

IN THE MATTER OF A MISCONDUCT HEARING
B E T W E E N:

THE COMMISSIONER OF POLICE OF THE METROPOLIS
Appropriate Authority

-and-

Officer A
Subject Officer

NOTICE OF OUTCOME OF POLICE MISCONDUCT HEARING
(REGULATION 43(1) POLICE (CONDUCT) REGULATIONS 2020)

The conduct matter came to the attention of the appropriate authority on: **Friday, 12 May 2023.**

Officer concerned: **Officer A** (the Officer”).

Appropriate Authority (“AA”): The Commissioner of Police of the Metropolis

Date of hearing: 30th March – 2nd April 2026.

Panel Chair: Commander Andy Brittain

Independent Panel members (IPMs): Ms Bernadette Leverton and Ms Amanda Harvey.

Legally Qualified Advisor (LQA): Ms Judith Seaborne.

Legal counsel for the AA: Mr Josh Bibby

Federation Representative for the subject Officer: PC Keith Malda

Relevant regulations: The Police (Conduct) Regulations 2020 (“2020 Regulations”).

Summary of Hearing

1. The misconduct alleged was set out in full in the Regulation 30 notice and in general terms related to an incident on 25th April 2023 and the chastisement by the Officer of her then 10-year-old son.
2. Having found the factual allegations proved and that these amounted to a breach of the Standards of Professional Behaviour, the Panel considered whether the breach amounted to misconduct, gross misconduct or neither (*Regulation 41(15) as*

amended); *Home Office Guidance, Conduct, Efficiency and Effective, Statutory Guidance on Professional Standards, Performance and Integrity in Policing, 2020 (hereinafter the "HOG") para 11.115*). The Panel found that Officer A breached the Standard of Professional Behaviour, namely, **Discreditable Conduct**, on the balance of probabilities having regard to all the evidence, circumstances and submissions made to them over the course of the proceedings.

3. Having considered all the issues, including the three-fold purpose of sanctions as explained in the *Outcomes Guidance* and the serious nature of the misconduct, the Panel determined that the outcome that appropriately fulfilled the purpose of these principles was **A Final Written Warning for five years**.

Representation

4. Throughout the misconduct proceedings and hearing, the AA was represented by Mr Josh Bibby (counsel). Throughout the misconduct proceedings and hearing, the Officer was not legally represented but supported by Federation Representative PC Keith Malda.

The Factual Allegations – Officer A

5. The Panel was referred to the Regulation 30 notice wherein it was alleged in respect of **Officer A**:

6. Alleged facts

Allegation 1: Discreditable conduct

1. Being a member of the Metropolitan Police Service, (as a special constable) on 25 April 2023 you:

a) Hit Child X to the leg with a belt causing bruising; and/or

b) Hit Child X to the arm with a belt causing bruising,

2. By reason of the matters above, either individually or collectively, your behaviour did not meet the standards required by the Standards of Professional Behaviour set out in Schedule 2 to the Police (Conduct) Regulations 2020 as to discreditable conduct, Your behaviour amounts to Gross Misconduct:

Discreditable Conduct in that the Officer's actions on 25th April 2023 brought discredit upon the police.

7. **Standards of Professional Behaviour**

The Appropriate Authority contended that the aforesaid conduct breached the following Standard of Professional Behaviour (Sch. 2 2020 Regulations):

***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.*

The alleged behaviour described above was assessed by the AA as Gross misconduct and so serious as to justify dismissal.

8. **Preliminary Issues**

9. This hearing was conducted pursuant to the Police (Conduct) Regulations 2020 in private.

10. With the agreement and upon the submissions of both parties, at the Pre-Hearing on 14th August 2025 the Chair determined that exceptionally, this hearing should be held in private, with the interests of the subject Officer's son regarded as the primary consideration. The Chair directed that the private/public nature of the hearing could be re-visited once outcome is reached. (Misconduct admitted)

11. **Evidence**

12. The Panel was referred to a bundle of documentary evidence consisting of 162 pages.

13. During the misconduct hearing the Panel heard live evidence from Dr Jack Scannell via video link. The Panel considered Officer A's prepared statements dated 25th May 2023, her Regulation 31 response dated 20th May 2025 and her live evidence at the hearing, which it took into account throughout its deliberations.

14. Additionally, the Panel received an Opening Note from the AA.

15. **FINDINGS OF FACT**

All findings were made on the balance of probabilities i.e. more likely than not to have occurred. The Panel's findings are set out below.

