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IN THE POLICE MISCONDUCT HEARING

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

IN THE MATTER OF:
PC JAMES STRINGER

DECISION OF THE PANEL

ACC Trevor Clark (Chair), Placida Ojinnaka (Independent Panel Member) and Amanda Harvey (Independent Panel Member)

A: INTRODUCTION

1. The misconduct hearing for PC James Stringer (“the Officer”) was held in public between 10th-12th March 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”).

B: THE ALLEGATIONS

2. The Panel was referred to a Regulation 29 notice in respect of PC Stringer containing the allegations and that his conduct amounted to gross misconduct, namely:

Allegation 1

You took paid study leave on 23rd and 24th September 2023 in circumstances whereby on 23rd September 2023 you already intended to withdraw from the examination on 28th September 2023. You received the benefit of two paid days on 23rd and 24th September 2023 while not working and without a reasonable excuse.

Allegation 2

You failed to inform your line manager of (1) your intention to withdraw from the examination on 28th September 2023, and (2) your notification to the Exams Unit on 25th September 2023 that you had withdrawn from the examination on 28th September 2023.

Allegation 3

Having withdrawn from the examination of 28th September 2023, you failed to report for duty that day. By doing so, you took the benefit of 28th September 2023 as a paid day while not working and without a reasonable excuse.

Alleged breaches of the standards of professional behaviour

It is alleged that the conduct stated above under Allegations 1 to 3, individually or collectively, breached the following standards:

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Honesty & Integrity: Your conduct of taking the benefit paid days when you had no intention of sitting the examination was dishonest and lacking in the integrity expected of a police officer.

Duties & Responsibilities: You failed to abide by what amounted to an instruction to use each of 24th and 25th September 2023 as a study day, and to use 28th September 2023 as a day to sit an examination or as a working day.

It is alleged that the breaches stated above individually amount to gross misconduct. In the alternative, it is alleged that the breaches, or a sub-set of those breaches, when taken together amount to gross misconduct. In the alternative, it is alleged that the breaches individually, collectively, or a sub-set of them amount to misconduct.

C: REPRESENTATION

3. The Relevant Authority (“the RA”) was represented by Peter Laverack of Counsel. The Officer attended and was represented by Jack Brody of Counsel.
4. The Panel were assisted by Stacey Patel, Legally Qualified Advisor (“the LQA”).

D: THE PANEL’S APPROACH

5. 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 each of the allegations;
 - b. Determine whether those findings of fact found constitute a breach of the relevant standards;
 - c. Determine whether the conduct found proven against the Officer amounted to misconduct or gross misconduct.
6. The Panel reminded itself that the burden of proof is on the Relevant Authority throughout and the standard of proof is the balance of probabilities, namely ‘what is more likely than not’.
7. The Panel have approached its decision making by keeping in mind the purpose and character of police misconduct proceedings. The primary purpose being 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 secondary purpose is to be declaratory of high professional standards, and a final purpose is to protect the public and officer and staff by preventing similar misconduct recurring in the future.

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8. The Panel has also had regard to a framework of regulations and guidance, in particular the following:
 - a. The Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 including in particular the Standards of Professional Behaviour at schedule 3;
 - b. The definition of misconduct given at Schedule 1 of the Regulations: “a breach of the Standards of Professional Behaviour so serious as to justify disciplinary action”;
 - c. The definition of gross misconduct given at Schedule 1 of the Regulations: “a breach of the Standards of Professional Behaviour so serious that dismissal would be justified”.

