



Neutral Citation Number: [2022] EWHC 1217 (Admin)

Case No: CO/3083/2021

IN THE HIGH COURT OF JUSTICE
QUEEN'S BENCH DIVISION
ADMINISTRATIVE COURT
SITTING IN LEEDS

Tuesday 24th May 2022

Before:

MR JUSTICE FORDHAM

Between:

**THE QUEEN (on the application of the CHIEF
CONSTABLE OF NORTHUMBRIA POLICE)**

Claimant

- and -

POLICE MISCONDUCT PANEL

Defendant

-and-

OFFICER M

**Interested
Party**

Simon Mallett (instructed by Northumbria Police) for the **Claimant**

The **Interested Party** appeared in person

The **Defendant** did not appear and was not represented

Hearing date: 19.5.22

Approved Judgment

I direct that no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

THE HON. MR JUSTICE FORDHAM

Note: A non-confidential version of this judgment (“subject to typos”) was released (20th May 2022) for later formal hand-down (24th May 2022).

MR JUSTICE FORDHAM:

Introduction

1. This is a claim for judicial review for which permission was granted by HHJ Gosnell (“the Judge”), on 4 November 2021, on four interrelated grounds. The Judge refused permission for judicial review on four further grounds, which have not been pursued. The case is about misconduct proceedings against the Interested Party (“Officer M”), who had joined the police force of the Claimant (“the Chief Constable”) as a student officer in September 2019 at the age of 20. The Defendant (“the Panel”) determined those misconduct proceedings on 25 June 2021, after an oral hearing which had begun on 21 June 2021. The Panel has taken a neutral and non-participatory role in these judicial review proceedings. The hearing before me was in person in Leeds.

Officer M’s position

2. Officer M had previously been represented by Counsel. That meant the Court had the advantage of the Summary Grounds of Resistance (14 October 2021), written by her former barrister who (like Mr Mallett) had appeared at the hearing before the Panel. Officer M appeared in person and confirmed at the hearing before me that she adopted those grounds. She made a crisp oral submission which emphasised that the interactions with safeguarding professionals which are at the heart of this case, in June 2020, were at a time when she had “very limited” service and relevant experience as a police officer. The point is well made. Mr Mallett, for the Chief Constable, accepted its accuracy as obviously correct. So do I.

Mode of delivery of the judgment

3. It was Mr Mallett who helpfully suggested as a possibility the mechanism which I adopted regarding the circulation and hand-down of this judgment. On Friday 20 May 2022, I released to the parties a non-confidential, non-embargoed version of this judgment headed “subject to typos”. It bore the neutral citation number and referenced the formal (virtual) hand-down to take place at 10am on Tuesday 24 May 2022, published in the Cause List, with any typos identified by the parties corrected. This was in my judgment more appropriate, quicker and less burdensome than an embargoed, confidential draft judgment with a longer lead-time.

Anonymity

4. The Judge made an anonymity order in relation to Officer M. The background to that is that anonymity had been sought and obtained by Officer M in the disciplinary proceedings themselves, for reasons which were set out in writing and are also before this Court. The Chief Constable asked the Court to similarly anonymise the identity of Officer M, by reference to these “welfare concerns”. Officer M made the same request. The Judge was satisfied that anonymity was necessary. It would have been – and still is – open to any person who wishes to do so to apply (a) to vary or discharge the anonymity order or (b) to seek fuller reasons for it. No application has been made and no observations were made by a person at the hearing before me. Were any application made, a Judge would consider it. I was and remain satisfied, in all the circumstances of the present case, that it is necessary and appropriate for the anonymity order to continue on that basis.

The misconduct proceedings

5. The matters which were the subject of the misconduct proceedings were the subject of a notice of referral of alleged breach of the Standards of Professional Behaviour (the Standards’), pursuant to regulation 30 of the Police (Conduct) Regulations 2020. Officer M filed a Written Response, pursuant to regulation 31. Officer M had previously been interviewed on 28 August 2020 when she provided a Prepared Statement. She gave oral evidence at the hearing before the Panel and was cross-examined. Oral evidence was also given by other witnesses, including a health visitor employed by a District Foundation Trust (“the Health Visitor”) and senior and junior social workers employed by the local authority (“the Senior Social Worker” and “the Junior Social Worker”). The Panel was constituted by a legally qualified Chair, a police member (of the rank of Chief Superintendent) and an Independent Panel Member. The three-person Panel gave a written ruling in the form of a judgment. The practice which is adopted means that it is not known whether there was unanimity between all three Panel members, or whether any part of the decision was determined 2-1. It is common ground that the Panel identified its task, and basic considerations such as burden and standard of proof, in a legally correct way.
6. The misconduct proceedings against Officer M involved conduct which fell into three areas.
 - i) Accessing the police computer system. The first area was conduct on four occasions (18 March 2020, 14 May 2020, 9 June 2020 and 22 June 2020) when Officer M was alleged to have accessed the police computer system without having a legitimate policing purpose for doing so. That conduct on those four occasions was alleged to constitute a breach of the Standards in two respects. The first was a breach of the “Confidentiality” Standard, which is (so far as relevant) that police officers “access information only in the proper course of police duties”. The second was a breach of the “Orders and Instructions” Standard, which is (so far as relevant) that police officers “abide by police regulations and force policies”. In responding to the allegations in this first area, Officer M accepted that she had accessed the police computer system on the first, second and third occasions. She accepted that this was a breach of the Confidentiality standard (but not the Orders and Instructions Standard), and that it constituted Misconduct (but not Gross Misconduct). The Panel found breaches of the Confidentiality Standard on all four occasions and a breach of the Order and Instructions standard on the fourth occasion. The Panel found proven that Officer M had accessed the police computer on the fourth occasion. The Panel’s reasoning as to why the conduct on the first three occasions did not involve a breach of the Order and Instructions Standard was concerned with a lack of evidence as to what training and instruction had been delivered. The Panel’s reasoning as to why the fourth occasion also breached the Order and Instructions Standard was because, as Officer M accepted, an inspector who was her supervisor (“the Inspector”) who had undertaken a welfare discussion with her on 13 June 2020 had told Officer M that she was not entitled to access the police computer in relation to information about herself or her family.
 - ii) Denial of having accessed the computer system. The second area was Officer M’s conduct during the welfare discussion with the Inspector on 13 June 2020. The allegation which the Panel found proven was that, when asked by the

Inspector whether she had accessed the police computer system in relation to family members, she denied having done so (her case was that she could not remember and said so); and that this constituted inaccurate misleading and dishonest conduct and breached the “Honesty and Integrity” Standard, which is that police officers “are honest”, “act with integrity” and “do not compromise or abuse their position”.

