

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

THE MINISTRY OF DEFENCE POLICE ("Relevant Authority")

-and-

PC FERGUSSON (the "Officer")

NOTICE OF OUTCOME - MISCONDUCT HEARING

Chair: Assistant Chief Constable Justin Bibby

Panel Members: Amanda Harvey; Deborah Fajoye

Legally Qualified Person: Ian Comfort

Introduction

1. This misconduct hearing was conducted pursuant to the Ministry of Defence Police (Conduct, Performance and Appeals Tribunals) Regulations 2020 ("the Regulations") and was held in public on 21-22 September 2026 at RAF Wyton.
2. Notice of the hearing was published in accordance with the requirements of the Regulations.
3. The Officer attended the hearing and was represented by Mr Martyn Hynes of Counsel.
4. The Relevant Authority was represented by Mr Peter Laverack of Counsel.

Preliminary matters

5. The Panel was provided with an electronic hearing bundle comprising 144 pages together with an additional bundle comprising 427 pages.
6. The evidence before the Panel included the investigation report, Regulation 16 notices, Regulation 17 responses, the Regulation 29 notice, the Regulation 30 response, witness statements, exhibits, audit records relating to Centurion, notebook material, interview records and transcript evidence. The Panel confirmed that it had read and considered the documentary evidence provided.

Application to amend

7. At the commencement of the hearing, Mr Laverack, on behalf of the Relevant Authority, applied to amend the allegations. The application sought to reduce the severity assessment from gross misconduct to misconduct.
8. Mr Hynes, on behalf of the Officer, supported the application.
9. The Chair noted that Regulation 13(6) permits revision of a severity assessment at any time before the commencement of misconduct proceedings. However, the parties agreed that the misconduct proceedings had already commenced.
10. The Chair further noted that the Regulations contain no express provision governing amendment of allegations once proceedings have commenced.
11. Having received legal advice, the Chair considered the application pursuant to his case management powers under Regulation 40(1).
12. The Chair had regard to fairness, the efficient conduct of the proceedings and the fact that the proposed amendment reduced, rather than increased, the seriousness of the allegations faced by the officer.
13. In those circumstances the Chair granted the application and directed that the hearing proceeds on the basis of the amended allegations.

Amended Allegations

14. For the purposes of this determination, all third parties have been anonymised using sequential ciphers. References to specific case numbers have also been anonymised.
15. The amended allegations were that, whilst on detached duty with the Professional Standards Department during September and October 2023, the Officer accessed information held on the Centurion case management system ("Centurion") without a legitimate policing purpose. In summary:

- i) *Allegation 1 concerned the access of Conduct Case A relating to Person A. It was alleged that the Officer accessed the record on three occasions and recorded information from the case within her notebook, including a vehicle registration number, without a legitimate policing purpose.*
 - ii) *Allegation 2 concerned the access of Complaint Case B. It was alleged that the Officer recorded information contained within the case, including notes and a diagram, without a legitimate policing purpose.*
 - iii) *Allegation 3 concerned the access of Conduct Case C relating to Person B without a legitimate policing purpose.*
 - iv) *Allegation 4 concerned the access of Conduct Case D relating to Person C without a legitimate policing purpose.*
 - v) *Allegation 5 concerned the access of Conduct Case E relating to Person D without a legitimate policing purpose.*
 - vi) *Allegation 6 concerned the access of records relating to a number of former students known to the Officer through her previous instructional role. Those individuals were anonymised within these proceedings as Persons E, F, G, H, I, J and K. It was alleged that there was no legitimate policing purpose for the access of those records.*
16. It was further alleged that the conduct breached the Standards of Professional Behaviour relating to Orders and Instructions, Duties and Responsibilities, Confidentiality and Discreditable Conduct and amounted to misconduct.

Background

- 17. The Officer joined the Ministry of Defence Police in 2007.
- 18. In September 2023 she commenced a period of detached duty with the Professional Standards Department at RAF Wyton.