E: EVIDENCE

9. The panel had been provided before the hearing with the following documents:
 - a. A final Hearing Bundle comprising of 171 pages.
 - b. An opening note on behalf of the RA.
 - c. Character Bundle References from the Officer.
 - d. Excel Spreadsheet from Global Rostering System (GRS).
10. The Panel also heard evidence from:
 - a. PC George Hartley.
 - b. T/PS Francis Kerr
 - c. PC Barry McGuffog
 - d. PS Anthony Duck
 - e. PC Martin Kimmins
 - f. PC James Stringer

F: THE BACKGROUND

11. The Officer was scheduled to sit the Sergeants Promotion examination on 28th September 2023. On 10th August 2023, it was agreed that candidates would be allowed two days’ study leave to prepare for the examination. The Officer’s study leave was allocated to Saturday 23rd and Sunday 24th September 2023, which was recorded on the MDP’s Global Rostering System (GRS) and later taken as paid study leave. On 25th September 2023, the Officer emailed the Exams Unit withdrawing himself from the examination. He did not inform any member of his line management of his withdrawal from the examination. On 28th September 2023, he did not report for duty as required. When he was contacted that day by his Supervisors to ask why he had not reported for duty, the Officer claimed that he was at home looking after his child.

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G: EVIDENCE

PC George Hartley

12. PC Hartley adopted his witness statement. He said he met the Officer when he was a student on an initial firearms course, where he was one of the instructors.
13. PC Hartley was taken to some messages between himself and the Officer, regarding a football match. He stated he had agreed to go to a Carlisle v Derby game, but actually, he had no intention to go as the Officer was a colleague and not a friend that he wanted to see outside of work. PC Hartley said he only agreed to go to the match because he didn't like 'awkwardness and confrontation' and as the game approached, he gave a work related 'excuse' as to why he couldn't go. He could not remember if he said he could not attend due to having covid, but he did recall not having covid at the time. PC Hartley was taken to a message that he subsequently received from the Officer which he found to be "very leading". He explained this by stating that he had not from the Officer in 9 months and then got this message 'out of the blue'. PC Hartley found it to be 'leading' as he considered that the Officer was trying to tell him what to say about his misconduct investigation.
14. When asked if the Officer asked him for help with the Sergeant's exam, PC Hartley said he could not remember telling the Officer, he would help him with the Sergeant's exam, but in any case that he would not go to football to help with study as it was his day off. PC Hartley did not accept that he knew anything about the Sergeant's Exam as he has never studied for it, however as he had been in the force for 9 years, he knew a lot of policy. PC Hartley accepted it was reasonable of the Officer to think he could assist him in general terms but under re-examination stated he was not in a position to give guidance on the exam.

PS Francis Kerr

15. Sgt Kerr adopted his witness statement as evidence in chief. Sgt Kerr explained that if an officer doesn't tell him that he has withdrawn from an exam, it is classed as an official working day and the Officer is expected to turn up for work, as the shift becomes a duty day to accommodate the exam. It would revert back to the original shift if cancelled. In this case the original shift being a rest day. The Officer should have also told the duty sergeant or the administration officer of the withdrawal, either verbally or by email. By not informing anyone in the workplace that he is not attending to take the exam, it would be classed as a working day, and he should attend for work or attend the exam.
16. Sgt Kerr explained that if the Officer had withdrawn from the exam, the study leave days would have been reverted to the original shift which was a night shift. However, it would be presumed study is carried out during the daytime on a study leave day.

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17. Sgt Kerr stated he was not aware the Officer had any childcare issues as he had not come to him for any assistance. When describing a conversation on the 22nd September 2023, Sgt Kerr said he informed the Officer to email the exam body if he could not sit the exam. He was not sure if that was the correct procedure, but he told the Officer that replying to the original exam email '*was a good place to start*'. Sgt Kerr said he didn't want the Officer to be penalised in not being able to sit the exam the following year, and he clearly remembered telling the Officer to email the exam body.
18. Sgt Kerr said it's the officer's responsibility to tell his supervisors that he isn't taking the exam, it was common practice and the Officer should know that the exam board are not going to inform the station. Sgt Kerr stated he remembered informing the Officer to tell the '*relevant authorities*' to have the time amended, but accepted he might not have said specifically SPO (Senior Police Officer) or admin. Sgt Kerr also said that he found out the Officer had not taken the exam when he got a phone call from Insp McIlwraith. In re-examination Sgt Kerr was asked if it was definitely a phone call he received and he was insistent it was.