- iii) Interaction with safeguarding professionals. The third area was Officer M’s conduct in her interactions with safeguarding professionals in the period 9 June to 29 June 2020. As will be seen below from the referred allegations, five interactions were relied on specifically in the case against Officer M: on 9 June 2020; 15 June 2020; 23 June 2020; 26 June 2020; and 29 June 2020. The safeguarding professionals had become involved by reason of an incident at Officer M’s family home in the middle of the afternoon on 8 June 2020, during which the police had been called by a 999 call placed by Officer M’s teenage sister. Officer M was at home and had worked a night shift the previous night. The police had spoken to Officer M’s father, mother and sister. Those conversations and other matters had been recorded on body worn video (“BWV”). The mother had been arrested. The father had a torn shirt and a bite mark. A knife was removed from the scene by police. I will return to the circumstances and the evidence. As will be seen below, the allegations in this third area were framed as Officer M having (a) deliberately sought to downplay and/or misrepresent the incident; and (b) presented the incident as one not giving rise to a legitimate welfare concerns relating to the children of the family, in a manner likely to bring discredit on the force. In those respects Officer M was alleged to have breached the Honesty and Integrity Standard and also the “Discreditable Conduct” standard, which is that police officers behave “while on or off duty” in a manner which “does not discredit the police service” or “undermine public confidence”. As will be seen, on this part of the case the Panel found that Officer M’s behaviour towards the safeguarding professionals was not such as to breach the Standards.

7. The Panel’s judgment is in two parts, and I have found it helpful to have been given clarity by Mr Mallett as to the sequence of events by which these were produced.

- i) Judgment Part 1 is a 12-page document which discusses the law in respect of factual determinations and then deals with the allegations in each of the three areas, summarising aspects of the evidence and then making reasoned findings on each area, culminating in the overall finding. In Judgment Part 1, having made its findings including those adverse findings which were made in relation to the first and second areas, the Panel went on to find that “overall” Officer M’s breaches of the Standards constituted “Gross Misconduct”. The hearing had begun on Monday 21 June 2021 with Counsel addressing the Panel. Then oral evidence was heard from the various witnesses, from whom the Panel had written statements. There was evidence in chief, cross-examination, re-examination and questions to the witnesses by members of the Panel. Oral evidence was given at length by the Health Visitor, the Senior Social Worker and the Junior Social Worker. Officer M gave oral evidence at length on Thursday 24 June 2021. Counsel then made closing submissions. The Panel deliberated during Friday 25 June 2021 and at 5pm that day provided the parties

with Judgment Part 1. Counsel made their submissions on outcome, having received and had the opportunity to consider Judgment Part 1. The hearing concluded at 8pm on Friday 25 June 2021, with the Panel giving brief oral reasons on Outcome.

- ii) Judgment Part 2 is a 4-page document, provided to the parties on Monday 28 June 2021, which amplifies the reasons on Outcome given orally at 8pm on Friday 25 June 2021. In Judgment Part 2, the Panel addressed the question of the appropriate outcome in some considerable detail, giving its reasons for concluding that the appropriate Outcome was a final written warning for a standard two-year period which would properly fulfil the purpose of the misconduct regime in all the circumstances.

The focus is on the interaction with safeguarding professionals

8. The Chief Constable's judicial review claim stands or falls with whether the Panel addressed the third area (interaction with safeguarding professionals) in a way which was compatible with its public law obligations. In particular, it had a public law duty to arrive at findings and conclusions which were reasonable in the light of the evidence and arguments; and a public law duty to give legally adequate reasons. The Chief Constable accepts that, if the conclusions in relation to the third area withstand public law scrutiny, there is no basis for impugning the conclusions or reasons of the Panel, including its conclusions in Judgment Part 2 as to the outcome. The position is this. The four grounds for judicial review on which the Judge granted permission all relate to the third area. It is common ground that if those grounds are not made out, the outcome in this case is unimpeachable in public law terms. The four grounds on which permission were refused related to the Panel's approach and conclusion regarding outcome in the light of its findings. Since those grounds were rejected as unarguable, and have not been pursued, I need record only the reasons for this which were given by the Judge:

The decision on penalty was a matter of judgment for the Panel and is classically the type of expert view that the High Court must pay considerable respect to... There was considerable mitigation in this case involving an inexperienced officer with personal and cultural issues at play in the decision of the Panel on penalty cannot be successfully challenged by way of judicial review on the original fact. If the challenge on grounds 1 to 4 successful there would have to be a fresh decision on penalty in any event but if those grounds fail the original decision is within the range of penalties and reasonable panel might impose.

The relevant allegations

9. In relation to the third area (interaction with safeguarding professionals), the allegations against Officer M were framed as follows in the Notice of Referral, which stands as the 'charge sheet':

Following the 8 June 2020 incident of domestic violence at your home, where children were in the house, a number of professionals from partner agencies were tasked with conducting safeguarding and risk-assessment work in relation to the children of the family. During interaction with such professionals, you

a) Deliberately sought to downplay and/or misrepresent the incident; and/or

b) Presented the incident as one not giving rise to a legitimate welfare concern relating to the children of the family, in a manner likely to bring discredit on the force.

In particular, you said the following or similar:

- a) *"It happens in very house" (to a social worker on 9 June 2020);*
- b) *"There is no domestic violence between my parents, this was an argument that got out of hand. This wouldn't be happening if we weren't Asian" (to a Health Visitor on 15 June 2020);*
- c) *"I think this is ridiculous. This wouldn't be happening if we were white. This happens in every house, arguing and fighting happens in every house" and, following the social worker explaining this does not happen in every house, "I don't understand why everyone is worried" (to a social worker on 23 June 2020);*
- d) *"It [an Independent Child Protection Conference] was not necessary" (to a social worker on 26 June 2020); and*
- e) *Upon a Health Visitor contacting the family home and speaking to your mother, you took over the call and said, "why are you harassing my mother, why are you ringing my mother? You will be hearing from my solicitor" before terminating the call (on 29 June 2020).*

The above conduct breached the Standards of Professional Behaviour relating to Honesty and Integrity and Discreditable Conduct and amounts to gross misconduct.

That was the case against Officer M. The reference to “a social worker” means the Senior Social Worker except in respect of 23 June 2020: on that occasion the Senior and Junior Social Workers were both present.

The relevant conclusions

10. In dealing with the interaction with safeguarding professions, the Panel set out in Judgment Part 1: aspects of the written and oral evidence of the Senior Social Worker; the Junior Social Worker; the Health Visitor; and Officer M. The Panel then referred to “helpful” documents being: the 999 call made by Officer M’s teenage sister; and the BWV footage of police interaction with Officer M’s parents. Finally, on this part of the case, Judgment Part 1 set out the Panel’s conclusions. These occupied three paragraphs but I think it helpful to separate out each sentence and give it a number for ease of reference (which I shall call “Reasons [1]” etc):

[1] On the balance of probabilities, the Panel accept [Officer M]’s evidence that she believed what her parents told her about the incident.

