

Before the POLICE APPEALS TRIBUNAL

PS Tim Hannah

Appellant

And

The Commissioner of Police of the Metropolis

Respondent

DECISION

1. This Appeal arises from a Misconduct Hearing which took place between the 2nd and 13th September 2024. The Panel reached findings adverse to PS Hannah and the outcome was that he was subject to a Final Written Warning for three years. The Appeal in this matter was heard before the PAT on the 10th of November 2025.
2. The allegations in this matter involved PC Smith and the Appellant who was his line manager during the relevant period. The Respondent states (Response paragraph 2) that “....each finding against PS Hannah related to the actions of PC Smith and the failure to challenge or to report his (PC Smith’s) behaviour”.
3. In this ruling we will follow the agreed approach to the names of two officers, who gave evidence before the panel, who will be referred to as PS B and D throughout.
4. At the conclusion of the misconduct hearing there were three matters found proven:
 - i. The sock incident which occurred on the 29th of August 2021; this involved PC Smith, after some banter about feet, removing his sock from his foot and holding it to the face of another colleague.

- ii. The photograph of PC Digby in the toilet cubicle which occurred in 2016 (after September); the photo being put on the noticeboard where it remained for months.
 - iii. The use of the words “cunt” and “wanker” by PC Smith and directed to PS Hannah.
5. The Panel’s decision about these matters as regards the Appellant was:
- (a) Sock incident: Contrary to the evidence given by the Appellant it was “more likely than not that there is no record because PS Hannah took no action” [Decision paragraph 59].
 - (b) Photo of PC Digby: “The panel concluded that although the photograph is superficially innocuous, by allowing it to remain on the board and failing to take appropriate action, PS Hannah condoned PC Smith’s behaviour and contributed to the impression held by PS B and PS D that PC Smith was treated differently and more favourably than others” [Decision paragraph 66].
 - (c) The use of the words “cunt” and “wanker” by PC Smith to PS Hannah: The Panel “formed the view that PS Hannah considered that whatever words were used to and about him, he would take no action unless he objected to the tone used” [Decision paragraph 106]. Further that PC Smith used both words as PC Smith had accepted he had in interview “but never in terms of being abusive” [Decision paragraph 107].
6. PS Hannah was notified of these proceedings in October 2021, and the allegations grew in number leading to the misconduct hearing in 2024. During the period of time leading up to the hearing PS Hannah passed his Inspectors examination and assessment.
7. A number of very serious allegations were found not to have been proven, these included:
- i. That in June 2021 the Appellant was in a police van with PC Harley when PC Smith made a comment about PC Harley’s wife saying words to the effect of “she has had a few pipes up her in her time”.
 - ii. The Appellant made derogatory comments about Jewish people “I hate these fucking jews, they’re like cockroaches”

- iii. The Appellant made sexually inappropriate remarks about female colleagues in their presence and hearing such as “good set of jugs” and “nice tight bum”.
 - iv. The Appellant and other colleagues held meetings from which officers with a heritage other than white British were excluded.
- 8. The Panel was clearly concerned about the evidence given from some of the witnesses. Mr Ahmet was said to have “blamed and resented PS Hannah who he held responsible for the rejection of his application to join the police” and who “had an axe to grind” [Decision paragraph 78].
- 9. As regard PS B and PS D the Panel carefully considered various aspects of their evidence including a close comparison of their statements which contained the same subheadings, order, spelling mistakes and errors further the panel “did not accept that each had coincidentally described a photograph that never existed” in the same terms [Decision paragraphs 81 and 82]. The Panel also described their evidence regarding a piece of paper in a door window as “exaggeration at worst or misconception at best” [Decision paragraph 124].
- 10. The Panel concluded, as regards PS B and PS D, that it could “not rely upon the evidence of either PS B and PS D unless supported by other independent evidence” [Decision paragraph 84].
- 11. The Panel decision refers to the fact that the Panel accepts that “PS D and PS B felt like there was a team in a team and that PS Hannah would not take action to restrain poor behaviour by PC Smith” but the panel did not accept that this was a result of a “policy of deliberate exclusion based upon racial or ethnic heritage”. The panel also considered the evidence of PC Onay “who impressed the panel” and who made no suggestion that he was or felt excluded [Decision paragraph 122].
- 12. In relation to PC Harley and the allegation in the police van that PC Smith had said “I bet your wife’s had a few pipes up her in her time” the evidence from PC Harley was described as “unlikely, that PC Smith made the comments attributed to him”; also it is relevant to note that PC Harley accepted he may have been influenced in his perception of the Appellant and PC Smith by others including PS Gokcimen who has had a finding of gross misconduct made against him and by PS B when he joined the team in 2021.