T/PS Barry McGuffog

19. T/PS McGuffog adopted his statement as evidence in chief. T/PS McGuffog stated he remembered speaking to the Officer in a Wetherspoons pub on Tuesday 19th September and specifically remembered the date as his stepdaughter had an open night at school on that day. Here, the Officer said he potentially could not sit the exam due to childcare problems; his partner was not available, and her family were away so he was seeking childcare. T/PS McGuffog could not recollect the Officer mentioning his son's health conditions.

T/INSP Anthony Duck

20. T/Insp Duck adopted his witness statement as evidence in chief. T/Insp Duck took the Panel through a printout from the Global Rostering System (GRS). He explained what happens when GRS is changed and why changes are made. He also informed the Panel it was him who made the alterations on GRS regarding the Officer's study leave, and explained the annotations recorded to show why he had done that. T/Insp Duck also stated that changes are not done by an automatic computer default, but instead they need to be inputted manually.
21. T/Insp Duck continued to state that if an officer is showing on the rota, they need to attend the station for duty. If an officer had been abstracted to attend the sergeant's exam, they would not have been counted in the numbers for that day with regards to signing out weapons, but they could be expected to cover any sickness. T/Insp Duck further explained that there is an obligation on officers to ask what to do in respect of their duties and they can access GRS to view only as have their own work laptop issued. Officers cannot make their own amendments to GRS.

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PC Martin Kimmins

22. PC Kimmins adopted the statement with corrections made as his evidence in chief. He explained there have been technical issues with GRS previously, but he was unaware if that affected any officers directly as he does not line manage anyone. He did not know if GRS had any specific issues in September 23.

PC James Stringer

23. The Officer gave his policing background. He had previously sat the Sergeant's exam in February 2022 and had been given 4 days study leave to revise for it. For the September 2023 exam, he had spoken to Jackie Campbell, the Station's administrator, she had written the dates in a notebook and recorded the 21st -24th September on GRS as miscellaneous. It was later altered to two days study leave encompassing 23rd and 24th September 2023 only.
24. The Officer took the Panel through all the revision he had done and stated that he studied up to the morning of the 25 September. He did about 7-12 hours study on the 23rd, as days were still shift related and he did as close to a 12-hour shift as he could. He explained he studied through the day and all night on 24th into 25th September and was then required to look after his son on the day of the 25th.
25. The Officer described his son's respiratory health conditions and provided a snapshot of his nursery app to demonstrate that his son was ill on the 15th September. He continued to explain that his son did not attend nursery on the weeks commencing 18th or 25th September, as he did not want to expose him to any further risks, but there were no further screenshots of this time period. In cross examination, the Officer stated that there were no concerns in him going to a football match or a Wetherspoons as social distancing was in place. When questioned by the panel about this as no social distancing was in place publicly and routine covid testing had been ceased by September 2023, the Officer accepted this but said his family would still test as they work in schools and hospitals.
26. The Officer further explained that he would take screenshots of GRS to show his wife so she could see his shift patterns and they could plan childcare accordingly.
27. The Officer stated that he believed the 28th September would automatically revert to a rest day (the original allocation of the shift prior to the exam being booked) when he did not attend the exam, and he had that previous experience of this procedure change when working for Essex Police.
28. Regarding PC Hartley, the Officer stated he invited him to the football as PC Hartley had a lot of knowledge about firearms and the Officer believed he could help him with the exam and had planned to do this during the match as he was a vicarious learner. Under cross examination, he stated that it was possible to get home for 6pm if he left at half time to continue his study in line with his shift pattern. The Officer first stated that he left after the second goal, then at the 84th minute and finally

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around 4.50pm. He explained these discrepancies by stating he had watched a lot of football and he could not remember the details of each match.

