

IN THE MATTER OF:

POLICE APPEALS TRIBUNAL RULES 2020

POLICE (CONDUCT) REGULATIONS 2020

BETWEEN

**FORMER OFFICER T/DC LILY O'HARA.**

**Appellant**

**-and-**

**THE COMMISSIONER OF POLICE FOR THE METROPOLIS. Respondent**

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**STATEMENT OF PAT DETERMINATION OF APPEAL**  
**(PATR 2020. Rule 26(5) )**

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1. This matter concerns an appeal brought by former Trainee Detective Constable Lily O'Hara. (The Appellant) She joined the Metropolitan Police Service in 2021 as a Direct Entrant, to train as a Detective. However, following disciplinary proceedings, she was dismissed without notice at a Misconduct Hearing held on the 18<sup>th</sup> and 19<sup>th</sup> of January 2023, at which she had been represented by Mr Ponte of Counsel.
2. As was her right, the Appellant appealed against both "the finding and disciplinary action imposed". The Panel's decision is recorded in a Regulation 43 Police (Conduct) Regulations 2020 (Conduct Regulations) Notice of Outcome dated 19.1.2023.(Notice)
3. The PAT heard the appeal in public on 14.9.2023 and this document records its determination and its reasons. In addition to the Chair, the Tribunal comprised an Assistant Chief Constable and an Independent Panel Member. The burden of proof rested with the Appellant to prove her grounds of appeal to the applicable standard of proof, namely that of the balance of probabilities. The Appellant was represented by

Keith Malda, her Police Federation Representative, who had been present at the Misconduct Hearing and the Respondent by Julian Waters of Counsel, who also appeared there. The Tribunal is grateful to both Advocates for their assistance in the appeal.

## **DISCIPLINARY PROCEEDINGS**

4. The Appellant had been served with a Regulation 17 Notice on or around 26.11.2021. It contained a single allegation, namely that:
5. On 11.10.21 you used a 26-7 railcard to obtain a discount on a railway ticket for travel from London to Harrogate. You knew that you were not entitled to use the Railcard because:
  - a) You were aged 32 and therefore outside the age limit for using it.
  - b) the Railcard was not yours but in the name of and belonging to [another]. [the Railcard]
6. The Appellant responded to the Regulation 17 Notice in a written statement admitting to the allegation and that her conduct was a breach of the Standards of Professional Behaviour as to Honesty and Integrity. It amounted to gross misconduct.
7. The Appellant was then served with a Regulation 30 Notice in August 2022 (approximately 9 months later) which now contained two allegations against her. The first was as per the single allegation in the Regulation 17 Notice. The second was in terms that:

On three other occasions on dates unknown, she used the Railcard to obtain discounts on railway tickets. On each occasion she was sad to have known that she was not entitled to use it because the Railcard was not hers but in the name of and belonging to another.
8. In her Regulation 31 Response, the Appellant admitted allegation 1 relating to the journey on 11.10.2021. The specific conduct that she admitted was that:
  1. She used the Railcard to obtain a discount in respect of travel on the London to Harrogate train on 11th October 2021.
  2. That she knew that she was not entitled to use the Railcard to obtain the discount.
  3. That she knew that she was outside of the age for use of the Railcard, and that she knew that the Railcard was in the name of another. She said she did not know that the Railcard had expired.
9. The Appellant also admitted that her conduct, amounted to gross misconduct and was a breach of the Standards of Behaviour as to Honesty and Integrity.
10. The Appellant however, denied allegation 2 in its entirety.

11. At the start of the Misconduct Hearing, Counsel for the Appellant, Mr Ponte, made application to stay allegation 2 on the basis that to hear it would be unfair, in light of alleged procedural breaches of the disciplinary process. The Panel was urged to proceed to determine allegation 1 only, on which the Appellant accepted that she breached the Standard of Professional Behaviour of Honesty and Integrity and that this breach amounted to gross misconduct. It was said that inherent in that acceptance was that dismissal would be justified on account of her actions (although she would argue that ought not to be the outcome).
12. Written submissions dated 17.1.2023 had been provided to the AA on behalf of the Appellant shortly before the Hearing, leaving the Panel little time to prepare. The application was opposed by the AA. Oral submissions were made by both parties to the Panel and they heard evidence. The Panel dismissed the application for a stay.
13. The Panel's reasons included findings that it was not prejudicial to the Appellant to allow allegation 2 to continue, nor did it render the process unfair. The officer knew in October 2021 that both the Railcard and her online train booking accounts would be interrogated. The Regulation 17 Notice had wide terms of reference and in addition the letter to her from LNER dated 11.11.21 referred to "fares" plural being paid. The Appellant had paid a substantial sum [namely £304.20 plus an admin fee of £134, totalling £464. Furthermore, the Panel said that the full scope of allegation 2 had been known since August 2022. The written evidence was said to suggest that the officer had accepted culpability for the additional journeys. (That admission was denied by the Appellant) Also, the Panel felt that findings on allegation 2 could be made on the available evidence and that to be called. They would weigh and analyse that evidence.
14. The Panel found both allegations proved and that the Appellant had breached the Standards of Professional Behaviour as to Honesty and Integrity. Her conduct was assessed as gross misconduct. The outcome, taking the conduct in both charges into account, was dismissal without notice.