The Panel carefully considered the key evidence which was pertinent information to assist in assessing the specific allegations.

In coming to its conclusions, the Panel reminded itself that the burden of proof remains on the AA throughout and the standard of proof is on the balance of probabilities. All decisions made by the Panel were made in accordance with this burden and standard of proof.

The Panel considered all the evidence presented in this case, including the accounts provided in writing, factual admissions and evidence provided orally during the hearing.

16. The Panel found Allegation 1a) and 1b) proven on the balance of probabilities on the basis:

17. The Panel found by admission, that the Officer hit her son once with a belt on 25th April 2023. The Panel found on the balance of probabilities that this caused a bruise to his thigh as visible on 5th May 2023. (Page 96). The Panel found that in carrying out the above action, it was more likely than not, that the Officer also inadvertently hit her son's arm with the belt and caused a mark, as was visible to the headteacher on 5th May 2023. The Officer always accepted that she struck her son with a belt (Prepared

Statements dated 25th May 2023 and Regulation 31 response dated 20th May 2025) but denied that her actions caused the horseshoe shaped bruise as seen on 5th May 2023. In the Officer's live evidence at the hearing, the Officer accepted that if Child X was moving, she could possibly have inadvertently also struck Child X on the arm in the process of her strike.

18. The Panel accepted the evidence of the headteacher and the primary school teacher which was unchallenged by the Officer and the first disclosures made by Child X to them both on 5th May 2023. The Panel determined that these first disclosures were more likely than not to be truthful and accurate accounts by Child X to people he knew, felt comfortable with and trusted.
19. To the headteacher, Child X said that his mother "Took the belt and lashed me", When asked where, Child X said "on the arm and the leg". The headteacher stated "Child X showed me a small, slightly raised bruise on his left forearm, When another adult was present, Child X showed us a large horseshoe shaped bruise on his upper thigh, The bruise looked recent" To the primary school teacher, Child X said "he was hit with a belt" by his mother for lying.
20. The Panel found on the balance of probabilities that later disclosures made by Child X were less reliable and the Panel afforded them less weight. The Panel considered that Child X may have sought to minimise his mother's conduct in his later disclosures, upon the realisation that his first disclosures to his teachers could have significant implications for his mother. Child X was questioned on 5th May by the police (PC Katherine Robinson) and social worker (Gabrielle Higgins). On 9th May 2023 Child X was questioned by medical professionals (Dr Melanie Smartt-Williams and Dr Jack Scannell) as seen in the Child Protection Medical Examination Report dated 10th May 2023. The Panel found that Child X appeared to become increasingly less candid when confronted with professionals he did not know and upon his awareness that his disclosures could mean his mother would get into trouble.
21. The Panel considered the evidence of the Officer's mother who was present at the time of the incident on 25th April 2023. She told the Professionals at the Child Protection Medical Assessment on 9th May 2023 that "she hit him one time on the forearm, she didn't hit him again". The Panel again gave this evidence less weight than Child X's first disclosures to his teachers on the 5th May 2023, on the basis that Officer X's mother was not independent and may have sought to minimise her daughter's

actions out of loyalty to her. The Panel was further not clear on where Officer X's mother was positioned in relation to the Officer and Child X, while the incident happened and what was in her sightline in terms of where the strike landed on Child X's body.

22. The Panel considered the live evidence of Dr Scannell and his statement dated 5th February 2025, which he adopted as his evidence in Chief. The Panel accepted his evidence, and it was recognised that the doctor was unable to give a conclusive opinion on the degree of force used to cause the horseshoe shaped bruise on Child X's thigh or accurately date the injury. The doctor noted that Child X was unable to recall how this injury was caused. The doctor reported that in his opinion the bruise was consistent with Child X being hit with a belt on his thigh and said, "a loop of belt could cause this shape of injury". The doctor explained that when accidental bruises were sustained they generally occurred on the front of the body to bony extremities. The doctor told the Panel that an imprint bruise such as this could have been caused by impact against something hard, but he would expect in those circumstances Child X would be able to recall what that hard object was and when it had occurred.
23. With regard to Allegation 1a), the Officer stated in her live evidence, various scenarios in which Child X could have come by the bruise as shown in the photograph taken by Child X on 5th May 2023, using DC Fatimah Adio's phone. The Officer suggested that her son could have sustained the injury on a bouncy castle whilst at a birthday party the weekend following the allegation, playing football or in one of the many active sports in which Child X participated in or in rough play with his friends. The Officer denied seeing any injury on Child X between the 25th April 2023 and 5th May 2023.
24. The Panel found Officer A to be a largely credible and truthful witness. The Panel was impressed by her candour in giving evidence to the hearing. The Officer accepted that she firstly attempted to negotiate with Child X for 20-30 minutes on the issue of him maintaining his lie, followed by threatening him with the belt and finally she struck Child X once with a belt which was to hand, aiming for his lower body or thigh. She described holding both ends of a thin belt in a loop, with the buckle in her hand and the flat side of the belt exposed. Throughout her evidence, the Officer was insistent that she did not strike Child X with the buckle, which the Panel accepted. She explained that she did not accept her action caused any bruising on Child X, because she saw no injury herself. Taking all the evidence into account but particularly considering the shape of the bruise as seen in the photograph, and the description by the Officer as to how she

