

**IN THE POLICE MISCONDUCT HEARING
PURSUANT TO THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED BY THE
POLICE (CONDUCT) (AMENDMENT) REGULATIONS 2024**

IN THE MATTER OF:

PC Bhatti

INTRODUCTION

Hearing date: 08 April 2026

Heard by: Commander Stephen Clayman), Ms Sarah Kinsella (Independent Panel Member) and Mr Martin Pike (Independent Panel Member).

The Appropriate Authority ("the AA") was represented by Mr Zander Goss of Counsel.

PC Bhatti was represented by Mr Austin Stoton of Counsel

The Panel would like to thank the representatives for their assistance throughout the case, including the provision of an opening note.

The Panel were assisted by Helen Fleck, Legally Qualified Advisor.

ALLEGATION

1. At the outset of the hearing the Regulation 30 Notice, was read out. The allegations faced by PC Bhatti were as follows:

Being a member of the Metropolitan Police Service, between 11th and 14th February 2022 you:

1. Accessed the following police systems:

- a. Police National Computer ("PNC")*
- b. Integrated Information Platform ("IIP").*

2. Made searches relating to Person A on the systems outlined above;

3. Did not have a policing purpose for accessing the systems above in the way described at (2);

4. At the time of accessing the systems set out above, knew that you did not have a policing purpose for doing so;

5. Failed to properly enter a reason for the various searches undertaken for Person A as part of the audit trail required by the IIP system;

By reason of the matters set out, 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:

a. Discreditable Conduct;

b. Duties and Responsibilities;

c. Confidentiality.

in that you:

acted in a manner which discredited the police service and/or undermined the public confidence in it;

acted in a way which did not abide by police regulation, force policies and lawful orders;

Failed to treat information with respect by accessing information not in the proper course of police duties

Your behaviour amounts to gross misconduct.

2. PC Bhatti denied the allegations, and his response was set out in the Regulation 31 response.

SUBMISSION OF NO CASE TO ANSWER

3. The AA called no evidence beyond that which had been provided in the hearing bundle. Mr Stoton then made an application that PC Bhatti had no case to answer in respect of allegations 3-5 and also that such matters as remained could not amount to either misconduct or gross misconduct.
4. The Panel carefully considered the written and oral submissions made and accepted the advice of the LQA. In line with that advice and the case of R v Galbraith the Panel asked itself whether the evidence, taken at its highest, was such that no reasonable Panel, properly directed, could find the allegations proved on the balance of probabilities. The Panel had close regard to the requirement not to make evaluative judgments and that at this stage the issue was whether the Panel could find the allegations proved, not whether they would ultimately do so.
5. In relation to allegation 3, the Panel considered that there was some evidence to suggest that PC Bhatti had no legitimate policing purpose for accessing police systems and searching for Person A. Such evidence as there was, was however entirely circumstantial. The Panel was mindful that it is permitted to draw inferences, that is to say, common sense conclusions supported by the evidence, but that it must not speculate.
6. Taking the evidence as a whole, there were a number of possible explanations supported by the evidence, including the possibility that PC Bhatti had simply engaged in poor record keeping. This was supported by the observation made within the investigation report that a check of PC Bhatti's searches showed that he consistently failed to record adequate reasons for the searches.

7. The Panel considered that the evidence was so weak and tenuous that no reasonable Panel properly directing itself could find the allegation proved on the balance of probabilities.
8. In light of the Panel's conclusion in relation to allegation 3, it followed that there was also no case to answer in relation to allegation 4.
9. As regards allegation 5, there was evidence before the Panel showing that PC Bhatti entered "investigation" or "Intel" as his reasons for accessing the PNC & IIP platforms and searching for a specific individual. There were also admissions made in interview and before the Panel on the hearing day that the reasons entered were lacklustre or amounted to poor recording practice.
10. In the Panel's view this amounted to sufficient evidence upon which a reasonable Panel properly directing itself could find allegation 5 proved.
11. Allegations 3 and 4 were dismissed however the Panel decided there remained a case to answer on allegations 1, 2 and 5.
12. In light of the importance of the recording of a reason for accessing what is sensitive information, both in terms of harm prevention and public confidence, the Panel considered that the evidence presented at this stage, taken at its highest, was capable of amounting to either misconduct or gross misconduct.

