm nor deny details of covert policing deployments. However, in the circumstances, recognising the detrimental effect the claimant's concerns were having on her health and well being, he had caused enquires to be made. He wrote: "Police Constable Danielle Burns has not at any time during her service with the Greater Manchester Police been the subject of any authorised covert surveillance whilst she has been on or off duty by officers from the Greater Manchester Police." He wrote that he would be unable to make any further comments about the operational deployments of the GMP ACU and covert policing resources.

176. We have accepted the evidence of Supt Smith that he had made enquiries of the records to see if there was any authorised covert surveillance of the claimant and there was none. We conclude that Supt Smith did not misrepresent the position. He reported correctly in this letter what he knew. The detriment as set out in 3.1.3 does not reflect accurately his letter. He was not “explaining that the claimant had never been subject to any version of any investigation by the respondent and refuted the entirety of [the] protected disclosure.” The letter says nothing about anything alleged in the claimant’s protected disclosure (the details of which were not known to Supt Smith) except to the extent the disclosure relates to alleged authorised covert surveillance. He was not refuting the entirety of the claimant’s protected disclosure. This complaint of detriment fails because the facts found are not as asserted by the claimant; we have found Supt Smith did not misrepresent the position.

177. At times during this hearing, it appeared that the claimant was saying she had been subjected to unlawful surveillance, which would not be authorised surveillance. Supt Smith could only comment on authorised surveillance. If any officer carried out unlawful, unauthorised surveillance (which should not occur), this would not be in the records of authorised surveillance and would not have been known to Supt Smith.

178. In the claimant’s closing submissions, the claimant asserted that Supt Smith had repeatedly said in evidence that he was an authorising officer relating to intrusive surveillance. The claimant said this was untrue and invited us to independently verify this by contacting the Judicial Commissioners Office. We did not consider it appropriate for us to conduct our own enquiries, outside the process of the parties providing evidence, which had concluded. We checked our notes of the cross examination of Supt Smith. He informed us that directed surveillance (plain clothes in public places) was authorised by superintendent and above and intrusive surveillance (which could be conducted in private premises), was authorised by a Chief Constable or Assistant Chief Constable. He also informed us that he had access to and oversight of a secure system on which intrusive surveillance and CHIS deployments was recorded, so he would have known of any intrusive or other surveillance of the claimant. We do not agree with the claimant’s submissions that Supt Smith has untruthfully told this Tribunal he authorised intrusive surveillance.

179. We note that it is clear from Dr Huda’s letter that he understood the limits of what Supt Smith was addressing. His diagnosis was limited to delusional disorder in relation to a belief about being subjected to covert surveillance. He wrote: “I cannot comment on all that she has reported as we don’t have evidence for or against on the other matters.”

180. We conclude that the complaint of detriment about Supt Smith’s letter to Dr Huda of 9 July 2020 is not well founded.

Summary of conclusions and closing comments

181. We have concluded that we do not have jurisdiction to consider the complaints of protected disclosure detriment which were presented out of time in circumstances in which we consider it would have been reasonably practicable for the claimant to present the complaints in time. If we had concluded we had

jurisdiction, the complaints of detriment would have failed on their merits for the reasons given above.

182. The Tribunal can only make decisions on complaints within its jurisdiction. The complaints which the claimant formulated of protected disclosure detriment were the subject of this hearing. The Tribunal has made a decision on these complaints, in accordance with the facts we found and the applicable law. Whilst the part of the claim with which we were concerned was formulated as a complaint of protected disclosure detriment, it may be that it was not really an employment law dispute that the claimant was seeking to resolve but that she came to the employment tribunal not knowing how else to seek to have her concerns addressed, having tried other options such as the IOPC. Failure to have the issues she was raising seriously addressed has led to these proceedings.

183. It is not clear how someone with concerns about what they believe may be corruption in GMP can properly have their concerns addressed. It appears that a complaint to the IOPC results in the complaint being referred back to the Force about which the complaint is being made, rather than anyone independent reviewing it.

184. This is a very sad case. The claimant is, in Mr Jones' words in his closing submissions, an experienced and valued Police Officer. She has served since 2004 and remains in the respondent's service. For the majority of the time since 3 December 2018, the claimant has been absent from work and, for the most part, paid in full.