19. In that role she was provided with access to Centurion utilised by the Professional Standards Department for the recording and management of complaints and misconduct investigations.
20. Prior to joining the Professional Standards Department, the Officer had been employed within the Operational Capability Centre where she undertook instructional duties.
21. On 17 October 2023 a reassurance audit of activity undertaken on Centurion identified a number of accesses to records which were not associated with work allocated to the Officer.
22. As a consequence, a misconduct investigation was commenced.
23. Evidence was obtained from audit records, witness statements, notebook entries, electronic records and interviews conducted during the course of the investigation.
24. The Officer's position throughout the investigation was that the accesses formed part of self-directed learning and familiarisation with Professional Standards Department processes.
25. Following completion of the investigation, misconduct proceedings were instituted.

Findings of Fact

26. Following the Chair's ruling permitting amendment of the allegations pursuant to his case management powers under Regulation 40(1), the Relevant Authority formally put the amended allegations before the Panel.
27. Through Mr Hynes, the Officer admitted each of the factual allegations contained within Allegations 1 to 6 as amended. She further accepted that the admitted conduct amounted to misconduct.
28. The Panel was satisfied that the admissions had been made voluntarily, were clear and unequivocal and had been given with the benefit of legal representation.

29. Pursuant to Regulation 40(16)(b), the Panel accepted those admissions and proceeded on that basis.
30. Having regard to those admissions, the Panel determined that there was no necessity for the Relevant Authority to call evidence in support of the amended allegations or for the Panel to resolve any disputed issues of fact.
31. The Panel therefore found that, whilst on detached duty within the Professional Standards Department, the Officer accessed information held on Centurion without a legitimate policing purpose on the occasions particularised within Allegations 1 to 6. The conduct included the accessing of records relating to a number of individuals and the recording of information obtained from some of those records.

Finding on Misconduct

32. The Panel further found that the admitted conduct amounted to breaches of the Standards of Professional Behaviour relating to Orders and Instructions, Duties and Responsibilities, Confidentiality and Discreditable Conduct.
33. The Panel accordingly found that the Officer's conduct amounted to misconduct and that misconduct was proved by admission.

Outcome

34. Having found misconduct proved, the Panel proceeded to consider the appropriate outcome.
35. The Panel had regard to the College of Policing Guidance on Outcomes in Police Misconduct Proceedings ("the Guidance") and to the statutory purpose of the police misconduct regime. The Panel reminded itself that the purpose of misconduct proceedings is to maintain public confidence in, and the reputation of, the police service, to uphold high standards in policing and deter misconduct, and to protect the public.
36. The Panel further reminded itself that misconduct proceedings are not designed to punish an officer, although any disciplinary outcome may have a punitive effect. The Panel therefore sought to identify the least severe

outcome capable of properly reflecting the seriousness of the misconduct whilst maintaining public confidence and upholding professional standards.

37. The Panel had regard to the legal advice provided by the Legally Qualified Person and accepted that, in accordance with the Guidance, the seriousness of the misconduct should be assessed by reference to the Officer's culpability, the harm caused, the existence of any aggravating factors and the existence of any mitigating factors. The Panel further reminded itself that personal mitigation should be considered separately after the seriousness of the misconduct had been assessed.
38. The Panel also had regard to the submissions advanced on behalf of both the Relevant Authority and the Officer.

Relevant Authority Submissions

39. On behalf of the Relevant Authority, Mr Laverack submitted that the Panel should assess outcome by reference to the College of Policing Guidance on Outcomes.
40. Mr Laverack submitted that the Officer occupied a position of trust and had been working within the Professional Standards Department with access to Centurion, a database containing sensitive information. He reminded the Panel that users of the system were required to acknowledge a warning upon access making clear that use of the system was restricted to use for legitimate policing purposes only.
41. In addressing culpability, Mr Laverack referred the Panel to paragraphs of the Guidance. He submitted that the Officer's culpability should be assessed at the higher end of the medium range. He argued that the misconduct involved repeated access to information held on a secure police database and arose in circumstances where the Officer held a position requiring trust and integrity in the handling of police information.
42. In relation to harm, Mr Laverack submitted that no actual harm had been caused. There was no evidence that any information had been

disseminated or exploited for personal advantage. However, he submitted that the misconduct created the potential for harm to data subjects and carried reputational implications both for the Ministry of Defence Police and public confidence in the handling of police information. He further submitted that there remained significant public concern regarding the misuse of police-held data and that the Panel should take account of the scale and depth of that concern when assessing seriousness.

