

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

BETWEEN:

THE MINISTRY OF DEFENCE POLICE

Relevant Authority

-and-

FPC BENJAMIN COLLING

Officer Concerned

**NOTICE OF OUTCOME
POLICE MISCONDUCT HEARING**

Summary

1. The allegation was found proved. The Chair found a breach of the professional conduct and standards, namely, Authority, Respect and Courtesy, Duties and Responsibilities, Fitness for Duty and Discreditable Conduct. The Chair subsequently found gross misconduct. The Chair determined that Former PC Colling 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. Notice of the hearing was published in accordance with the requirements of the Regulations.

4. Former PC Colling did not attend the hearing and was not legally represented.
5. The Relevant Authority was represented by Charles Apthorp of Counsel.
6. The hearing was chaired by Chief Constable Kier Pritchard, who was assisted by the Legally Qualified Adviser, Ms Salma Yousef.

Preliminary Matters

7. The Chair was satisfied that the Officer had been properly served with notice of the proceedings and had been afforded the opportunity to attend, to be represented and to respond to the allegations. He was satisfied that the Officer had voluntarily chosen not to participate in the hearing.
8. 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. It was therefore fair and appropriate to proceed in his absence.

Allegation

9. The allegation contained within the Regulation 16 Notice was as follows:

That on 2 February 2026, whilst on duty, FPC Benjamin Colling engaged in an intimate act with a member of the MOD Guard Service.

Standards of Professional Behaviour

10. The Relevant Authority alleged that 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. Authority, Respect and Courtesy;
- ii. Duties and Responsibilities;
- iii. Fitness for Duty; and
- iv. Discreditable Conduct.

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

The Chair's Approach

12. 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.

13. 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.

14. 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.

15. 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

16. Former PC Benjamin Colling joined the Ministry of Defence Police on **1 May 2024**. He successfully completed his initial training and student officer portfolio, achieving a distinction.
17. In or around December 2025, the Officer commenced a personal relationship with a member of the MOD Guard Service ("MGS"). The relationship initially developed through the exchange of text messages.
18. On **2 February 2026**, whilst both individuals were on duty and during an allocated fitness period, the Officer and the MGS employee engaged in a consensual intimate act at the workplace.
19. The MGS employee subsequently disclosed the relationship and the incident to her husband, who reported the matter through his own management chain.
20. Before becoming aware that the matter had been formally reported, FPC Colling voluntarily informed his line manager of both the relationship and the incident. He made full admissions regarding his conduct.
21. In his written response served pursuant to Regulation 17, the Officer accepted the allegation in its entirety. He stated:
"I fully acknowledge that my behaviour fell significantly below the professional standard expected of me."

22. The Officer did not seek to dispute the factual basis of the allegation at any stage of the proceedings.

Evidence

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

- a. the final hearing bundle comprising 29 pages;
- b. the written opening submissions on behalf of the Relevant Authority;
- c. the Regulation 17 response submitted by FPC Colling; and
- d. the advice provided by the Legally Qualified Adviser throughout the proceedings.

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

25. The Officer did not attend the hearing and therefore gave no oral evidence. The only account advanced on his behalf was that contained within his Regulation 17 response, in which he admitted the allegation and accepted responsibility for his actions. No personal mitigation or character evidence was submitted.

Findings of Fact

26. In determining the facts, the Chair carefully considered all of the documentary evidence before the hearing, including the witness statements, the Officer's Regulation 17 response, the written submissions made on behalf of the Relevant Authority and the advice provided by the Legally Qualified Adviser.

27. 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.

28. The Chair was satisfied that the allegation was proved. That finding was supported by credible, consistent and compelling evidence, including the detailed account provided by the MGS employee, the Officer's unequivocal admissions to his

supervisors and the admissions contained within his Regulation 17 response. There was no evidence before the Chair which called those admissions into question.

29. The Chair therefore found, on the balance of probabilities, that on **2 February 2026**, whilst on duty and during an allocated fitness period, the Officer engaged in a consensual intimate act with a member of the MOD Guard Service.

30. 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.

Authority, Respect and Courtesy

31. The Standard relating to **Authority, Respect and Courtesy** requires police officers to act with self-control and tolerance and to treat colleagues and members of the public with respect and courtesy.

32. The Chair accepted that the intimate act was consensual. However, the consensual nature of the conduct did not diminish the Officer's professional responsibilities whilst on duty.

33. The Chair found that engaging in an intimate act whilst on duty demonstrated a serious failure to exercise the self-control expected of a police officer. The conduct occurred within a workplace environment where other police personnel and Ministry of Defence staff could reasonably have encountered the parties. Such behaviour was inconsistent with the standards of professionalism, dignity and respect expected within the workplace.

34. The Chair was further satisfied that the Officer's conduct had the potential to undermine the confidence of colleagues in his professionalism and judgment. Accordingly, the Chair found that the Standard relating to **Authority, Respect and Courtesy** had been breached.

Duties and Responsibilities

35. The Standard relating to **Duties and Responsibilities** requires police officers to perform their duties diligently and responsibly.
36. The Chair found that the Officer remained on duty throughout the incident. Although he retained possession of his personal radio whilst undertaking an authorised fitness period, he deliberately engaged in conduct that rendered him incapable of carrying out his policing duties during that time.
37. The Chair concluded that, whilst engaged in the intimate act, the Officer was neither performing nor capable of performing the duties expected of him as an operational police officer. He had voluntarily prioritised his own personal interests over his professional responsibilities.
38. The Chair therefore concluded that the Officer's conduct constituted a breach of the Standard relating to **Duties and Responsibilities**.