185. The claimant formed beliefs about things that had been happening to her and about corruption in GMP. As we previously commented, we are not in a position to know whether there is any truth in any of these beliefs. The claimant sought to raise her concerns in a responsible way, for some time prior to, and then at, a meeting with ACC Anderson on 17 May 2019. Even prior to this meeting, some senior officers had formed a view that the beliefs were a product of the claimant having mental health issues, without, as far as we are aware, any attempt being made to investigate any of her concerns. The immediate reaction of the respondent to the many and very serious concerns the claimant raised at the meeting on 17 May 2019 was to seek to confirm, by a medical diagnosis, the existing view of some senior officers that the claimant was suffering from mental health issues without, as far as we are aware, taking any steps to investigate the concerns the claimant raised. The only exception to this, of which we are aware, was speaking to Supt Smith to get confirmation that the claimant was not the subject of covert surveillance.

186. This situation continued beyond the meeting with DCI Curran in September 2019. No one interviewed the claimant about the particular concerns she raised or asked to look at the evidence the claimant said she had in the form of diaries and exhibits.

187. Some of the claimant's allegations do, on the face of them, appear far-fetched. The claimant has recognised this herself. However, sadly, some things which appear far-fetched, including misconduct of some police officers, sometimes turn out to be true. The claimant has not been diagnosed as having delusional beliefs about everything she has alleged and a delusional belief about something

does not mean that the person with such a belief will necessarily have delusional beliefs about other matters. Dr Huda was careful to confine his diagnosis to delusional beliefs about covert surveillance, having had the evidence of Supt Smith's letter, confirming that the claimant had not been the subject of authorised covert surveillance. He expressly stated that he did not have evidence for or against other matters.

188. It appears to us possible that the respondent closed their mind, at an early stage, to the possibility that there could be any truth in what the claimant was alleging, setting off down the medical diagnosis path, rather than trying to investigate and, if it appeared there was no truth in the claimant's allegations, seeking to persuade her of this. Assurances from someone the claimant could trust, following appropriate investigation, had the possibility of dispelling some or all of the beliefs held by the claimant. If the claimant had maintained some beliefs in the face of evidence to the contrary, then medical diagnosis of delusional disorder in relation to those beliefs may have been appropriate.

189. We are still not aware of any investigation into the claimant's concerns. Some mention was made of an investigation by PSB at an early case management stage in this case, when the respondent sought a stay of proceedings. However, the claimant said subsequently in correspondence she knew nothing about this. We would expect that any investigation would include interviewing the claimant and looking at the evidence she says she has in support of her allegations.

190. If, as seems entirely possible, employment tribunal proceedings are not going to be an effective way of ending the current situation, another way forward needs to be found. In his very careful and thoughtful report, Tim Hanson of the Police Federation made, what appears to us, the very sensible suggestion that GMP should look into certain matters and attempt to answer the questions which he set out at paragraph 92 of his report. We understand from the claimant that the respondent has refused to answer these questions, although the claimant and the Tribunal has not seen the respondent's response to the Police Federation. Answering these questions may be a good start in trying to find out whether there is any truth in what the claimant is alleging and, therefore, whether the claimant's beliefs are grounded in reality or a consequence of mental illness. This is a matter of great importance to the claimant. Such an approach would also assist the respondent in resolving the current impasse about the longer-term employment of an experienced and valued police officer.

191. The Tribunal appreciates that police resources are finite and they do not have the funds to investigate everything that no doubt they, and the public, would like them to investigate. However, failure to provide information which (if the claimant's concerns are unfounded) has the potential to allay the claimant's concerns or allow her and her GP to understand that her concerns are not grounded in reality but arise from mental health issues, is not a cost neutral option. Public funds have been spent on paying the claimant for a very lengthy period when she is not attending work. If the claimant is retired on ill health grounds, this also has financial implications for the public purse.

192. Case management of the remaining disability discrimination complaints is dealt with in correspondence separate to this judgment.