## **GROUND OFS OF APPEAL**

15. The Grounds of Appeal, dated 23 2023 are drafted by Mr Malda and are summarised as follows:
  4. The Appellant is appealing against both the finding and disciplinary action from the Hearing.
  5. The Panel found that the Appellant's conduct amounted to Gross Misconduct in relation to both allegations. This was unreasonable. (*Home Office Guidance, para 26.21 a*)
  6. The Panel determined that the Appellant should be dismissed without notice. This was unreasonable. (*Home Office Guidance, para 26.21 a*)
  7. There was a breach of the procedures set out in the Conduct Regulations. (*Home Office Guidance, para 26.21 c*)
  8. There was an unfairness which could have materially affected the finding (*Home Office Guidance, para 26.21 c*)

9. There was an unfairness which could have materially affected the decision on disciplinary outcome (*Home Office Guidance, para 26.21 c*)
16. It was submitted to the Tribunal, for the Respondent, that the appeal contained no real challenge to the Panel's findings of facts. This issue was considered at the R.15 Review stage and whilst it was right to say that there was limited detail on the issues as to specific facts found, I was able to discern that challenge was indeed being made, not least that the Appellant was maintaining her denial of having made any admission as to taking other rail journeys, using the Railcard, or indeed any other railcard she wasn't entitled to use.
17. In the Review, I took into account the fact that the Appellant did not have legal representation by the time of the appeal and allowed a degree of latitude to her, to ensure that, as far as possible, the parties were put on a level playing field in the appeal, whilst maintaining fairness to them both. In doing so, in my Review, I treated grounds numbered 1, 2 and 3 as appeals under PATR R.4(4)(a) and grounds 4, 5 and 6 as appeals under R.4(4)(c). Neither party chose to make any submissions to the contrary as part of the Review process. I also explored with Mr Malda at the start of the appeal hearing, his meaning of the word "finding" in the grounds of appeal. Mr Malda confirmed that it related to what the Panel said on allegation 2.
18. In essence, the Appellant avers that there was a clear procedural breach of the statutory and regulatory disciplinary process by the MPS in failing to serve a Regulation 17 Notice in relation to allegation 2. The allegation was said to have been "sneaked in at the last moment." In addition, the Appellant was not served with adequate disclosure, nor was her account sought.
19. When the Appellant first became aware of allegation 2 at the Regulation 30 stage, the drafting left her unclear as to the dates she was alleged to have made further use of the Railcard. When clarity was sought, they were presented only with more confusion.
20. The Appellant is also said to have suffered another material unfairness caused by the delay in bringing allegation 2 into the proceedings. Had she been served with notice of it at the outset, at the earliest stage, she would have requested what seemed like a basic line of enquiry. However, by the time the Regulation 30 Notice was served and the defence raised questions, LNER had lost the underlying material that might have assisted her case and undermine that of the AA.
21. The Appellant is said not to have had the benefit of an important procedural safeguard to give her notice of the wider investigation and she has been prejudiced by that failure.
22. That unfairness is said to have materially affected the determinations made in the hearing. Allegation 2 should not have formed part of the proceedings against her and it was unfair for the Panel to decide that allegation 2 should remain and to make a determination on it. Instead, the Panel should have stayed allegation 2 on the basis that it was unfair to proceed with it at that hearing. It clouded the judgement.
23. The determination was intertwined with both allegations, with the Panel deciding that the conduct in its totality amounted to gross misconduct. The outcome was based on

both allegations. Had due process been followed the Panel may have come to a different conclusion, particularly at the sanction stage.

