

NORTH YORKSHIRE POLICE

PROFESSIONAL STANDARDS DEPARTMENT

REGULATION 43 NOTICE



**NOTICE OF OUTCOME OF MISCONDUCT PROCEEDINGS REGARDING ALLEGED
BREACH OF STANDARDS OF PROFESSIONAL BEHAVIOUR**

GROSS MISCONDUCT HEARING

REGULATION 43 POLICE (CONDUCT) REGULATIONS 2020

Name:	Officer A	Rank & Number:	
Name of complainant (if applicable):	N/A		
Case reference number:	CM/75/23		

You are hereby given notification of the outcome of misconduct proceedings which relate to your alleged breach of the Standards of Professional Behaviour. Details are as follows:

Misconduct Hearing

Date(s) of misconduct proceedings:	9 th September 2026 – 11 th September 2026
Location:	Police Headquarters, Crosby Road, Northallerton

Allegations from Regulation 30 Notice

Allegation 1

On 19 October 2023 whilst you were on duty it is alleged that you breached the Standards of Professional Behaviour in that:

- a. you made comments that were racist in nature to Officer B:
 - i. comparing their skin colour to chocolate bars,
 - ii. stating words to the effect of '*I can call you Bounty or coconut or Milky Way*',
 - iii. remarking on the lack of perceived tan when he returned from holiday.

Allegation 2

On 20 October 2023 whilst you were on duty it is alleged that you breached the Standards of Professional Behaviour in that:

- a. you made comments that were racist in nature to Officer C,
 - i. telling him to tell Officer E that he is a '*Galaxy*'.

Allegation 3

Between April 2022 and October 2023 whilst you were on duty it is alleged that you breached the Standards of Professional Behaviour in that:

- a. over a period of time you made repeated comments that were racist in nature and content to Officer B and included (but limited to):
 - i. comparing Officer B to chocolate bars,
 - ii. making insulting comments about Ramadan.

The above conduct breached the Standards of Professional Behaviour relating to:

- 1. Authority, Respect and Courtesy
- 2. Equality and Diversity
- 3. Discreditable Conduct

and individually and / or cumulatively amount to Gross Misconduct.

Determination and Outcome of Misconduct Hearing

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020, AS

**AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024
CONCERNING OFFICER A**

Stage One

The Misconduct Hearing for Officer A was held on 9-11th September 2026, and a notice was published to that effect in accordance with the amended Police (Conduct) Regulations 2020 ('the amended 2020 Regulations').

Anonymity during the hearing

A direction had been given at the pre-hearing and renewed at the commencement of the hearing that the Officer and witnesses' names could not be published during the hearing and that the anonymity application would be reviewed at the conclusion of the proceedings. In determining whether to issue anonymity directions, the Chair had applied the statutory tests set out in Regulation 39(7) of the Police (Conduct) Regulations 2020. The Chair considered whether preventing disclosure was necessary under (e) as necessary and proportionate to protect the welfare and safety of an informant

or witness; and (f) where restrictions were otherwise required in the public interest. In accordance with Chapter 11 of the Home Office Guidance, the Chair considered whether publication of identifying details would pose a real and evidenced risk to the welfare or safety of the officer or any third party, and whether such risks could be mitigated by lesser measures before anonymity was granted.

Having assessed these factors, against the presumption of transparency and openness, the Chair was satisfied that anonymity directions were justified and necessary at this stage within the proceedings in accordance with the statutory framework.

Amendment to the allegations

An application was made at the commencement of the hearing to amend allegation 2. This was not opposed by Officer A, and the Panel were satisfied that this amendment did not prejudice the Officer in terms of them being able to respond to the revised allegation. The original allegation suggested that Officer A had attempted to encourage Officer C to use racially offensive language about another officer, Officer E, an allegation which Officer A denied. The revised allegation suggests a slightly different conversation with Officer C. However, Officer A had already denied that any such conversation occurred within their original response and therefore, had already been afforded the opportunity to respond to the allegation in its revised form.

Factual determination

The Panel noted that the burden is on the Appropriate Authority to prove, on the balance of probabilities, that the Officer behaved in the manner alleged and in so doing that they breached the Standards of Professional Behaviour in relation to Discreditable Conduct and Authority, Respect and Courtesy and Equality and Diversity. Further, the Appropriate Authority must satisfy the Panel to the same standard that the manner of the breach is of such a nature or degree that it amounts to Misconduct or Gross Misconduct.

