

PC Gary Frost
Accelerated Misconduct Hearing
Regulation 63(1) Report

1. This matter comes before me as an accelerated misconduct hearing under Part 5 of the Police (Conduct) Regulations 2020.
2. The hearing was conducted by me, Katie Lilburn – a former Commander authorised to sit as a chair in these proceedings under Regulation 2(4B) Police Conduct Regulations 2020. The hearing took place on 28 August 2026 in person at Patrick Dunne House, Chalk Pit Way, SM1 4RD.

Hearing in public

3. The hearing was held in public pursuant to regulation 59(1).

Representation

4. The Appropriate Authority (“AA”) was represented by Mr Aaryan Sattani.
5. PC Frost was not present, but was represented by Inspector Richard Lee.
6. I was advised by Mr Jim Olphert who provided his advice on the record. I delegated responsibility for preparing this report to Mr Olphert pursuant to Regulation 63(1B). Mr Olphert submitted a draft report to me on 29 August 2026 pursuant to regulation 63(1C)(a). Having considered that draft, I have satisfied myself, as required by regulation 63(1C)(b)(ii), that I am content with the draft report prepared by Mr Olphert.

Preliminary issues

7. As PC Frost did not attend as required under Regulation Rule 57(1), I went on to consider whether notice had been properly served and whether I ought to proceed in the absence of the officer.
8. The AA confirmed that the notice had been served on 11 August 2026. Having received legal advice from Mr Olphert, I was satisfied that the requirements

regarding notice had been complied with and that the matter had been listed in compliance with Regulation 52.

9. Following submissions from the AA, and Inspector Lee, I considered whether or not to proceed in the absence of the officer consistent with Regulation 57(3)(b). Inspector Lee confirmed that from his discussions with the Officer that they had voluntarily waived their right to attend and that it was unlikely that the Officer would attend at a future date if adjourned. I received legal advice from Mr Olphert regarding exercising my discretion to proceed in absence and was taken by him to the relevant points from *R v Hayward [2001] EWCA Crim 168* and *R v Jones [2002] UKHL 5* and *GMC v Adeogba; GMC v Visvardis [2016] EWCA Civ 162*.
10. Consistent with the principles from the above cases, and mindful of the criteria from *Jones*, I concluded that a delay was in the interest of the public and the expeditious resolution of proceedings, that an adjournment would be unlikely to result in the attendance of PC Frost, and that PC Frost had voluntarily waived his right to attend. In the interests of fairness, I also considered whether or not there would be any impact on the proper presentation of PC Frost's case. I have concluded that whilst there is – of course – always some prejudice to an absent Officer, this factor has ultimately been outweighed by the other factors in favour of proceeding in the absence of the officer for the purposes of the hearing, and PC Frost's case has been ably presented by Inspector Lee on his behalf at the hearing.

Allegations

11. The Regulation 51 notice served on PC Frost provided as follows:

“1. It is alleged that, between approximately 2015 and January 2025, you repeatedly contacted and communicated with sex workers who advertised their services through the online escort platform [REDACTED]

The individuals you contacted were sex workers as they fall within the definition of "Sex worker" as per the Metropolitan Police Service Guidance on the Use of Sex Workers and Sexual Services by Officers and Staff which reads as follows, "the term 'sex worker' means a person who engages in sexual activity usually for money or some other form of remuneration, whether in person or 'online'.

During those communications, you sought to arrange meetings and discussed the provision of payment in exchange for services for your sexual gratification. [REDACTED]

Such conduct is contrary to Metropolitan Police Service Guidance on the Use of Sex Workers and Sexual Services by Officers and Staff which states that "Any alleged or actual instance of a Met police officer or staff member using a sex worker will be referred to the OPS for assessment. Each matter will be considered and dealt with on its own particular facts and judged against the standards of professional behaviour, but as above, in most circumstances will be treated as a serious breach leading to gross misconduct, which if proven could lead to dismissal."

Professional Standards of Behaviour

In the circumstances, the Appropriate Authority contends that your actions breached the Standards of Professional Behaviour as set out in the Regulation 5 and Schedule 2 of the Police (Conduct) Regulations 2020 (as amended by the Police (Conduct) (Amendment) Regulations 2024, namely:

- (i) Discreditable Conduct*
- (ii) Orders and Instructions*

In that your conduct may bring the police service into disrepute and damage the relationship of trust and confidence between the police and the public.

As a result of that stated herein, if proven, your conduct individually or cumulatively amounts to gross misconduct and your dismissal may be justified.”