29. The Officer originally stated that he parked at the stadium car park which has an embargo preventing cars from leaving until 5.15pm, and later stated he parked at the Bridge Street car park where you can leave at any time. He insisted that he was home for 6pm and studied through the night to match his working hours. When asked when he slept, the Officer stated he used a “roman sleeping pattern” which was 4 hours of sleep and 4 hours awake, and this enabled him to study and still look after his son. Regardless, the Officer stated that Insp McIlwraith had never specified he should study at a certain time and he was not aware of any policy regarding study leave hours. The Officer denied choosing to go to the football over preparing for the exam, that his intention was to study with PC Hartley at the football match and this was not incompatible. The Officer later agreed sending a message to PC Hartley when under investigation from PSD but denied doing so in order to try and influence PC Hartley’s statement.
30. On 19th September the Officer went to a Wetherspoons pub with PC McGuffog and they spoke about the exam. He explained to McGuffog that his son was sick and he was down to his “*last set*” meaning his parents with regards to childcare. His wife was unable to help as she was due to meet with a solicitor along with her parents regarding a house sale.
31. On 22nd September, he spoke to Sgt Kerr and said he was struggling with childcare, said his parents were ‘*last resort*’. Sgt Kerr told him to contact the exam board which made sense as he had previously done this in Essex Police and expected the exam administrators to have informed his managers. The Officer stated he thought therefore it was sufficient to contact the exam board alone. In cross examination the Officer agreed that ‘*last resort*’ was not in accordance with his Regulation 30 response as he did not know at that stage that his wife’s parents had covid.
32. On 24th September, PC Stringers parents in law who were described as ‘plan A’ , reported they has a positive covid test result. On Monday 25th September, PC Stringer stated his own parents were contacted by him and during this call also informed him they had tested positive for Covid. PC Stringer described his own parents as ‘plan B’ and he concluded there were no further options to look after his son. He emailed Sgt Bell from the exam’s unit at that point, as he knew he could not attend the exam then; there was no intention to withdraw before that point. In cross examination, the Officer was taken to his Regulation 30 response, where he stated his wife’s parents also had covid. He was questioned by the panel about this as he had also stated in evidence his wife’s parents were required for a prearranged appointment at a solicitors office, along with his wife, and would not have been available in any case, so could not have been plan A. PC Stringer was unable to clarify the position or explain this conflicting evidence under Panel questioning.

OFFICIAL

RA's Amendment on Allegation 3

33. At the close of evidence, the RA amended Allegation 3 so it read only:

Having withdrawn from the examination of 28th September 2023, you failed to report for duty that day

The Panel therefore proceeded on this basis.

I: FINDINGS OF FACT

34. In making its findings of fact, the Panel had regard to all the documents contained in the Regulation 29 bundle. The fact that each document is not referred to does not mean that each document was not carefully considered.
35. The Panel heard advice from the LQP.
36. The Panel reminded itself of the standard of proof and the onus on the AA to prove those facts on the balance of probabilities. In line with the principle derived from *Bryne v GMC [2021] EWHC 2237 (Admin)*, the panel recognised that there is only one standard of proof in civil and regulatory cases, namely whether the facts in issue more probably occurred than not. The seriousness of an allegation does not of itself require more cogent evidence. The inherent probability of the relevant conduct is a matter which can be taken into account when weighing the probabilities and in deciding whether the conduct occurred; this goes to the quality of the evidence.
37. The Panel first assessed the overall credibility of the RA's witnesses and the Officer and made some general findings; more detailed analysis will be provided in the individual allegations. As a whole, the Panel found the RA's witnesses to be reliable and credible, who gave evidence that was consistent with their initial statements and remained consistent under cross examination by Mr Brady.
38. The Panel found, however that the Officer, has provided evidence which has changed during the process and at some points in cross examination provided an account that was a departure from his original statement. The panel also reminded itself that the chair found the inequity principle engaged when PC Stringer sent the text message to PC Hartley.
39. All of this has affected his overall credibility, and the Panel has taken this into account when making its findings on facts.

