

NOTIFICATION OF FINDING AND OUTCOME

IN THE POLICE MISCONDUCT HEARING

PURSUANT TO THE MINISTRY OF DEFENCE POLICE (CONDUCT, PERFORMANCE AND APPEALS TRIBUNALS) REGULATIONS 2020

IN THE MATTER OF:
PC SARAH BALDING

DECISION OF THE PANEL

Assistant Chief Constable Trevor Clark (Chair)
Ms Joy Julien (Independent Panel Member)
Mr Clive Manning (Independent Panel Member)

INTRODUCTION

1. The misconduct hearing for PC Sarah Balding (“the Officer”) was held in public between 24th and 27th February 2026. A notice of hearing was published in accordance with the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 (“the 2020 Regulations”).

THE ALLEGATIONS

2. The Panel was referred to a Regulation 29 notice in respect of the Officer containing the allegations and that her conduct amounted to gross misconduct. The allegations are as follows:

Allegation 1

*On 3 July 2024, you engaged in inappropriate and sexualised discussion about two members of the MOD, using crude and explicit terms. This conversation constituted a breach of the **Authority, Respect and Courtesy** professional standard.*

Allegation 2

*On 12 August 2024, you breached the **Honesty and Integrity** professional standard in that, having accessed the BWV, and viewed it (in whole or in part), you thereby realised you had made inappropriate comments and:*

- i. You did not report the inappropriate comments to a supervising officer, as you ought to have done;*
- ii. Rather, you changed the category of the BWV on evidence.com to “Non-Evidential”, with the consequence that the BWV would be deleted sooner;*
- iii. You knew, when you changed the category of the BWV on evidence.com that it had been filmed by another officer (PC Henthorne);*
- iv. You changed the category to “Non-Evidential” in order to conceal the BWV.*

Discreditable Conduct: *Your behaviour set out in the preceding paragraphs also discredits the police service and/or undermines public confidence in it. As a result of that stated herein, if proven, your conduct singularly or in its totality amounts to gross misconduct.*

3. Despite the wording above, at the preliminary hearing, the Relevant Authority (RA) agreed that Allegation 1 singularly was to be pursued solely at the level of misconduct.

REPRESENTATION

4. The Relevant Authority (RA) were represented by Ms Frances McClenaghan or Counsel and PC Balding was represented by Mr Fraser Coxhill or Counsel.
5. The Panel thanks the representatives for their assistance throughout the case, including the provision of the RA's opening note.
6. The Panel was assisted by Maurice Cohen, Legally Qualified Advisor.

REGULATION 29 NOTICE

7. On the first morning of the hearing the Regulation 29 Notice, as set out above, was read out. The notice was read out by RA counsel and entered into evidence.
8. PC Balding admitted Allegation 1 at the level of misconduct and denied Allegation 2.

THE PANEL'S APPROACH

9. The Panel reminded itself it was: -
 - a. Required to consider the facts of the case and to make its findings of fact in relation to the allegation;
 - b. To determine whether those findings of fact found constitute a breach of the relevant standards;
 - c. To determine whether the conduct found proven against the officer amounted to misconduct or gross misconduct.
10. The Panel reminded itself that the burden of proof is on the RA throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'.
11. The Panel approached its decision-making by keeping in mind the purpose of police misconduct proceedings. The primary purpose is not to punish the officer but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not

be left unchecked. A second purpose is to declare high professional standards and the third purpose is to protect the public, which includes fellow officers and police staff, by preventing similar misconduct recurring in the future.

12. The Panel had regard to relevant cases. Specifically -
 - a. Bolton v Law Society [1993] EWCA Civ 32;
 - b. Chief Constable of Dorset v PAT, Salter Interested Party [2011] EWHC 3366 (Admin);
 - c. R (Williams) v PAT [2016] EWHC 2708 (Admin).

13. The Panel also had regard to the following regulations and guidance:
 - a. The MDP (Conduct, Performance and Appeals Tribunals) Regulations 2020 (as amended) (the "Regulations"), including the Standards of Professional Behaviour at Schedule 3;
 - b. Home Office Guidance: Police conduct, efficiency and effectiveness (2020) ("HOG"), including Chapter 2, Guidance on Standards of Professional Behaviour.
 - c. The College of Policing Guidance on outcomes in police misconduct proceedings (2023).

14. The Panel listened carefully to the oral evidence and carefully considered all other evidence before it. It considered the totality of the evidence and submissions made. The Panel does not propose to deal with each and every aspect of the evidence or submissions made but states its main conclusions. The Panel heard submissions from both parties and received legal advice from the Legally Qualified Advisor.