13. The Appellant's case is described as follows in the skeleton argument [paragraph 2.6] on his behalf; it is worth noting that the Misconduct Panel's assessment of the evidence of the witnesses tended to support the case he put forward:

"The Appellant denied the allegations as set out in a prepared statement provided in August 2022 [Hearing bundle p.512], interview [HB p.544], further written responses to the investigators' additional questions following the interview and in his Regulation 31 response. In summary, the Appellant submitted that the allegations were either fabricated or unduly influenced by colleagues who harboured personal grievances against him. He maintained that he had challenged PC Smith as and when appropriate."

14. The Appellant argues before us that the findings of fact and outcome are unreasonable, that there was material evidence which could not reasonably have been considered at the misconduct hearing and that there was a serious breach of procedures which could have materially affected the finding or decision.
15. The Respondent argues that, overall, the behaviour of PC Smith was "totally unacceptable", was not challenged by the Appellant and this continued for a number of years. The Respondent submits that the panel was clearly entitled to make a finding that PS Hannah's breach of the proper standards amounted to misconduct [Response paragraph 23].

Evidence from Superintendent Hayes

16. At the outset of the Misconduct Panel hearing there was a discussion about the evidence from Superintendent Hayes. The statement of Supt. Hayes dated 29th August 2024 had been provided to the panel and submissions were made on behalf of the Appellant that she should be called in accordance with R.32(5).
17. Before us at the Appeal there was argument as to whether the evidence of Supt. Hayes should be considered as fresh evidence or whether there had been a breach of procedures as regards the admission of her evidence.
18. After the conclusion of the Appeal we asked for clarity as to what evidence was available from Supt. Hayes given that her August 2024 statement refers to her previous statement and her 2025 statement refers to a previous statement likely to be the 2024 statement and that she was able to provide evidence to demonstrate the falsity of the allegations about parades and choosing PC Smith as an acting PS but she

then goes on to say as regards other allegations she “happily provided emails and statements to show that these allegations were simply not true”.

19. In response to our request we have received a helpful agreed schedule of materials relating to Supt. Hayes and a further submission from Mr Coxhill on behalf of the Appellant as regards the evidence of Supt. Hayes. From that further submission it has become clear that the status of Supt. Hayes’s evidence was unclear; what is known is that the AA did not agree with the admission into evidence of her statement and that the Panel chair indicated that she was not persuaded to allow her to be called.
20. The references to Supt. Hayes’ statement and its place with the misconduct hearing did not finish with the discussion as to her being called as a witness as her evidence was referred to in the written opening and closing for the Appellant and the Panel [Decision paragraph 12] stated that it had received her statement amongst others.
21. At the start of the misconduct hearing the allegations were very serious and disturbing with the allegations including the use of terms such as “dirty turk”, “she’s had a few pipes up her in her time” and “I hate these fucking jews, they’re like cockroaches” and it was also alleged that the Appellant had excluded non-white officers from meetings.
22. In her November 2023 statement Supt Hayes speaks about having worked with the Appellant since 2018 and although she is aware of the allegations, she “finds it impossible to comprehend that they have any truth to them”. Supt. Hayes also speaks very strongly about the fact that the Sergeants’ office as opposite her own and that she never once heard anything that “wasn’t supportive, empathetic or absolutely necessary when officers required strong and appropriate supervision. Supt Hayes refers to occasions where the Appellant managed welfare issues for an officer called PS D and ensured that he was able to focus on complex family issues and another officer who required support for performance issues. Supt. Hayes finishes this statement by saying that the Appellant “never shied away from dealing with performance, misconduct and attendance issues quickly and appropriately”.
23. The evidence of Supt Hayes in her August 2024 statement refers to PC Smith performing the role of Acting Sergeant in November 2018 whilst the Appellant was on maternity support leave. Supt. Hayes describes how PC Smith was struggling and that his previous relationships with other officers made it difficult for him to manage officers who had previously been his peers and friends. Supt Hayes then states that on the Appellant’s return he spoke to officers in his team about these concerns learning that there was a suggestion that PC Smith had been “overstepping”. Supt. Hayes then

states that “Myself and Tim spoke at length on more than one occasion as to whether it merited any action in regards to performance or misconduct, which it did not, or how we could best support Dave and his team”. Supt. Hayes concludes her statement by saying that the Appellant was throughout her tenure mindful that he had a relationship with PC Smith outside of work and that he was always careful to be fully transparent but that other officers on the team may not have been aware of such conversations “but neither should they be”.