OFFICIAL

ALLEGATION 1

40. The Panel find the Officer had an original intention to sit the exam. The Panel found that early in 2023, the Officer legitimately asked for special paid leave in order to prepare for the Sergeant's exam, that he had done some revision and he had made a previous attempt, but failed to pass. The Panel accept there was a genuine intent to use the 23rd and 24th September as study leave when it was entered as such on the GRS system on the 14th August 2023.
41. The Panel heard a lot of evidence about the football match on the 23rd September 2023, which was one of the allocated study days. The Panel heard that there was a Carlisle v Derby match, at the Carlisle stadium, it started at 3pm and that the Officer had stayed for most of the match. The RA presented this evidence of a football match as demonstrating that the Officer was not studying and thus indicated that there was no intention to attend the subsequent exam.
42. However, the Panel concluded that there was no evidence before them to state that studying had to be done in the exact same hours as a shift pattern. None of the RA's witnesses stated anything to this effect and there were no policies or documents to say the same. The Panel therefore concluded that this did not assist them in determining the Officer's intention on that day.
43. However, the Officer gave various accounts of this match. He gave differing versions of when he left and returned home, mentioned social distance measures at a time when none were in place, and altered the location of his parking to suit the evidence. While the Panel consider that it did not matter when he actually studied that day, it affected how the Panel viewed his evidence going forward as they determined it affected the Officer's overall credibility.
44. It is clear to the Panel, at some point around the 14th September 2023, the Officer's son became ill with croup. In the week prior to the exam, the Officer spoke to colleagues about potential childcare issues. The Panel had sight of T/PS McGuffog's statement where he stated that the Officer:

"didn't know whether he would be able to sit it because he may have childcare problems, but he wouldn't know whether he did until next week".

In live evidence T/PS McGuffog said the officer stated he "potentially could not sit" (the exam). The Officer does not mention any health issues of his son at this stage.

45. The Panel then considered Sgt Kerr's statement where he states that on 22nd September, the Officer said he was "*considering not sitting the exam*", and upon receiving advice regarding emailing the exam board, the Officer said he would "*do that as soon as possible*". This led Sgt Kerr to believe that the Officer had "no intention of sitting the exam".

OFFICIAL

46. In interview, the Officer stated - “ *I’m going to be struggling with the exam with childcare*” to Sgt Kerr and to PC McGuffog “*think I’m starting to get childcare issues.....the only one left is going to be my folks and they are going to be the last resort.*”

Once again, no mention of his sons’ ill health is made.

47. In his Regulation 30 Response, PC Stringer stated that it was only on the 25th September that childcare became an issue as his parents had informed him that morning, they had contracted covid. This was different to what he stated in live evidence where he said that his parents were “plan B”. (his presents in-law being plan A). Then he said that his parents in law could not look after his son as they had also reported contracting covid on the Sunday evening of the 24th September. However, PC Stringer had also stated in his live evidence that his parents-in-law would be at a solicitor’s office dealing with a housing issue along with his wife on the day of the exam. The Officer was unable to clarify exactly what the position was regarding his in laws which affected his overall credibility.
48. The Panel concluded these were continuing, conflicting accounts given by him as to what happened in respect of childcare and the panel were unable to conclude what the real reason childcare issue was.
49. Taking all the above into account, the Panel find that the Officer had formed an intention to not sit the exam, prior to the 25th September, and therefore find this allegation proved.

Allegations 2 and 3

50. These are dealt with together to avoid lengthy repetition. The Panel find Allegations 2 and 3 proved on a factual basis on the Officer’s own admissions.
51. In his own oral evidence it was clear to the Panel that PC Stringer was familiar with the enrolment process for the examination, understood the rostering regime at his station and was able to access and understand the GRS used for duties management, as he frequently did so to provide screenshots to his wife for the purpose of family life planning.
52. Evidence was also provided that demonstrated his line managers were actively involved in duty management, including the granting of leave and other absences. Understanding where officers are, if they are not where they are recorded to be performing duty, is a management responsibility and the panel find that PC Stringer would be aware of this and understand that he should notify his line manager or other manager at his place of work, as to his change of circumstances in relation to duties
53. Therefore, the Panel found all the Allegations proved in their entirety.