The Panel approached its task in the following stages: -

- a. Are any of the facts admitted?
- b. What facts have been proved by the Appropriate Authority on the balance of probabilities?
- c. Of the admitted or proved facts, has the Appropriate Authority satisfied the Panel on the balance of probabilities that the relevant Standard of Professional Behaviour has been breached?

- d. If so, has the Appropriate Authority satisfied the Panel on the balance of probabilities that it is Gross Misconduct, namely the breach is so serious as to justify dismissal?

The following allegations were therefore considered by the Panel:

Allegation 1:

On 19th October 2023, whilst you were on duty, it is alleged that you breached the Standards of professional behaviour, in that you made comments which were racist in nature to Officer B:

- (i) Comparing his skin colour to chocolate bars;
- (ii) Stating words to the effect of "I can call you bounty or coconut or milky way";
- (iii) Remarking on the lack of perceived tan when he returned from holiday.

In determining the allegation, the Panel considered both the written and oral evidence which was presented to them. In relation to Officer B they were regarded as a credible and genuine witness. Their written and oral evidence was consistent, and they appeared reluctant to cause difficulty for Officer A, with whom Officer B had worked closely over a number of years. When Officer B was challenged, they provided clarity and did not seek to embellish their account. Where they did not recall the full conversation, they were clear about the limits of their memory.

In relation to sub allegation (i) Officer B was clear that the conversation had taken place in which their skin colour had been compared to a chocolate bar. The Panel noted within Officer A's written response to this allegation that they recalled a conversation where Officer B's skin tone was articulated by comparison with chocolate-derived colour descriptors. In their oral evidence, Officer A denied that this had occurred and that the conversation had only related to the skin tone of a member of their family and Officer A said this was initiated by Officer B. It appeared to the Panel that Officer A appeared notably comfortable using chocolate-bar comparisons to describe skin tone, suggesting this was an ingrained aspect of their vocabulary.

The Panel noted the suggestion from Officer A that Officer B, upon returning from a period of absence from the team had sought clarification from Officer A as to the skin tone of an individual; leading Officer A to make a reference to "Dairy Milk". Officer B stated in their evidence that they could not recall that conversation and the Panel did consider it appeared implausible for this to be an almost immediate topic of conversation following an extended period apart. This contributed to the Panel's preference for Officer B's account of the exchange.

Officer C provided written and oral evidence that Officer B was introduced to them by reference to words to the effect of “I can call you bounty or coconut or milky way”. The Panel noted that Officer C could not confirm the exact wording, although they confirmed that the language detailed in their statement remained his recollection of the date. Their statement detailed specifically that Officer A had referred to a chocolate bar that supported the suggestion that Officer B was “not black, not white, they are somewhere in the middle”. This account was also confirmed by Officer D, who whilst acknowledging the limits of their recollection, was clear that the words described by Officer C had been said.

Although the statements of Officers B, C and D were prepared some weeks after the incident, this record predates considerably to that produced by Officer A. They had given evidence that they were unaware of any investigation into the matter until January 2024 and therefore would have had no reason at that time to prepare a note or to commit the incident to memory in a deliberate way.

The Panel considered the good-character direction and the evidence of Officer A’s general propensity to be truthful, as it did in respect of its consideration of all the allegations. In this instance the Panel preferred the evidence of Officers B, C and D, noting that their accounts were broadly consistent and corroborated each other in the main, while each witness appropriately acknowledged the limits of their recollection. The witnesses were also clear that Officer B did not appear distressed or upset by the incidents; rather, that Officer B seemed desensitised to such behaviour from Officer A.

The Panel noted that Officers C and D both confirmed in their written and oral statements that Officer B had challenged Officer A in relation to their use of this language. This had resulted in Officers C and D both checking independently on Officer B to ensure that they were okay following the incident. The Panel noted that if the remark had simply been a neutral descriptor, it was unlikely colleagues would have felt the need to check on Officer B in this way.