24. In the period leading to the PAT hearing Supt. Hayes prepared a further statement dated the 5th of April 2025, it is worth quoting the following passages:

“There were periods on NA STT that were stressful due to a period where multiple allegations of bullying and racism were being made in regards to cross allegations mainly with the PCSO’s. This of course created difficult working conditions for others and upset from those being investigated. It is easy to use the phrase “Toxic” however this doesn’t really help in understanding the situation. There was a specific issue that had been 18 years in the making with DPS and several C.Supt being involved that spanned multiple teams and supervisors with complex MH issues that PS Hannah was instrumental in supporting colleagues through and following policy and processes that ultimately led to the resignation of the officer just prior to a GM hearing for them, following their arrest. Other matters involving multiple cross allegations with several officers being restricted with the ongoing support and guidance of PS Tim Hannah resulting in the dismissal of 1, written warning for another and learning for others occurred with PS Hannah providing support and leadership for all involved. None of these issues occurred on PS Hannah’s team and no one ever made any allegations about him. What did happen was that officers and staff were able to voice their concerns and the supervisors, Tim included, ensuring that all were taken seriously and robustly investigated through the PSU or DPS when required after local fact finding. Some proven, many others not. But all reported properly and dealt with properly.

I was made aware that PS Tim Hannah was under investigation while working at Central South, initially for a matter that occurred where I was no longer his line manager. The picture that was painted in regards to the allegation was not one that I had ever seen nor recognised in the man I worked with. During the investigation DPS spoke to me on a couple of occasions and requested I provide a statement which I happily did as several statements that had been made in regards to PS Hannah I was easily able to refute when they covered my tenure at NA, for example issues of unfairness. I had witnessed a consistent approach to the way in which he dealt with his officers. The allegation that he prevented officers from coming to parade. I was

able to evidence that this was absolutely false, the allegation that he had unfairly chosen PC Smith as the acting sergeant above others, I was able to evidence as completely false and there were many more allegations that were easily proven to be false that I happily provided emails and statements for to show that these allegations were simply not true in so much as I had witnessed and experienced. Despite this, I was then aware that he was being taken to a hearing regardless of what the evidence showed and I was further distressed when I discovered that despite being able to refute many of these allegations, I would not be asked to attend the hearing to provide this evidence.

Many assumptions appeared to have been made in regards to the original allegations by officers whether due to a lack of knowledge in regards to PS Hannah's actual influence over certain decisions such as who should act up or because of upset over being managed in regards to issues of lateness, performance or following policy that he had no control over.

If further information is required I would happily look to assist or provide clarity over any specific issues that I was present for or had awareness of should that be needed."

25. In our view there was a fundamental error made by the Panel in not allowing Supt. Hayes to give evidence before the Panel. The evidence from Supt. Hayes went much further than simple evidence of good character and was direct evidence of how, in the judgment of a senior officer, the Appellant behaved and dealt with his team. This was evidence of behavior which would have gone a considerable way to countering the suggestions made that the actions of the Appellant led to a toxic atmosphere and a team within a team. Both suggestions having been made by discredited witnesses.
26. In our view the procedural failure to allow Supt. Hayes to give evidence before the Panel was a breach of procedures "which could have materially affected the finding or decision on disciplinary action". This material failure to allow Supt. Hayes to give evidence relegated her disputed evidence to a mention amongst other statements without any analysis of the value of her evidence within the decision-making process. Further, in our view the evidence from Supt. Hayes in her 2025 statement is "evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action" because of the procedural breach which we are entitled to take into account as 'fresh evidence'.
27. Due to the procedural irregularity our finding is that the decision that the facts amounted to misconduct made by the Panel was unfair and we are entitled to consider the facts and evidence ourselves on a "clean slate basis", to make our own

decisions and findings, which includes all of the evidence from Supt. Hayes including her statement made in 2025.

