

POLICE OFFICER MISCONDUCT HEARING

BETWEEN:

CHIEF CONSTABLE OF SOUTH WALES POLICE

APPROPRIATE AUTHORITY

AND

████████████████████
‘OFFICER Y’

OFFICER CONCERNED

OUTCOME

30TH – 31ST MARCH 2026

PARTIES AND REPRESENTATIVES

1. The Appropriate Authority (‘AA’ hereafter) is South Wales Police, represented by Mr Peter Taheri (Counsel).
2. ██████████ (‘Officer Y’ hereafter) is represented by Mr Colin Banham (Counsel).
Officer Y did not attend the hearing.

PANEL

3. The Panel is comprised of the following persons:

Chair – ACC 6295 Jenny Gilmer

Independent Member – Ms Sian Russell

Independent Member – Ms Ruth Bourne

LEGALLY QUALIFIED PERSON

4. Legally Qualified Person – Jonathan Miles Headington (Counsel)

BACKGROUND

5. The proceedings are brought by the AA under The Police (Conduct) Regulations 2020 (as amended).
6. It should be noted, that before the commencement of the hearing, Officer Y formally resigned. As such, Officer Y was treated as a former officer, for the purpose of the hearing.
7. Officer Y provided an updated Regulation 31 Response on the morning of the hearing, which will be set out in more detail below.

Position of the AA

8. The AA set out the allegations brought against Officer Y in its Regulation 30 Notice. At the commencement of the hearing, the AA indicated that in light of Officer Y's updated Regulation 31 Response, it would not be pursuing a number of its pleaded 'particulars' as it no longer felt that it was necessary and proportionate to do so.
9. The AA therefore invited the Panel to continue based on the following:

'Allegation

From around June 2022 to March 2023, Officer Y's behaviour towards Officer A, taken individually or cumulatively, was inappropriate and/or sexualised. This created an unacceptable working environment for Officer A. Officer Y's behaviour was unwanted, escalated over time and occurred whilst Officer Y was in a senior position of responsibility to Officer A. Officer Y knew or ought to have known that his behaviour was unwanted, unacceptable and/or contrary to training, Force Policy and/or Professional Standards.

Particulars

1. *On 23rd November 2022, Officer Y wrote an entry on Officer A's notepad, which was open on a page consisting of a 'To-Do List' and then scribbled it out. The entry was not fully legible but appeared to start with an "F" and consisted of two words. When she asked what had been written, Officer Y said, "YOU THINK IT SAYS FUCK Officer Y?". Officer A stated that it did not look good, making clear that she felt it was inappropriate.*
2. *During Officer A's night shift on 17-18th March 2023, when Officer Y was off-duty, Officer Y initiated a conversation by text message with Officer A. Those messages continued after Officer A finished her shift and Officer Y became flirtatious, making Officer A feel uncomfortable and she stopped responding.*

3. On 24th March 2023, Officer Y initiated a conversation by text message with Officer A shortly before the end of her shift. During this conversation, Officer Y said: a. He wanted to spend more time working in Bridgend when she was on shift there. b. That she had “LOOKED REALLY NICE” in work the previous day and “LOOKED STUNNING”. c. He had been choosing to sit in her chair the past few days, despite acknowledging he could have sat anywhere, and added a ‘x’ (kiss) at the end of the message. d. “I’VE HAD A FREE HOUSE TONIGHT; YOU SHOULD HAVE COME OVER.” When Officer A questioned why, he replied, “I WOULD HAVE LIKED YOU TO COME OVER” and “SO THAT I CAN PULL YOUR CLOTHES FROM YOU”. Officer A felt disgusted and made it clear that this would not be appropriate and stopped sending messages.

Breaches of Professional Standards

It is alleged that Officer Y has breached the Standards of Professional Behaviour as set out in Schedule 2 to The Police (Conduct) Regulations 2020 (as amended) as follows:

Authority, Respect and Courtesy:

Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy. Police officers do not abuse their powers or authority and respect the rights of all individuals. Officer Y’s conduct demonstrated a clear lack of self-control and failure to treat Officer A with respect and courtesy, or respect her rights, and was an abuse of his senior position of responsibility.

Discreditable Conduct

Police Officers will behave in a manner, whether on or off duty, which does not bring discredit on the police service or undermine confidence in policing. Officer Y’s inappropriate and sexualised behaviour towards a junior female colleague would bring discredit on the police service and undermine public confidence in policing. Such behaviour is a matter of significant public concern. By acting in this manner, Officer Y has committed acts of misconduct which, whether individually or collectively, constitute Gross Misconduct.’