[2] We also find that there was an element of downplaying both the incident and the welfare concerns relating to the children.

[3] This was after the social workers advised [Officer M] of the use of the knife which we accept.

[4] We do however accept the evidence of [Officer M] that she did not have welfare concerns for the children as she would look after them in her role as the eldest daughter of the household.

[5] We accept that [Officer M] was entitled to challenge and question the actions of the safeguarding professionals in the manner she did.

[6] We find that she did not act in a way that was rude or disrespectful.

[7] She did this in her role as a family member and as a daughter, and not in her role as a police officer.

[8] She did not at any time use her position as a police officer in an inappropriate way.

[9] Therefore, on the balance of probabilities, her behaviour towards the safeguarding professionals was not such that it would breach the standards of professional behaviour.

Some points about legally adequate reasons

11. Mr Mallett cited paragraph 77 from the judgment of Stanley Burnton J in R (Ashworth Hospital Authority) v Mental Health Review Tribunal for West Midlands [2001] All ER (D) 135 (9 November 2001), as encapsulating the points he wished to make about the public law duty of a panel to give legally adequate reasons. There are of course many public law cases on legally adequate reasons, in different contexts. In my judgment, the following parts of that paragraph of that judgment are helpful in the present context and the present case:

(a) Proper adequate reasons must be given that deal with the substantial points that have been raised ...

(b) Reasons must be sufficient for the parties to know whether the tribunal made any error of law.

(c) It is unnecessary for a tribunal to set out the evidence and arguments before it or the facts found by it in detail ...

(d) It is often difficult to explain why one witness is preferred to another. Generally speaking, a tribunal's decision will not be inadequately reasoned if it does not give such an explanation.

(e) In assessing the adequacy of reasons, one must bear in mind that the decision will be considered by parties who know what the issues were ...

(f) However, the reasons must sufficiently inform both [parties] as to the findings of the tribunal ... A tribunal must also bear in mind that its decision may have to be considered by those who were not present at or parties to the hearing...

(g) In considering the adequacy of reasons the Court is entitled to take into account the fact that the tribunal has a legally-qualified chairman ...

The Chief Constable's key submissions

12. The case for judicial review advanced by Mr Mallett for the Chief Constable in essence, as I see it, was as follows. The conclusion (Reasons [9]) that Officer M's behaviour towards the safeguarding professionals did not breach the Standards of professional behaviour was not a conclusion reasonably open to the Panel. It was a conclusion vitiated by errors of approach, findings which were unsustainable in light of the evidence, and reasons which are not legally adequate. This can be seen from the following, in particular:
13. The starting point is with what Officer M knew and believed. Officer M's evidence, as the Panel recorded earlier in its judgment, was that she:

... believes it was a verbal only argument and did not involve a knife, as that is what [her] parents told her.

It was this belief to which the Panel was referring when it made a finding that Officer M “believed what her parents told her about the incident” (Reasons [1]).

14. However, any finding (Reasons [1]) that Officer M did hold such a belief – even “initially” – was not a finding which was open to the Panel, acting reasonably in a public law sense, consistently with the evidence. On the evidence, Officer M knew that the incident was not a “verbal only argument”. She knew that it did “involve a knife”. In so far as her parents had “told her” that it was a “verbal only argument and did not involve a knife”, she knew that to be untrue.
15. As to the position “initially”, Officer M knew the position from the day of the incident itself. The evidence which is relevant to Officer M’s knowledge of the nature of the incident includes the following in particular. It can be seen from the description of the relevant recordings of the 999 call and from the BWV in a “Conduct Report”, which was before the Panel and which this Court can accept stands as evidence of what is on the recordings (even though the Panel saw and heard the recordings themselves).
 - i) First, there is the evidence regarding the audio recording of the 999 call from Officer M’s teenage sister. The Conduct Report says this:

A young female ... stated her mam and dad were fighting; she confirmed physically fighting when questioned by the Contact Handler and that her sister is called [Officer M] but could not control them so had advised her to call the police. The female who was clearly distressed and crying confirmed her name ... and that there were other young children in the house. [She] stated ‘it’s my mam, she’s just losing it’. Raised voices could be heard in the background. [She] confirmed her parents and sister were downstairs; she was upstairs and thought the young children were upstairs also. [She] was asked if she had seen anyone hit anyone, she confirmed ‘my mam and dad are hitting each other’. She stated her sister came upstairs to ask how long the police would be and had told her they were still hitting each other. The contact handler advised officers were travelling on a grade 1 response which she relayed to her sister.

Features of this first piece of evidence include: (a) description of a non-verbal altercation (the parents were “hitting each other”); and (b) Officer M trying to break it up (Officer M “could not control them”).

- ii) Secondly, there is the evidence regarding the BWV recording of what the teenage daughter told a police officer (“Officer 1”) at the house. The Conduct Report says this:

[The teenage sister] provided her account in the presence of her sister, [Officer M] due to her age. [Officer 1] asked [the teenage sister] to explain what she had heard and seen. She stated ‘they were just hitting each other, like arguing with each other’. She explained her and [Officer M] had tried to break them up as [Officer M] could not do it by herself. [She] explained both parents initially started the argument and her mother initially went upstairs to try and calm down but came back downstairs and continued arguing. [Officer 1] asked who initiated the physical fighting. [The teenage sister] stated she wasn’t there for that as she was upstairs and only came down when she heard the screaming from her bedroom. [Officer 1] asked her to explain what she could see when she first entered the room. [She] stated ‘they were just like on each other like they wouldn’t let go of each other’. [Officer 1] asked if they were hitting each other, [the sister] stated ‘I think they both were but not like, like to a point where they were like bleeding or anything just hitting each other...on the like face and my mam was pulling my dad’s top and stuff ripping it’.

Features of this second piece of evidence include: (a) description of a non-verbal altercation (the parents were “hitting each other”); (b) the father’s ripped shirt (“ripping it”); (c) Officer M trying to break it up (“[we] tried to break them up as [Officer M] could not do it by herself”); and (d) Officer M hearing this description (an “account in the presence of her sister, [Officer M] due to her age”).