Response

12. PC Frost has supplied a Regulation 54 response. Whilst not in the ordinary or formal format, and unsigned, I have concluded that it is to be treated as his Regulation 54 response for the purposes of this hearing.

Evidence

13. I have been provided with a 70-page hearing bundle by the AA which, most importantly, includes:
 - a. The investigator’s report of DC Steph Platt, dated 29 July 2026;
 - b. Relevant excerpts from an interrogation of the Officer’s phone; and
 - c. MPS Guidance - Use of Sex Workers and Sexual Services by Officers and Staff
14. I was also separately sent the complete Excel phone download of relevant contact, which runs to some 550 entries, the excerpts from which I refer to at ‘b’ above.
15. I have considered all of this material.
16. As I have already said, I have considered PC Frost’s response to the allegations. No further material has been supplied by the officer. In the response the Officer neither expressly admits or denies the allegations, but highlights that the conduct took place whilst not on duty and invites me to pay particular attention to his Article 8 Rights under the ECHR.
17. During the hearing, there was discussion as to when the MPS Guidance was brought into force. I have subsequently been provided with an MPS Intranet Article dated 2 October 2023 which reflects the substance of the Guidance document and so have concluded that such a policy was in place from 2 October 2023.

Factual findings

18. I am required by Regulation 61(15) to review the facts of the case and decide whether or not the conduct of PC Frost amounts to gross misconduct. Regulation 61(16) states that I must not find that the conduct of PC Frost amounts to gross misconduct unless (a) I am satisfied on the balance of probabilities that this is the case, or (b) PC Frost admits it is the case.
19. There are no admissions in the present case and so I must assess whether I am satisfied on the balance of probabilities that the conduct is proved. I have reminded myself that it is the Appropriate Authority who bear the burden of proving the case to that standard. The Officer's response does not appear to materially dispute the underlying facts, but absent formal admissions, I have considered it appropriate to make factual findings on the facts alleged.
20. I have listened carefully to the case presented by the Appropriate Authority and considered in some detail the documentary evidence presented on behalf of the Appropriate Authority.
21. I have also considered the submissions on behalf of the officer by Inspector Lee.
22. I find all of the factual particulars **proven** on the balance of probabilities.
23. I have concluded to the required standard that between 2015 and 2025, the Officer made a significant number of contacts with those who could properly be considered sex workers within the meaning of the guidance, and that PC Frost did so with the intention of sexual gratification or the pursuit of a future sexual relationship, and those contacts were transactional.
24. I have found that the four example messages pleaded in the allegations were sent, along with a significant number of other messages. In respect of the four specific pleaded messages, I am satisfied that all were sent after the MPS Guidance came into force. Having reviewed the Excel spreadsheet, and following submissions from Mr Sattani, those messages are dated as follows:

- a. [REDACTED] 10 November 2024.

- b. [REDACTED] 22 September 2024
 - c. [REDACTED] 4 October 2024
 - d. [REDACTED] 4 October 2024
25. I also find, as it has been expressly pleaded as an allegation, that the above conduct was contrary to the “MPS Guidance - Use of Sex Workers and Sexual Services by Officers and Staff” insofar as the conduct post-dates 2 October 2023, for the reasons set out above. Only conduct after the policy came into force can be a direct breach of the guidance and I have reached factual findings on that basis, though I am satisfied that the conduct that pre-dated that policy coming into force is made on the facts, given the clear timeline of the spreadsheet.
26. The MPS Guidance sets out in clear terms that escorting services are covered by the meaning of use of sex workers and sexual services and I am satisfied that [REDACTED] meets that definition.
27. The MPS Guidance within the bundle refers to the national guidance in place at the time and notes that *“It is imperative that the police build trust and confidence, not only with sex workers, but with the wider community. When police officers or staff make use of services offered by sex workers there is a significant risk that this may undermine trust. For that reason, police officers and staff should not procure or attempt to procure physically provided commercial sexual services or other services where to do so would compromise their professional position.”*
28. It should also be noted that in reaching these findings, I have considered the Officer’s Regulation 54 response. Whilst he expressly denies meeting the individuals in question, [REDACTED], there is no clear denial or case presented by him regarding the contact. Whilst I have not treated that as an admission, it is relevant evidentially to the decision I have made, and I have taken it into account in reaching my decision.

Breach of Standards of Professional Behaviour findings

29. I then have to consider whether the facts proved amount to a breach of standards. It is for the AA to prove breach of standards on the balance of probabilities.

