

IN THE MATTER OF A MISCONDUCT HEARING UNDER THE POLICE (CONDUCT) REGULATIONS 2020 AS
AMENDED BY THE POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024

BETWEEN:

THE COMMISSIONER OF POLICE OF THE METROPOLIS

(THE APPROPRIATE AUTHORITY)

AND

PC PHOEBE KILLICK

FINAL DECISION

Chair:	James Fielder
Independent Panel Members:	Fiona Bennett
	Sadhana Patel
Legally Qualified Advisor:	Kenneth Hamer
Counsel for Appropriate Authority:	Elisabeth MacDermott
Counsel for PC Killick:	Campaspe Lloyd-Jacob
Date of hearing:	Listed 16 – 19 February 2026
Venue:	Empress State Building
	Empress Approach, Lillie Road, West Brompton,
	London, SW6 1TR

The Allegation against the Officer in the Regulation 30 Notice

1. PC PHOEBE KILLICK, on 15th day of May 2024, whilst on duty, within the context of a conversation with other colleagues present in which Colleague A, a homosexual, expressed a preference to have a daughter rather than a son, you said to Colleague A words to the effect of, "Why's that? Don't you trust yourself not to bum them?".

It is alleged that this remark is discriminatory and constitutes a breach of the following Standards of Professional Behaviour:

- a) Authority, Respect and Courtesy
- b) Equality and Diversity

It is further alleged that this conduct amounts to gross misconduct.

Preliminary issues

2. The Investigation Report contained in the AA Misconduct bundle (page 14 paragraph 6.1.2.14) concluded that there was a case to answer at the level of misconduct only. However, the AA later determined under Regulation 23 that PC Killick had a case to answer in respect of gross misconduct. This was discussed and it was agreed by both Counsel that the hearing should proceed as an allegation of gross misconduct.
3. The panel acknowledged a previous direction to refer to Officer A throughout the hearing, and noted the measures made for Officer A to have a screen whilst giving his evidence.

Decision of the Panel

4. **Allegation:** Proven
Outcome: Final Written Warning for a period of 2 years

Background

5. The Officer concerned, PC Phoebe Killick, joined the Metropolitan Police on 13th March 2023. On the day in question, 15th May 2024, PC Killick was attached to the Emergency Response Team (ERPT) of East Area BCU. PC Killick was on night duty and at around 0530 was present in the Writing Room at Jack Brown House, Havering Patrol Base, with a small number of officers including Officer A, PC London, former PC Simson and PC Pennington.
6. A conversation which included Officer A took place about having children. It was suggested that the presence of a baby doll initiated this conversation, but the presence of the doll was not shared by all the witnesses. During the conversation a remark was made by PC Killick to Officer A which related to the impact of his sexuality, as an openly gay man, to his preference for children as a parent. The comment by PC Killick resulted in Officer A feeling embarrassed and leaving the room.
7. After the shift had been dismissed, PC Killick apologised to Officer A. Later that day Officer A and PC Killick exchanged text messages about a planned party at PC Killick's house with Officer A asking if it was OK if his partner attended. During their next shift on 20th May Officer A and PC Killick worked together.
8. On the 23rd May 2024 PC Pennington reported the incident to A/PS Hussain. On the same day A/PS Hussain called Officer A who agreed that he would be happy to take part in any subsequent investigation and A/PS formally reported the matter.

Evidence

9. The Panel was provided with a Hearing Bundle running to 50 pages and a signed Regulation 31 Response of 3 pages.
10. The Hearing Bundle included but was not limited to the following documents:
 - The Investigation Report
 - Regulation 19 Notice signed by the Respondent dated 10 June 2024
 - Witness statement from Officer A dated 8 July 2024
 - Witness statement from A/Insp Matthew Dilworth dated 11 June 2024
 - Witness statement from A/PS Razwan Hussin dated 20 June 2024
 - Witness statement from PC Richard Pennington dated 12 June 2024

- Witness statement from (former) PC Bradley Simson dated 11 July 2024
- Witness statement from PC Charlotte London dated 11 July 2024
- MG14 (Written Response to Caution) from PC Phoebe Killick dated 24 September 2025.

11. In addition to her Regulation 31 Response, the Panel received a bundle of eight character references running to 16 pages on behalf of PC Killick.