- iii) Thirdly, there is the evidence regarding the BWV recording of what the father told a police officer (“Officer 2”) at the house, and what Officer 2 did after the mother had been arrested and taken away. The Conduct Report says this:

Footage begins and [Officer 2] immediately goes upstairs where [the father] is. [Officer 2] asked him to explain in his own words what happened. [The father] stated he was preparing food and had left an onion on the bench and an argument ensued regards him not putting it in the bin. [The father] stated he was explaining his actions to her and his wife became verbally argumentative and aggressive towards him. [Officer 2] asked him to explain how she was aggressive and if she hit him, [the father] responded ‘yes and then she come at me with the knife and she bite me and hit me with the shoes and slap me’. He showed [Officer 2] his forearm which had a visible bite mark. [The father]’s shirt was tied in a knot near his shoulder and [Officer 2] asked how that happened. [The father] untied his shirt revealing it was ripped stating ‘she did it’, he explained his wife came at him with a knife and demonstrated her doing so by holding his right arm up by his head and moving it in a downward motion, he stated he reacted by holding her (demonstrated in a bear hug manner) enabling him to take the knife from her but in doing so she had bitten his arm. [The father] stated his daughter was there and they both tried to take the knife from her. [Officer 2] asked what his wife said when she had the knife in her hand. [the father] stated ‘I’m going to stab you’. He described the knife as a small knife that he had been using to chop onions. [Officer 2] asked [the father] if he would provide a statement, clarifying, would he be prepared to attend court. [The father] stated it was a family matter and they do not want to go to court, he said ‘she is my wife, she is aggressive and I can control her, I don’t want her to go to court’. [The father] added [the mother] is not aggressive towards the children. [Officer 2] asked whether [the father] was frightened of his wife and he confirmed he was not and that he loved her although she was a bit aggressive and has a high temper. [Officer 2] left [the father] upstairs alone while he went downstairs to liaise and update colleagues. Footage showed [the mother] was arrested and escorted out of the house by officers. [Officer 2] returned upstairs and asked [the father] to identify the knife that his wife picked up and threatened him with. [The father] queried whether his wife would be charged and said ‘if you are going to charge her I’m not going to tell you which one’. [Officer 2] explained that was not his decision and he could not advise at that time. [The father] went to the kitchen and picked up a small knife, handed it to the officer and showed [Officer 2] where his wife came towards him with the knife. [Officer 2] seized the knife and as he left the house he walked past [Officer M] and said ‘I just need to take this’ intimating at the knife.

Features of this third piece of evidence include: (a) description of a non-verbal altercation (eg. “she bite me and hit me with the shoes and slap me”); (b) the ripped shirt; (c) the brandishing of a knife; (d) evidence that Officer M was present, tried to intervene and was aware of the knife (“his daughter was there” and “they both tried to take the knife from her”); and (e) Officer M being aware of the knife being seized and removed (“he walked past [Officer M] and said ‘I just need to take this’ intimating at the knife”).

- iv) Fourthly, there is the evidence regarding the BWV recording of what was said by Officer 1 and the mother at the house, leading to the mother being arrested and taken away. The Conduct Report says:

[Officer 1] entered the kitchen where [the mother], [Officer M] and her younger siblings were present. [Officer 1] explained, in the presence of [Officer M] that as [the father] had a bite mark on his arm suggesting, at that time, she was the aggressor in the situation and therefore would be arrested. [The mother] stated ‘if he hadn’t pull my hair I wouldn’t bite him’. [The mother] was advised she would be able to make a counter allegation in due course. [The mother] was cautioned and arrested on suspicion of Section 47 assault by [Officer 1]. [The mother] went on to say ‘I have to bite him to get his hands off my hair because she [pointing towards [Officer M]] couldn’t get him off’. [The mother] is escorted from the house...

Features of this fourth piece of evidence include: (a) description of a non-verbal altercation (eg. “if he hadn’t pull my hair I wouldn’t bite him”); (b) evidence that Officer M was present and tried to intervene (“she couldn’t get him off”); (c) Officer M hearing all this (“explained, in the presence of [Officer M]”).

- v) This evidence and the features of it were put to Officer M in cross-examination, extending over a number of pages of the transcript. A combination of many of these points were encapsulated in the following exchange:

Mr Mallett: So I’m just trying to be absolutely clear that having heard the 999 call, having seen and heard what’s on the body worn video, with the knowledge that there’s a bite mark to your father and the knowledge that there’s a ripped shirt, and the knowledge that the Police take away a knife you’re still saying that this was just a verbal argument.

Officer M Yes because that’s what my parents have told me and that’s what I’ve witnessed.

Mr. Mallett I’m not asking you about what your parents told you, I’m asking what you saw

Officer M Yes I witnessed a verbal only argument in that house

Mr Mallett And I’m suggesting to you that’s actually just a lie

Officer M That isn’t a lie because again it goes against my belief

Mr. Mallett I’m just going to suggest to you that you obviously did down play the incident, you’re down playing it now, you’ve misrepresented what you saw and you ignored the fact that the Social Services had a legitimate welfare concern in respect of the younger children

Officer M No

On no reasonable basis, in light of the evidence, could the Panel reasonably have concluded that this was credible and truthful evidence from Officer M.

16. One of the difficulties is that, when the Panel set out the evidence in Judgment Part 1 the description of Officer M’s evidence, the 999 call recording and the BWV recordings was cursory, and did not identify the features from the recordings, nor summarise the points put in cross-examination or Officer M’s responses to the cross-examination. That

lack of detail then ‘feeds in’ to the unreasonableness of the Panel’s findings and conclusions and the inadequacy of its reasons. This is how the Panel had summarised the written evidence of Officer M:

[Officer M] says in her written evidence:

She believes it was a verbal only argument and did not involve a knife, as that is what parents told her. Her mother was released with no further action, and this reinforced her belief that it was only a verbal argument. Her parents find it difficult to understand conversations beyond routine English. She did question the actions of the social worker, but she was not rude or disrespectful. She denies that asking the social workers to justify their actions is a breach of standards. She denies that an omission to intervene would be a breach of standards. She heard her parents arguing and came downstairs and saw her parents engaged in a verbal argument, she asked them to stop. [Officer M] then went to check on her siblings who were upstairs and her parents continued to argue. She then heard her sister speaking to the police. When the police arrived, she began receiving messages from the local community and was aware of people out on the street. She says she was distracted and emotional and physically exhausted. She says she was not present when a knife was referred to. She did not downplay the incident as she believed what she had observed and what her parents told her, that it was a verbal argument only. She was not rude or disrespectful with the social workers.

This is what the Panel said about Officer M’s oral evidence and about the recordings of the 999 call and the BWV:

In her live evidence:

She confirms her written evidence and says she was asking questions of the social workers so that she could explain things to her parents and that they did make a complaint about the social workers. The remaining evidence was providing more detail on her written evidence.