EVIDENCE

15. All evidence both live and documentary was carefully considered by the panel. Amongst evidence considered by the panel was Regulation 16 notice; Regulation 29 notice and Regulation 30 response; witness statements from Allison Henry; PC Carolyn Pantlin (x2) (subject matter expert (SME)); CI Simon Munro; Insp Paul Cossey; PS Nathaniel Gabriel-Lovell; PS Andrew Walker; Supt Paul Niven; CI Iain Williams; PS David Boyce and DC Emma Lethbridge.

16. The panel was additionally provided with PC Balding's interviews under caution, BWV evidence, camera and evidence management system audit trails, medical evidence and character testimonials. During the course of the hearing, the panel were provided with Exhibits 1 and 2 relating to pre-interview disclosure made to PC Balding. The panel received an opening note and closing submissions from the defence.

BACKGROUND

17. Prior to being appointed as a serving police officer of the Ministry of Defence Police from March 2023 (MDP), PC Balding previously worked as a Police Constable for the Metropolitan Police from 2016 and also was a reservist for the army for a lengthy period.
18. On 3 July 2024, PC Balding was on an early shift at Horse Guards Parade, Whitehall where she was undertaking duties together with PCs Henthorn and Walsh. PC Henthorn accidentally activated his BWV whilst on duty and engaging in an inappropriate conversation with the other 2 officers. The conversation appeared to involve a game called, "would you rather" in which the officers hypothesised concerning if they would prefer to sleep with one named colleague or another. To her credit, PC Balding was not significantly involved in the conversation and did not play the game, but she did engage with the other officers and at times and laughed. It is common ground that the conversation was accidentally filmed by PC Henthorne using BWV camera serial number X83044614. This BWV unit was reassigned to PC Balding on 4th July 2024. When this unit was docked on 4th July the footage that had been accidentally recording by PC Henthorne was uploaded to PC Badlings evidence.com account as she became the designated owner of that footage,
19. On 8 August 2024, PC Balding was sent an email by Axon, the external company who maintain evidence.com, advising her of upcoming deletions for the next 30 days starting 12 August 2024.
20. In a separate incident, on 12 August 2024, PC Balding was involved in an incident following a person in distress wearing a hospital gown arriving at the MOD main building and acting erratically culminating in her sectioning him under Section 136 of the Mental Health Act and subsequently accompanying him to hospital. Much of this incident was captured on PC Balding's assigned BWV camera for that day (X83083891)
21. On the same day, PC Balding returned to base at approximately 14:35 hours, disarmed herself and stored her weapons appropriately and then attended the sergeant's office where she docked her controller at 15:15:23 hrs to upload her BWV footage and subsequently went to the rest area. PC Balding's evidence was that shortly afterwards she accessed evidence.com, in that she to view the footage concerning the section 136 incident. In doing so, another clip appeared, which, she stated that she cannot recall if she viewed all and may have dragged the cursor towards the end of the clip. She indicates that she believed that the footage arose from an accidental activation, which was not uncommon, according both to her evidence and that of PC Pantlin and that she therefore categorised the same as, "non-evidential" which had the effect of meaning that it would be deleted sooner, most likely within 31 days although it can be a longer retention due to a deletion queue. She annotated the footage, "accidental activation". PC Balding subsequently left the building at 15:40 hrs [Excel Action 4] to return to duty.

22. Coincidentally, on the same day, the Professional Standards Department (PSD) became aware of the nature and contents of that footage, following an audit conducted on 9th August by Ms Alision Henry. An investigation was instigated in respect of all 3 officers. The conclusion was reached that PC Balding had deliberately re-categorise the footage in order to ensure that it was deleted expeditiously. It was this that led to allegation 2 being framed.