12. The Panel also heard oral evidence from Officer A and PC Killick. PC London, former PC Simson and PC Pennington also provided oral evidence remotely via a video link. A summary of the oral evidence as presented to the panel by the witness, as pertains to the specific Regulation 30 charge, is as follows.

13. Officer A provided evidence regarding the incident in the writing room at Jack Brown House, including the location of the other witnesses and the noise level of the room but did not recall any baby doll being part of the day in question. He viewed the initial conversation as a private discussion between himself and PC London, during which he said he would like to adopt with his partner, and being a gay man would feel more comfortable adopting a girl. He said he recalled PC Killick saying words to the effect of “Why’s that? Don’t you trust yourself not to bum them?” Officer A said that the word “trust” was specifically used by PC Killick and that he felt the immediate inference was that as a gay man he should not be trusted to have a male child. Later outside in the car park PC Killick apologised to him. Whilst Officer A could not recall his exact response to the apology he stated that he wanted to retain a working relationship with PC Killick.

14. PC London said she was sat next to Officer A in the writing room, and recalls the presence of a toy doll that Officer A brought into the writing room with him. PC London said there was a general conversation about children during which PC London said she asked Officer A if he would like children. Officer A said that as a gay man he would prefer a girl. At this point PC Pennington spoke and said something to put PC Killick in her place but she couldn’t recall the exact words.

15. Former PC Simson said that he could not recall the events of 15th May 2024 with any degree of clarity. He confirmed that at the time he made his witness statement the contents were true to the best of his recollection, and that in his statement PC Killick said words to the

effect of “Why’s that? Are you scared you are going to bum it”. Despite cross-examination and re-examination former PC Simson confirmed the contents of his witness statement were correct but that he could only go by his memory at the time. In his view, former PC Simson said that the words used by PC Killick were not said with malice and were said in jest or as a joke.

16. PC Pennington said he was sitting on a sofa about 8 – 10 feet away facing the others. He did not recall any reference to a baby doll and said that there was a general conversation in the room about children. Although PC Pennington did not recall the specifics, Officer A said he deemed society would view it as more acceptable if he had a girl. PC Killick then replied saying: “Why, because you’d bum your son?”. PC Pennington said he was clear that this is what he recalled. PC Pennington said that he challenged PC Killick but did not recall his exact words.
17. PC Killick said that the atmosphere in the Writing Room was happy and cheerful, and she recalled Officer A walking into the room with a small baby doll which he had found in his kit bag. The conversation moved to a discussion about children and PC Killick said that she would either want one child or twins as she did not want to get pregnant twice. Officer A said he would prefer a girl and would feel more comfortable having a girl. PC Killick replied: “Why, it’s not like you’re going to bum it”. Officer A gasped and said “Jesus Pheobe” or “fucking hell Pheobe”. PC Pennington then said to PC Killick “Haven’t you inherited two kids?” (a reference to her partner who has two children), which PC Killick thought was said to embarrass her and put her in her place. PC Killick accepted that the atmosphere in the room changed when she made her comment and Officer A’s reaction made her realise that she had crossed a line. PC Killick agreed that her remark was “extremely inappropriate, embarrassing and that she was disgusted”. The Panel felt that this showed remorse and insight as to the discriminatory nature of the remark. At the end of her shift PC Killick said she apologised to Officer A for her behaviour and later that day she received a text message from Officer A asking if it was OK to come to a gathering at her house with his partner to which she replied yes. In the event he did not attend due to an alternative plan. Officer A and PC Killick next met on duty on 20th May 2024, sitting next to each other during a mini-bus journey whilst discussing Officer A’s personal relationship with his partner, and exchanging a friendly text message whilst working together later in the shift.

18. PC Killick did not accept she had used the word “trust” or the word “scared”. However, she agreed that if she had said words to that effect the remark would be discriminatory.