Approved by:

Employment Judge Slater

Date: 3 September 2025

Anonymised version approved: 2 October 2025

RESERVED JUDGMENT & REASONS SENT TO THE PARTIES ON

Date: 18 November 2025

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FOR EMPLOYMENT TRIBUNALS

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<https://www.judiciary.uk/guidance-and-resources/employment-rules-and-legislation-practice-directions/>

ANNEX

Complaints and issues

1. Time limits

- 1.1 Given the date the claim form was presented and the dates of early conciliation, any complaint about something that happened before **06 March 2023** may not have been brought in time.
- 1.2 Were the discrimination complaints made within the time limit in section 123 of the Equality Act 2010? The Tribunal will decide:
 - 1.2.1 Was the claim made to the Tribunal within three months (plus early conciliation extension) of the act to which the complaint relates?
 - 1.2.2 If not, was there conduct extending over a period?
 - 1.2.3 If so, was the claim made to the Tribunal within three months (plus early conciliation extension) of the end of that period?

- 1.2.4 If not, were the claims made within a further period that the Tribunal thinks is just and equitable? The Tribunal will decide:
 - 1.2.4.1 Why were the complaints not made to the Tribunal in time?
 - 1.2.4.2 In any event, is it just and equitable in all the circumstances to extend time?
- 1.3 Was the detriment complaint made within the time limit in section 48 of the Employment Rights Act 1996? The Tribunal will decide:
 - 1.3.1 Was the claim made to the Tribunal within three months (plus early conciliation extension) of the date of the detriment?
 - 1.3.2 If not, was there a series of similar acts or failures and was the claim made to the Tribunal within three months (plus early conciliation extension) of the last one?
 - 1.3.3 If not, was it reasonably practicable for the claim to be made to the Tribunal within the time limit?
 - 1.3.4 If it was not reasonably practicable for the claim to be made to the Tribunal within the time limit, was it made within a reasonable period?

2. Protected disclosure

- 2.1 Did the claimant make one or more qualifying disclosures as defined in section 43B of the Employment Rights Act 1996? The Tribunal will decide:
 - 2.1.1 What did the claimant say or write? When? To whom? The claimant says s/he made disclosures on these occasions:
 - 2.1.1.1 Around May 2019, the claimant read out a handwritten document (33 pages in length) to ACC Annette Anderson and Superintendent Jane Higham, in which she says she disclosed information that tended to show that criminal activity was taking place. This involved two uniformed officers, Officer X and Officer Y, who involved themselves in serious sexual misconduct. The claimant also said words to the effect that the respondent was aware of the corruption and failed to positively act.
 - 2.1.2 Did she disclose information?
 - 2.1.3 Did she believe the disclosure of information was made in the public interest?
 - 2.1.4 Was that belief reasonable?
 - 2.1.5 Did she believe it tended to show that:
 - 2.1.5.1 a criminal offence had been, was being or was likely to be committed;

2.1.5.2 a person had failed, was failing or was likely to fail to comply with any legal obligation;

2.1.5.3 information tending to show any of these things had been, was being or was likely to be deliberately concealed.

2.1.6 Was that belief reasonable?

2.2 If the claimant made a qualifying disclosure, it was a protected disclosure because it was made to the claimant's employer.

3. Detriment (Employment Rights Act 1996 section 48)

3.1 Did the respondent do the following things:

3.1.1 Around the beginning of September 2019, did DCI Curran in a report that she produced following an interview/investigation meeting with the claimant (PC Edward Anderson present), give an untrue account of the conversation that took place (the claimant says she recorded the conversation covertly)?

3.1.2 Did Dr Rogerson in Mid-September 2019, A Doctor who works within Occupational Health and Welfare Branch of the respondent, receive the above report, and rely on it in making a medical diagnosis that the claimant had Delusional Disorder DSM-5?

3.1.3 On 9 July 2020, did Superintendent Mark Smith, send a letter to Dr Huda, an employee of the NHS, in which he misrepresented the position in relation to the claimant through explaining that the claimant had never been subject to any version of any investigation by the respondent and refuted the entirety of protected disclosure.

3.2 By doing so, did it subject the claimant to detriment?

3.3 If so, was it done on the ground that she made a protected disclosure?