had administered the hit from the belt, the Panel found it more likely than not that these two were connected. On the balance of probabilities therefore, the Panel found Allegation 1a) proven.

25. Under cross examination the Officer accepted that in striking Child X as she did, she possibly could have also hit him on the arm, especially if he was moving and/or trying to block her strike. That being the case, and noting the evidence of the headteacher, who remarked on the 'slightly raised bruise on the left arm', on the balance of probabilities, the Panel also found Allegation 1b) proven.
26. Having considered all the facts available, the Panel determined that the proven conduct of Officer A breached the Standard of Professional Behaviour, namely **Discreditable Conduct**.

Misconduct, gross misconduct or neither

27. Having found breaches of the Standards as set out above, the Panel considered whether the breach amounted to misconduct, gross misconduct or neither (Reg. 41(15) (as modified), para. 11.115 HOG).
28. The Panel had to be satisfied on the balance of probabilities that the conduct amounted to misconduct, gross misconduct or neither, with each term defined as follows –

'Misconduct' means a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action.

'Gross misconduct' means a breach of the Standards of Professional Behaviour that is so serious that as to justify dismissal.

29. The Panel noted that the purpose of disciplinary proceedings is threefold:
 - a. To maintain public confidence in, and the reputation of the police service.
 - b. To uphold high standards in policing and deter misconduct.

c. To protect the public.

30. The AA submitted that the Officer's conduct amounted to **Gross Misconduct**. It was conduct so serious that the Officers' dismissal would be justified. That did not mean that dismissal must inevitably follow at the outcome stage.
31. The Officer submitted that her admitted conduct in respect of allegation 1 amounted to misconduct only.
32. The Panel reminded itself of the full circumstances of the case and the breaches of the Standards of Professional Behaviour found.

DETERMINATION OF MISCONDUCT OR GROSS MISCONDUCT

33. The Panel was cognisant of HOG Para 11.132 which states that "Where more than one allegation of misconduct against the Officer concerned has been found proven, it is for the panel to decide whether, taken together, the misconduct may amount to gross misconduct."
34. The Panel considered *the College of Policing's guidance on outcomes in misconduct proceedings [COP]*, and found the following factors were engaged and relevant to the Panel's considerations.
35. Culpability
 - *The more culpable or blameworthy the behaviour in question, the more serious the misconduct and the more severe the likely outcome. COP 4.9.*
 - *Conduct that is deliberate, intentional and targeted 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. COP 4.10.*
 - *If the conduct found proven in the misconduct proceedings is criminal in nature, take this into account when considering the culpability of the Officer, notwithstanding the absence of a criminal conviction. COP 4.23.*

- *Misconduct involving violence, intimidation or sexual impropriety is serious and can significantly undermine public trust in the profession. COP 4.40*
- *Factors that may give rise to vulnerability (of the victim) include - Age COP 4.52*

Overall Culpability– High.

36. Harm

- *The types of harm caused or risked by different types of police misconduct are diverse. Victims may suffer physical harm and psychological distress. COP 4.64*
- *In assessing the impact of the Officer’s conduct, have regard to the victim’s particular characteristics i.e. protected characteristic and vulnerability due to age. COP 4.67.*
- *Harm will likely undermine confidence in policing. COP 4.66*
- *How such behaviour would be or has been perceived by the public will be relevant. COP 4.69*

Overall Harm –High.