Panel’s approach and Legal Framework

19. The Panel accepted the advice of the legal advisor that the burden of proof lies on the Appropriate Authority throughout and that it must prove the Allegation on the balance of probabilities. There is no obligation on PC Killick to prove anything. Further, the inherent probability or improbability of an event is a matter which can be taken into account when weighing the probabilities and in deciding whether the event occurred.
20. The Panel has also borne in mind that there is no contemporaneous documentary evidence recording what may have said in the Writing Room and the first report of any incident was not made for some 8 days until PC Pennington spoke to A/PS Hussain on the afternoon of Thursday 23 May 2024. Witness statements were not taken for some weeks and the Panel is mindful of the extent to which the passage of time may have affected a witness’s memory.
21. The Panel has taken into account PC Killick’s good character in considering the reliability of her evidence and her propensity to act as alleged. It has also given weight to the testimonials that show PC Killick’s character.
22. After reviewing the evidence presented, listening to the submissions made by both AA and on behalf of PC Killick, and the advice of the legal advisor, the Panel has approached its fact-finding role in 3 stages:
- To ascertain the facts;
 - To determine on the basis of those facts whether PC Killick breached the Standards of Professional Behaviour (SoPB) alleged in the Regulation 30 notice; and
 - Whether any breaches amounted to Misconduct, Gross Misconduct or neither.

Findings of fact

23. Given the difference in recollections by the witnesses, the Panel first sought to determine the common ground or undisputed facts across the accounts. The Panel found these to be:
- The incident occurred in the Writing Room at Jack Brown House, Havering Patrol Base on 15th May 2024 at around 0530-0600
 - that there was a general conversation about children

- a discriminatory comment was directed to Officer A by PC Killick and the comment related to Officer A's sexuality as a homosexual
- the comment caused a change of atmosphere in the room, with all parties understanding that the comment was inappropriate
- Officer A left the writing room after the comment
- PC Killick apologised to Officer A in the car park at the end of the shift
- Officer A sent a text message to PC Killick later that day asking if it was OK if he and his partner came to PC Killick's party
- Officer A and PC Killick spent time together talking about Officer A's relationship during the next shift they worked together.
- Officer A and PC Killick exchanged friendly text messages in relation to their duties during the next shift they worked together.

24. The chief area of dispute between the accounts is in the exact wording of the comment made by PC Killick. In the opinion of the Panel, and fully recognising that the burden of proof is on the Appropriate Authority to prove what was said, and that PC Killick is of good character, the Panel was satisfied for the reasons set out below, and on the balance of probabilities that discriminatory words to the effect of "Why's that? Don't you trust yourself not to bum them?" were said by PC Killick to Officer A as stated in the Regulation 30 Notice.
25. The Panel observed that Officer A, former PC Simson, PC Pennington and PC Killick agree that what was said by PC Killick began with her questioning Officer A with the word "Why?" or "Why's that?".
26. Three of those present recall PC Killick using the word "trust" or the word "scared", namely Officer A, PC London and former PC Simson.
27. The Panel agree with the Appropriate Authority that whether the word "trust" (as stated in the evidence of Officer A) or "scared" (as stated in the evidence of PC London and former PC Simson) was used, it does not adversely affect the discriminatory nature of the remark. The Panel accepts the Appropriate Authority's submission on the facts that the recollection of all three witnesses, Officer A, PC London and former PC Simson is similar in respect of what matters, namely the nature and implication of what PC Killick said.

28. The Panel found that PC Pennington's recollection that PC Killick said "because you'd bum your son" is less likely to have been said. PC Pennington was the only witness who said that PC Killick referred to a "son" as distinct from the others who recalled no reference to the gender of any child save PC London referred to "him". Additionally, PC Pennington was sitting 8 – 10 feet away from the others in the room and whilst it was not particularly noisy, PC London and former PC Simon were closer to where PC Killick was sitting and would have had a better opportunity to hear the precise words used.
29. The Panel noted that there are other areas of disputed facts across the accounts. Such as the presence of the doll, the precise seating arrangements, whether there was an immediate challenge to PC Killick's comments, and who may have made the challenge. However, the Panel are satisfied that these disputed facts do not take away from the core allegation contained within the Regulation 30 notice – and that the wording of the comment is the key fact to establish. In *Byrne v. General Medical Council* [2021] EWHC 2237 (Admin) at [20] Mr Justice Morris said that where there is an oral account of an event there is bound to be confusion in some of the detail. Nevertheless, the task of the tribunal or panel is to consider whether the core allegation is true.

Breaches of Professional Standards

30. The Panel then went on to consider whether, by reason of the facts found proved, PC Killick acted in breach of the Standards of Professional Behaviour ("SoPB") outlined in Schedule 2 of the Conduct Regulations.
31. The SoPB in relation to Authority, Respect and Courtesy states:
- "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."
32. The SoPB in relation to Equality and Diversity states:
- "Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly."