The Sock Incident

28. The Appellant admitted being present when PC Smith removed his sock and the allegation was whether he challenged the behaviour of PC Smith following the sock incident.
29. In our view the Panel failed in its assessment of the evidence as regards Inspector Dawson (formerly Police Sergeant) who provided a witness statement dated 23 February 2022 in which he stated that he was present in the room during the sock incident [Hearing Bundle p.390]. In his evidence before the Panel PS Dawson explained that, following the incident, an un-named Police Constable informed him that the Appellant was speaking to PC Harley in the backyard because *“he wasn’t happy”* and he later asked the Appellant, *“What’s going on?”* to which he replied that PC Harley wasn’t happy [Day 6 p.1047].
30. The case on behalf of the Appellant was that he did challenge the behaviour which is why the evidence from PS Dawson was an important part of the overall picture. It is notable that despite the lack of challenge to PS Dawson’s evidence, the Misconduct Panel concluded that *“they did not consider it more likely than not that PS Dawson was in the room when the sock incident occurred”* [Decision paragraph 55].
31. For the purposes of the appeal the Appellant had submitted evidence that PS Dawson was on duty that day. This evidence was not challenged.
32. As to the other witnesses to the question of whether PS Dawson was present in the room at the time of the sock incident:
 - i. PC Harley stated he couldn’t remember but agreed it was possible [Day 2 p.265]
 - ii. Michelle Keene did not give evidence that there was only one sergeant in the room and was not asked whether PS Dawson was present [Day 3 p.592 onwards].
 - iii. PC Fletcher agreed that she was *“...in the office with a number of other people”* [Day 2 p.308] and in response to questions in cross-examination she said:

Q: Okay. I am going to suggest to you he [PS Dawson] was present and that it was him that was up by the window. But presumably you would say you do not remember that being the case?

A: That's not what I remember, I mean, I don't – I mean, possibly. I don't know. I don't know. [emphasis added] [Day 2 p.323]

33. In our view the evidence does not support the conclusion that PS Dawson was wrong about what he said he witnessed and heard, it is also noteworthy that there is no suggestion of bias as regards PS Dawson. On the basis of our consideration of the evidence we conclude that PS Dawson's evidence provides support for the Appellant's case that he spoke to PC Harley about the incident and therefore it was challenged.
34. In our view the sock incident should not have formed part of any consideration of misconduct and instead should have been dismissed.

The Photo incident

35. The photo of PC Digby in 2016 was placed on the board together with other images including the Appellant superimposed onto an image of Woody from Toy Story. The evidence of PC Digby was that he was not bothered by it.
36. In our view any officer, including sergeants and above could have removed the photograph. There was debate before us about what exactly was the allegation in this matter but we note that the Panel decided that [Decision paragraph 66] although the photograph is superficially innocuous, by allowing it to remain on the board and failing to take appropriate action, the Appellant condoned PC Smith's behaviour and contributed to the impression held by PS B and PS D that PC Smith was treated differently and more favourably than others.
37. In our view the panel failed to take account of the overall situation of an attempt at humour and the fact that no-one of any rank decided that the photo should be removed including PS D or B. The later reliance on the evidence of Ms Keane as to overhearing a conversation in 2021 about the photo and her assessment of PC Digby being embarrassed by it should not have been given any weight. It is not appropriate for one witness to comment on and have evidence accepted as to their opinion regarding the reaction of another person especially as she had little or no knowledge of the background or the individuals involved. We stress that no criticism of Ms Keane is intended as she answered questions that were put to her.

38. For the reasons set out above this allegation should have been dismissed.

The language used by PC Smith to the Appellant

39. The Panel's decision [Paragraph 106] as regards the language used by PC Smith to the Appellant concluded that "the Appellant considered that whatever words were used to and about him, he would take no action unless he objected to the tone used".

40. In our view the failure by the Panel to allow Supt. Hayes to give evidence deprived the Panel of the evidence she could have provided which would have put these matters in a different light.

41. The evidence from Supt. Hayes referred to above was that she and the Appellant spoke at length about PC Smith and whether his conduct "merited any action in regards to performance or misconduct, which it did not, or how we could best support Dave and his team". Supt. Hayes also adds that the Appellant was throughout her tenure mindful that he had a relationship with PC Smith outside of work and that he was always careful to be fully transparent but that other officers on the team may not have been aware of such conversations.

42. The evidence from Supt. Hayes does not support a suggestion that the Appellant permitted or condoned the actions of PC Smith, who it is noted has struggled with his mental health, but instead suggests that the Appellant tried to deal with PC Smith's issues as appropriately as possible in a difficult situation.

43. Having considered all the available evidence regarding the allegations of the lack of challenge to PC Smith's use of language we consider that this allegation should have been dismissed.

Legal Framework

44. The grounds of appeal that a Police Appeal Tribunal can consider are limited. The circumstances in which a police officer can appeal (Rule 4(4) of the PAT Rules 2020) are:

- That the finding or decision to impose disciplinary action was unreasonable

- That there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action, or
- That there was a breach of the procedures set out in the conduct regulation.....or unfairness which could have materially affected the finding or decision on disciplinary action.

