

IN AN ACCELERATED MISCONDUCT HEARING

IN THE MATTER OF THE POLICE ACT 1996

AND IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED)

THE CHIEF CONSTABLE OF KENT POLICE

The Appropriate Authority

-and-

Officer A

The Officer

**NOTIFICATION AND REPORT OF THE OUTCOME UNDER REGULATION 63(1)
OF THE POLICE CONDUCT REGULATIONS 2020**

Persons Present

ACO Pritchard – Chair

ILQA – Jonathan Rees

Counsel for the AA – Mark Thomas

Preliminary Matters

1. This decision follows an Accelerated Hearing held on 12 October 2026 under the Special Procedures of regulations 49 to 55. ACO Andrew Pritchard ('the Chair') heard the case and was advised throughout by Jonathan Rees, Barrister and Independent Legally Qualified Advisor (ILQA) to whom the drafting of this report was delegated. The first draft of this report was submitted to the Chair by the ILQA and amended, revised and signed off by him as representing a true record of his findings and determinations.
 2. The Chair was advised by the ILQA that the conditions of regulation 49 were sufficiently met and the decision was therefore confirmed by the Chair to proceed by this method.
 3. The Officer did not attend the hearing.
 4. There were no members of the press in attendance, the hearing was recorded.
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5. The AA confirmed that the Officer, having tendered his resignation in his regulation 54 response notice was still serving his period of notice and remained employed. The hearing did not therefore proceed under the former officer regulations.
6. The Officer made an application for anonymity in any reporting of the decision, supported by medical evidence. The Chair, having received written legal advice from the ILQA granted that application.

The Allegation

7. The allegations contained within the Regulation 51 notice are not repeated in full.
8. However, in summary, it is alleged that on 17th August 2025, the Officer sent a series of WhatsApp messages to Inspector B which were sexualised and used misogynistic language, tantamount to sexual harassment as well as VAWG. This was in the context where Inspector B had initially contacted the Officer for welfare reasons as part of her role.
9. The AA alleges that the conduct engages the Standards of Behaviour in relation to:
 - (a) Equality and Diversity;
 - (b) Authority, Respect and Courtesy; and
 - (c) Discreditable Conduct.
10. The AA's case was that, if proven, the allegations individually and/or cumulatively amount to gross misconduct.
11. The Officer admitted the conduct: In his Regulation 54 response, the Officer accepts that he breached the standards of professional behaviour. However, he accepted that his actions amount only to the level of misconduct, not gross misconduct.
12. The Officer also states:
 - (a) He has been diagnosed with PTSD;
 - (b) The incident occurred when he was struggling with his mental health;
 - (c) The comments should be judged within the context of his relationship with Inspector B.
13. He accepts that the comments were sexualised, but they were not misogynistic, sexual harassment or a matter of 'Violence Against Women and Girls'. The Officer says that the comments were "inappropriate", but a "joke made in error between friends".

14. Regulation 41(15) of the 2020 Regulations provides as follows:

The person or persons conducting the misconduct proceedings must review the facts of the case and decide whether the conduct of the officer concerned amounts—

(a) in the case of a misconduct meeting, to misconduct or not, or

(b) in the case of a misconduct hearing, to misconduct, gross misconduct or neither.

And sub-rule 16 states

The person or persons conducting the misconduct proceedings must not find that 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.

“Misconduct” is defined in the 2020 regulations as

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

and “Gross Misconduct” is defined as

a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal

15. The Chair heard the submissions on behalf of the AA. The Chair then retired with the ILQA to consider findings and severity.

16. The Chair was not required to make findings, the behaviour was admitted. The breach of standards was also admitted.

17. The Chair turned to the assessment of severity.

18. Culpability

- a. The Chair found that the culpability of the Officer’s conduct to be **HIGH** on the following basis:

- i. 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.

1. The Chair considered the conduct in relation was intentional, deliberate and targeted.

ii. 4.11 Where harm is unintentional, culpability will be greater if the Officer could reasonably have foreseen the risk of harm.