The Panel considered allegation (iii) in relation to the comment about Officer B’s tan. The Panel considered Officer B’s account of this to be credible. The information was provided by Officer B in response to a question being asked by the Professional Standards Department rather than information which Officer B sought to include within their initial communication. The Panel considered that Officer B appeared reluctant to provide information which would result in a reprimand for Officer A. Officer B was considered a credible and gentle-natured witness who did not seek to exaggerate the information which they provided for the Panel and their evidence was corroborated by others.

When considering the allegations the Panel did consider the corrosive effects of time in terms of the witnesses' recollection of incidents but, the Panel noted that Officers B, C and D gave evidence which was consistent with the statements which had been made closer to the time of the relevant incidents.

Whilst the Panel found Allegation 1(a)(i), (ii) and (iii) proven, they noted that the incidents did not appear to have caused Officer B any distress. The Panel considered the possibility that Officer B had become desensitised to such comments over time; however, they were clear in their evidence that they did not feel distressed by the remarks. The Panel noted that the addition of Officer C to the team dynamic may have highlighted to Officer B that such comments should not be condoned.

Similarly, the Panel did not consider the Officer to have been acting with malicious intent; the comments appeared to be intended to be descriptive rather than deliberately derogatory. However, the Panel considered the remarks to be racially insensitive, in that they were reductive and placed undue focus on a person's skin colour. The Panel accepted Officer A's evidence that they did not appreciate the inappropriateness of suggesting that a person might have a different 'interior' colour to their outward skin tone, nor the implication that this could be interpreted as a form of cultural disloyalty and therefore offensive. Officer C also confirmed in their evidence that they were unaware that such comments could be viewed as a disparaging racial trope, only that such comments were inappropriate.

Allegation 2

On 20 October 2023 whilst you were on duty it is alleged that you breached the Standards of Professional Behaviour in that:

- (i) you made comments that were racist in nature to Officer C either telling him to tell Officer E that he is a galaxy; or,
- (ii) stating that if Officer E was a chocolate bar he would be a galaxy. In any event, you directly referred to Officer E as a galaxy bar.

The Panel considered the evidence, both written and oral, in relation to this alleged incident on 20th October 2026. They noted that Officer A rejected the allegation that they had told Officer C to tell Officer E that they were a "galaxy." The Panel noted that there were slightly differing accounts of the incidents, the common point being that Officer A had referred to Officer E as "galaxy". The Panel noted that Officer C was the direct recipient of the alleged comment and therefore they considered it

was more likely than not that their recollection of the interaction would be the most accurate as they were a participant of the conversation rather than an onlooker. The Panel were satisfied that both Officer B and C recalled the use of the term “galaxy” as a descriptive term for Officer E. They therefore found allegation 2(ii) to be proven. The Panel noted that the language used, which Officer A sought to frame as light-hearted exchanges between close friends, had progressed to a different level: the language was now being used in the presence of other Officers and directed at Officer E.

The Panel considered that this was racist as comparing someone to a chocolate bar frames their identity primarily in terms of their pigmentation. It treats their race as a novelty, spectacle or defining feature rather than a neutral characteristic. The Panel considered whether the term “galaxy” was intended by Officer A to simply be a descriptive term, however the lack of any additional wording (e.g. reference to skin colour) suggested this was not the case. They considered, in any event, reducing the individual to their skin colour, draws on racialised and historically pejorative tropes, and implies difference or otherness and was inconsistent with the prevailing equalities principles and expectations of the time.

The Panel did recognise that the behaviours of Officer A had not been reported by other Officers, when they had a duty to do so if they recognised this behaviour as being inappropriate. The Panel heard a number of explanations for this – a presumption that others had done so (Officer C) or a focus on ensuring the wellbeing of Officer B (Officers C and D) or a preference for seeking to address through direct personal challenge (Officer B). The Panel accepted that the explanations aligned with the evidence presented and were satisfied that the failure to report was not attributable to colleagues viewing the behaviour as acceptable.

Allegation 3:

Between April 2022 and October 2023 whilst you were on duty it is alleged that you breached the Standards of Professional Behaviour in that:

- over a period of time, you made repeated comments that were racist in nature and content to Officer B and included (but limited to):
 - (i) comparing Officer B to chocolate bars;
 - (ii) making insulting comments about Ramadan.

