

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

BETWEEN:

THE MINISTRY OF DEFENCE POLICE

Relevant Authority

-and-

FPC SHAUN CLEARY

Officer Concerned

**NOTICE OF OUTCOME
POLICE MISCONDUCT HEARING**

Summary

1. The allegation was found proved. The Chair found a breach of the Standards of Professional Behaviour, namely Honesty & Integrity, Duties and Responsibilities, Orders and Instructions and Discreditable Conduct. The Chair subsequently found gross misconduct and determined that FPC Cleary would have been dismissed without notice had he remained in service.

Introduction

2. This misconduct hearing was convened pursuant to the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 ("the 2020 Regulations") and was held in public on 22 July 2026 by Microsoft Teams.
3. This case has been dealt with as an Accelerated Misconduct Hearing. I am satisfied from the outset of this hearing that there was sufficient evidence, to establish on the balance of probabilities, that the conduct of this officer constitutes gross misconduct; and that it was in the public interest to proceed as an accelerated hearing

4. The notice of the hearing was published in accordance with the requirements of the Regulations.
5. FPC Cleary did not attend the hearing and was not legally represented.
6. The Relevant Authority was represented by Charles Apthorp of Counsel.
7. The hearing was chaired by Chief Constable Kier Pritchard, who was assisted by the Legally Qualified Adviser, Ms Salma Yousef.

Preliminary Matters

8. The Chair was satisfied that the Officer had been properly served with notice of the proceedings by email on 7th July 2026, and had been afforded the opportunity to attend, to be represented and to respond to the allegations.
9. There was no information before the Chair to suggest that the Officer's absence was involuntary or that an adjournment would secure his future attendance. Having considered Regulation 32(3)(b) of the 2020 Regulations, the Chair was satisfied that the Officer was aware of the proceedings and had voluntarily absented himself and chosen not to participate in the hearing and therefore it was fair and appropriate to proceed in his absence.

Allegation

10. These particulars relate to an allegation of misconduct arising from the Officer's alleged conduct in relation to his sitting a Summative Assessment 2 exam ("the exam").

The Regulation 54 Notice states

11. On 2nd March 2026 you sat the online exam using the wrong exam link. You were unable to complete the assessment as a result failed the exam and were required to resit that exam.

12. Prior to the exam you were provided with the exam and invigilation instructions. Following the conclusion of the exam it is alleged that you did not log out of the exam portal and continued to access the questions set, in breach of those instructions. In addition, at the conclusion of that exam you were instructed by PS Hillman to close down your laptop and head back to class.
13. It is alleged you made notes of the questions on your mobile phone and asked your class 'mates' what questions they could recall and the responses were also entered on your mobile phone. Prior to the exam resit you used Google to research the answers enabling him to gain an unfair advantage in the resit exam. You also improperly shared your notes of the exam questions with your fellow class mates.
14. On 5th March 2026 during an investigation into your conduct you are alleged to have informed PC Houghton that after the exam you remained log on and made a note of the questions on your phone. You informed him that you had re-worded them slightly to make it less obvious where you got the answers from. You informed him that when you googled the answers you were careful to ensure that they would not show up as direct copies of the questions. You also informed him that you were planning to write the questions and answers on a piece of paper and have them in the exam with you. You also informed PC Allen and TPS Sanders that you had scrolled up and down the questions on the 2nd March for 2 minutes before closing the lap top down.
15. It is alleged that you:
 - (i) Failed to follow exam and invigilation instructions;
 - (ii) Failed to log out of the exam portal as instructed;
 - (iii) Improperly obtained and accessed exam questions;
 - (iv) Sought to gain an improper and unfair advantage in the Exam;

Standards of Professional Behaviour

16. The Relevant Authority alleges that as a result of the matters set out above at paragraph 10-15, the Officer's conduct breached the Standards of Professional Behaviour set out in Schedule 3 to the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020, namely:
 - i. Honesty & Integrity
 - ii. Orders and Instructions and,

iii. Duties and Responsibilities.

iv. Discreditable Conduct.

17. It was alleged that each breach individually, and alternatively the breaches taken cumulatively, amounted to gross misconduct.