J: BREACH OF STANDARDS AND DECISION ON MISCONDUCT

54. Turning to the Regulation 29 Notice and the allegations found proved therein, the RA referred to the Duties and Responsibilities and Honesty and Integrity. The Panel has carefully considered those standards and whether the conduct of the Officer has amounted to a breach of those standards.
55. Turning first to Honesty and Integrity, the Panel applied the 2-stage test in *Ivey v Genting Casino [2017] UKSC 67* namely:
 - a. What did the Officer actually know or believe at the time he did the matter that is said to be dishonest? In deciding that question, the Panel considered the reasonableness or otherwise of what he says he knew or believed; it is not necessary, however, for that belief to be reasonable – an unreasonable belief is still a belief;
 - b. Was the Officer’s conduct, in light of his knowledge/beliefs, honest or dishonest by the objective standards of ordinary decent people?
56. Applying the first limb, the Panel concluded that the Officer felt he was entitled to take this study leave by the fact he originally had an intention to sit the exam, which the Panel accepted, rather than having a mal intent from the start in obtaining a benefit of extra paid leave.
57. There was also a lack of instruction and guidance in how study days are to be utilised by the MDP. In relation to the explanation of how study took place and in what format, Insp McIlwraith stated “*I gave no verbal or written instruction as to the format that study leave took However, **my expectation is, that they are studying on the days allotted for study leave**”.(Emphasis added).*
58. It appeared to the panel there is an element of individual officer discretion / ambiguity in policy and procedure in relation to the specifics of how a study day should be utilised and therefore, they did not find that the Officer knew he was being dishonest when he took the study leave.
59. In applying the second limb, the Panel therefore determined that this was not dishonest by the standards of ordinary decent people
60. The Panel therefore concluded the that the Officer was not dishonest.
61. However, turning to the issue of a lack of integrity, the Panel determined this did apply as the Officer failed to act in the right way, not behaving as the totally correct police officer would, in some way falling short of the whole. The Officer should have reported not taking the exam to his line managers and sought advice over the special leave allocation. In this case, the officer can’t be said to have done the right thing”

OFFICIAL

62. The Panel also considered the standard of Duties and Responsibilities. It concluded, it was his duty to notify his supervisors of a change in his duties, and he ought to have known that he should have done so.
63. The Panel were therefore satisfied that all the mentioned Standards were breached.
64. Having found breaches of the Standards, the Panel has considered whether these breaches amount to gross misconduct; gross misconduct is defined in the Regulations as meaning a breach of the standards of professional behaviour so serious as to justify dismissal.
65. When deliberating, the Panel has reminded itself of the need to protect public confidence in and the reputation of the police service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future.
66. The Panel has carefully considered the circumstances of the case and the breaches found. The Panel reminded itself that no dishonesty element was found and taking the conduct as a whole to be serious enough as to warrant disciplinary action and therefore were satisfied that the misconduct was properly to be categorised as misconduct.

M: DECISION ON OUTCOME

67. Regulation 41 (14) procedure provides that when considering the question of disciplinary action, before any such question is determined, the panel:
 - a. Must have regard to the record of police service of the officer concerned.
 - b. May receive evidence from any witness whose evidence would, in their opinion, assist in determining the question; and
 - c. Must give the officer concerned, his police friend or lawyer, and the appropriate authority, an opportunity to make oral or written representations.
68. The Panel heard submissions from both Mr Laverack and Mr Brody and had sight of the Officer's service record.
69. The Panel has carefully considered all of the evidence and submissions made during the course of this hearing.
70. The Panel has regard to the College of Policing Guidance on Outcomes ("the Guidance") and reminded itself that in reaching its decision on outcome the Panel must have regard to the public interest, which includes the need to protect the public, to maintain confidence in the police service, and to declare and uphold proper standards of conduct and behaviour. References to paragraphs below are references to the Guidance. The Panel approached its decision on outcome in three stages to determining the appropriate sanction:

OFFICIAL

Stage 1: Assess the seriousness of the misconduct.