In relation to allegation (i) the Panel considered the evidence of Officer B. They noted that the bundle of material which they had received related principally to incidents which had occurred on 19th and 20th October 2023; whilst this allegation related to a period between April 2022 and October 2023. The Panel noted that Officer B in their written and oral evidence confirmed that Officer A had

previously referred to them using chocolate-based descriptors on a number of occasions. The Panel noted that Officer A denied this, indicating that they had only used a chocolate-based descriptor on one occasion, in response to a question from Officer B. The Panel considered the good-character direction and the evidence of Officer A's general propensity to be truthful. However, when assessing the weight of the overall evidence, including the consistency and corroboration within Officer B's account, the Panel preferred Officer B's evidence.

The reason for preferring Officer B's evidence is the consistency with Officers C and D in terms of Officer A using chocolate-based terms when introducing Officer B to people they claimed to barely know, for example Officer C. The Panel considered the previous findings related to Officer A's use of chocolate-related terminology (including with reference to a senior colleague) indicated a level of familiarity and lack of inhibition, which reflected a level of comfort and unselfconsciousness consistent with repeated use.

Whilst the Panel found this part of the allegation to be proven they again considered that Officer A did not fully understand or appreciate the racial inappropriateness of the remarks. The Panel further noted that they may have interpreted such comments as indicative of familiarity rather than recognising their improper nature. The example given of the sexual swear word used by a senior Officer towards a junior Officer (albeit they were friends outside of work) suggested that the culture of the team may not have discouraged such inappropriate references.

In relation to the second part of the allegation relating to Ramadan, the Panel sought to identify the available evidence in relation to this. The Panel noted the evidence from Officer B that a comment had been made about Ramadan and working hours. The Panel noted that Officer A also made reference to reflective practice work which the team had undertaken in this regard. Officer B's evidence indicated that Officer A had also made comments relating to being of the Muslim faith generally, but these did not appear specifically related to Ramadan and were not particularised. Officer B indicated that they had not been offended by the comments made and had left Officer A "to it". The Panel did not consider that the Appropriate Authority had discharged their evidential burden in relation to this allegation and there was insufficient evidence to make a finding in relation to this part of the allegation.

Allegations found proven: Allegation 1(i)(ii)(iii) , Allegation 2(ii) , Allegation 3(i)

The Panel considered whether these proven allegations amounted to a breach of the professional standards and considered the below standards: -

Discreditable conduct

Police Officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Police Officers report any action taken against them for a criminal offence, any conditions imposed on them by a court or the receipt of any penalty notice.

The Panel found that the conduct established by the proven allegations constitutes a breach of this standard. The Panel is satisfied that the behaviour demonstrated falls materially below the level of professionalism, respect, and propriety required.

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.

The conduct established by the proven allegations constitutes a breach of this standard. The Panel is satisfied that the behaviour demonstrated falls materially below the level of professionalism, respect, and propriety required.

Equality and Diversity

Police Officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

The conduct established by the proven allegations constitutes a breach of this standard. The Panel is satisfied that the behaviour demonstrated falls materially below the level of professionalism, respect, and propriety required.

The Panel found that all these professional standards had been breached.

The Panel then went onto consider whether this amounts to Misconduct or Gross Misconduct. The Appropriate Authority invited the Panel to find that the breaches of professional standards found

amounted to Gross Misconduct. Officer A submitted that were breaches identified they should not amount to any more than Misconduct.

The Panel accepted legal advice that Regulation 2(1) of the amended 2020 Regulations defines Misconduct as being 'a breach of the standards of professional behaviour that is so serious as to justify disciplinary action' whilst Gross Misconduct is defined as 'a breach of the standards of professional behaviour that is so serious as to justify dismissal'. The Panel then went onto consider whether the breach of professional standards alleged amounted to Misconduct or Gross Misconduct or neither. The Panel further noted that the purpose of the Police Misconduct Regime is to: maintain public confidence in and the reputation of the police service; uphold high standards in policing and deter misconduct; and to protect the public.