24. The Appellant also adopts in the appeal, the written submissions of Mr Ponte in the hearing below on the application to stay allegation 2.
25. The Appellant seeks a fair hearing on the evidence that forms part of the lawful investigation, namely that relating to allegation 1 in the Regulation 17 Notice.

#### **RESPONSE TO THE GROUNDS OF APPEAL.**

26. The Respondent disputes the appeal in its entirety. It is said to be based on a technicality namely that the Regulation 17 notice did not address the details of allegation 2 and the allegation should have been dismissed without a hearing of the evidence.
27. Whilst the AA readily acknowledges the importance of due process and does not seek to denigrate the significance of a Regulation 17 Notice, it is trite law that a breach of procedure does not and should not automatically invalidate or prevent further proceedings.
28. The assertion of unfairness caused by LNER having lost underlying material is said to be based on a misunderstanding of the evidence. There never was any record of the specific dates of travel on the three occasions in allegation 2. Once the Appellant admitted at the meeting with LNER to using the Railcard on the three other occasions, the focus of the meeting turned to consideration and assessment of the amount of compensation due. Earlier notification by a Regulation 17 notice could not have produced evidence which did not exist.
29. As a secondary point, it is submitted that the appeal is otiose in any event. The Appellant admitted gross misconduct under Allegation 1. The only realistic sanction for such a deliberate and premeditated act of dishonesty is dismissal without notice.

#### **TRIBUNAL'S FINDINGS**

30. The Tribunal was provided with the hearing bundle, including a transcript of the Misconduct Hearing and the appeal bundle. It also heard submissions on behalf of the parties and all were considered in deciding the appeal. Mr Waters also provided the Tribunal with a helpful skeleton argument, prior to the hearing, to support the Respondent's case.
31. The Tribunal found that the appeal against the Panel's decision not to stay allegation 2 was, on the balance of probabilities, made out. The decision was unsafe and amounted to unfairness within the meaning of PATR R.4(4)(C) The Tribunal concluded that the breaches of the Conduct Regulations by the AA amounted to irredeemable prejudice, to the point that a fair hearing on allegation 2 could not take place.
32. Its reasons for such findings relate to procedural failings in the disciplinary process. Mr Malda submitted that no malice was alleged against the AA in the manner in which the

disciplinary process was run but that the breaches had taken place and were serious. The Tribunal agreed with his submission and found that breaches of the statutory and regulatory disciplinary process are likely to have occurred in the proceedings brought against the Appellant.

## **BREACHES IDENTIFIED**

### **33. Failure to serve a Regulation 17 Notice of the conduct in allegation 2.**

34. Regulation 17(1)(a) of the Conduct Regulations specifies that the investigator must, as soon as a reasonably practicable after being appointed, give the officer concerned a written notice stating (a) the conduct that is the subject of the allegation and how that conduct is alleged to fall below the Standards of Professional Behaviour. (None of the caveats to that requirement are relevant in this case.)

35. In addition, Reg.17(5) requires that when notice is given under paragraph (1)1 and the AA revises the terms of reference, the appropriate authority must as soon as practicable give the officer concerned the revised terms of reference. These must be served as soon as reasonably Practicable.

The AA admitted at the Misconduct Hearing and in the appeal that it had failed to serve a revised Regulation 17 Notice to include the conduct in allegation 2 but submitted that it was a technicality and of no material significance. The Tribunal rejected the submission.

36. In deciding not to stay allegation 2, the Panel found that the Appellant knew in October 2021 that both the Railcard and her online train booking account would be interrogated. Further, the Panel found that documentary evidence showed that the Appellant had admitted the additional journeys.

37. The Tribunal noted that the Panel relied on documentary evidence from LNER, namely its letter to the Appellant confirming the amount that she must pay for reparation and that the letter included a reference to “fares” plural.

38. The Tribunal find that whilst that was indeed the case, the letter also referred to “fare” singular and could not, on the balance of probabilities, be seen in its view, as determinative as to being a reference to 4 journeys.

39. The Panel also relied on the Appellant’s payment to LNER of the sum of £304.20 for reparation and an administration fee of £160. The Tribunal noted that there was evidence that the Appellant’s Solicitor had been in discussion with Mr Craggs at the meeting. The Tribunal gained the impression that the Appellant was somewhat passive in the discussion and wanted to pay reparation and get the matter closed. Her priority was to save her career. The Tribunal also noted that there was no clear evidence before the Panel from LNER either as to the method it used to calculate reparation, nor as to how the figure of £304.20 was arrived at. On the Tribunal’s assessment of the evidence, it demonstrated that the Appellant had paid the sum for reparation, rather than amounting to proof of it being for 4 journeys.