33. Having established the key facts, the Panel is satisfied that PC Killick breached the SoPB of Authority, Respect and Courtesy in that PC Killick failed to treat a colleague with respect and courtesy, and Equality and Diversity because the words were discriminatory.

Finding on Misconduct or Gross Misconduct

34. Having found the factual allegation proved and breaches of the SoPB as set out in the Allegation, the Panel went on to consider whether PC Killick's conduct amounts to misconduct, gross misconduct or neither. Misconduct is defined in Regulation 2(1) of the Conduct Regulations as a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action. Gross misconduct is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.
35. The Panel had regard to Regulation 41(16) of the Conduct Regulations, which instructs panels that they must not find the conduct of the Officer concerned amounts to misconduct or gross misconduct unless: (a) they are satisfied on the balance of probabilities that this is the case, or (b) the Officer admits it is the case.
36. The Appropriate Authority submitted that the words found proved amount to direct discrimination. Discrimination towards a person on the basis of a protected characteristic, which includes sexual orientation, is never acceptable and always serious. In these circumstances the public cannot have confidence that PC Killick would discharge her duties in accordance with the Standards of Professional and the case should be treated as gross misconduct.
37. The Defence submitted that PC Killick plainly accepted her words were unacceptable and offered a full apology for her actions. PC Killick was merely trying to engage in banter and had no intention to cause offence but spoke instead out of foolish naivety. Accordingly, the gravity of the comment is significantly reduced and should be viewed as misconduct.
38. The Panel first considered the culpability of PC Killick. Whilst the comment itself was discriminatory, because it was said to a gay man, the Panel accepted PC Killick's evidence that she did not intend to cause any harm, and the comment was said without malice with no offence intended. This was a single isolated incident of brief duration with no planning. There is also no evidence to show that PC Killick had previously or has subsequently made any discriminatory comments – either consciously or unconsciously. Therefore, the Panel consider that PC Killick's level of blameworthiness is at a relatively low level of culpability.

39. In examining harm, the Panel noted the immediate impact that PC Killick's comment quite understandably had on Officer A. The Panel also noted the potential harm on the wider gay community as well as the wider community at large inferred by PC Killick's remarks and the impact this could have on public confidence. However, the Panel note the level of remorse shown by PC Killick, both at the time of the incident, demonstrated by her immediate apology, and during her oral evidence where she showed insight as to why and how her words were discriminatory. The Panel accept that PC Killick held a genuine belief that her apology had been accepted and had resolved the matter. In the mind of PC Killick, the subsequent actions of Officer A, such as the acceptance of the apology, the text message later that day requesting that his partner come to her gathering, the conversation between Officer A and PC Killick about his personal relationship on the 20th May, and the friendly exchange of text messages on the 20th May reinforced PC Killick's belief that the matter had been resolved.

40. The Panel did not find any further aggravating or mitigating factors and for these reasons the Panel finds that PC Killick's conduct amounts to misconduct, rather than gross misconduct.

Outcome

41. Before deciding on an outcome, the Panel heard submissions from both the AA and Defence Counsel. The AA submitted that discrimination is never acceptable and always serious, and due to the harm to public confidence the appropriate sanction should be a final written warning. Defence Counsel submitted that the level of culpability meant that the appropriate sanction should be a warning.

42. In reaching its decision on outcome, the Panel has had regard to the public interest, which includes the need to protect the public, to maintain confidence in the Police Service and to declare and uphold proper standards of conduct and behaviour. The Panel has carefully considered all the evidence and submissions made during the course of the hearing and has exercised its own independent judgment. It has borne in mind that the purpose of imposing a sanction is not to be punitive although it may have a punitive effect.

43. The Panel has given consideration to the appropriate and proportionate sanction in this case, following on from its finding that the standard of policing, namely Authority, Respect and Courtesy, and Equality and Diversity, has been breached and the breach amounts to misconduct. The Panel was provided with a copy of PC Killick's service history and were referred again to the character evidence submitted.

44. The Panel has taken into account the College of Policing *Guidance on outcomes in police misconduct proceedings, 2023* ("the Guidance"). The Panel has also considered the three-stage, structured approach in *Fuglers LLP v Solicitors Regulation Authority* [2014] EWHC 179 (Admin) when assessing outcome, as set out at paragraph 28:

"There are three stages to the approach which should be adopted by a Solicitors Disciplinary Tribunal in determining sanction. The first stage is to assess the seriousness of the misconduct. The second stage is to keep in mind the purpose for which sanctions are imposed by such a tribunal. The third stage is to choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question."