The following documents were helpful:

The 999 call from her sister, saying [Officer M] was unable to control the parents and the parents were still hitting each other. A knife is not mentioned in this call.

The body worn video footage of the interaction with the parents. In this footage, the father confirms that a knife was involved, and he was bitten.

17. In the light of the evidence about the position “initially”, the finding (Reason [1]) was not reasonably open to the Panel on the evidence and did not involve any or any legally adequate reasons. But even if and to the extent that Officer M could have believed “initially” that this was a “verbal only argument which did not involve a knife”, she was well aware of the true and serious nature of the incident soon afterwards. As the Panel found (Reasons [3]), the Senior and Junior Social Workers had advised Officer M about the use of the knife. As the Panel recorded in the judgment, when summarising key features of the evidence, the Senior Social Worker had “highlighted the knife part of the incident to the family and read it out to the family at the first meeting”. Furthermore, Officer M had accessed the police computer system on the fourth occasion (9 June 2020), the day after the incident. In doing so, she was shown on the evidence to have accessed records stating how the incident had been reported. Officer M denied accessing those records on that occasion. But the Panel rejected that account and found as a fact that she had done so. The materials which she accessed recorded reference to Officer M’s mother as having brandished a knife.

18. It follows from all of this that the Panel's finding that Officer M "believed what her parents told her about the incident" is unsustainable and unreasonable. It discounted key aspects of the evidence. It did not grapple with those factors of the case. It did not explain the basis for the Panel's findings and conclusions, having taken into account of them. It involved no comment on the cross-examination. Not did it have regard to the fact that, on two important aspects of the case – whether Officer M had undertaken the fourth incident of accessing the police computer system and whether she had denied the first three incidents to the Inspector – the Panel had rejected as implausible Officer M's account. That was the only reasonable conclusion, on the evidence, on this aspect too. That means in turn that the only reasonable conclusion on the evidence is that, when she was interacting with safeguarding professionals, Officer M knew the serious nature of the incident, and in particular that a knife had been brandished. Given that knowledge, there was a "downplaying" of the incident and of the welfare concerns relating to the children on the part of Officer M. That, indeed, was what the Panel found (Reasons [2]). The reference to "an element of" downplaying is itself unclear and calls for an exercise of extrapolation, undermining the legal adequacy of the reasons. But any "element" of downplaying constitutes a relevant and material downplaying.
19. Once that position is reached and understood, it is impossible for the Panel reasonably to sustain the finding that there was no breach of the Standards of professional behaviour (Reasons [9]). Officer M made the various comments recorded in the allegations, as was established by the convincing evidence of the Senior and Junior Social Workers and the Health Visitor, key aspects of which were set out in the Panel's judgment. There was no material dispute about that. Officer M downplayed as non-serious, as is reflected in those comments and in the evidence of her general response and reaction, an incident which had involved violence and the brandishing of a knife, in a household where there were several young children, and where one of the teenage children had been driven to dial 999. As a police officer, even in a private setting, Officer M needed to act with "honesty and integrity" and in a manner which "did not discredit the police service" or "undermine public confidence". In her downplaying of the seriousness of the incident and the child welfare concerns, in the light of what she knew about the incident, it was not reasonably sustainable for the Panel to conclude that there had been no breach of those Standards. Viewed in this context, it could be no excuse that Officer M did not personally herself have welfare concerns for the children, on the basis that she would look after them in her role as oldest daughter (Reasons [4]). Safeguarding concerns were a matter for the safeguarding professionals to appraise. What was required of Officer M was the straightforward provision of accurate information so that they could do their jobs. It is, similarly, no excuse that Officer M was interacting with the safeguarding professionals in her role as a family member and daughter, and not in her role as a police officer (Reasons [7]). The Standards of professional behaviour of honesty and integrity and discreditable conduct apply "whether on or off duty". The duty to "be honest and act with integrity" is in addition to the distinct part of the police officer's duty not to "compromise or abuse their position".
20. In the light of these points, the Panel provided no or no legally adequate reasons, for coming to the conclusion that it did, and for finding that the downplaying of the incident and of the welfare concerns relating to the children did not constitute behaviour towards safeguarding professionals (Reasons [2]) involves no breach of the Standards of professional behaviour (Reasons [9]). That was a wholly unreasonable conclusion.

21. But the concerns go much further. Whether or not Officer M genuinely believed that the incident was as she said her parents had described it to her, these were nevertheless safeguarding professionals who were doing their jobs, in relation to an incident which had been reported, recorded and referred to them as being a serious incident involving domestic violence and the brandishing of a knife. There were the clear references in Officer M's evidenced comments to the safeguarding professionals, as set out in the allegations, that: "this wouldn't be happening if we weren't Asian" (to the Health Visitor on 15 June 2020); and "this wouldn't be happening if we were white" (to the Social Worker on 23 June 2020). These were clear and serious allegations of racism, directed at safeguarding professionals. Such allegations were plainly unjustifiable. Some aspects of this appeared in the Panel's summary of the evidence: the incidents referring to racism feature in relation to both Social Workers but not the Health Visitor. It is no answer to say as the Panel did that Officer M was not using her position as a police officer; that was acting as a family member and a daughter and not as a police officer (Reasons [8], [7]). It is no answer to say that she was not "rude" (Reasons [6]). It is plainly wrong and unreasonable to find that she was not "disrespectful" (Reasons [6]). In the context where, as Officer M knew, safeguarding professionals – for their part – were dealing with a situation in the light of what had been reported and recorded as a serious matter involving the brandishing of a knife, it was not reasonably sustainable on the evidence to characterise the accusations of racism as other than "disrespectful" (Reasons [6]); nor to find that Officer M was "entitled to challenge and question" the safeguarding professionals' actions "in the manner she did" (Reasons [5]).
22. The implications resound from the evidence. To take one example, as the Senior Social Worker said in her evidence, she had "grave concerns" that Officer M did not recognise the risks even when they were highlighted by professionals, that she has collaborated with many police officers but has never witnessed a police officer conduct themselves in the way that Officer M did, and: "The situation has made me feel horrendous, both personally and professionally ... I have never experienced, throughout all the years I have worked in this role and similar roles, accusations of racism or of being unfair". The Panel did not grapple with this part of the evidence, and this part of the case against Officer M, regarding the allegations of racism which she made. The Panel failed to give any or any adequate reasons why such serious and unfounded allegations of racism did not constitute a straightforward breach of the Standards of Honesty and Integrity and of Discreditable Conduct. The only conclusion reasonably open to the Panel was that it did. To say in relation to this part of the case that Officer M was "entitled" to "challenge and question" the safeguarding professionals "in the manner that she did" is unsustainable.
23. For these reasons, the Panel's approach, conclusions and reasoning are flawed in public law terms. That is the case in a number of ways, any of which would vitiate the Panel's decision. As identified in the four grounds on which permission for judicial review was granted: the findings made by the Panel as to Officers M's belief was not reasonably open to the Panel on the evidence (Ground 1); there was a failure by the Panel to consider whether the downplaying of the incident and of the welfare concerns relating to the children constituted a Standards breach (Ground 2); there was a failure by the Panel to consider whether the allegations of racism made to safeguarding professionals were appropriate (Ground 3); and, overall, there was a finding which was not reasonably sustainable on the evidence that there was no proven case of breach of the

Standards in the conduct of Officer M interacting with safeguarding professionals (Ground 4).