40. The Panel also found that the Regulation 17 notice had wide terms of reference. The Tribunal find that the conduct to be investigated is specified as that relating to the 11.10.21 journey only. There is no clear indication that any other journeys would be in scope.
41. Similarly, the Investigation Report dated 25.12.2022 shows that, even though the IO was fully aware of Mr Craggs reference to additional journeys, they were not specified as being an active part of the investigation. The Report refers to Mr Craggs having completed further investigation to establish whether the Appellant had purchased other tickets with a Railcard discount and says that a number of other purchases were found to have been made with a Railcard using the same account, however, it said that these could have been purchases made for another person.
42. It was apparent from email exchanges that the IO was unclear as to what was meant by the comment in Mr Craggs's draft, as to other journeys and he emailed him to ask if any details could be given. The reply from Mr Craggs said no such detail was available and the enquiry appears to rest there. Accordingly, the Investigation Report confirms that "this report relates to trainee detective constable O'Hara's use of another person's Railcard to purchase a discounted train ticket for herself, the journey in question being recorded as that on 11.10.2021.
43. The Tribunal find that whilst the Appellant would likely have seen a reference in Mr Craggs draft unsigned witness statement to other journeys when that was disclosed in late January 2022 and mentioned in the Investigation Report, the fact remains that they were not referred to in the description of the misconduct to be investigated, at no point does the Investigation Report conclude that the Appellant had a case to answer on anything other than the single Journey on 11.10.2021, nor were they included in any formal allegations against her until service of the Regulation 30 Notice in August 2022, approximately nine months after the Regulation 17 notice.
44. The terms of reference record that the intention of the Notice is to ensure a greater level of transparency within investigations, ensuring that an officer can understand precisely what they are under investigation for and the lines of enquiry to be followed. It is also hoped that in providing terms of reference they will be encouraged to co-operate in and engage with the investigation process and provide more detailed responses to notices, in interview or when providing written responses under caution.
45. The Tribunal note that these are of course essential safeguards of a fair and transparent process.
46. Mr Malda made enquiries of the IO to clarify its case against the Appellant but says they were met with more confusion. He asked If the draft unsigned statement would stand as his evidence and was told that it would. No further disclosure was made.
47. In those circumstances and in the absence of a specific charge against the Appellant relating to any additional journeys, she was entitled to believe that she faced one single charge, that she herself had voluntarily reported to her employers.

48. There was no evidence before the Panel, nor the Tribunal that the Appellant did other than prepare her case on a single allegation until the Regulation 30 Notice advised her otherwise. By way of example the Appellant did not address any allegations of additional journeys in her statements in response to the Regulation 17 Notice, as none existed at that time.
49. **Delay & Disclosure Issues in Bringing Allegation 2 and Impact on Appellant's Conduct of Defence**
50. Despite the IO having obtained all the evidence that the AA relied on by the end of January 2022, it took a further 7 months before the Regulation 30 Notice was served, putting allegation 2 for the first time. The only explanation from the AA for the delay was that the case had been looked at by fresh eyes and it was decided that there was a case for her to answer as to additional journeys. The logical conclusion is that the same view had not been taken by the IO, seized of the same evidence.
51. The Appellant's case is that important safeguards in the disciplinary process were missed because of the failure to serve an amended Regulation 17 Notice and the failure to serve the Regulation 30 Notice to include allegation 2 in a timely manner. By the time allegation 2 was formally made, in the Regulation 30 Notice on 15 August 2022, the LNER records of any additional journeys relied on were no longer available to be disclosed, as they had changed their system. The Respondent's case is that there never were any dates for the additional journeys alleged and said there was no prejudice to the Appellant.
52. The Tribunal rejected the Panel's finding that there was no prejudice to the Appellant in not staying allegation 2. It found that data of some sort is likely to have existed on the LNER and Trainline systems and must have existed at the meeting on 10.11.21. Mr Craggs' evidence was that he had found a number of journeys in a range of dates covered by the railcard in his enquiry, although no details were forthcoming. It was too late by August 2022 for either party to be able to interrogate the digital records referred to by Mr Craggs.
53. Furthermore, there is no evidence that any enquiry was made in the disciplinary investigation by the AA as to whether any other evidence existed beyond the digital records, for example, Mr Cragg's notebook, or the information he passed to LNER's for next stage in its process, to calculate the necessary reparation.
54. Unfortunately, it is not known what the evidence and notes would have said but the failure of the AA to meet its obligation to obtain and disclose evidence that may undermine or assist its case, denied the Appellant a relevant line of enquiry in her defence as to how the reparation was calculated, at the very least. Mr Malda told the Tribunal that the MPTS would never treat a member of the public, subject to an investigation, in the way that it treated the Appellant.
55. The Tribunal find that there are important matters that follow from the regulatory notices that the Appellant was deprived of, including that she was not interviewed and given opportunity to explain her case on any additional journeys, so that necessary lines