Culpability

Applying the College of Policing (CoP) Guidance on Outcomes in Police Misconduct Proceedings, the Panel determined that the officer was culpable for their actions. The Panel noted that Officer A was a longstanding member of their team and had been described by other newer colleagues as a role model in relation to their work ethic and was seen as an influential figure amongst their team. They would be expected to model professionalism and set the tone for others. Instead, the repeated use of this inappropriate terminology risked normalising behaviour that is wholly incompatible with professional standards. However, the Panel also noted that the behaviour was not intentional, deliberate, targeted or planned. The Panel considered that the actions were undertaken without malice and were examples of unconscious discrimination. The Panel therefore assessed culpability as **"Medium."**

Harm

The Panel then went onto consider the harm which may have been caused as a result of the matters found proven. Officer B indicated they had not been upset or distressed by the language which had been used towards them; although indicated that they had developed a high level of tolerance for such comments over the years. Officer B stated in their evidence that they did feel uncomfortable when this language was used about them in the presence of others or used about other officers. The Panel were mindful that such comments could have a potential impact on public trust and confidence in policing. The broader context is one in which policing a multicultural society requires sensitivity,

impartiality, and consistency. How Officers respond to individuals from all backgrounds continues to be an area of national legitimate concern. The Panel assessed the risk of harm as “**High**”.

Aggravating Factors

The Panel considered the aggravating factors in relation to the matter. The reputational harm for the Police Force is considerable and the allegations found relate to a number of incidents over an 18-month period.

Mitigating Factors

The Panel also recognised several mitigating factors in the context of this case. The Panel recognised that Officer B indicated that they had not been upset or distressed by the comments. The Panel also recognised that Officer A had expressed some indication of remorse in their written submissions, this was not as evident in their oral testimony. The fact that the discrimination was unconscious rather than conscious was a mitigating factor. It was recognised that at the time of the incidents occurring Officer A was performing their role within policing to an otherwise high standard.

Misconduct or Gross Misconduct

Having considered the totality of the allegations found proven and the factors detailed in the Outcomes Guidance detailed above, the Panel found that the breaches of the professional standards amounted to **Gross Misconduct**. The Panel considered that the breaches of the standards found amounted to **Gross Misconduct** on the basis that the behaviour found was so serious as to justify dismissal.

Stage One Finding – Gross Misconduct

Having concluded that the former Officer’s conduct amounted to Gross Misconduct, the Panel went on to determine the appropriate outcome as part of the Stage Two Decision. In determining the appropriate outcome, the Panel applied the principles set out in *R (on the application of the Chief Constable of Greater Manchester Police) v Police Misconduct Panel* [2018] 11 WL UK 822 and *R (on the application of Chief Constable West Midlands Police) v Panel Chair, Police Misconduct Panel v Former officer “A” – Interested Party* [2020] EWHC 1400 (Admin) which emphasise the importance of following the structured approach as set out in the College of Policing (CoP) Guidance on Outcomes in Police Misconduct Proceedings (2023).

In summary, the Panel: -

Assessed the seriousness of the conduct and behaviour of the Officer.

Reminded itself of the purpose of imposing sanctions, namely:

- a. Maintaining public confidence in and the reputation of the Police Service
- b. Upholding high standards in policing and deterring misconduct; and
- c. Protecting the public.
- d. Arrived at an outcome which most appropriately fulfilled the purpose of the regulatory regime.

Seriousness of the Conduct and Behaviour

The Panel had considered the below criterion at Stage One and confirmed its initial view. Having then heard submissions from the Appropriate Authority and from the Officer's representative, the Panel further revisited and considered the same criterion in light of those submissions, namely:

- a. The culpability borne by the officer for their actions.
- b. The harm caused by the officer for their actions.
- c. The existence of any aggravating factors.
- d. The existence of any mitigating factors.

Culpability

The Panel confirmed their initial assessment of the Officer's culpability. Paragraph 4.9 of the guidance defines culpability as the Officer's blameworthiness or responsibility for their actions. The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome.

Paragraph 4.11 provides that "Where harm is unintentional, culpability will be greater if the Officer could reasonably have foreseen the risk of harm." The Panel considered that the harm from the comments made by the Officer was reasonably foreseeable.

The Panel also noted Paragraph 4.54 of the guidance "Discrimination towards persons on the basis of any protected characteristic is never acceptable and always serious."

Harm

The Panel reaffirmed their earlier findings. The Panel noted the para 4.66 of the Outcome Guidance that “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.”

The Panel had no doubt that the Officer’s proven Gross Misconduct would be likely to cause reputational harm to the police service and undermine public confidence in policing given the public expectation that an officer should not use racist or discriminatory language. The Panel agreed with the submission from the Appropriate Authority that effective policing requires the ability to work constructively within a wide range of communities. Racist language is wholly incompatible with that requirement and serves to erode the confidence of those communities.