45. When considering an appeal and the meaning of the word ‘unreasonable’ the task of the PAT is to review the decision taken, based on specific grounds, and determine whether the decision reached was unreasonable. A decision will be unreasonable if it is beyond the reasonable range of responses. In *R (Chief Constable of Wiltshire) v PAT and Wollard* [2012] EWHC 3288 (Admin) Wyn Williams J states (b/w paras 32 – 24) that “*the issue of whether a finding or sanction was unreasonable should be determined by asking the question whether the panel in question had made a finding or imposed a sanction which was within the range of reasonable findings or sanctions upon the material before it*”. See also *Chief Constable of Derbyshire Constabulary v PAT* [2012] EWHC 2280.

46. The standard to be applied has been described as lower than Wednesbury unreasonableness (*R (Chief Constable of Durham v PAT & Cooper* [2012] EWHC 2733 (Admin) at 6-7) or Wednesbury unreasonableness “shorn of its technicality” (*Chief Constable of Hampshire v PAT* [2012] EWHC 746 (Admin)).

47. It is also settled that the “*The Police Appeals Tribunal is only allowed and permitted to substitute its own views once it has concluded either that the approach was unreasonable, or that the conclusions of fact were unreasonable*”; *R (The Chief Constable of Durham) v Police Appeals Tribunal* [2012] EWHC 2733 (Admin).

48. In *R (app. of CC of Cleveland) v PAT & Rukin* [2017] EWHC 1286 (Admin), it was stated:

“(A) *When considering whether a finding by a panel is unreasonable the PAT is not required to find it Wednesbury unreasonable as a prerequisite for overturning the decision of the panel.*

(B) *The PAT is not entitled to substitute its own view for that of the panel unless and until it has already reached the view for example that the finding made by the panel was unreasonable or that there was another valid basis for appeal as provided by paragraphs 4(4)(b) and/or 4(4)(c) of the Rules.*

(C) *The PAT is entitled to substitute its own view for that of the panel once it has concluded either that the approach the panel took was unreasonable or*

the appeal from the panel's decision is justified under grounds 4(4)(b) or 4(4)(c) (D) In other words, rule 4(4) provides a gateway for an appeal. If the appellant gets through the gateway because the PAT find that the decision of the panel was for example, unreasonable or unfair then it is open to the PAT to substitute its own views for those of the panel. Thus, once the gateway is negotiated, the PAT can deal with this matter on a clean slate basis and can make an order dealing with the appellant in any way in which he could have been dealt with by the panel whose decision is appealed."

49. The law in this matter has been revisited in *R (on the application of) Michel and Charnock v PAT* [2022] EWHC 2711 (Admin) in the judgement of Mrs Justice Heather Hallett DBE:

'Given the finality for the disciplinary proceedings if a PAT concludes that the Panel's finding of misconduct / gross misconduct was "unreasonable" it is important that the correct test is applied and that the test does not become diluted in its application because a PAT disagrees with aspects of a Panel's reasoning or feels that it would have arrived at a different conclusion if it had been sitting as the tribunal of fact' [at 52].

The correct approach was described as follows:

"i) The PAT must ask itself whether this finding was one that was within or outside of the range of reasonable findings that the Panel could have made;

ii) The PAT should keep in mind that the rule 4(4)(a) test is not met simply by showing a deficiency in the Panel's reasoning or a failure to consider a particular piece of evidence or similar error, if the finding of misconduct / gross misconduct was nonetheless one that the Panel could reasonably have arrived at. The question is whether that finding is unreasonable;

iii) The PAT will be careful not to substitute its own view as to what should have been the outcome of the charges. Whether the PAT agrees or disagrees with the Panel and whether it thinks it would have found the allegations proven if it had been hearing the disciplinary proceedings is not in point, as this in itself does not indicate that the Panel's finding was "unreasonable". In many circumstances, different and opposing views can both be reasonable; and

iv) The PAT should consider all of the material that was before the Panel, whether or not the Panel made express reference to it in the decision" [at 57].

Conclusion

50. The procedural failure to not permit Supt. Hayes to give evidence, as discussed above, permits us to substitute our own judgement as to facts and outcome.
51. Having considered the facts of the matter and the written and oral submissions we have concluded that the remaining allegations set out against the Appellant should have been dismissed.
52. This Appeal is allowed and the finding of misconduct [and therefore outcome] made against the Appellant is overturned and the final written warning removed.
53. Lastly, the PAT is grateful for the comprehensive written submissions and the skilful oral submissions from both Mr Coxhill and Mr Jenkins.

Sam Stein KC [Chair]

ACC Andy Hill

Margie Leong

25th November 2025