Stage 2: Keep in mind the purpose of disciplinary action

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

71. In assessing the seriousness of the conduct found proven the panel have had regard to 4 issues namely
- a. The Officer's culpability
 - b. The harm caused by the misconduct
 - c. The existence of any aggravating factors
 - d. The existence of any mitigation factors

Stage 1: Seriousness of misconduct

Culpability

72. The Panel took account of paragraph 4.10 of the Outcomes Guidance which states that found that shortly before the exam date the Officer planned not to sit the exam, although the Panel accept this was not the case from the start.
73. The Panel also considered that the Officer could have "*reasonably have foreseen the risk of harm.*" (Para 4.11) in not reporting for duty as this could leave his station without sufficient staff numbers.
74. The Panel also noted that this conduct is not one of the specific behaviours mentioned in the Culpability Section and therefore assessed culpability as medium.

Harm

75. In considering harm, the Panel noted that no actual harm was caused to any individual. However, the Panel also considered this is a type of reputational harm and noted paragraph 4.66

Harm will likely undermine public confidence in policing. Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

76. The Panel therefore concluded that harm was medium.

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Aggravating Factors

77. Taking care not to double count, the panel considered the relevant factors to be:

- Failure to raise concerns or seek advice from a colleague or senior officer
- Multiple proven allegations and/or breaches of the Standards of Professional Behaviour

Mitigating factors

78. The panel identified the following mitigating factors:

- Misconduct confined to a single episode or brief duration
- Stress regarding the Officer's son's health that may have affected the officer's ability to cope with the circumstances in question
- Some insight and remorse regarding Allegation 2 and 3

Personal Mitigation

79. The Panel has also considered the Guidance which states that personal mitigation is to be taken into account, however its impact will be limited in police misconduct hearings because of the need to maintain public confidence in the police. Mr Justice Burnett in *Salter -v-The Chief Constable of Dorset [2012] EWCA Civ 1047 and [2011]EWHC 3366(Admin)* at paragraph 73 concluded:

'...the correct approach for a decision maker is to recognise that a sanction which results in the officer concerned leaving the force would be the almost inevitable outcome in cases involving operational dishonesty. That terminology itself recognises that there may be exceptions. In concluding that the case is exceptional, the decision maker must identify the features of the circumstances of the misconduct which support a different conclusion, recognising that the number of such cases would be very small. The decision maker would take account of personal mitigation but must recognise its limited impact in this area.'

80. Nevertheless, the panel considered the character references that were provided on behalf of the Officer which contained references to his professionalism and dedication to duty including three commendations awarded during his service.

Stage 2: Keep in mind the purpose of disciplinary action

81. In considering the outcome, the Panel also bore in mind the purpose of the police misconduct regime which 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.

OFFICIAL

Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

82. The panel then went on to consider the outcome which would most appropriately fulfil the purposes of imposing sanctions in the light of the seriousness of the officer's conduct. The panel considered all the available outcomes, starting with the least serious. The panel considered whether a Written Warning would be appropriate in this case or whether the seriousness of the case required a Final Written Warning.
83. Based on the assessment of seriousness that had been carried out and a finding of a lack of integrity, the panel determined that the appropriate sanction is for the officer to be issued with a Final Written Warning for a period of two years,
84. The panel considered this to be a proportionate outcome in this case and considered that this sanction would be sufficient to maintain public confidence in the reputation of the police force as they have already marked the gravity of the officer's conduct by its finding of Misconduct.
85. **Right of Appeal.** In accordance with Regulation 42(2), the Appropriate Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal ("PAT"). The PAT may increase or decrease any penalty or overturn our decision.

Submitted on behalf of the Panel.
16/03/2026