of enquiry by both the IO and the Appellant could have followed before service of the Regulation 30 Notice. The lack of further enquiry by the AA resulted in an absence of any reference to additional journeys in the investigation report and consequently, no finding in that report of there being a case for the Appellant to answer on allegation 2, again, a necessary and important requirement of the Conduct Regulations.

56. As Mr Waters rightly submitted, regulation is directory and not mandatory. A breach of regulation does not of itself, vitiate the disciplinary process. That said, regulation is regarded as an essential protection for police officers facing disciplinary charges. The IO is required to give the person subject to investigation written information of the report, allegations or complaint as soon as is reasonably practicable.
57. It is plain to see why timeliness in proceedings is key, given that, as in this case, evidence may be lost and memories may fade, rendering the prejudice to the officer that is irredeemable.
58. The disciplinary process on allegation 2 let the Appellant down and the breaches of the Conduct Regulations by the AA amounted to irredeemable prejudice to the Appellant in her ability to respond adequately to the case she then faced. Proceedings can lead to an officer losing their career, as in this case. and the public losing the service of that officer. In order for officers and the public alike to have confidence in a fair process, its requirements must be adhered to.
59. In light of the matters identified, the Tribunal found, on the balance of probabilities that the Appellant had proved her appeal pursuant to PATR R.4(4)(c) and the Panel's decision on allegation 2 was set aside.

## **OUTCOME**

60. At the outset of the appeal hearing both parties had indicated that, should the appeal in relation to allegation 2 succeed, they would wish to make submissions on outcome in relation to the conduct in allegation 1. The finding on outcome was inevitably based on the Panel having considered both allegations and finding there to be a pattern of dishonest conduct. As Mr Malda submitted, the outcome required fresh consideration, taking into account the conduct in allegation 1 only.
61. Following the announcement of the decision on allegation 2, I canvassed the parties as to their views on the potential next steps in the appeal, the options being to remit the decision on outcome on allegation 1 to a fresh Panel, or for the Tribunal to determine that outcome.
62. Mr Malda invited the Tribunal to make the determination on outcome. Mr Waters was without instructions and took a neutral position on the point. The Tribunal members were satisfied that they were able to decide outcome, disregarding any of the matters in allegation 2 and invited the parties' submissions on outcome for allegation 1.
63. The Appellant had admitted purchasing a rail ticket in August 2021 to take a Spa Day with a friend, using a railcard that belonged to another, to obtain a discount on the fare of approximately £17. The journey was made on 11.10.2021.

64. The Tribunal considered the relevant submissions to the misconduct hearing as to outcome and the parties further submissions, taking into account the change in the conduct to be assessed. In essence the Appellant submitted that a Final Written Warning reflected the nature of the conduct, which was not operational dishonesty; the Appellant had self-reported it; her difficult circumstances at the time and her strong character references. For the Respondent, Mr Waters submitted that Dismissal Without Notice would be the only outcome to reflect the conduct and address the 3 purposes of the disciplinary process.

In determining outcome, the Tribunal were mindful that a sanction is not designed to be punitive but may have a punitive effect. It should be no more than necessary to address the conduct and satisfy the purposes of the proceedings. It was required to consider the least severe outcome first, considering all available sanctions in ascending order until the appropriate outcome is arrived at.

65. The Tribunal followed the structured approach set out in *Fuglers LLP & Others v SRA* [2014] EWHC 179 Admin, by Popplewell J (as he then was) as approved by the Honourable Mrs Justice Heather Williams DBE in *R on the Application of Commissioner of Police of the Metropolis v PAT v Superintendent Robyn Novlett Williams, Director of IPOC* [2022] EWHC [951] (admin)

The necessary stages are:

(1) assess the seriousness of the misconduct.

(2) keep in mind the purpose for which sanctions are imposed by the Tribunal, namely:

1. To maintain confidence in and the reputation of the police service.
2. To uphold high standards in policing.
3. To deter misconduct and to protect the public.