LIVE EVIDENCE

23. Amongst the evidence before the panel, was PC Pantlin's evidence, in effect, as a subject matter expert, in which she details the method in which the equipment utilised for BWV worked, was set up, utilised and the footage subsequently uploaded. She provided details concerning accessing the same through evidence.com, which is the Digital Evidence Management System (DEMS) software provided by the camera manufacturer.
24. PC Pantlin indicates and clarifies the appropriate dates, set out above relating to when the camera was docked and evidence uploaded. In respect of the latter, it appears that there was an initial download at 15.15.28 which appears to have been incomplete and that there was a further download later in the day at 17.20.31
25. In her evidence before the panel, PC Pantlin indicated that in November 2024 there had been an evidence.com system update. When questioned about the functionality and appearance of the software, PC Pantlin stated that it would have been broadly similar to pre update but she could not be sure it was identical. When PC Pantlin accessed the system to attempt to explain what would have appeared to PC Balding from the footage at the time, she could not be confident that this was the same as would have been displayed to PC Balding in August 2024. She indicated that there were limited descriptors on the drop-down footage that would have been available for PC Balding to choose from at the time in respect of the accidentally activated footage and that her annotation of it as such was appropriate. She indicated that as a basic user, PC Balding would have had limited options as to what she could do with the footage and would not have had the option to delete it.
26. PC Pantlin gave evidence to the panel of the various stages of the upload and subsequent viewing process. She explained what was meant by the terms "buffer" and 'stream'. Buffer showing an access to the video clip and stream indicating the play button had been pressed. When viewed, it would show as having been "streamed". Even if PC Balding had pressed play momentarily, the footage would show as having been streamed.
27. DC Lethbridge gave evidence concerning the footage uploaded by PC Balding on evidence.com although the initial evidence obtained by her was incorrect indicating that it had first been uploaded at 17:22 hours which was later determined to be partly incorrect as the initial downloads were at 15:15:28 hrs.
28. PC Balding gave evidence in respect of the incident on Horseguards Parade. She indicated that she admitted her participation in the inappropriate

conversation in full. She was apologetic, remorseful and had reflected on her behaviour and actions at the time.

29.



30. PC Balding was under the misapprehension that the footage had been captured on her own camera. She gave evidence that she did not recall if she played any of the video or not. She believed that she had dragged the cursor to the end of the video, having realised that the footage had been taken accidentally, annotated it as such and depicted it as being non-evidential. She was only captured briefly on the initial screenshot at the side of the screen and did not identify that it was her. She has a short haircut is frequently mistaken for being male. She maintained throughout that she had done nothing wrong and had not undertaken any of these actions in an attempt to “bury” the evidence or attempt to ensure that it was deleted sooner.

PRELIMINARY ISSUES

31. On day one of the hearing, Mr Coxhill made a number of applications. He applied for medical evidence to be invited on behalf of PC Balding. He additionally requested that reasonable adjustments be made for PC Balding in the light of her health conditions. The panel acceded to these requests.

PANELS ANALYSIS

32. In respect of the witnesses who gave evidence to the panel, they made the following observations.
33. PC Pantlin was considered to be an honest, credible and straightforward witness. She was treated by the panel as being the equivalent of a subject matter expert. She gave evidence in a fair and balanced manner. The panel accepted her evidence in full.
34. DS Lethbridge was considered to be a credible and honest witness. The panel found her evidence was based upon an incomplete picture in relation to audit logs and access evidence in respect of when the S136 footage had uploaded.
35. PC Balding was considered to be a credible and honest witness who gave evidence to the best of her recollection and belief although was hampered by her memory problems. Nonetheless, the panel had no cause to question her evidence before them and noted from her testimonials that she is a highly regarded and respected officer whose character is unanimously supported by her current and previous colleagues, including those holding senior rank, and whose honesty and integrity has never been called into question.

FINDINGS

36. The panel noted that in both the opening note and closing submissions, the RA sought to extend the ambit of the allegations. This was a matter which was addressed in submissions by both parties and upon which the panel received advice from the Legally Qualified Adviser. The panel accepted the advice of the LQA and declined to consider matters which were not addressed in the regulation 29 notice and thrust of the case put forward by the RA prior to the hearing. They considered that to do so would be wholly unfair to the officer and contrary to the principles of natural justice.

Allegation 1

37. This allegation has been admitted throughout by PC Balding at the level of misconduct.
38. The panel therefore finds allegation 1 proved by way of admission.

Allegation 2

39. The panel notes that the stem of the allegation states,

*“On 12 August 2024, you breached the **Honesty and Integrity** professional standard in that, having accessed the BWV, and viewed it (in whole or in part), you thereby realised you had made inappropriate comments”.*

40. The panel noted that it was accepted by the RA that PC Balding had not herself made inappropriate comments. It necessarily followed that she could not have realised that she made inappropriate comments when it was common ground that no such comments had been made by PC Balding. The panel accepted PC Balding's evidence that she did not view the BWV footage in whole or in part and that she had accessed evidence.com solely to view the section 136 footage taken earlier that day. It was unchallenged she was doing so in the rest area, on her lunch break, on her personal laptop and that there were likely to be other officers in the area. She would not have had sound turned up on her laptop. The panel also accepted that PC Balding thought it was her footage, taken by accident with accidental activations not uncommon, and therefore annotated it as such and marked it “non-evidential”.
41. PC Pantlin fairly indicated that the system software had a major update since August 2024. She could not be certain of what would have been displayed to PC Balding at that time. The panel found it was probable that she would have been faced with the opening shot showing PC Walsh and with herself, being mainly obscured to the side of the shot.
42. Furthermore, the panel note that even at its high point, the RA's case is that PC Balding played the footage in part but not in full. The RA submit that she identified that the footage was potentially damaging to her (and her colleagues)

and it was for this reason that she decided to re-classify the same as being non-evidential.