43. Mr Laverack identified as aggravating features the Officer's position within the Professional Standards Department, the trust placed in her, and the fact that the misconduct involved multiple breaches occurring over a number of occasions.
44. Mr Laverack accepted that there were mitigating factors. In particular, he accepted that the Officer had genuinely believed that accessing the records was permissible. Whilst that belief was mistaken and did not provide a lawful justification for the conduct, he accepted that it represented a genuinely held subjective belief which the Officer now recognised had been wrong.

Officer's Submissions

45. On behalf of the Officer, Mr Hynes accepted that the issue of culpability was ultimately a matter for the Panel.
46. Mr Hynes submitted that the Panel should assess the misconduct through the Officer's perspective at the time of the events in question. He submitted that a fine distinction existed between mistake and misconduct and that the circumstances should be viewed in their proper context.
47. Mr Hynes submitted that the Officer had only been within the Professional Standards Department for a matter of days when the relevant accesses occurred. He described the management structure at that time as chaotic and submitted that the Officer received inadequate supervision and insufficient training in relation to the proper use of Centurion.

48. He further submitted that the Officer's actions were not challenged at the time that they occurred and that no clear guidance was provided to her.
49. Mr Hynes agreed with the Relevant Authority's assessment of harm and accepted that there was no evidence of actual harm having been caused to any individual.
50. In relation to mitigation, Mr Hynes referred the Panel to paragraphs of the College of Policing Guidance. He submitted that although the misconduct involved a number of accesses, they should properly be seen as manifestations of a single underlying issue rather than wholly separate episodes of misconduct.
51. Mr Hynes submitted that the Officer had acted throughout on the basis of a genuinely held, albeit mistaken, belief that her actions were permissible. He submitted that the Officer now demonstrated genuine insight into her misconduct and had used the disciplinary process as an opportunity for reflection.
52. Mr Hynes invited the Panel to place appropriate weight upon the Officer's personal mitigation.
53. The Officer had served for approximately twenty years without disciplinary findings. Throughout her service she had consistently volunteered for duties and responsibilities beyond those strictly required of her.
54. The Officer had qualified as a firearms instructor, served as a personal safety trainer and had previously undertaken duties as a police dog handler.
55. The Officer had also established a menopause café at RAF Wyton and had personally funded refreshments in support of that initiative.

Assessment of Seriousness

Culpability

56. The Panel considered culpability by reference to the Guidance.

57. The Panel found that the Officer was responsible for accessing confidential information without a legitimate policing purpose. The misconduct related to information held on Centurion, access to which was restricted to legitimate policing purposes.
58. In carrying out that conduct the Officer occupied a position of trust and responsibility. The Panel accepted the Relevant Authority's submission that police officers entrusted with access to sensitive information are expected to exercise particular care and judgment in their use of such systems.
59. The Panel further accepted that the misuse of police information systems is a matter of significant concern both to the police service and the public. The Panel took account of the fact that Centurion displayed an on-screen warning making clear that access was restricted to legitimate policing purposes. This was a factor increasing the Officer's responsibility for the conduct.
60. The Panel accepted that the accesses were deliberate acts undertaken by the Officer. However, the Panel did not find that they were motivated by dishonesty, personal gain, malice or any improper ulterior purpose.
61. The Panel also accepted that the Officer acted under a genuinely held, albeit mistaken, belief that she was permitted to access records for the purposes of learning and familiarisation. The Panel accepted the submissions regarding the absence of structured training, the deficiencies in supervision and the Officer's very limited time within the department at the point when the conduct occurred.
62. Taking all matters into account, the Panel assessed culpability as falling within the medium range, albeit towards the upper end of that category.