The Chair's Approach

18. In reaching his decision, the Chair adopted the structured approach required by the 2020 Regulations. He first determined the facts on the evidence before him, then considered whether those facts established breaches of the relevant Standards of Professional Behaviour, and finally determined whether those breaches amounted to misconduct or gross misconduct.
19. The Chair reminded himself that the burden of proving the allegations rested throughout upon the Relevant Authority and that the applicable standard of proof was the balance of probabilities.
20. The Chair remained mindful that police misconduct proceedings are not punitive in nature. Their primary purpose is to maintain public confidence in, and the reputation of, the police service by ensuring officers are held accountable for misconduct. They also serve to uphold and declare the high standards expected of police officers and to protect the public, police officers and police staff by reducing the likelihood of future misconduct.
21. In reaching his decision, the Chair had regard to the relevant statutory framework and guidance, including:
- a. the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020, including the Standards of Professional Behaviour contained in Schedule 3;
 - b. the definition of misconduct contained in Schedule 1, namely a breach of the Standards of Professional Behaviour so serious as to justify disciplinary action; and
 - c. the definition of gross misconduct contained in Schedule 1, namely a breach of the Standards of Professional Behaviour so serious that dismissal would be justified.

Background

22. FPC Shaun Cleary joined the Ministry of Defence Police on **5th January 2026** He was undergoing training at OCC (Operational Capability Centre).
23. As part of his training he was required to complete a 'Summative Assessment 2' exam online. Due to his dyslexic tendencies he was allocated additional time to complete the exam. On 2nd March 2026 he accessed the wrong exam link, resulting in him not receiving the additional time.
24. Consequently, he was unable to complete the assessment, failed the exam, and required a resit.
25. After the exam it is alleged that the Officer did not log out of the online exam portal on his work laptop and remained logged into the question set.
26. It is further alleged that on the same day he approached two other officers stating that he was required to resit his online test stating he had made notes of the exam questions within his mobile phone and had researched answers in order to pass the resit.
27. As part of these conversations it is alleged that he clarified questions, answers and offered his notes to others.
28. On 5th March 2026 FPC Cleary was asked to provide his account whereby he compiled and submitted a Form 271 stating that after the exam had concluded and he had been informed he would need to complete a resit, he reconstructed exam questions from memory and sought to recall "all the exam questions he could remember" and recorded them on his phone.
29. FPC Cleary acknowledged that he discussed this with his colleagues seeking to clarify the answers he had recorded and obtain more questions from their memory.
30. FPC Cleary provided his phone notes – exhibit ALC/01 refers.
31. FPC Cleary did resit the exam whereby he scored 80%.
32. FPC Cleary subsequently declined to be involved in any misconduct proceedings and did not reply to the service of the Regulation 16 via email and did not return his Regulation 17.

33. On 5th March 2026 he tendered his resignation with immediate effect.

Evidence

34. The Chair considered all of the documentary evidence placed before the hearing, including:

- a. the final hearing bundle comprising 27 pages;
- b. the written Opening Note on behalf of the Relevant Authority;
- d. the Regulation 51 bundle comprising 5 pages.

and the advice provided by the Legally Qualified Adviser throughout the proceedings.

35. No oral evidence was called on behalf of either party.

36. The Officer did not attend the hearing and therefore gave no oral evidence. The only account advanced on his behalf was that contained within Statement 271. No personal mitigation or character evidence was submitted.

Findings of Fact

37. In determining the facts, the Chair carefully considered all of the documentary evidence before the hearing, including the final hearing bundle comprising the witness statements and the Regulation 16, 17 and 49 notices, the Regulation 51 bundle, the written submission made on behalf of the Relevant Authority and the advice provided by the Legally Qualified Adviser.

38. The Chair reminded himself that the burden of proving the allegation rested throughout upon the Relevant Authority and that the applicable standard of proof was the balance of probabilities.

39. The Chair also gave consideration to the Equality Act, given the reference to FPC Cleary's dyslexic tendencies as set out in his statement however in the absence of any further material from the Officer, the Chair was unable to assess what impact the dyslexia may have had on the actions of the Officer which were the subject of these proceedings.

40. The Chair was satisfied that on 2nd March 2026 Officer Cleary sat the online exam using the wrong exam link and that he was unable to complete the assessment, as a result of which he failed the exam and was required to resit it. This is undisputed across the evidence.
41. The Chair was unable to make a finding in relation to the exam and invigilation instructions which had not been provided, however it was established that following the conclusion of the exam FPC Cleary did not log out of the exam portal.
42. The main issue to be resolved was whether the Officer continued to access the questions set in the online exam.
43. The Chair was satisfied that the Officer had been instructed by PS Hillman at the conclusion of the exam to close 'everything down' and head back to class. This is established by the s271 of PS Hillman and corroborated by FPC Cleary's own Form 271 in which he accepted he was told to 'close it' which he states he thought referred to his laptop. The Chair was satisfied that the instruction clearly extended beyond the screen of the laptop and extends to closing everything down in this particular context.
44. The Chair was satisfied, on the balance of probabilities, that the Officer made notes of the examination questions on his mobile telephone and relied on exhibit ALC/01 which supported this allegation. It was not established where these notes were made from.
45. The Chair considered the evidence of his 'classmates' whilst remaining mindful that of the fact that this evidence had not been tested during the hearing. Nonetheless there was no evidence before the Chair which called those statements into question and therefore some weight was placed on the evidence contained therein.
46. The Chair was satisfied that there was sufficient evidence in FPC Cleary's own admission to PC Evans where he conceded 'you'll ask them how long I had it on my screen and then you'll see so its best I just resign now'. He noted this account had changed from his Form 271 where he had stated that the exam page was open in another tab 'which I did not ever go onto'.
47. The Chair therefore found, on the balance of probabilities, that FPC Cleary had improperly accessed the exam questions and did so to gain an improper and unfair advantage.