COP 4.9 – *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.*

COP 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.*

COP 4.23- *If the conduct found proven in misconduct proceedings is criminal in nature, take this into account when considering the culpability of the Officer notwithstanding the absence of a criminal conviction..... Although the purpose of misconduct proceedings is not to punish the individual, the outcome imposed may reflect the criminal nature of the misconduct.*

COP 4.40- *Misconduct involving violence, intimidation or sexual impropriety is serious and can significantly undermine public trust in the profession.*

COP 4.52 –*Factors that may give rise to vulnerability include – age and any other protected characteristics.*

COP 4.64- *The types of harm caused or risked by different types of police misconduct are diverse. Victims may suffer physical injury psychological distress.*

COP 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. When 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 policing service, even if it does not result in harm to individual victims.*

COP 4.67 –*Assess the impact of the Officer’s conduct, having regard to the factors in the Discrimination section of this document and to the victim’s particular characteristics.*

COP 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.*

37. The Panel determined that the **seriousness of the misconduct was high** based on the culpability and harm factors considered.

38. The Panel found that **Officer A’s** conduct amounted to **Gross Misconduct**.

Finding on Outcome

39. The Panel’s task was to decide on the appropriate sanction in the light of the findings that Officer A’s conduct amounted to Gross Misconduct. The Panel’s considerations as to outcome should be viewed in the context of the decisions as to the facts and conduct referred to above.

Parties’ material

40. In reaching its decision regarding the disciplinary outcome of the case, the Panel gave due consideration to all the evidence and information put before it. The Panel also considered the following:

- i. The Officer's record of service.
- ii. The Officer's training record
- iii. Five-character references.
- iv. Submissions made on behalf of the AA
- v. Submissions of mitigation on behalf of Officer A.
- vi. The nature of the allegation.
- vii. The interests of the Public.
- viii. The interests of the Metropolitan Police Service
- ix. The input and resources that had been put into training the Officer by the MPS

41. In coming to its determination about the appropriate outcome, the Panel again had regard to the College of Policing '*Guidance on outcomes in police misconduct proceedings*' ('the Outcomes Guidance'), the HOG and the relevant authorities.

The Outcomes Guidance stipulates a 3-stage process which the Panel is required to adopt when deciding upon what is the appropriate sanction in misconduct proceedings. Case law endorses this 3-stage approach.

The 3-stage approach originates from ***Fuglers LLP v SRA [2014] EWHC 179 (Admin)*** which requires the Panel to:

- a) assess the seriousness of the misconduct
- b) keep in mind the purpose of imposing sanctions; and
- c) choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question

According to *Fuglers*, "in assessing seriousness the most important factors will be (1) the culpability for the misconduct in question and (2) the harm caused by the misconduct".

42. The Panel re-assessed the criteria for seriousness at this '**Outcome**' stage, having made a finding of Gross Misconduct at the '**Fact Finding**' stage. In considering seriousness again and applying the **Fuglers** approach, the Panel considered its preliminary assessment of seriousness (for the purpose of its determination of misconduct or gross misconduct), and additionally assessed the aggravating and mitigating factors in COP. The Panel found its assessment of Culpability and Harm

remained as previously found (Paras 35-36 above). The Panel was mindful, cautious and careful not to engage in double counting when assessing the seriousness of the misconduct found proven.

43. **Aggravating factors**

Paragraph 4.75 of the COP Guidance- *Aggravating factors are those tending to worsen the circumstances of the case, in relation to either the Officer's culpability or the harm caused.*

Paragraph 4.76 of the COP Guidance included factors that indicated a higher level of culpability or harm which were considered by the Panel.

Aggravating factors the Panel found no additional factors (*Paragraph 4.76 of the COP Guidance*) were engaged which aggravated the culpability or harm found in respect of the conduct proven.

44. **Mitigating factors**

Regarding **mitigating factors**, the Panel considered the following factors (*COP guidance 4.81*)

- The Panel found the Misconduct as set out in the allegations was confined to a single episode.
- The Panel found that Child X's continued lying may have affected the Officer's Judgement and ultimately led her to making a wrong decision in striking Child X, which Officer A accepted.
- The Panel noted the Officer admitted striking Child X in her prepared statements dated 25.5.2024, when she was first interviewed about the incident.
- The Panel accepted the Officer's regret for her conduct and her resolve then and subsequently never to strike Child X again. The Panel was impressed by the Officer's drive to address her conduct through combined family counselling together with Child X, her

undertaking of personal therapy and the fact that she had done her best to protect Child X from the details of these Misconduct proceedings in order to avoid him blaming himself.