(3) choose the sanction which most appropriately fulfils that purpose for the seriousness of the conduct in question.

## **66. Seriousness of Misconduct**

The Appellant had admitted that it was gross misconduct, i.e. conduct so serious as to warrant dismissal. There is no presumption of dismissal and the Tribunal therefore went on to consider the 'Popplewell factors', as Mr Waters termed them.

### **Culpability**

The Tribunal found that the Appellant's decision to purchase the ticket using another's railcard was deliberate and premeditated. Having purchased the ticket in August, she kept the ticket for a number of weeks before using it. She had ample time to realise her misjudgement and decide not to use the ticket but continued with her plan. This dishonesty was not on the spur of the moment and was committed for personal gain.

In making its assessment, the Tribunal considered the various stressful situations that the Appellant was facing at the time of the conduct. It also considered the evidence in the medical bundle but whilst it was apparent that she had indeed faced stressful situations, there was no medical evidence to establish that this had impacted her culpability. There was no medical evidence that the stress that she was under had led her to take the dishonest action that she did.

## **Harm**

*As Popplwell J said, “Such harm is not measured wholly, or even primarily, by financial loss caused to any individual or entity. A factor of the greatest importance is the impact of the misconduct upon the standing and reputation of the profession as a whole. Moreover, the seriousness of the harm may lie in the risk of harm to which the misconduct gives rise, whether or not as things turn out the risk eventuates.”*

The Tribunal found that the conduct in question was likely to damage the standing and reputation of the profession as a whole given that it was committed by someone charged with upholding the law. The Tribunal took into account that public concern as to police misconduct and in particular those cases emanating from the MPTS, has put the service into the eye of a storm. Public confidence has been shaken and the impact of the Appellant’s conduct must be viewed in that context.

## **Aggravating Factors**

The Tribunal found that the Appellants’ conduct constituted a criminal offence, albeit she wasn’t charged and she also drew her friend, the owner of the Railcard in question, into criminal behaviour by using it. The irony was not lost on the Tribunal that the Appellant had been recruited on a fast-track scheme to be trained as a Detective and that in the very early stages of that program she had engaged in dishonest and criminal conduct herself.

In addition, the Tribunal noted that at the time that she engaged in the gross misconduct, her training on the Standards of Professional Behaviour would have been very recently undertaken and she must have been clear as to the crucial importance of honesty and integrity in her role.

The Tribunal also considered the operational difficulties in deploying a trainee detective with a finding of dishonesty. Mr Waters submitted that she would be unable to give evidence even on a basic shoplifting case. The Panel found that public money would be expended on an officer who was unable to be constructively deployed on tasks she was employed to do.

## **Mitigating Factors**

The Tribunal found that it was to the Appellant’s credit that she had voluntarily and promptly disclosed the incident on 11.10.2021 to her employers, in circumstances where she had been advised by her Federation Representative that the Code of Ethics did not

strictly require her to do so. The Appellant also maintained her remorse as to her conduct throughout the disciplinary process and the Tribunal took it to be genuine.

The Tribunal also took into account the numerous character references submitted in the Appellant's evidence, including that from DI Hutton Parker, her supervisor who she had told of her misconduct. In it she was described as an asset to the Force. Whilst the Tribunal noted that some very positive comments were made, it considered them insufficient to persuade us that a lesser sanction would be appropriate in the circumstances of this case.

## **DECISION ON OUTCOME**

**67.** In light of its findings on the seriousness of the conduct, the Tribunal concluded that the most appropriate outcome to fulfil the three purposes of the misconduct process, was that of Dismissal Without Notice. Trust and confidence in policing is the bedrock of public consent to be policed and a crucial quality in attracting and retaining high quality officers and police staff.

**68.** Society asks a great deal of its officers and police staff and most work very hard to protect our communities, adhering to the high Standards of Professional Behaviour as they do so. The Appellant's colleagues in the MPTS and the public that she was employed to serve, ought to have been able to rely on her to be honest at all times and sadly, that was not the case. In breaching the Standard of Honesty & Integrity as she did, Ms O'Hara brought an end to her policing career, almost before it began. Less than a month after her Passing Out Parade.

## **CONCLUSION**

- 1.** The Panel's decision not to stay allegation 2 is set aside.
- 2.** The Tribunal impose an outcome of Dismissal Without Notice on allegation 1.
- 3.** There is no reason why this decision cannot be published.

**Amanda Webster**

**PAT CHAIR**

**22.9.2023**