30. I was advised by Mr Olphert that:

- a. The definition of Discreditable Conduct, per Schedule 2 of the Conduct Regulations, is as follows: “*Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.*”
- b. The definition of Orders and Instructions, per Schedule 2 of the Conduct Regulations, is as follows: “*Police officers only give and carry out lawful orders and instructions. Police officers abide by police regulations, force policies and lawful order*”.
- c. In considering the interplay between the Conduct Regulations, force policies and the private life of an officer, Mr Olphert advised me as to the following authorities:
 - i. *R (Pitt and Tyas) v General Pharmaceutical Council [2017] EWHC 809 (Admin)* Singh J dismissed the application of the claimants, two pharmacists and members of the Pharmacist’s Defence Association, seeking permission to challenge the Standards for Pharmacy Professionals, which had been adopted by the General Pharmaceutical Council. The new standards were not ultra vires and did not give rise to violations of Articles 8 and 10 of the ECHR. Standard 6 provides that pharmacy professionals must behave in a professional manner, that behaving professionally is not limited to the working day, or face-to-face interactions and that maintaining confidence in the professions calls for appropriate behaviour at all times. The learned judge said that there may be occasions which occur outside of normal working hours and perhaps in a context which is completely unrelated to the professional work of a pharmacist which may be relevant to the safe and effective care which will be provided to patients.
 - ii. *Ryan Beckwith v SRA [2020] EWHC 3231 (Admin)* Mr Beckwith, a partner, was alleged to have conducted himself inappropriately with an outgoing associate from his firm during and after a leaving

party thrown for her. The panel at first-instance was considering not only inappropriate and sexual conduct, but whether such conduct demonstrated that Mr Beckwith had failed to meet the standards of integrity and maintaining public confidence required by Principles 2 and 6 of the 2011 SRA Handbook. The appeal was made on a number of grounds, but the relevant limb here is whether adjudicating on a professional's private life could reasonably amount to a breach of that professional's article 8 European Convention on Human Rights ("ECHR") right to a private life. In assessing this submission alongside the concept of legal certainty, Dame Victoria Sharp P and Swift J concluded:

"53. For the reasons we have already set out, neither Principle 2 nor Principle 6 has unfettered application across all aspects of a solicitor's private life. So far as concerns the requirement of legal certainty, because the requirements of each Principle are to be determined by reference to the contents of the Handbook (considered as a whole, and in particular the matters set out in the 2011 Code of Conduct), there is no reasonable scope for argument that either Principle 2 or Principle 6 fails to meet the standard required for legal certainty, set out in the judgment in James.

54. There can be no hard and fast rule either that regulation under the Handbook may never be directed to the regulated person's private life, or that any/every aspect of her private life is liable to scrutiny. But Principle 2 or Principle 6 may reach into private life only when conduct that is part of a person's private life realistically touches on her practise of the profession (Principle 2) or the standing of the profession (Principle 6). Any such conduct must be qualitatively relevant. It must, in a way that is demonstrably relevant, engage one or other of the standards of

behaviour which are set out in or necessarily implicit from the Handbook. In this way, the required fair balance is properly struck between the right to respect to private life and the public interest in the regulation of the solicitor's profession. Regulators will do well to recognise that it is all too easy to be dogmatic without knowing it; popular outcry is not proof that a particular set of events gives rise to any matter falling within a regulator's remit."

- iii. *R (Philpot) v Commissioner of Police of the Metropolis [2023] EWCA Civ 66* where the Court considered an appeal relating to an officer who had been precluded whilst suspended from contact with his partner. The case considered at length the interplay between curtailment of the private life rights of an officer, and relevant Police Regulations. Whilst not directly applicable, the comments of the Court within the decision are of assistance in determining this issue.

- 31. In respect of Discreditable Conduct, I am satisfied that the proven conduct is capable of bringing discredit to the police service and capable of undermining public confidence in the police service. I have had regard to the authorities upon which I received advice and the fact that the definition of discreditable conduct covers conduct which takes place whilst an officer is off-duty. I am satisfied that all of the messages, including those which pre-date the MPS Guidance are capable of undermining public confidence, but this position is even stronger after the introduction of the relevant Guidance.
- 32. I am satisfied that the above conduct is capable of bring discredit on the police service, and that a member of the public fully aware of all of the material and information in this case would – rightly – be caused to lose confidence in the police service were no finding to be made.
- 33. I find a breach of Orders and Instructions on the basis that the proven conduct amounts to a breach of MPS Guidance document referred to above, to the extent that the conduct post-dates 2 October 2023 when the initial Guidance appears

to have come into force. I am particularly mindful that the version of the Guidance included in the bundle states: *“This curtailment of activity in the private lives of our workforce is necessary to address the risk posed. It is unlikely that an officer or staff member would be able to adequately assess the vulnerability or welfare of the sex worker, including the identification of human trafficking / Child Sexual Exploitation (CSE) indicators. This may in turn lead to criminal allegations under S.53A of the Sexual Offences Act. The sex work industry has many close links to organised crime and it is not possible for officers or staff to effectively vet the service provider. Officers and staff may be placed in the position of being expected to turn a blind eye to other criminality such as drug taking and the unlicensed service of alcohol. Historically the use of sex workers has led to an increased temptation to misuse force systems to research individual sex workers or locations.”*