48. Having made those findings of fact, the Chair went on to consider whether the Officer's conduct breached the Standards of Professional Behaviour alleged by the Relevant Authority.

Honesty & Integrity

49. The Standard relating to Honest and Integrity states that Police officers are honest, act with integrity and do not compromise or abuse their position.
50. The Chair considered whether FPC Cleary's actions met the requisite standard that he was dishonest.
51. The Chair applied the two-stage subjective and objective test in *Ivey v. Genting Casinos (UK) Ltd v. Crockfords* [2018] AC 391, at paragraph 74, namely:
 "When dishonesty is in question the fact-finding Tribunal must first ascertain (subjectively) the actual state of the individual's knowledge or belief as to the facts. The reasonableness or otherwise of his belief is a matter of evidence (often in practice determinative) going to whether he held the belief, but it is not an additional requirement that his belief must be reasonable; the question is whether it is genuinely held. When once his actual state of mind as to knowledge or belief as to facts is established, the question whether his conduct was honest or dishonest is to be determined by the fact-finder by applying the (objective) standards of ordinary decent people. There is no requirement that the defendant must appreciate that what he has done is, by those standards, dishonest."
52. Integrity connotes adherence to the ethical standards of one's profession; per Jackson LJ in *Wingate and Evans v. Solicitors Regulation Authority* [2018] EWCA Civ 366, at paragraph 100.
53. The Chair was satisfied FPC Cleary accessed the exam paper when he was not permitted to do so, therefore he was dishonest and lacked integrity in his actions.
54. A reasonable member of the public would also regard his conduct as dishonest. The Chair found that the Officer breached this standard by failing to honestly

close down his laptop when told and continuing to prepare for his resit exam thereafter. He has also failed to inform supervisors and training staff that the exam was left open and used the exam dishonestly to research online to gain an advantage.

Duties and Responsibilities

55. This standard provides that Police officers will be diligent in the exercise of their duties and responsibilities.
56. The evidence unequivocally supports the assertion that he was told to close 'everything down' and he would have understood this means to close the open exam paper as well as his laptop.
57. The Chair therefore concluded that the Officer's conduct constituted a breach of the Standard relating to **Duties and Responsibilities**.

Discreditable Conduct

58. The standard relating to Discreditable Conduct provides that police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.
59. The Chair considered that the Officer's conduct represented a serious departure from the standards properly expected of a serving police officer. The fact the officer accessed exam material when he was not permitted to do so and would give him an advantage in the resit exam clearly has the potential to discredit the organisation.
60. Whilst the Chair acknowledged that there was no evidence that the Officer intended to bring discredit upon the service, nevertheless, intention is not determinative. The proper question is whether the conduct was capable of undermining public confidence. In the Chair's judgment, it plainly was.
61. The Chair therefore concluded that the Officer had breached the Standard relating to **Discreditable Conduct**.

Orders and Instructions

62. This standard provides that Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful orders.
63. On this occasion the Officer clearly failed to follow a clear Order and therefore it was found that this standard had been breached.

Decision on Misconduct / Gross Misconduct

64. Having found that each of the alleged Standards of Professional Behaviour had been breached, the Chair was required to determine whether those breaches amounted to misconduct or gross misconduct.
65. In assessing seriousness, the Chair had regard to the **College of Policing Guidance on Outcomes in Police Misconduct Proceedings**, considering in particular the Officer's culpability, the harm which could be caused, particularly the reputational harm, and the presence of aggravating and mitigating factors.
66. The Chair assessed the Officer's culpability as **high**. His actions were deliberate, intentional and took place over a number of days demonstrating planning and forethought. The misconduct was not spontaneous or inadvertent.
67. Although the misconduct did not involve any abuse of police powers or coercive behaviour, it involved the deliberate act which was dishonest and had the potential to undermine the standing and integrity of the profession. Such conduct is fundamentally incompatible with the standards expected of a police officer and is capable of seriously undermining public confidence in policing.
68. In considering harm, the Chair recognised both the operational consequences of the Officer brazenly discussing circumventing exam processes with colleagues and the reputational damage caused to the Ministry of Defence Police.
69. The Chair identified the following aggravating features:
 - a. the misconduct was deliberate and planned;
 - b. it occurred whilst the Officer was on duty;
70. The Chair was careful not to double-count matters already reflected within his assessment of culpability.
71. The Chair was not provided with any material which could be considered in mitigation.