Harm

63. The Panel accepted the submissions of both parties that no actual harm had been caused.

64. There was no evidence that information had been disseminated, exploited for personal gain, used for any corrupt purpose or that any identifiable individual suffered detriment.
65. The Panel nevertheless recognised that unauthorised access to confidential police information creates a risk of harm and has the capacity to undermine confidence in both the Ministry of Defence Police and the wider police service. The Panel also accepted the submission that there exists a significant degree of public concern regarding the misuse of police information.
66. The Panel accepted that no actual harm had occurred. However, the Panel considered that the risk of harm arising from unauthorised access to confidential police information was more than minimal and carried the potential to undermine public confidence in the police service and the Ministry of Defence Police. The Panel therefore assessed harm as falling within the medium range.

Aggravating Factors

67. The Panel identified the following aggravating factors that have informed its assessment of seriousness:
 - i) The Officer abused her position of trust in her role within the Professional Standards Department.
 - ii) The misconduct involved repeated unauthorised accesses to confidential information.
 - iii) There is public concern regarding the misuse of police information systems.

Mitigating Factors

68. The Panel identified the following mitigating factors that have informed its assessment of seriousness:

- i) The conduct arose from a genuinely held, albeit mistaken, belief that the accesses were permissible. There was no malicious intent or improper motive.
- ii) The Officer was operating within a department where supervision and training were not of the standard that they should have been and where the working environment lacked sufficient structure and clarity.
- iii) There was no personal gain to the Officer.
- iv) The Officer made no attempt to conceal her actions.
- v) The Officer did not disseminate any information gained from Centurion.
- vi) The Officer made full admissions at the hearing and accepted responsibility for her actions.

Personal Mitigation

- 69. Having assessed the seriousness of the misconduct, the Panel considered personal mitigation separately.
- 70. The Panel accepted that the Officer had completed approximately twenty years' service without previous disciplinary findings.
- 71. The Panel accepted that throughout her service she had undertaken a range of responsibilities beyond those strictly required of her role.
- 72. The Panel took account of the Officer's service as a firearms instructor, personal safety trainer and police dog handler.
- 73. The Panel further noted her contribution to colleague welfare through the establishment of the menopause café at RAF Wyton and her personal efforts in supporting colleagues.
- 74. The Panel also had regard to a number of positive testimonials submitted on the Officer's behalf. The Panel accepted that the Officer had made a valuable contribution to policing over a lengthy period of service and that a

number of colleagues spoke positively of her professionalism and commitment.

75. The Panel further had regard to the Officer's record of service and accepted that she had undertaken a variety of specialist roles and responsibilities during her career with the Ministry of Defence Police.
76. The Officer addressed the Panel directly, apologised for her conduct and expressed remorse.
77. The Panel was satisfied that the Officer had begun to develop insight into her misconduct and had accepted responsibility for her actions by making full admissions. The Panel recognised, however, that such insight had emerged only at a late stage, namely during the hearing itself.

Outcome decision

78. The Panel considered the available outcomes in ascending order of seriousness.
79. The Panel concluded that a written warning would not sufficiently reflect the seriousness of the misconduct or adequately uphold public confidence in the proper handling of sensitive police information. In the Panel's judgment, the repeated nature of the unauthorised accesses required a more serious outcome.
80. Having considered the circumstances of the case, including its assessment of seriousness and the personal mitigation advanced on the Officer's behalf, the Panel concluded that the appropriate and proportionate outcome was a Final Written Warning. The Panel considered that this represented the least severe outcome capable of meeting the purposes of the misconduct regime.

Length of Final Written Warning

81. The Panel then considered the duration of that warning.
82. Having balanced the seriousness of the misconduct against the substantial mitigation present in this case, the Panel determined that the standard

period of two years was sufficient to meet the purposes of the misconduct regime.

83. The Panel was not persuaded that the circumstances justified any extension beyond the standard period.

Determination

84. For the reasons set out above, the Panel determines that the appropriate and proportionate disciplinary outcome is a Final Written Warning.
85. The Final Written Warning shall remain in force for a period of two years from the date upon which it is notified to the Officer.

Right of Appeal

86. The Officer has a right of appeal against the disciplinary action imposed. Any appeal must be brought and determined in accordance with the Ministry of Defence Police Appeals Tribunals Regulations.