24. That, then, is the essence of the arguments advanced by Mr Mallett in favour of granting judicial review, as I saw it. The remedies sought on the basis of these arguments are that the decision should be quashed and the Court should substitute a finding of gross misconduct in the interaction with safeguarding professionals and – put alongside the Panel’s other findings – should substitute an outcome of dismissal from the force. Alternatively, the Chief Constable submits that the case should be remitted for reconsideration of these aspects and the outcome overall.

Discussion

25. These submissions are clear, comprehensive and sustained. But I have not been persuaded by them. I will explain why.
26. The starting point is that judicial review of the Panel does not stand as an appeal on the merits in which the judicial review court substitute its own judgment on questions of fact and judgment for those arrived at by the specialist three-person Panel. What is needed for judicial review to succeed is a material error of approach constituting a public law error. That includes a finding or conclusion which is unreasonable in a public law sense, including being unsupported by evidence or being unsustainable on the evidence. It includes reasoning which breaches public law standards of legal adequacy, including by reference to the points in the Ashworth case. I have in mind not only the specialism of the Panel but also the nature of its process. The Panel heard the recording of the 999 call and saw the BWV footage (I have the summary in the Conduct Report). The Panel had oral evidence from live witnesses, with cross-examination, and questions from the Panel members, including the senior and Junior Social Workers, from the Health Visitor and from Officer M (I have the transcripts). I do not have the entirety of the evidence which the Panel had, nor the representations which it read and heard, in relation to interaction with the safeguarding professionals. I do not have the entirety of the evidence – nor can I replicate the nature of its delivery – on the other aspects of the case, which enabled the Panel to consider the picture as a whole and in the round. That is not a complaint. The materials which I have been given equip me for the secondary and supervisory function which this Court has. Ultimately, no matter how well I would be able to swoop in and substitute this Court’s findings and reasons, that is not the Court’s function. The question on matters of fact and substance is ultimately whether the Panel reached conclusions which were within the bounds of reasonableness. The question as to the nature of the reasons is whether they were adequate, intelligible and sufficient, in the context and circumstances. I am not the primary decision-maker and I must retain a principled respect for the Panel members who were.
27. I agree that there were and are important questions relating to what Officer M believed about the nature of the altercation between her parents, “initially” and subsequently. The first point concerns what finding the Panel made (Reasons [1]). In the Chief Constable’s pleaded grounds for judicial review, the finding made by the Panel, in accepting what Officer M believed (Reasons [1]), was described in two different ways. It is first recorded that the Panel made a finding of fact that “the officer believed what her parents told her about the incident”. But it is later characterised as being a qualified finding of fact by the Panel “that the officer initially believed that the incident was a verbal incident”. The word “initially” has been imported. That qualification is said to

be justified by virtue of the finding made about what the social workers explained (Reasons [3]). I do not agree. In my judgment, the Panel clearly and straightforwardly was making a finding that Officer M genuinely and in good faith believed, and continue to believe, what her parents told her about the incident. That was her evidence. It was explored in oral evidence. It was probed in cross-examination. It was a central issue at the hearing. The Panel was accepting Officer M's evidence on this aspect of the case. The Panel made clear and explicit that it was accepting that evidence. If the Panel had intended to make a finding of fact that this was Officer M's belief at one point in time, and only until another point of time, that is what the Panel would have said. Especially since the very next reason (Reason [2]) is referable to the position "after the social workers advised" as to the use of the knife, which the Panel accepted had happened (Reasons [3]). If the Panel intended to find that Officer M believe what her parents told her about the incident but only until after the social workers advised her of the use of the knife, that is what the Panel would have said. The finding which the Panel made was a straightforward acceptance of the truthfulness of the evidence which Officer M gave, and on which she was cross-examined at such length, by reference to features on which the Chief Constable relies in this judicial review claim. All of that was clear, and fresh. The Panel had heard all the evidence in the week of the hearing. It had heard Officer M's oral evidence on the Thursday. It had heard the detailed and sustained cross-examination that day. It had heard the closing submissions, emphasising the key points. It had deliberated on the Friday and produced Judgment Part 1 with its findings and conclusions at the end of that day.

28. This is not a case where there was "no evidence" before the Panel that Officer M did genuinely believe what her parents told her about the incident. The Panel had direct oral evidence from Officer M herself as to that belief. Nor is this a case where no "source" was identified for the belief. Officer M's evidence to the Panel was that both of her parents had spoken to her, after the day in question. They had told her what they said was the true nature of the altercation between them. She believed them. She continued to believe them. That was her evidence. That acceptance of what she was told by her parents had a cultural context. That context was addressed at the hearing, including in questions put to all of the witnesses. The parents were the persons who had been involved in the incident. They had been present, throughout. It is not said in this claim for judicial review that there was no evidence that that is what the parents had told Officer M. Nor is it said in this claim for judicial review that it was not reasonably open to the Panel to accept that this was what the parents had told M had taken place. The Chief Constable's case was not that 'your parents cannot have said that to you'. The Chief Constable's case was that 'you knew what you say your parents told you to be untrue'.
29. As I have explained, Mr Mallett for the Chief Constable had the opportunity at the hearing before the Panel – and took it with both hands – to put in his cross-examination of Officer M all of the key features of the evidence by reference to which it was being said that her asserted belief in what her parents had told her was not a true and genuine belief, in light of what she had seen and heard. Officer M said in cross examination that "what I witnessed was just a verbal only argument". She was, for example, cross-examined on the fact that her father told Officer 2 - recorded on BWV – about the incident having involved a knife. Her response was that: "my dad said the opposite to me". She was, for example, cross-examined about her having known that her father had a bite mark. Her response was: "he didn't show me anything" and "my dad said nothing

happened between them and I wasn't in a position to question". It was, for example, also put to Officer M in cross-examination that she was present on the BWV when her mother had told Officer 1 that she had bit her husband to get him off her, and that she (Officer M) had heard her mother say that to Officer 1. Her response was that she had been on the phone and was getting calls from neighbours and family members. That was in the context of her evidence about neighbours and family members having started messaging, and neighbours having gathered in the street, when the police cars arrived outside the house. Asked, for example, about both of her parents referring to her trying to separate her fighting parents her response was: "at no point did I break my parents up because there was no fight it was just a verbal argument". She said in cross-examination: "I played no role in anything other than that just being in the middle". It was put to Officer M in cross-examination that she was "blatantly lying". It was put that she had tried to take the knife off her mother, which is what her father had told the police on the BWV. It was put to her that a knife was taken away by the police and that it was taken away for a reason, to which she responded that she did not know the reason and that her father had told her that the knife played no role in the argument. It was also put to Officer M that she had read the police records on 9 June 2020 stating that a knife had been used to which she replied that she read the computer while system to make sure that nothing had been disclosed. It was put to her that it had been repeated many times that a knife had been used, and that violence was used, to which she replied:

Everything beyond that my parents said it wasn't involved and I believe them and I wasn't going to question them.