1. The Chair considered the Officer should have reasonably foreseen the risk of harm of unwanted sexual conduct.

iii. 4.12 Culpability will also be increased if the Officer was holding a position of trust or responsibility at the relevant time. All police Officers are in a position of trust, but an Officer's level of responsibility may be affected by specific circumstantial factors, such as rank, their particular role and their relationship with any persons affected by the misconduct.

1. The Chair considered that the Officer was holding a position of responsibility in relation to his length of service and duties as a temporary Sergeant. He was a role model and should have acted accordingly

b. In line with the Guidance on Outcomes the Chair considered that the types of misconduct given in the following should be considered especially serious.

i. 4.40 Misconduct involving sexual impropriety is serious and can significantly undermine public trust in the profession. The Chair noted there were admissions of sexual impropriety.

ii. 4.41 This includes cases involving bullying or harassment, either in the police service or towards members of the public. Give attention to the degree of persistence, the vulnerability of the other party, the number of people subjected to the behaviour and whether the Officer was in a specific position of authority or trust. More serious action is likely to be appropriate where the Officer has demonstrated predatory behaviour motivated by a desire to establish a sexual or improper emotional relationship with a colleague or member of the public.

1. The Chair considers that found that there was a degree of persistence, the Officer demonstrated predatory behaviour and a sexual motivation. He had an opportunity to cease his conduct after the first inappropriate message, and continued, escalating the sexual content each time. He was motivated by an apparent sexual desire to establish a sexual relationship with a colleague.
- iii. In relation to Violence Against Women and Girls – the Chair considered the admissions of unwanted sexualised behaviour and considered it to meet the definition of VAWG, in relation to abusive behaviour, albeit at a lower level.

19. Harm

- a. The Chair finds that the harm is **MEDIUM**.
 - i. 4.64- The harm to the reputation of Kent Police will be affected by the findings made against the Officer.
 - ii. *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. (4.66)*
 1. The Chair took into account that the findings made would be likely to harm public confidence.
 2. *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.*
 3. The actions of the Officer and the result of those actions, would harm discipline and good order.
 - iii. *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.*
 1. The Chair considered that the findings would serve to undermine public confidence. A member of the public would be shocked to hear that the Officer considered this appropriate behaviour to a senior

officer who was it should not be forgotten assisting the Officer in a welfare role.

iv. 4.70 The Chair considered the scale and depth of local or national concern about the behaviour in question.

1. Police Officer's conduct in respect of sexual impropriety has garnered significant local and national media attention with high profile cases of Officers being of significant and continued interest to the public. Objectively the Chair considered that this case would cause the public significant concern about the behaviour of our Officers.

c. In respect of personal distress, The Chair noted that Inspector B in this regard reported that whilst she clearly recognised that Officer A should not have said those things to herself or anyone, there were no lasting effects on herself as a result. She correctly felt the need to report these comments, recognising their seriousness. The Chair found that the fact there was no lasting impact is more of a credit to the personal resilience and character on the part of Inspector B rather than the potential impact that such words might have had. Whilst there was clearly a friendly relationship between the Officer and the Inspector hitherto, it was until that point very appropriate. Nothing in the evidence suggested that there was any implied license or permission for the Officer to communicate in this way.

20. **Aggravation** - The Chair considered the following factors that indicate a higher level of culpability or harm –

4.76:

Targeted, predatory behaviour – the Officer accepted sending the messages, they were sent to Insp B and were sexual in nature.

Malign intent such as sexual gratification – On the face of it, the messages were sexual in nature and the Officer has not provided any explanation that they were not intended to be, the Chair determined this as they were in some way for sexual gratification and as such this element applies.

Attempting to blame others – The Officer maintains that his conduct was caused by a mental health condition which had been diagnosed, the Chair accepted the submissions of the AA that there is no causal link between that diagnosis and the behaviour. There is a lack of personal responsibility and acceptance of wrongdoing in the Officer's regulation 54 response.

The Officer continued the behaviour when he should have realised that it was improper after sending the first inappropriate message, let alone the second and third which escalated in severity.