Position of Officer Y

10. The position advanced by Officer Y is set out within his updated Regulation 31 Response.
11. As outlined above, Officer Y resigned prior to the commencement of the hearing. Officer Y made admissions in line with the outlined position of the AA, and accepted that the breaches of professional standards amounted to gross misconduct, which would have been incompatible with his continuation in his role as a police officer. As such, Officer Y confirmed the following: ‘...it is inevitable that the panel will find that – had I remained a police officer – I would have been dismissed.’

12. Additionally, within the same document, Officer Y acknowledged that under the Equality Act 2010, any dismissal would have been justified as ‘*a proportionate means of achieving a legitimate aim.*’

HEARING

Preliminary Matters/Applications

13. At the outset of the hearing, the Panel was invited to determine the following preliminary issues:
- a. Anonymity/Reporting Restrictions – Whether the interim position in respect of the anonymity of Officer Y (officer subject to the proceedings) should continue? Additionally, the Panel was invited to consider whether reporting restrictions should be put in place?
 - b. Anonymity – Whether the interim position in respect of the anonymity of Officer A (officer who made the allegations) should continue?
14. The interim position was determined upon submissions being filed by the representatives of both parties. A notice was provided online for any written representations to be made by interested parties/the media by a date in December. At this stage, no written representations had been made by any interested party/member of the media.
15. The Chair outlined an interim position, but made it clear to all concerned, that the applications would be finally determined on the morning of the hearing.
16. Shortly prior to the date of the listed hearing, written representations were provided by a member of the media.
17. On the first day of the hearing, two members of the media, from separate news outlets attended the hearing.
18. The respective applications for anonymity/reporting restrictions were made by counsel on behalf of the AA and Officer Y. The members of the media present were also invited to provide oral submissions. Mr Banham, on behalf of Officer Y, requested that if the Panel were minded to amend the previous interim position, then he should be afforded the opportunity to address the Panel further, in respect of more recent developments concerning Officer Y’s health.
19. The relevant law was identified by counsel on behalf of the AA and Officer Y. The LQP provided further guidance as to the applicable legal principles surrounding open justice, the relevant test under Regulation 39 Conduct Regulations (including the relevant paragraphs contained within the Home Office Guidance, along with Articles 6 and 8 ECHR)
20. The Panel adjourned to consider the applications made. The Panel returned to the hearing room and informed Mr Banham, that the most up-to-date information in relation to Officer Y’s health would be required, to ensure that it was in a position to make a fully informed decision based on the best available evidence.

21. Given the sensitive nature of the information being shared, it was determined that the hearing would move into private session to deal with this aspect of the application, save that Mr Banham on behalf of Officer Y stated that he would be content for the members of the media to remain present, and for them make further representations, providing that the reporting restriction remained in place in relation to the information shared. The members of the media confirmed that they took no objection with this approach. The Panel determined that such an approach was necessary and proportionate in the circumstances.
22. Mr Banham proceeded to provide an update in relation to Officer Y's health. The members of the media were invited to make further representations but indicated that they had nothing further to add.
23. The Panel retired to deliberate based on all of the submissions/evidence it had received.
24. Upon returning, the Panel delivered its decision. The Panel determined that, based on the submissions/evidence it had received, and its application of the above outlined legal principles/tests, it was necessary and proportionate in the light of the circumstances specific to this particular case, for:
 - a. Anonymity to be granted to Officer Y, who would continue to be referred to as Officer Y;
 - b. Anonymity to be granted to the complainant, would continue to be referred to as Officer A;
 - c. Further Reporting Restrictions:
 - i. Officer's health, save that Mr Banham agreed that Officer Y would take no issue with a general reference being made to Officer Y suffering from "health issues", which had led to the applications in question. No further specific information concerning the Officer's health, is therefore to be reported;
 - ii. The specific station at which Officer A and Officer Y worked from. The term "Mid-Glamorgan" was to be used, to ensure that no jigsaw identification was possible.

Substantive Issues

25. As outlined above, the Panel was made aware of Officer Y's updated Regulation 31 Response, that was filed prior to the commencement of the hearing. The Panel was invited to deal with Officer Y as a former officer, for the purpose of the proceedings.
26. Counsel for both the AA and Officer Y were invited to provide submissions. As a result of the agreed position, the submissions advanced by both advocates were uncontroversial.
27. The Panel agreed with the proposed outlined approach.

Agreed Facts

28. The agreed facts were set out in Officer Y's updated Regulation 31 Response. The AA notified the Panel that it did not seek any further findings beyond those agreed. The Panel was invited to proceed on that basis.
29. The Panel confirmed that it was content to proceed in line with the agreed factual matrix presented to it.

Breaches of Standards of Professional Behavior

30. On the basis of the agreed factual matrix, Officer Y accepted that he had breached the following Standards of Professional Behavior:
 - a. Authority, Respect and Courtesy;
 - b. Discreditable Conduct.
31. The Panel felt that there was no reason to look beyond the admissions made by Officer Y and found in line with the same.