- The Panel accepted that the Officer was genuinely remorseful for her actions, had insight into her misconduct and that she accepted responsibility for her actions.
- The Panel noted that this incident took place three years prior to the misconduct hearing and the Panel considered the Officer's conduct in the intervening years. COP 4.82
- The Panel accepted that the Officer made a wrong decision in striking Child X but weighed this against the clear pressure Officer A explained she felt subjected to in raising a black boy in London and her demonstrably good intentions to keep him on the right track.
- The Panel considered the Metropolitan Police's needs in retaining a diverse police force to represent the communities they serve in London and the Public interest in retaining trained and experienced officers.

COP 4.81 *Factors indicating a lower level of culpability or harm include:*

- Misconduct confined to a single episode or brief duration*
- Open admissions at an early stage.*
- Early actions taken to reduce the harm caused*
- Evidence of genuine remorse, insight and/or accepting responsibility for one's actions.*

COP 4.82

In cases where the misconduct happened several years prior to the meeting or hearing, consider the outcome by reference to the standards at the time rather than current attitudes and standards. Give due account to the Officer's conduct in the intervening years- for example whether they performed their duties to a high standard.

45. In respect of personal mitigation, the COP Guidance stated:

6.2 Purely personal mitigation is not relevant to the seriousness of the misconduct. Tributes and testimonials should not be confused with the mitigating factors

relating to the misconduct itself. Consider any personal mitigation after forming an assessment of the seriousness of the misconduct.

6.3 Consider any personal mitigation advanced by the Officer when deciding on the appropriate outcome. Such mitigation may include whether the Officer has shown remorse, acted out of character or made a significant contribution to the police service.

6.4 However, due to the nature and purpose of disciplinary proceedings, the weight of personal mitigation will necessarily be limited, particularly where serious misconduct has been proven.

6.6 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.

6.8 Although personal mitigation may carry more weight where lesser outcomes are being considered, the case law confirms that the interests of the profession, and the protection of the public, are more important than those of the individual Officer.

6.9 Nonetheless, personal mitigation is always relevant and should always be taken into account.

46. And finally, regarding personal mitigation, the Panel considered the Officer's 11 years' service at the time of the incident and her personal mitigation including the five-character references, which the Panel considered. Due to the nature and purpose of disciplinary proceedings, the weight attributed to this material was necessarily limited, particularly having found serious misconduct. (*Refer COP Outcome guidance Para 6.4 and Salter v Chief Constable of Dorset [2012] EWCA Civ 1047 Para 23*).

47. The Panel considered the available sanctions in ascending order of severity, starting with a Final written warning. The College of Policing Guidance on Outcomes Para 2.8 states:

“However, the outcome imposed can have a punitive effect, which should therefore be no more than is necessary to satisfy the purpose of the proceedings. Consider less severe outcomes before more severe outcomes”

48. In conclusion the Panel found that the Officer’s proven misconduct was serious, particularly given the proven breach of the Professional Standard Discreditable Conduct.
49. Having assessed seriousness, stage 2 of the structured approach required the Panel to remind itself of the purpose for which sanctions are imposed.
50. The three-fold purpose of sanctions is explained in the *Outcomes Guidance* as:
 - Maintaining public confidence in and the reputation of the police service
 - Upholding high standards in policing and deterring misconduct
 - Protecting the public

Outcomes available to a Panel upon a finding of Gross Misconduct

51. The Panel finally, having reminded itself of the purpose of these proceedings, was required to determine, given the finding of Gross Misconduct, the sanction that most appropriately meets the purpose.
52. The Panel referred itself to the College of Policing Guidance on Outcomes at paragraph 2.8 and considered the following in ascending order.
 - (i) A final written warning (2-5 years)
 - (ii) Reduction in rank – Not applicable.
 - (iii) Dismissal without notice.
53. The impropriety of a single Officer can tarnish the reputation of the service as a whole and undermine the trust and confidence that members of the public have in the Metropolitan Police Service.

54. The panel considered whether or not in the circumstances of this case, it was appropriate to impose disciplinary action and determined that, given the Panel's findings of Gross Misconduct, disciplinary action must be imposed.

55. Having considered all the issues, including the three principles highlighted and the serious nature of the misconduct, the outcome that appropriately fulfilled the purpose of these principles is **a Final Written Warning for 5 years.**

56. This sanction is a proportionate means of achieving the legitimate aims of the proceedings, which are the purposes of the police disciplinary process as set out in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings.'

Decision on Publication

59. The Chair confirmed that the Final Determination on outcome should anonymise the subject Officer's name and her son's name throughout to continue to protect the identity and welfare of her son through familiar name association and any risk of jigsaw identification.

Commander Andy Brittain (Chair)

Ms Bernadette Leverton and Ms Amanda Harvey. (IPMs)

2nd April 2026