DECISION ON FACTS, STANDARDS AND LEVEL OF MISCONDUCT

The Panel's approach

13. The Panel reminded itself it was:
 - a. Required to consider the facts of the case and to make its findings of fact in relation to the allegation;

- b. Determine whether those findings of fact found constitute a breach of the relevant standards;
 - c. Determine whether the conduct found proven against the officer amount to misconduct or gross misconduct.
14. The Panel reminded itself that the burden of proof is on the Appropriate Authority throughout and the standard of proof is the balance of probabilities, namely 'what is more likely than not'.
15. The Panel approached its decision-making by keeping in mind the purpose and character of police misconduct proceedings. The primary purpose being not to punish the officer but to protect public confidence in, and the reputation of, the police service by holding officers accountable and making clear that improper behaviour will not be left unchecked. A secondary purpose is to be declaratory of high professional standards and a final purpose is to protect the public and the Complainant and staff by preventing similar misconduct recurring in the future.
16. The Panel also had regard to a framework of regulations and guidance, in particular the following:
- a. The Police (Conduct) (Amendment) Regulations 2024 (the "Regulations") including in particular the Standards of Professional Behaviour at schedule 2;
 - b. 2018 Home Office Guidance (the "HOG"), including in particular chapter 1, summarising the Standards;
 - c. The definition of misconduct given at Reg 3(1) of the Regulations: "a breach of the Standards of Professional Behaviour";
 - d. The definition of gross misconduct given at reg 3(1) of the Regulations: "a breach of the Standards of Professional Behaviour so serious that dismissal would be justified".

Evidence

17. The Panel had been provided with the following documents:
- a. Hearing Bundle comprising of 79 pages which included the Regulation 31 Response.
 - b. The AA's opening note.

Findings of Fact

18. The submissions made by both parties indicated that allegations 1 and 2 were agreed and amounted to accepted background facts. The Panel considered the evidence from PC Bhatti's interview that he had not shared his credentials and concluded that it was more likely than not that it was him who accessed the systems and conducted the searches on Person A. These allegations are found proved.
19. Allegation 5 was not formally admitted, but Mr Stoton on behalf of the officer made it clear that PC Bhatti did not dispute that he could have entered more detail as to the reasons for the searches he made in relation to Person A.
20. The Panel considered the wording of allegation 5 which states as follows:

"5. Failed to properly enter a reason for the various searches undertaken for Person A as part of the audit trail required by the IIP system;"
21. The evidence within the investigator's report at page 27 of the bundle showed that the reasons recorded for the searches conducted were given as either "intel" or "investigation". The Panel gave the words of the allegation their ordinary meaning and considered that the use of these terms did not amount to "properly" entering a reason. In his interview, PC Bhatti accepted that he should have provided more information such as including a crime number, CAD number, "or anything" and that he had become blasé about doing so. He effectively repeated this admission through submissions made in the course of the hearing.
22. The purpose of entering a reason for conducting a search is to ensure efficient audit and accountability and the Panel found that it was more likely than not that the reasons entered by PC Bhatti did not amount to proper reasons.

23. The Panel noted that whilst the previous allegations referred to searches on the IIP and PNC databases, allegation 5 relates only to searches on IIP. The number of occasions this system was searched within the relevant time period was 6.

Findings on Breach of Standards

24. Turning to the Regulation 30 Notice and the allegations found proved therein, the AA submitted PC Bhatti's actions amounted to breaches of the Standards of Confidentiality, Duties and Responsibilities and Discreditable Conduct. The Panel carefully considered those standards and whether the conduct of the Officer has amounted to a breach thereof.

25. Having found that there was no case to answer in respect of allegations 3 and 4 the Panel considered that there could be no suggestion that PC Bhatti had acted in such a way as to breach the standard of confidentiality.