43. The panel finds the RA's submissions to be flawed in numerous respects. Firstly, the panel concluded that PC Balding at no stage, re-classified the BWV footage. She classified the footage as being non-evidential. The panel found that the continuous references to 're-classification' suggests something had been changed from its original classification. This was not what occurred and the panel concluded the term re-classification was therefore incorrect. In respect of this classification, the panel note from PC Pantlin's evidence that the options available to PC Balding in respect of potential classification were limited to a drop-down menu and that the only likely or appropriate classification for footage recorded accidentally or in error was in fact non-evidential.
44. Secondly, the panel note that PC Balding's participation in the inappropriate discussion with her colleagues at Horse Guards Parade was limited. She did not make any of the inappropriate remarks herself. She had limited involvement and merely reacted to and commented on the remarks of the others. In these circumstances, the panel find it incredible that she would have sought to "bury" this footage which would have been a far more serious act than facing the implications of the footage having been discovered and investigated.
45. The RA sought to develop an argument that PC Balding was "tipped off" by a colleague that the footage had been discovered and that the officers were being investigated. This submission was unsubstantiated by any evidence before the panel. The panel considered the same to be baseless and gave this suggestion no further consideration. The panel did acknowledge that this possibility was rightly investigated by PSD, due to the coincidental timing in respect of the PSD fact finding commencement and the officers' actions. The panel find this was in fact, considering all of the evidence, coincidental timing.
46. Additionally, the panel note that the allegation states that PC Balding, having viewed the BWV footage in whole or in part realised that "she had made inappropriate comments". The panel having had regard to BWV footage and transcript provided for the same, do not consider that this part of the allegation is made out. PC Balding does not herself make inappropriate comments. Instead, as indicated above she merely reacts to the comments made by the other 2 officers. In the circumstances, the panel find that the stem of Allegation 2 fails.
47. In the light of its findings and observations above, the panel find that the stem of Allegation 2 has not been made out by the RA and that they have not discharged the burden of proof in respect of this allegation.
48. Notwithstanding these findings, the panel, in the alternative, will consider the subsections of Allegation 2 in any event.
 - i. You did not report the inappropriate comments to a supervising officer, as you ought to have done;***

49. The inappropriate comments referred to in the stem of the allegation are those purported (in the wording) to have been made by PC Balding herself. The evidence is that the officer did not make inappropriate comments. The duty to report any involvement and words of others is correct. However, the context of allegation 2 is that having seen and heard the video footage, the officer sought to conceal it rather than report it. The panel finds the officer neither saw or heard the content and concluded that point (i) of allegation 2 not proved.

ii. Rather, you changed the category of the BWV on evidence.com to “Non-Evidential”, with the consequence that the BWV would be deleted sooner;

50. Again, the panel has regard to its findings above they have found that at no stage did PC Balding “change” the category of the BWV footage on evidence.com to non-evidential. The effect of this classification was that this deletion date was brought forward, but the panel were satisfied that the earlier deletion date was a consequence of the classification and not the reason for it. At this stage that she accessed it; it would have been unclassified. She subsequently categorised it as non-evidential. At no stage did she change the category. In the light of these findings, the panel find that point (ii) of allegation 2 to be not proved. Reference is made to paragraph 42 in respect of ‘re-classification’.

iii. You knew, when you changed the category of the BWV on evidence.com that it had been filmed by another officer (PC Henthorne);

51. The panel refers to its earlier findings that at no stage did PC Balding change the categorisation of the footage and this sub-allegation would also fail to be proved on that basis. Furthermore, the panel accept the evidence of PC Balding, being that at the stage that she first accessed the footage and for some time afterwards, including at the time when she was first interviewed, she believed that the footage belonged to her. She was stated to be the owner of the footage. She was barely identifiable from the initial screenshot. She was in a communal area and likely to have been somewhat distracted when viewing the footage. She did not play the audio in a common area. In these circumstances, the panel does not accept that PC Balding categorised the footage knowing that it had been filmed by another officer. The panel accept PC Balding’s evidence that she believed that the footage belonged to her. The panel further notes that as the designated owner of the footage on evidence.com, it fell to her alone to ensure it was correctly categorised.

52. In the above circumstances, the panel find point (iii) of allegation 2 to be not proved.

iv. You changed the category to “Non-Evidential” in order to conceal the BWV.