Do the Findings Amount to Misconduct/Gross Misconduct?

32. The interpretation given to 'misconduct' and 'gross misconduct', is clearly set out within the Conduct Regulations.
33. Regulation 2(1) of the Conduct Regulations (incorporating the modifications for former officers as required by Schedule 1) makes clear that '*gross misconduct*' is defined as '*...a breach of the Standards of Professional Behaviour that is so serious that Officer Y concerned would have been dismissed if Officer Y had not ceased to be a member of a police force or a special constable*'
34. Regulation 41 (16) of the Conduct Regulations sets out the following:

The person or persons conducting the misconduct proceedings must not find that the conduct of Officer Y concerned amounts to misconduct or gross misconduct unless—

 - (a) they are satisfied on the balance of probabilities that this is the case, or*
 - (b) Officer Y admits it is the case.*

35. Officer Y admitted that his behaviour amounted to gross misconduct and as such, the Panel found in line with the admission made.

Decision on Outcome

36. The Panel sought submissions from the advocates in respect of outcome. The applicable legal tests were set out, along with relevant legal principles and guidance.

Applicable Legal Principles/Guidance

37. In dealing with ‘outcome’ of the proceedings, the Panel considered the Regulations and College of Policing Guidance on Outcomes in Police Misconduct Proceedings (the ‘COP Guidance’).

38. Regulation 42 of the Conduct Regulations (incorporating the modifications for former officers as required by Schedule 1)

42.— (1) The persons conducting a misconduct hearing may, subject to the provisions of this regulation— (a) where they find the conduct amounts to gross misconduct, impose disciplinary action for gross misconduct, or (b) where they find that the conduct amounts to misconduct but not gross misconduct, record a finding of misconduct but take no further action.’

39. In relation to proceedings concerning former officers, paragraph 3.31 of the COP Guidance sets out the following:

*‘A panel that finds that the conduct amounts to misconduct only will record the finding but can take no further action. **Where the panel finds that the conduct amounted to gross misconduct, it can only consider two outcomes: disciplinary action or no disciplinary action.** Where the finding is gross misconduct and disciplinary action is imposed, **this can only be that the former officer would have been dismissed if still serving.** No other sanctions can be enforced. If the finding is gross misconduct but the panel determines that dismissal is not justified, **then no action will be taken and the gross misconduct will be recorded**’*

40. Paragraph 2.3 of the COP Guidance provides the following threefold purpose of the regime:

- a. Maintaining public confidence in and the reputation of the police service;*
- b. Upholding high standards in policing and deterring misconduct;*
- c. Protecting the public.*

41. The above outlined principles are derived from established case law concerning professional disciplinary proceedings.
42. In the case of **Bolton v Law Society [1994] 1 WLR 512** Sir Thomas Bingham MR (as he then was) stated “*A profession’s most valuable asset is its collective reputation and the confidence which that inspires.*”
43. In the case of **R (Green) v Police Complaints Authority [2004] UKHL 6** Lord Carswell stated in relation to the police service: “*Public confidence in the police is a factor of great importance in the maintenance of law and order in the manner which we regard as appropriate in our polity. If citizens feel that improper behaviour on the part of officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded*”.
44. The COP Guidance provides further examples of case law from which these principles are derived.
45. The Panel was aware that it must ‘*consider less severe outcomes before more severe outcomes*’ and the need to ‘*always choose the least severe outcome that deals adequately with the issues identified, while protecting the public interests.*’ (Paragraph 2.8 of the COP Guidance)
46. Paragraph 28 of the judgment of Popplewell J, in the case of **Fuglers LLP v SRA [2014]** sets out the three-stage test that must be followed in reaching a decision on outcome. The test is also set out in the COP Guidance (paragraph 4):
 - i. to assess the seriousness of the misconduct;
 - ii. to keep in mind the purpose of imposing sanctions (three-fold purpose outlined above); and
 - iii. to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.
47. **The decision of Holroyde J in the case of Williams v The Police Appeals Tribunal [2016] EWHC 2708** deals with the weight that can be attached to personal mitigation. Holyroyde J states that ‘*...the importance of maintaining public confidence and respect for the police service is constant, regardless of the nature of the gross misconduct under consideration. What may vary will be the extent to which the particular gross misconduct threatens the preservation of such confidence and respect. The more it does so, the less weight can be given to personal mitigation*’.