The Panel noted the representations from the Officer that harm should not be assessed as “high” as the discriminatory behaviour had been found to have been unintentional and not malicious. The Panel however considered that the potential to undermine public confidence in policing was considerable and noted the College of Police Outcomes guidance states that “a factor of the greatest importance is the impact of the misconduct on the standing and reputation of the profession as a whole.” The Panel therefore confirmed their assessment of the harm element as “**High.**”

Aggravating factors

The Panel confirmed the previously identified aggravating factors. The Panel noted that the Officer had sought to deflect blame for their actions onto others and they provided no explanation for the discrepancy between their account and the evidence of other witnesses, which the Panel found to be reliable. The Panel considered this to be an additional aggravating factor.

Mitigating factors

The Panel noted the previously identified mitigating factors and that they had found that the discrimination to be unconscious and not intentionally malicious.

Personal Mitigation

Having assessed the seriousness of the Gross Misconduct found proven, the Panel then went on to consider the service record provided regarding the Officer's policing career. The Panel noted that the service history contained a letter of appreciation regarding the Officer's work.

Given the purpose of police misconduct hearings, the Panel kept in mind the fact that personal mitigation will carry limited weight and less than it might do in a different context.

Outcome

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 outcomes available following a finding of Gross Misconduct, starting with the least serious.

The Panel considered whether a Final Written Warning would be appropriate in this case or whether the seriousness of the case required a sanction of Dismissal Without Notice. The Panel carefully considered the guidance within, "Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing" and also the "College of Policing Document Guidance on Outcomes in Police Misconduct Proceedings."

Based on the assessment of seriousness that had been carried out, the Panel came to the view that a reduction in rank (were this available) or a Final Written Warning, would be insufficient sanctions in the circumstances of the case. The Panel noted the Officer's submission that the public would consider their dismissal a disproportionate sanction, given their actions were not deliberate and were unconscious and not malicious. The Officer had submitted dismissal was unnecessary to uphold public confidence and that they should have an opportunity to change their practice. The Panel rejected this submission. They considered there is a clear and legitimate public expectation that Police Officers refrain from using discriminatory language at any time. The Panel considered that dismissal is necessary to ensure the service is viewed as fair, impartial, and genuinely accessible to all members of the community.

The Panel noted the guidance at paragraph 6.6 of the Outcome's Guidance "The primary consideration for the Panel or Chairperson is the seriousness of the misconduct found proven. If the misconduct is so serious that nothing less than dismissal would be sufficient to maintain public confidence, personal mitigation will not justify a lesser sanction." The Panel considered the Officer's service record and positive references but considered the Officer's behaviour so serious that dismissal without notice was the appropriate and proportional outcome in the case.

Stage Two Decision – Dismissal without notice.

Right of Appeal

The Officer was notified that they have a right of appeal to the Police Appeals Tribunal. The Appropriate Authority are directed to provide a notice as to the procedure to be followed in that regard to the former Officer.

Privacy application

The Chair reviewed the anonymity application which was made by the Officer. The Chair noted the starting position in relation to Misconduct proceedings is one of transparency and openness. The Chair received, in private session, the Officer's representations on the factors relevant to the application of Regulation 39(7) of the Police (Conduct) Regulations 2020, including matters relating to and impacting on the Officer's health and wellbeing.

Having considered the representations, the Chair determined that the anonymity directions in relation to both the Officer and the witnesses who had given evidence in the case should remain in place due to concerns for the Officers health and wellbeing.

The Chair was satisfied that reporting of the case, without identifying the Officer, would still allow the allegations and the policing response to be conveyed transparently.