53. The panel again, have regard to their findings above. The panel found that PC Balding did not change the category of the BWV footage at any time.

Furthermore, the panel have regard to its findings above that it considers the proposition that PC Balding acted in such a manner in order to conceal the footage to be implausible. Her participation in the inappropriate conversation was extremely limited, and the panel does not find it credible that she would have amplified the seriousness of any allegations that she faced by having acted in the manner alleged.

54. In the light of these findings, the panel also find point (iv) of allegation 2 to be not proved.

BREACHES OF PROFESSIONAL STANDARDS

55. In the light of its findings above, the panel find the panel considered that PC Balding's actions found proved in allegation 1, amount to a breach of the following standards of professional conduct:
56. Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.
57. Discreditable Conduct: Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

THE PANELS DECISION ON MISCONDUCT / GROSS MISCONDUCT

58. The panel then went on to consider the issue of misconduct.
59. The panel note that Allegation 1 was charged at the level of misconduct. The panel had regard to the College of Policing guidance on outcomes in police misconduct proceedings. Having undertaken its own assessment of the conduct admitted / found proved in respect of this allegation, the panel find this assessment to be appropriate in that the conduct found proved is not of such severity as to potentially justify dismissal.

DECISION ON OUTCOME

57. In considering outcome the panel has taken account of the College of Policing Guidance on outcomes in police misconduct proceedings (2023). The Panel has borne in mind that the purpose of police misconduct proceedings is threefold:
 - a. To maintain public confidence in and the reputation of the police service.
 - b. To uphold high standards in policing and deter misconduct.
 - c. To protect the public.

60. The Panel heard submissions from both Ms McClenaghan and Mr Coxhill and had sight of character references and of the Officer's service record.
58. The Panel also carefully considered all of the evidence and submissions made during the hearing. In arriving at a decision on outcome the following were considered -

Culpability

59. In respect of her participation in an inappropriate and sexualised discussion about two members of the MOD, using crude and explicit terms, PC Balding was solely responsible for her participation in a conversation which she knew to be inappropriate. In her own words, "*It was wrong I should have known better*". Against that the Panel notes that Officer herself did not make any inappropriate remarks and that her participation in an inappropriate and sexualised discussion was not intentional, deliberate, or planned. Overall, the Panel considered that the Officer's culpability was low.

Harm

60. The inappropriate conversation took place whilst the Officer was on duty in a public place which was a prime tourist spot. The Panel noted that two members of the public approached the officers during the brief period of the conversation and that either or both could have overheard the inappropriate and sexualised discussion. The Officer accepted that sometimes videos of officers at Horse Guards were put on social media and that there was therefore a risk of inappropriate behaviour by firearms officers at a terrorist target being released on social media. The Panel considered that there was a risk of reputational harm that would be likely to undermine public confidence in policing.
61. In terms of the harm to the two individuals who were the subject of the inappropriate discussion, the Panel noted that neither heard, or were subsequently made aware of, the remarks and therefore did not suffer direct harm. In the light of these factors, the panel considers the overall harm to be low in this case.

Aggravating factors

62. The Panel notes that the Officer allowed the conversation to continue after she realised, or should have realised, that it was improper. She was an experienced officer and could have elected to halt the conversation and challenge the other officers.

Mitigating factors

63. The Panel accepts the Officer's evidence that she was still aware of what was going on around her during the conversation and that there was no significant impact on her operational effectiveness. The officer made early admissions to the allegation found proved. The officer expressed genuine remorse and stated that her behaviour was below her own expectations. The Panel was presented

with evidence of a conversation of a brief (2m 34s) duration in which the Officer's involvement was limited. The Panel was presented with no evidence to suggest that this was anything other than a single episode. The panel take note that these matters have weighed over PC Balding for approximately 18 months to date. The Panel had regard to the extensive good character evidence and took the view that this was an uncharacteristic lapse on the part of a competent and well-regarded officer. The risk of repetition is low.

64. In respect of sanction the panel considered that a written warning for a period of 18 months would adequately reflect the wrongdoing in this case. The panel acknowledge the mitigation found above and in particular the substantial extremely positive references and testimonials indicating that PC Balding is an otherwise excellent officer who is highly respected by colleagues. The panel find that public interest in this case would be served best by maintaining such an officer in her post,
65. The panel have decided a final written warning would not be an appropriate or proportionate outcome in this case, whilst marking the misconduct found proved, the panel in the circumstances find that the appropriate proportionate sanction is that of a **written warning for a period of 18 months.**

Submitted on behalf of the Panel.
04/03/2026