Fitness for Duty

39. The Standard relating to **Fitness for Duty** requires officers, whilst on duty, to remain fit and able to discharge the responsibilities entrusted to them.
40. The Chair recognised that Officers serving within the Ministry of Defence Police undertake a specialist armed policing role responsible for protecting defence establishments and responding immediately to operational incidents should the need arise.
41. By choosing to engage in an intimate act whilst on duty, the Officer knowingly placed himself in a position where he could not have responded effectively to an emergency or other operational requirement. His conduct rendered him temporarily unavailable to perform the role for which he had been deployed.

42. The Chair therefore concluded that, during the relevant period, the Officer was not fit to perform his operational responsibilities and accordingly breached the Standard relating to **Fitness for Duty**.

Discreditable Conduct

43. The Standard relating to **Discreditable Conduct** requires police officers to behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

44. The Chair considered that the Officer's conduct represented a serious departure from the standards properly expected of a serving police officer. Members of the public are entitled to expect that officers who are on duty will devote their full attention to their operational responsibilities.

45. Conduct of this nature, occurring whilst on duty and within a Ministry of Defence workplace, had an obvious potential to damage public confidence in both the Ministry of Defence Police and the wider policing profession.

46. The Chair accepted 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.

47. The Chair therefore concluded that the Officer had breached the Standard relating to **Discreditable Conduct**.

Decision on Misconduct / Gross Misconduct

48. 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.

49. 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 caused or risked, and the presence of aggravating and mitigating factors.
50. The Chair assessed the Officer's culpability as **high**. His actions were deliberate, intentional and preceded by a series of communications demonstrating planning and forethought. The misconduct was not spontaneous or inadvertent.
51. Although the misconduct did not involve any abuse of police powers or coercive behaviour, it involved the deliberate decision to engage in an intimate act whilst on duty. Such conduct is fundamentally incompatible with the standards expected of a police officer and is capable of seriously undermining public confidence in policing.
52. In considering harm, the Chair recognised both the operational consequences of the Officer rendering himself unavailable for duty and the reputational damage caused to the Ministry of Defence Police. He also recognised the impact that the Officer's conduct had upon those personally affected by the relationship
53. The Chair identified the following aggravating features:
- a. the misconduct was deliberate and planned;
 - b. it occurred whilst the Officer was on duty;
 - c. it rendered the Officer operationally unavailable;
 - d. it involved a serious misuse of time during a period when the Officer remained subject to the obligations of duty.
54. The Chair was careful not to double-count matters already reflected within his assessment of culpability.
55. In mitigation, the Chair took account of the Officer's his voluntary disclosure of the incident to his supervisor before becoming aware of the formal complaint, his early admissions, his acceptance of responsibility, his expressions of remorse within his

Regulation 17 response and the fact that he had resigned from the Ministry of Defence Police before the hearing.

56. The Chair accepted that those matters reflected positively upon the Officer's insight into his misconduct. However, they were insufficient to outweigh either the seriousness of the misconduct or the wider public interest in maintaining confidence in policing.

57. 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 officers to remain fit for duty, to discharge their responsibilities diligently and to maintain the confidence of both colleagues and the public.

58. 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

59. 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.

60. Before determining outcome, the Chair had regard to the Officer's record of police service and considered the representations 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.

61. 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.

62. 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:

- a. to maintain public confidence in, and the reputation of, the police service;
- b. to uphold the high standards of professional conduct expected of police officers; and
- c. to protect the public and the integrity of policing.

63. The Chair also recognised that any disciplinary outcome may have significant personal consequences for the Officer and therefore considered the principle of proportionality throughout.

64. In considering the Officer's record of service the Chair noted that prior to this incident, FPC Colling had completed his probation successfully, had received favourable assessments from supervisors and had been recognised by the Rewards and Recognition Panel for his professionalism during a period of severe weather. The Chair accepted that the Officer had demonstrated commitment and competence during the early part of his police service.

65. The Chair also attached weight to the Officer's early admissions, his voluntary disclosure of the misconduct before becoming aware of the formal complaint, his acceptance of responsibility and the remorse expressed within his Regulation 17 response. These matters demonstrated a degree of insight and were properly considered in mitigation.

66. Against those mitigating factors, the Chair balanced the seriousness of the misconduct. The misconduct was deliberate, occurred whilst the Officer was on duty, rendered him unavailable to perform his operational responsibilities and

constituted a serious breach of the professional standards expected of an armed police officer.

67. The Chair considered whether a lesser outcome would adequately maintain public confidence or uphold the standards expected of police officers. Having considered the matter carefully, he concluded that it would not.

68. Members of the public are entitled to expect that police officers who are entrusted with operational duties, particularly within the Ministry of Defence Police, will remain available to respond to incidents throughout the entirety of their duty. Conduct which intentionally removes an officer from operational readiness for personal reasons fundamentally undermines that expectation.

69. The Chair concluded that public confidence in policing would be seriously undermined were such conduct to attract anything less than the most serious disciplinary sanction. Whilst the Chair recognised the Officer's previous good character, positive service record and acceptance of responsibility, those matters were insufficient to outweigh the gravity of the misconduct.

70. 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**.

71. 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

72. 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.

73. 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.