She added:

That is the most important thing to me regardless of what anyone else said or what anything else said.

30. As the Panel recorded, Officer M's evidence included the following: that she had seen her parents engage in a verbal argument and asked them to stop; that she then went to check on her siblings upstairs; that she subsequently heard her teenage sister speaking to the police; that in the light of the messages from the neighbours outside in the street when the police cars arrived, she was distracted and emotional and physically exhausted; that she was not present when a knife was referred to; that she did not downplay the incident, but rather believed what she had observed and what her parents told her. As the Panel also recorded, a knife was not mentioned on the 999 call made by the teenage sister. Mr Mallett squarely put to Officer M:

And you're downplaying the incident now, aren't you?

Her response was:

Not at all, I still believe and I know it was a verbal only argument.

I have already set out the exchange, emphasised by the Chief Constable, when Officer M was challenged in cross-examination as to whether she was really still saying this was just a verbal argument, in light of having heard the 999 call, having seen and heard what was on the body worn video, with the knowledge that there was a bite mark to her father, with the knowledge there was a ripped shirt, and with the knowledge that the police took away a knife. Her response was:

Yes, because that's what my parents have told me and that's what I witnessed.

31. The Panel accepted Officer M's evidence that she believed what her parents told about the incident (Reasons [1]). The Panel was, as it demonstrated clearly in various parts of the assessment of the facts, highly attuned to questions of credibility, plausibility, reliability and truthfulness. The Panel believed Officer M. In my judgment, that cannot be characterised as a conclusion which was not open to a panel, acting reasonably in a public law sense. The Panel accepted that Officer M's belief endured, as Officer M in her evidence said it had, based on the nature of the source. That too cannot be characterised as a conclusion which was not reasonably open to the Panel. The Panel was satisfied that on this aspect of the case Officer M was telling the truth.
32. This is important when put alongside the finding which the Panel made that the Social Workers "advised" Officer M of the use of the knife (Reasons [3]). As I have indicated, Officer M gave evidence about this; and she was cross-examined about it. Her evidence was that she accepted – and continued to accept – what her parents told her as the truth of what had (and hadn't) happened during the incident, alongside what she had (and hadn't) seen herself, notwithstanding how it was being characterised by others. The evidence was that this was the reason why she 'downplayed' the incident that was being described to her. In cross-examination she was asked by Mr Mallett:

And so the social workers investigated and you're obstructive to them and you try to downplay the incident don't you?

Officer M's answer was:

The only reason it was downplayed [was] because of what I have witnessed and what my parents had told me [it] wasn't as scary [an] incident that they were making it out to be [but] what I believe was a verbal only argument.

Cross-examined about having accused safeguarding professionals of "racism" when they were "just doing their job", Officer M said:

The only reason I said that was because I believed it was my parents had told is it was a verbal argument and I thought they were just making matters worse for no reason.

33. It is clear that, alongside the Panel finding that Officer M did genuinely believe her parents' description of the incident, but alongside the Panel's finding that the safeguarding professionals had explained that they were for their part dealing with a reportedly more serious incident, the Panel reached its clear and measured finding (Reasons [3]) that:

... there was an element of downplaying both the incident and the welfare concerns relating to the children.

In the grounds for judicial review, this finding is characterised as a finding of fact that Officer M "downplayed the incident and the welfare concerns relating to the children". Whereas in Reason [1] the Chief Constable sought to introduce a qualification ("initially"), now in Reason [3] the Chief Constable seeks to remove a qualification ("an element of"). But the phrase "an element of" are careful, and significant. And the reason why it was "an element" of downplaying is clear. It was because the Panel was satisfied both (i) that Officer M had the genuine belief in her parents' description as true but also (ii) that Officer had been told that, to the safeguarding professionals, the

incident had been characterised as more serious. It was viewed in terms of how the safeguarding professionals were describing the incident, as reported and referred to them, that there was a “downplaying”. It was viewed in terms of what Officer M believed to be the truth, that there was no “downplaying”. That is why the Panel said there was an “element” of downplaying. This is not an exercise of reconstruction. It is simply an exercise of reading the straightforward content of clear reasoning (Reasons [1]-[3]).

34. The Panel then needed to assess the position: that “element” of downplaying; the comments which Officer M had made; and including the comments which she had made referring to a “white family” and an “Asian family”. The Panel had to assess whether this conduct or any of it crossed the line to constitute a demonstrated breach of the Standards. And the Panel had to assess that question by reference to the facts and circumstances. That included the facts and circumstances relating to Officer M: what the Panel had heard and read about her background and experience, and about the unproven effectiveness in her case of the delivery of the initial training. All in a context of – as is accepted – very limited service.
35. In assessing the position, the Panel identified matters which in my judgment were plainly matters which it could reasonably treat as relevant to its evaluation. So far as concerned the safety and safeguarding of the children, Officer M had her belief in the truth of what had occurred and its nature. She also had her recognised role and responsibility as the oldest female sibling within the family. That too had a cultural dimension. It was the context for the absence of welfare concerns for the children (her siblings) on her part (Reasons [1] and [4]). Then there was the finding that, in what Officer M said to the safeguarding professionals, she was not “rude” or “disrespectful” (Reasons [6]). Like the Panel, I cannot accept that it is inherently “rude” or “disrespectful” for a person in a black or minority ethnic group – who genuinely believes that a matter is being pursued by the authorities even though it is non-serious – to raise a concern, if have such a concern, about persons from a white background being treated differently in comparable situation. The belief may be misguided. The concern may be unfounded. The challenge is likely to be hurtful in its impact on the person challenged. But such a concern, based on such a belief, could – logically and in principle – be raised in a way which is neither “rude” nor “disrespectful”. The Panel – who had all the evidence including direct oral evidence (with cross-examination) from the person who had raised the challenge, and those against whom it had been raised, decided that it had been neither “rude” nor “disrespectful”. Then there was the finding that, throughout, this young woman who lived with her parents and cared for her siblings was acting as a family member and as a daughter, and not as a police officer (Reasons [7]). Her points about an “Asian family” and a “white family” and the difference were expressions which the Panel plainly accepted were ones which Officer M made in the context of her genuine belief as to the nature of the incident. That was her evidence. I cannot agree that it was unreasonable, in a public law sense, for the Panel to accept that evidence.
36. It is important, as I have emphasised, that all of the points that have been raised by the Chief Constable which are said to undermine Officer M’s position could be – and were – thoroughly ventilated at the oral hearing before the Panel. I can illustrate that point further, by reference to further aspects of the evidence that was given by the four live witnesses in the case. All of this had been heard by the Panel. It would all have been