45. Considering the first stage of seriousness the Panel has examined:

- a. PC Killick'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.

Culpability

46. The Panel considered PC Killick's culpability for the misconduct. Culpability denotes an officer's blameworthiness or responsibility for their actions. In assessing culpability, the Panel had regard to the following paragraphs in the Guidance:

4.10. Conduct that is intentional, deliberate, targeted or planned will generally be more culpable than conduct that has unintended consequences, although the consequences of an officer's actions will be relevant to the harm caused.

4.11. Where harm is unintended, culpability will be greater if the officer could reasonably have foreseen the risk of harm.

47. In considering the culpability of PC Killick, the Panel returned to their previous findings made in determining whether the conduct was misconduct or gross misconduct. Namely, that whilst the comment itself was discriminatory, because it was said to a gay man, PC Killick did not intend to cause any harm, and the comment was said without malice with no offence intended. This was a single isolated incident of brief duration with no planning. There is also no evidence to show that PC Killick had previously or has subsequently made any discriminatory comments – either consciously or unconsciously. Therefore, the Panel consider that PC Killick’s level of blameworthiness is at a relatively low level of culpability.

Harm

48. The Panel next considered the harm caused by the misconduct. In doing so, it considered the following paragraphs in the Guidance:

4.66. 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. 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.

4.69. How such behaviour would be, or has been, perceived by the public will be relevant, whether or not the behaviour was known about at the time.

49. In considering harm, the Panel returned to their previous findings made in determining whether the conduct was misconduct or gross misconduct. This comprised the immediate harm that PC Killick’s comment quite understandably had on Officer A. The Panel also noted the potential harm on the wider gay community as well as the wider community at large inferred by PC Killick’s remarks and the impact this could have on public confidence. The Panel note the level of remorse shown by PC Killick, both at the time of the incident, demonstrated by her immediate apology, and during her oral evidence where she showed insight as to why and how her words were discriminatory. The Panel accept that PC Killick held a genuine belief that her apology had been accepted and had resolved the matter. In the mind of PC Killick, the subsequent actions of Officer A, such as the acceptance of the apology, the text message later that day requesting that his partner come to her gathering, the conversation between Officer A and PC Killick about his personal relationship on the 20th

May, and the friendly exchange of text messages on the 20th May reinforced PC view that the matter had been resolved.

50. Therefore, the Panel concludes that the comments made by PC Killick would be considered particularly serious by the public and therefore likely to lead to an undermining of public confidence in policing.

Aggravating factors

51. The Panel found that the only aggravating factor was that of discrimination. Discrimination towards persons on the basis of any protected characteristic, including sexual orientation, is never acceptable and always serious.

Mitigating factors

52. The Panel found that the incident was a single isolated event of brief duration with no evidence of any previous or subsequent discriminatory comments.

Sanction

53. In determining the most appropriate sanction, the Panel followed the College of Policing guidance on outcomes in police misconduct procedures (the guidance).
54. The Panel were reminded that the purpose of misconduct proceedings *“is to protect the public and to maintain the high standards and good reputation”* of the policing profession – as shown in *Redgrave v Commissioner of Police of the Metropolis* [2023] 1 WLR 1136 (see at [33]).
55. The Panel also had regard to *R (Green) v Police Complaints Authority* [2004] 1 WLR 725, where Lord Carswell stated: *“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 police officers is left unchecked and they are not held accountable for it in a suitable manner, that confidence will be eroded”* (see at [78]).
56. Starting with the principle of *“always choosing the least severe outcome that deals adequately with the issues identified, while protecting the public interest”* the Panel first considered whether a written warning would be appropriate in the circumstances. Whilst the Panel found that this was a single episode of brief duration and the culpability was low, the

harm to public trust and confidence was high, and the discriminatory nature and the potential harm should this be known to the public would be significant. Furthermore, the Panel noted that discrimination is both a matter of local and national concern.

57. Therefore, a written warning in this case would not be sufficient to maintain public confidence in, and the reputation of the police service, to uphold high standards in policing and to deter misconduct, and to protect the public.

58. In the circumstances the Panel concluded that a final written warning on PC Killick's record for a period of 2 years is the most appropriate and proportionate sanction.