72. The Chair was satisfied that the Officer's conduct represented a serious breach of multiple Standards of Professional Behaviour. The misconduct struck at the heart of the trust placed in police to be honest and act with integrity and, to discharge their responsibilities diligently and to maintain the confidence of both colleagues and the public.
73. The Chair therefore concluded that the breaches, considered individually and collectively, were so serious that they amounted to **gross misconduct**, being a breach of the Standards of Professional Behaviour so serious that dismissal would have been justified.

Decision on Outcome

74. Having determined that the Officer's conduct amounted to gross misconduct, the Chair proceeded to consider the appropriate disciplinary outcome in accordance with Regulation 41 of the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020.
75. Before determining outcome, the Chair had regard to the Officer's record of police service and considered the submissions advanced on behalf of the Relevant Authority. As the Officer did not attend the hearing and was not represented, no oral or written mitigation was advanced beyond that contained within his Regulation 17 response. Nevertheless, the Chair remained mindful of the obligation to consider all matters capable of operating in the Officer's favour.
76. The Relevant Authority submitted that, had the Officer remained a serving member of the Ministry of Defence Police, the appropriate outcome would have been dismissal without notice.
77. In determining the appropriate outcome, the Chair adopted the structured approach set out within the College of Policing Guidance on Outcomes in Police Misconduct Proceedings. He remained mindful that the purpose of misconduct proceedings is not to punish an officer but to maintain public confidence in, and the reputation of, the police service, to uphold the high standards of professional conduct expected of police officers, and to protect the public and the integrity of policing. The Chair also recognised that any disciplinary outcome may have significant personal consequences for the Officer and therefore considered the principle of proportionality throughout.

78. The Chair carefully considered the Officer's record of service. The Officer had served with the Ministry of Defence Police for only a very short period and there was therefore limited material capable of operating in his favour. Whilst the Chair took that limited service into account, there was no evidence of mitigation, no acknowledgement of wrongdoing, and no engagement with these proceedings beyond the written material already before the hearing.
79. The Chair balanced the seriousness of the misconduct against all relevant mitigating and aggravating factors. The misconduct was deliberate, planned and committed whilst the Officer was on duty. The Officer made a conscious decision to continue accessing the examination material after having been clearly instructed to close everything down. He then used that material to prepare for his resit examination. This was not a momentary lapse of judgment but a calculated course of conduct undertaken for personal advantage. There was no evidence before the Chair capable of reducing or qualifying that high level of culpability. Particularly concerning was the fact that this conduct occurred at the very outset of the Officer's policing career, demonstrating a serious failure to appreciate the standards of honesty and integrity expected of a police officer.
80. In assessing harm, the Chair considered both the operational and reputational consequences of the Officer's conduct. The evidence established that he discussed the examination questions with fellow student officers and sought to clarify and share restricted examination material. Such conduct had the potential not only to compromise the integrity of the examination process but also to encourage others to participate in dishonest behaviour. More broadly, the Chair concluded that there was a real and significant risk of damage to public confidence in both policing generally and the Ministry of Defence Police in particular.
81. The Chair attached significant weight to the importance of maintaining the highest standards of honesty and integrity within the Ministry of Defence Police. The force operates in a unique operational environment. Dishonesty is fundamentally incompatible with the office of constable. The Officer's deliberate misuse of examination material struck at the heart of those values and was wholly incompatible with continued service as a police officer.
82. The Chair considered whether any lesser outcome would adequately maintain public confidence, uphold the standards of professional behaviour expected of police officers,

or protect the reputation of the Ministry of Defence Police. Having weighed all of the relevant circumstances, including the Officer's limited service, the absence of any meaningful mitigation, and the seriousness of the misconduct, the Chair concluded that it would not.

83. The Chair therefore concluded that, had the Officer remained a serving member of the Ministry of Defence Police, the only proportionate and appropriate outcome would have been dismissal without notice.

84. As the Officer had already ceased to be a member of the Ministry of Defence Police, the determination is recorded in accordance with Schedule 2 to the 2020 Regulations as a finding that the Officer would have been dismissed had he remained in service.

Right of Appeal

85. In accordance with Regulation 42 of the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020, the Appropriate Authority shall provide the Officer with a copy of this determination together with notice of his right of appeal.

86. The Officer has the right to appeal to the Police Appeals Tribunal within the time prescribed by the Regulations. The Tribunal may allow or dismiss the appeal and may exercise any powers conferred upon it by the applicable statutory provisions.