Insert decision document here]

Persons Chairing Misconduct Hearing:

ACO 3654 Lisa Stitt
Rebecca De Garis
Stan Irwin

Determination of your alleged breach of the Standards of Professional Behaviour

- ☐ **Misconduct**
☒ **Gross Misconduct**
☐ **Misconduct /Gross Misconduct Not Found** (if neither state outcome below)

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Outcome -Dismissal without Notice

Current status of the officer

- ☐ **Subject of Management Restrictions**
☒ **Suspended**
☐ **Resigned Whilst Under Investigation**

Misconduct Hearing

*Where the person conducting or chairing the misconduct proceedings decides the conduct of the officer concerned amounts to **misconduct**, in accordance with regulation 41(15) The disciplinary action available at a misconduct hearing is:*

- ☐ **Written Warning** - in which case this document constitutes the written warning (see explanatory notes 13, 14 & 15 attached)
☐ **Final Written Warning** - in which case this document constitutes the final written warning (see explanatory notes 13, 14 & 15 attached)
☐ **Reduction in Rank**

*Where the person conducting or chairing the misconduct proceedings decides the conduct of the officer concerned amounts to **gross misconduct**, in accordance with regulation 41(15) The disciplinary action available at a misconduct hearing is:*

- ☐ **Final Written Warning** - in which case this document constitutes the final written warning (see explanatory notes 13, 14 & 15 attached)
☐ **Reduction in Rank** - where Regulation 42 paragraph (5) or (6) below applies.
☐ **Dismissal** - The former officer would have been dismissed if they had remained a serving member of a police force.
☒ **Dismissal without Notice** – where Regulation 42 paragraph (5) or (6) below applies.

Regulation 42 (5) - This paragraph applies where a final written warning was in force on the date of the severity assessment under regulation 14(1) of these Regulations or under regulation 16 of the Complaints and Misconduct Regulations.

Regulation 42 (6) - This paragraph applies where it is decided at misconduct proceedings that the officer's conduct amounts to misconduct, and the decision is based on the officer's conduct arising from more than one incident and those incidents are not closely factually connected.

Person Chairing Misconduct Hearing:

Details of reasons for determination and outcome are stated below.

Signature:		Date: 24/09/2026
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Determination and Outcome of Misconduct Meeting / Misconduct Hearing

Right to Appeal (for full details see notes attached)

The following rights of appeal shall apply subject to various conditions and limitations as follows:

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- 1. Misconduct Meeting** – You have the right to give written notice of appeal to the Appropriate Authority within 7 working days of receipt of this notice (unless the period is extended by the Appropriate authority). If you admitted that your conduct amounted to misconduct you may only appeal against the disciplinary action imposed. If you denied the misconduct, you may appeal both the finding and the disciplinary action. The only grounds for appeal are that the finding / disciplinary action was unreasonable; that there is crucial new evidence or that there was a serious breach of procedure. (Regulation 45 (2) Police (Conduct) Regulations 2020).
- 2. Misconduct Hearing** – You have the right to give written notice of appeal to the Police Crime Commissioner within 10 working days of receipt of this notice (you may give notice within a reasonable time after the end of such a period, the Chair of the Police Appeals Tribunal shall then determine whether it was reasonably practicable for notice to be given within the period and allow or dismiss the appeal).

Details of the person to whom you may submit your appeals are as follows; -

Name/Address. Police Crime Commissioner's Office, Harrogate Police Station,
Beckwith Head Road Harrogate, North Yorkshire HG3 1FR

- 3.** If you admitted that your conduct amounted to misconduct or gross misconduct you may only appeal against the disciplinary action imposed. If you denied the misconduct or gross misconduct you may appeal both the finding and the disciplinary action. The only grounds for appeal are that the finding / disciplinary action was unreasonable; there is new evidence that could not reasonably have been considered at the original hearing or there was a serious breach of the procedure. (Police Appeals Tribunal Rules 2020)

Service of Notice

I acknowledge that I have received a copy of this notice and my attention has been drawn to the accompanying notes.

I authorise a copy of this notice to be forwarded to my Staff Association.

Yes ☐

No ☐

Signature of Officer concerned:		Date:	
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If the notice is not given to the officer by the person investigating, please append the name and signature of the person giving the notice below: -

Name:		Signature:		Date:	
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EXPLANATORY NOTES

1. This notice has been issued to confirm to you or inform you as soon as practicable and in any case within 5 working days of the conclusion of the misconduct proceedings, of the finding of the person or persons conducting the misconduct proceedings and any disciplinary action

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imposed. This written notice shall also set out a summary of the reasons for the finding(s) and outcome in this case (in accordance with Regulation 43 of the Police (Conduct) Regulations 2020).