The behaviour was a significant deviation from the force policy on sexual harassment, and it was a breach of s.26 of the Equality Act 2010

As previously commented, the scale or depth of a local or national issue is significant relating to sexual impropriety by police Officers.

The Chair found by way of the admissions that there were multiple breaches of the standards, although recognised this was in effect one course of action to which more than one standard applied.

21. **Mitigation** – the Chair considered the following factors that mitigated the Officer's culpability:

- a. Mental ill health – there is no link between the officer's ill health and the behaviour, therefore it could only be given limited weight.
- b. The Officer has made limited admissions to his behaviour, but these were not early or detailed.
- c. The Officer has demonstrated limited insight and has offered some remorse in respect of his conduct.

22. **Severity** - The Chair determined that the breach was Gross Misconduct. The reasons for this are as follows:

23. The events took place in an off-duty setting, but in the context of a work related matter. Police officers are entitled to a private life but that is not unlimited. The 2024 Code of Ethics¹ for police officers states that as a member of the policing profession an officer must:

...recognise that, as a result of being part of the policing profession, higher expectations are placed on us compared to the general public. As policing professionals, more attention is likely to be drawn to any misuse of our position or any failure to meet the expectations of our profession. We uphold and promote the reputation of the police service by acting lawfully and in a way that demonstrates fairness and respect, policing with integrity, trust, confidence and legitimacy (in line with the <https://www.college.police.uk/career-learning/leadership/leadership-standards> Leadership Standards).

24. It goes on to note that the public interest in this is such that:

Our high expectations demand that we:

- *think about how our actions might be interpreted or perceived by others when taking decisions*
- *act in the knowledge that every interaction with the public may influence their own – and other people's – trust and confidence in policing*
- *act in a truthful, trustworthy and sincere manner*
- *do nothing, whether related to work or not, that damages the relationship of trust and confidence with the public.*

25. In light of the admitted breached of standards and without repeating the severity assessment, the Chair was left in no doubt that this was a case of gross misconduct and that was his finding.

Outcome

26. The Chair was reminded that this being a case under the new regime, the behaviour complained of having been committed after May 2025, it was necessary to impose the most serious sanction and consider whether that sanction could be reduced on the basis of the

officer's mitigation and service record, keeping in mind the purpose of these proceedings which is to protect the public and maintain public confidence in the police service, uphold the highest standards of professional behaviour and to deter misconduct.

27. The AA contended that there was a presumption of dismissal. Nothing short of a finding that dismissal without notice would be appropriate.

28. The Chair was advised to re-assess outcome through the fourfold criteria set out in the Guidance of Outcomes, which itself follows the common law position as set out in the well-known case of Fuglers v SRA².

Culpability

29. The Officer's behaviour was unacceptable. He was responsible for his own decisions. He was aware of the harm caused by sexual impropriety.

Harm.

30. In this case there was no reported harm to the victim, but there was potential for harm that the officer should have foreseen.

31. The Chair found there was significant harm to the public trust and confidence in Policing. He noted the harm of that was significant, it was very damaging to the reputation of the policing that an officer would behave in this way.

Aggravation

32. The Angiolini Report makes clear, as does the College of Policing that Violence Against Women & Girls is an endemic issue that should be tackled at the highest level and at every level within policing. This offence falls into that category, and this is a significant aggravating factor. This would undermine the confidence of the public in the profession.

Mitigation

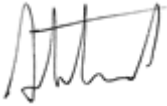
33. The Chair revisited the mitigation issues raised during the earlier stage of proceedings. He also had regard to the officer's service record and noted the officer had a clean service record. The Officer provided no other personal mitigation or character references.

² [2014] EWHC 179

34. The Chair determined that in his judgment, this is a case that merited dismissal without notice, and he therefore recorded this as his conclusion. The Officer was dismissed without notice, and it was ordered that his name is to be added to the Police Barred List (regulation 3(2) of the Police Barred List and Police Advisory List Regulations 2017)

12 October 2026

Revised and Approved on 19th October by:



Andrew Pritchard

ACO

Kent Police

Drafted by



Jonathan Rees, LLB, LLM
Independent Legally Qualified Adviser