26. The Panel did however consider that PC Bhatti's actions amount to a breach of his duties and responsibilities and to discreditable conduct.

27. The requirement to enter a meaningful reason for accessing confidential information held about members of the public exists to ensure efficient audit can take place and any inappropriate access can be identified and acted upon, particularly if an individual seeks to understand why checks have been made about them. It is an important part of maintaining public trust and confidence in the police service as a whole as a protection against any potential misuse of data. PC Bhatti's failure to properly record the reason for his searches undermines this confidence.

Decision On Misconduct

28. The Panel heard representations from both the AA and the Officer as to whether the breaches amounted to misconduct, gross misconduct, or neither.
29. When deliberating, the Panel reminded itself of the need to protect public confidence in and the reputation of the police service, the need to maintain high professional standards and the need to protect the public and officers and staff by preventing similar misconduct in the future. It applied the statutory definitions of gross misconduct and misconduct and concluded that in this case, PC Bhatti's actions amounted to **misconduct** but not gross misconduct.
30. In reaching this conclusion the Panel had regard to the following features:
- (i) This was not an isolated incident: There were 6 searches conducted over 2 days and PC Bhatti admitted that the entering of such vague and non-specific reasons was not uncommon for him.
 - (ii) Whilst the Panel did not accept that failures to record adequate reasons for searches is a matter of national importance, they did consider that they went beyond mere administrative poor practice.
 - (iii) The failure to enter a meaningful reason for searches frustrates effective audit and monitoring of police use of data and impacts on the overall public perception of the security of their sensitive information.
 - (iv) The outcomes guidance section dealing with data protection and misuse sets out factors which indicate particular seriousness and which may merit dismissal, such as onward disclosure, personal gain or compromising an investigation, none of which were present here.

OUTCOME

31. The Panel adopted the approach outlined by both parties and the Legal Advisor: Regulation 42 (14) procedure provides that when considering the question of disciplinary action, before any such question is determined, the Panel:

- (a) Must have regard to the record of police service of the officer concerned.
- (b) May receive evidence from any witness whose evidence would, in their opinion, assist in determining the question; and
- (c) Must give the officer concerned, his police friend or lawyer, and the appropriate authority, an opportunity to make oral or written representations.

32. The Panel heard submissions from the AA and Officer's counsel as to the appropriate outcome. The Panel also had sight of the Officer's service record. No further evidence was received.

33. The Panel has applied the Outcomes Guidance and reminded itself that in reaching its decision on outcome the Panel must have 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 approached its decision on outcome in three stages:

- Stage 1: Assess the seriousness of the misconduct.
- Stage 2: Keep in mind the purpose of disciplinary action
- Stage 3: Choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

Stage 1:

34. In assessing the seriousness of the conduct found proven the Panel had regard to four issues namely:

- (a) The Officer's culpability

PC Bhatti's actions were not targeted or planned and he received no tangible benefit other than his own potential time savings.

(b) The harm caused by the misconduct

This has already been identified above, and the Panel was careful not to double count the harm caused to public confidence.

(c) The existence of any aggravating factors

The Panel identified no additional aggravating factors beyond the number of searches conducted and PC Bhatti's acceptance that the entering of such vague terms as "intel" or "intelligence" as reasons for searched was common practice for him.

(d) The existence of any mitigation factors

PC Bhatti benefits from his good character over an extended period of twenty years' service.

Stage 2:

35. The Panel kept in mind the purpose of disciplinary action and the overall purpose of the police misconduct regime which 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.

36. The Panel then went on to consider the outcome which would most appropriately fulfil these purposes, starting with the least serious and considered that the combination of factors identified above meant that a **written warning** was sufficient to mark the misconduct in this case, maintain public confidence and to declare and uphold the standards expected of all serving police officers.

Right of Appeal.

In accordance with Regulation 43(2), the Appropriate Authority shall provide the Officer with a copy of this report and a notice of the right of appeal. The Officer is reminded he has a right to appeal to the Police Appeals Tribunal. ("PAT"). The PAT may increase or decrease any penalty or overturn this decision.

Stephen Clayman

Commander

8th April 2026