2. **Where the case was decided at a Misconduct Meeting** and the officer concerned is an officer other than a senior officer (senior officer is a police officer holding a rank above that of Chief Superintendent), you may give written notice of appeal to the Appropriate Authority within 7 working days of receipt of this notice. This period may be extended by the Appropriate authority.
3. **Misconduct Meeting Appeals** shall be determined by a police officer at least one rank higher than the person who conducted the misconduct meeting or a police staff member who is more senior than that person. If the person who conducted the misconduct meeting was a police staff member then the appeal shall be determined by a member of a police force who is more senior than that person.
4. If the officer concerned is other than a senior officer and submits a notice of appeal following a misconduct meeting, you shall as soon as practicable be given written notice of the name of the person appointed to conduct the appeal meeting and the name of the person appointed to advise that person.
5. If you admitted at the misconduct meeting that your conduct amounted to misconduct you may only appeal against the disciplinary action imposed. If you denied the misconduct, then you may appeal both the finding and the disciplinary action. The grounds for appeal are that the finding / disciplinary action imposed was unreasonable; that there is crucial new evidence that could not reasonably have been considered at the misconduct meeting; that there was a serious breach of the procedures or other unfairness which could have materially affected the finding or decision on disciplinary action. Regulation 45 Police (Conduct) Regulations 2020.
6. Where the officer concerned is a senior police officer and the case was decided at a misconduct meeting, he or she may give written notice of appeal within 10 working days following receipt of this notice, to the relevant Policing and Crime Commissioner and any such appeal shall be determined by a police appeals tribunal.
7. The proceedings at both a misconduct meeting and a misconduct hearing shall be recorded verbatim. As part of the notice of appeal, you may request a transcript of the misconduct meeting proceedings or part thereof (Regulation 44, Police (Conduct) Regulations 2020) or a transcript of the misconduct hearing proceedings or part thereof (Police Appeals Tribunals Rules 2020).
8. **Where the case was decided at a Misconduct Hearing** you may give written notice of appeal to the relevant police authority within 10 working days following receipt of this notice. Notice of appeal may be given within a reasonable time after the 10-day period and it shall be for the chair of the police appeals tribunal to determine whether or not it was reasonable for notice to be given within the 10 day period and grant leave to appeal or dismiss the appeal application.
9. Misconduct hearing appeals shall be determined by a police appeals tribunal.
10. If you admitted at the misconduct hearing that your conduct amounted to misconduct or gross misconduct (as the case may be) then you may only appeal against the disciplinary action imposed. If you denied the misconduct / gross misconduct, then you may appeal both the finding and the disciplinary action. The grounds for appeal are that the finding / disciplinary action imposed was unreasonable; that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision

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on disciplinary action; that there was a breach of the procedures or other unfairness which could have materially affected the finding or decision on disciplinary action.

11. In all cases the written notification of outcome of misconduct proceedings under Regulation 43 Police (Conduct) Regulations 2020 shall include the details of the person to whom an appeal should be sent.
12. Any disciplinary action (outcome) shall have effect from the date on which you receive a copy of the Regulation 43 Notice finding of the person(s) conducting the misconduct proceedings and the disciplinary action imposed. Where notification was given orally at the conclusion of the hearing, the disciplinary action (outcome) shall take effect from that date.
13. If the outcome was a written warning or final written warning, then a record of Regulation 43 notice shall be placed on your personal file until such time as the warning is expunged. **A written warning shall remain live for a period of 18 months and a final written warning shall remain live for a period of 2 years from the date on which it takes effect.**
14. You should be aware that if you have a live final written warning and are subject to further misconduct proceedings then those proceedings shall be a misconduct hearing and you will be at risk of dismissal from the service.
15. Subject to a written warning or final written warning being expunged, in cases of misconduct meetings or misconduct hearings where the outcome is a written warning or a final written warning, revelation of this information to the CPS may be required under Chapter 18 of the Disclosure Manual. Advice as to the question of revelation can be obtained from the Professional Standards Directorate. The Professional Standards Directorate will give you advice in relation to when the warning or final warning should be revealed.
16. Revelation must, if applicable, be made by submission of a completed MG6B with each relevant witness statement provided.
17. You need to be aware of the potential impact of a failure to comply with the requirements of Chapter 18 of the Disclosure Manual. Where this is the case, the result may be unfairness to the accused but also convictions that are vulnerable to appeal. Where a police officer fails to fulfil their obligations, this may result in misconduct proceedings being taken against them.