34. As noted above, I have been referred by Mr Olphert to a number of relevant authorities on the interplay between regulation and Article 8 Rights. Whilst the definition of Orders and Instructions makes no explicit reference to conduct whilst off-duty, it is self-evident that some force policies apply to an officer whilst not on duty. In making this finding I have considered Regulation 6 of the Police Regulations 2003. I find that the express curtailment of the Officer’s Article 8 Right as set out in the MPS Guidance is proportionate and applies in the present circumstances.

35. I am satisfied that the AA has discharged that burden and that the actions of PC Frost as described above did breach the standards of Professional Behaviour as to Discreditable Conduct, and Orders and Instructions.

Severity Assessment

36. Regulation 2 defines:

- a. Misconduct as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action;
- b. Gross misconduct as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

37. In assessing severity, I have considered PC Frost's culpability and harm.
38. Culpability: PC Frost is wholly responsible for his actions. It was intentional and deliberate. Contact is particularly serious in a context where the individual is vulnerable. It is clear that – at least at points – PC Frost was aware of that fact. Even where that isn't the case, it nonetheless must be right that sex workers are vulnerable and this is confirmed under Para 4.52 of the College of Policing Guidance on Outcomes in Police Misconduct Proceedings 2022. The AA pleaded that there was a power imbalance in this case, which is again supported by the 2022 College of Policing Guidance. Culpability is therefore assessed as high.
39. Harm: There has been no proven direct harm, but there is plainly harm to the public confidence, and the risk of harm in PC Frost's actions in contacting sex workers seeking to facilitate meetings with those he was willing to pay for sexual activity. The public expect police officers to uphold the law, and to protect rather than exploit those in vulnerable circumstances. Risk is therefore assessed as high.
40. For these reasons I consider that the allegation has been proved at the level of gross misconduct.

Disciplinary action

41. As I have made a finding of gross misconduct, pursuant to Regulation 62(1) I must impose disciplinary action.
42. In considering the question of action disciplinary action, Regulation 62(10) provides that:
- a. I must have regard to PC Frost's record of police service as shown on the officer's personal record. I confirm that I have done so.
 - b. I may consider such documentary evidence as would, in my opinion, assist me in determining the question of disciplinary action.

- c. I must give PC Frost, his lawyer or Police Friend and the AA the opportunity to make oral or written representations. I confirm that I have done so.
43. Mr Sattani's submission was that dismissal was the only appropriate sanction. He submitted that it was at the higher end of sanction on the basis of the repeated nature of the conduct and the high culpability demonstrated by the repeated contact, but also by the deliberate steps which he took. He also invited me to consider the harm, which as I have already indicated, he submitted was high.
44. Inspector Lee advanced submissions on behalf of Officer in his response, and I have taken account of those submissions, along with PC Frost's observations regarding his service history. I have given appropriate weight to those factors.
45. I have had regard to the College of Policing's *Guidance on Outcomes in Police Misconduct Proceedings* (2022).
46. On page 15 of the *Guidance* the College of Policing sets out the approach that I must take in reaching a decision as to disciplinary action, which is to:
- 1) assess the seriousness of the misconduct by reference to:
 - a. the officer's culpability for the misconduct;
 - b. the harm caused by the misconduct;
 - c. the existence of any aggravating factors;
 - d. the existence of any mitigating factors;
 - 2) keep in mind the purpose of imposing disciplinary action, which the *Guidance* explains on p.4 are (i) to maintain public confidence in, and the reputation of, the police service; (ii) to uphold high standards in policing and deter misconduct; and (iii) to protect the public.
 - 3) choose the disciplinary action which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Stage 1

Culpability

47. On page 16 of the *Guidance* the College of Policing states that *“Culpability denotes 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.”*
48. I have addressed culpability above, which I do not repeat. It is significant, as I have set out above, that the conduct is particularly serious given the vulnerability of the individuals involved. I also have taken account of Paragraph 4.53 of the *Guidance*, which reflects the fact that the Officer ought to have known that the sex workers whom he was in contact with were vulnerable both because they are sex workers, and in some cases because of specific vulnerabilities. There is specific reference within the material provided to me to some of the individuals contacted being vulnerable, such as involvement in county lines drug trafficking, homelessness and mental health concerns.
49. I am satisfied therefore that the culpability is high.