Severity Assessment

48. The Panel carried out the assessment as follows:

a. Culpability – Medium/High

- i. That that the behaviour complained of was intentional and deliberate, although they note that Officer Y maintained that the distress caused was not his intention;
- ii. That the behaviour was targeted at one individual, the same officer who was his junior;
- iii. That the risk of harm was foreseeable by Officer Y;
- iv. That this case involved sexual impropriety which was serious in itself but also noted that the actions could also serve to damage trust and confidence in policing;
- v. That Officer Y was in a senior position in the organisation and in relation to Officer A at the time of the behaviour complained of, and that this increased the level of culpability, due to the imbalance in power as officer between Officer Y, who was established, experienced and senior in position, to Officer A. The Panel noted that Officer A at the time of the conduct complained of was very young in service and junior in rank. They determined that this led to a finding of an abuse of a position of trust;
- vi. That whilst the Panel note that Officer Y claimed that his behaviour was not motivated by an attempt to establish a relationship with Officer Y the Panel felt that there was evidence of a clear desire to establish inappropriate contact with officer A.

b. Harm – Medium/High

- i. That there was clear evidence of impact on her personal and professional wellbeing, and took note of the level of distress caused;
- ii. That such behaviour as displayed by Officer Y could serve to harm public confidence and occasion reputational harm to policing, as a whole. The Panel noted that there is significant national public interest in cases involving sexual impropriety by officers at this time.

c. Aggravating Features –

- i. That there was indication of malign intent, in this case, sexual gratification;
- ii. That the behaviour was regular, repeated and sustained over a period of several months;
- iii. That the behaviour continued after Officer Y should have realised that it was improper, especially in light of the fact that he was a senior officer who had received training in standards of professional behaviour. The Panel noted that some of the training in question was delivered during the period in which this behaviour was ongoing;
- iv. The Panel was careful to avoid “double counting”. The Panel noted that the matters outlined below would ordinarily, in isolation, be considered to be aggravating features, but because of the approach adopted (as outlined above), the Panel did not factor them into its decision-making process, once again, under this heading:
 - i. That the behaviour was targeted and deliberate;
 - ii. That there was an abuse of a position of trust – Officer Y was in a position of leadership responsibility and that there were certain expectations of him in respect of his actions as a role model;
 - iii. That there is national concern in respect of such incidents;
 - iv. There is evidence of a significant deviation from instructions, orders, policy and guidance.
- v. That when taken as a whole, the level of aggravation was high.

d. Mitigating Features

- i. The Panel noted Officer Y’s claims that he was undergoing personal challenges in relation to his mental health and stress at the time of the behaviour complained of and have taken into account the retrospective evidence in relation to the same and the potential impact on his behaviour. The Panel did not find that this amounted to significant mitigation;
- ii. The Panel noted Officer Y’s apologies and remorse expressed in interview, and his admissions made at that time;
- iii. When taken as a whole, the Panel found the level of mitigation to be low.
- iv. The Panel indicated that whilst it had considered all of the outlined sub-categories of mitigating factors as set out within the College of Policing Outcome document, it did not feel that there were any other applicable mitigating features relevant in this case.
- v. When taken together, the level of mitigation was low.

49. The Panel determined that, for the above outlined reasons, it assessed the seriousness of Officer Y's actions as being within the **medium to high** range.
50. As a matter of completeness, the Panel confirmed that even if Officer Y had not admitted that his actions had amounted to gross misconduct, it would have, in any event, ultimately reached the same conclusion based on the outlined severity assessment.

Sanction

51. The Panel indicated that it had given further consideration to Officer Y's personal mitigation, and in particular his service record and testimonials that spoke of a dedicated, professional and hard-working officer. The Panel confirmed, that when weighed against the circumstances of this case, it could only afford limited weight to such mitigation.
52. The Panel had reminded itself, once more, of the purpose of imposing sanctions.
53. As a result of the admission of gross misconduct, the Panel was tasked with reaching a decision as to whether or not the former officer should face disciplinary action or not.
54. Based on the above, the Panel determined **that if Officer Y had remained an employee of the Force, that the only proportionate response to his conduct would have been dismissal with immediate effect.**
55. The Panel also confirmed that it felt that dismissal would have amounted to '*a proportionate means of achieving a legitimate aim*' under the Equality Act 2010, if it had been invited to consider the same. This accords with Officer Y's own position.

Ancillary Matters

56. The Panel confirmed that the previous decisions in respect of Officer Y and Officer A's anonymity/reporting restrictions, would remain in place, post conclusion of the proceedings.

Barred List

57. Officer Y's name is to be included on the barred list.
58. The Chair acknowledged that the ultimate decision as to whether Officer Y's name is placed on the list that is accessible to the public, is a matter for the College of Policing.
59. Nevertheless, the Chair provided a firm view, that, due to the circumstances of this particular case, and the reasons that underpin the decision to extend the anonymity/reporting restrictions orders beyond the conclusion of the proceedings, it appeared sensible for Officer Y's name to be included on the private list only.

Publication of Decision

60. The AA is required to publish the decision.

03RD APRIL 2026