fresh. I start with the Health Visitor. The Health Visitor agreed in cross-examination that it would be “normal” for someone like 20 year old Officer M to “believe” what she was “told by her parents”. The Health Visitor also agreed that it would, “quite possibly”, be the case that Officer M would be “more likely to believe” what her parents told her about the nature of the incident than what the Health Visitor, as a stranger, said about the nature of the incident. In cross-examination, the Health Visitor was also asked:

Based upon what officer [M] knew what her parents told about the incident would you accept that when she speaks to you, she is not downplaying the instant she is merely telling [what] she believed happened, what her understanding [of] the incident was.

The Health Visitor answered:

well if that’s the case yes, I mean if that’s her understanding.

She added: “I have got no idea what her parents told [her]”. In cross-examination, the Health Visitor also accepted that there was no “bad language” from Officer M, who never used any “offensive language”. Then, asked by one of the Panel members about being accused of “harassing” someone, that being “quite a serious allegation”, the Health Visitor said:

People say things kind of in the heat of the moment and you know it’s not an unusual reaction.

37. I turn to the Senior Social Worker. She accepted that, in Officer M’s community – a reference to a minority ethnic group – children are brought up to believe what their parents tell them and sometimes without questioning what their parents tell them. The Senior Social Worker also agreed, in cross-examination, that it would be a sign of “disrespect” for an individual not to believe what their parents told them. The Senior Social Worker agreed that it was “understandable” that officer M would believe what her parents told her about the incident and that she wouldn’t “question” her parents’ account. The Senior Social Worker accepted – “totally”, she said – that it is “not realistic” for Officer [M] to accept what you, “a stranger in the house”, “say above what her parents say”. The Senior Social Worker was specifically cross-examined about the comments that “this would not happen if we were white” and that “this happens in every house”. In relation to those comments, the question put was this:

And again, when she says, when the officer said this to you, her understanding is that it’s only a verbal argument. So it is reasonable, isn’t it, to suggest the fact the social work are involved in it that she may feel aggrieved, in relation to that.

In response to that, the Senior Social Worker said:

If that’s what she believes...

Like the other two witnesses, the Senior Social Worker also accepted that Officer M had not been “offensive”, had “never used offensive language”, and never “exploited” or “used” her role as a police officer.

38. Next, the Junior Social Worker. She too gave oral evidence and was cross examined. It was put to her in cross-examination that Officer M was “not going to disbelieve what her parents have told her”. The Junior Social Worker specifically agreed with that. The Junior Social Worker also agreed that it was “understandable” that Officer M would “question” the involvement of social workers in a verbal only fight. She also accepted

that Officer M was “at liberty” to “question the process”. The Junior Social Worker accepted, moreover, that her own “opinion” had been arrived at was without knowledge of Officer M’s “understanding” of the situation. Finally, the Junior Social Worker agreed that Officer M had never referred to being a police officer or her position as police officer in any way.

39. Finally, there was Officer M herself. It was in her own evidence that Officer M told the Panel what she had been told by her parents about the true nature of the incident: that it had been a verbal only argument. It was in this evidence that Officer M described: that she had been present for part of the altercation between her mother and father but during other parts of it had been elsewhere in the house; that she had not seen anyone brandishing a knife; that she had not been present when her father had given his account recorded on the BWV; that she never saw either of her parents brandishing a knife; that her dad had told her since it was just a verbal argument he didn’t understand why his wife had been taken away; that her mum had told her that the incident was a verbal only argument; that she believe both her parents; that that was reinforced by the fact that “no further action” was taken against her mother; that she had never been rude to the safeguarding professionals; that for her part she regarded it as “insulting and disrespectful” for the safeguarding professionals to be investigating way that they were; that the reference to a “solicitor” was because they were going to be registering a complaint, as indeed they did. She explained why she did not question the truth of what her parents told her. She gave other evidence and other answers to questions in cross-examination, much of which I have already referenced.
40. I have considered the details, and the evidential picture as a whole, from the materials put before this Court. This was a multi-faceted case. It called for the careful attention, consideration and evaluation by specialist panel, who brought their skill, experience and insight to the function of determining the case. They were a balanced team: a legally qualified chair; a senior police member and an independent panel member. They considered the issues carefully and methodically. They had read and heard the evidence. They were assisted by skilled Counsel for both parties who had probed the evidence of the witnesses. They evaluated the case while it was all fresh in their minds. They arrived at clear findings. They explained why they had concluded that there had not been a breach of the Standards, in relation to the interaction with safeguarding professionals.
41. The Panel’s findings included, as a key conclusion, that in all the circumstances Officer M was “entitled” to “challenge and question” the actions of the safeguarding professionals “in the manner she did” (Reasons [5]). I cannot accept that this was other than a coherent and reasonably sustainable finding, in the context of the Panel’s other coherent and reasonably sustainable findings.
42. The Panel’s reasons were legally adequate in a public law sense. The Judgment Part 1 was provided promptly, to an informed audience. There was no error of public law in the way in which the evidence was summarised (nor was any such error one of the pleaded grounds for judicial review). The Panel’s judgment and appreciation as to what it wished to emphasise, involved no public law error of approach. The points identified from the Ashworth case did not require more of the Panel, as a matter of public law duty. It was clear to the parties how the principal issues had been determined and on what basis.

Conclusion

43. For these reasons, I do not accept the Chief Constable submission that there was any public law error of approach in relation to the Panel's findings, conclusions or reasons regarding the interaction with safeguarding professionals. As I explained at the start of this judgment, that is the only area of the decision which is under scrutiny at this substantive judicial review stage. In those circumstances, the outcome arrived at by the Panel stands. The claim for judicial review is dismissed. If there is any consequential matter, I will deal with it by subsequent order on the basis of written submissions.