Harm

50. On page 27 of the *Guidance*, the College of Policing explains that *“Harm does not need to be suffered by a defined individual or group to undermine public confidence. Where an officer commits an act that would harm public confidence if the circumstances were known to the public, take this into account. Always take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.”*
51. I have addressed harm above. Again, it is worth making specific reference to the general and specific vulnerabilities of the sex workers involved. Whilst there is no proven harm, their vulnerabilities gave rise to a clear risk of harm. That, when considered alongside the factors relating to harm to the public confidence leads to a clear finding that the harm in this case is high.
52. I therefore assess the harm caused by PC Frost’s conduct as high.

Aggravating factors

53. I have considered the non-exhaustive list of aggravating factors in the *Guidance* at p.29.
54. I have reminded myself not to 'double count' matters that I have already considered with the respect to culpability or harm.
55. I have concluded that the following aggravating features are present in this case:
- a. Multiple proven allegations and/or breaches of the Standards of Professional Behaviour;
 - b. Malign intent, such as sexual gratification, financial gain or personal advantage – in this case sexual gratification;
 - c. Sustained behaviour.
56. As set out above, there is some overlap between 'a' and 'c' above, and the factors which I have assessed as being relevant when assessing culpability, and so have not 'double counted' those features.

Mitigating factors

57. I have considered the non-exhaustive list of mitigating factors in the *Guidance* at p.30 - 31.
58. Inspector Lee invited me to consider that there is no evidence that the contact with the sex workers was followed through with and that PC Frost met these individuals. Attempting to procure sexual services remains a clear breach, but it is right that I reflect that this is an attempt to procure these services. It is also right that I reflect that the Officer appears to have attempted to verify the ages of individuals. Whilst that in no way undermines the significant aggravating factor that these individuals were vulnerable, it is right to say that it does not appear that they were vulnerable on the basis of their age.

Overall

59. Overall, I assess the seriousness of PC Frost's conduct as high.

Stage 2

60. I have borne in mind the purposes of imposing disciplinary action.
61. I find that all following purposes for imposing disciplinary action are engaged in this case:
- a. **to maintain public confidence in, and the reputation of, the police service.** For the reasons already set out above, an officer repeatedly contacting sex workers, both before and after clear guidance had been published, and in circumstances where those workers were vulnerable both by their position as sex workers, and in some cases more specifically is bound to have a significant impact on the reputation of the police service and public confidence in the police service.
 - b. **to uphold high standards in policing and deter misconduct.** In order to do so, findings made by misconduct panels and by me as Chair conducting accelerated misconduct hearings must be such as to mark the seriousness of the misconduct and show to other officers that misconduct of the type considered in this hearing will result in disciplinary action of a certain severity.

Stage 3

62. I have had regard to PC Frost's record of service. I have taken account of his long service history and his actions during the COVID-19 pandemic which were very much to his credit. However, I must weigh this against the impact to the public confidence, and conclude that, on balance, his record cannot outweigh the significant public interest and the severity of PC Frost's actions.
63. I have been invited to consider disciplinary action short of dismissal, and in particular a final written warning. Having considered the high culpability and harm in this case, the significant aggravating features and the significant public interest considerations, I have concluded that a final written warning would not be sufficient to meet the circumstances in this case.
64. I then move on to consider dismissal. Again, having considered all of the circumstances of the case, the severity of the proven conduct and the public

interest, I am satisfied that the only appropriate outcome in this case is dismissal without notice, and that dismissal is both necessary and proportionate to the culpability and harm. This is because of the presence of clear aggravating features and the nature of the particularly serious conduct, which was both intentional and repeated.

Publication

65. I received brief submissions on publication. I require the AA to publish this report pursuant to Regulation 63(5).

Conclusion

66. In conclusion:
- a. I find the allegation proved;
 - b. I find that PC Frost's conduct breaches the Standards of Professional Behaviour of Discreditable Conduct, and Orders and Instructions;
 - c. I find that PC Frost's conduct amounts to gross misconduct; and
 - d. The disciplinary action I impose is that PC Frost is dismissed without notice and added to the College of Policing Barred List.

Katie Lilburn

Former Commander

2 September 2026