

IN THE MATTER OF MISCONDUCT PROCEEDINGS UNDER THE POLICE (CONDUCT)
REGULATIONS 2020 AS AMENDED BY THE POLICE (CONDUCT)(AMENDMENTS)
REGULATIONS 2024

BETWEEN

THE CHIEF CONSTABLE OF WEST MERCIA POLICE
The Appropriate Authority

And

PS 305 NIGHTINGALE

The officer

Hearing date 18TH and 19th May 2026

Chairs report giving reasons and findings

Summary of the case

At the misconduct hearing, the panel found a breach of the Standards of Professional Behaviour of Honesty and Integrity and Discreditable Conduct to be proven.

References

In this report:

'The 2020 Regulations' means the Police (Conduct) Regulations 2020 as amended by the Police(conduct)(amendments) Regulations 2024.

'The 2020 Home Office Guidance' and 'the Home Office Guidance' refers to the Home Office Guidance Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (issued under section 87 and 87A of the Police Act 1996 published on 5 February 2020).

'The College of Policing Outcomes Guidance' and 'the outcomes guidance' refers to the College of Policing Guidance on Outcomes in Police Misconduct Proceedings (issued under section 87 the Police Act 1996) published on 17 August 2022 and updated (by having paragraphs numbers added) in March 2023.

Parties, representatives, panel members and other attendees

The AA is the Chief Constable of West Mercia Police who is represented during the proceedings by Mr Matthew Holdcroft of counsel.

The Chair is Mr Jonathan Roy

The LQP is Mrs Jane Wilson.

The IPMs are Mrs Dawn Quick and Ms Marsha Pearson.

The officer is represented by Mr Ben Summers of counsel.

The Chair delegated the report writing to the LQP.

No Media attended the hearing.

PS Nightingale attended the hearing but left before sanction determination.

Publicity

In accordance with Regulation 36(2) of the 2020 Regulations, the AA published notice of the misconduct hearing on the West Mercia Police website.

Background to The Incident

On the 9th December 2023, PS Nightingale worked overtime duties. He completed a request for payment of overtime, but due to an IT issue, that overtime request was processed three times and PS Nightingale received an overpayment when his salary was paid on the 28th January 2024.

PS Nightingale did not declare that overpayment.

PS Nightingale was a Police Federation representative and as such covered on call honorarium sessions hereafter referred to as on call sessions. During the period August 2023 to August 2024, PS Nightingale was rostered to cover 104 sessions. It is alleged that he claimed for 6 further on call sessions that he did not cover.

Application to amend the Regulation 30 notice.

Mr Holdcroft on behalf of the AA, made an application to amend the particulars of the Regulation 30 notice. Mr Summers did not object to this application.

The panel agreed to the Regulation 30 being amended.

Standards of Professional Behaviour

The Standards of Professional Behaviour are contained in Schedule 2 of The Police (Conduct) Regulations 2020

(Honesty and) Integrity

“Police officers are honest, act with integrity and do not compromise or abuse their position.

Discreditable Conduct

“Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.

Regulation 30 notice

The Police Sergeant 305 Peter Nightingale joined the West Mercia Police on 21/11/2005. He was promoted to Sergeant in January 2016 having been a temporary sergeant since September 2015.

Background Facts

2. On 9 December 2023, the Officer submitted three overtime claims for the same shift. It is accepted that this was not done deliberately. However, this resulted in an overtime claim for £1,444.56. Of this claim only £481.52 was legitimate.
3. On 28/01/2024, the Officer was paid: a. £7,241.29 gross. b. £4,880.52 net. This was an overpayment of £963.04 before deductions and £593.95 after deductions
4. The Officer would have known of the mistake both via his payslip (provided during January 2024 via iTrent) and by the payment into his account. This was a very substantial overpayment (approximately 12.7% of his net take home pay). The Officer did not raise this matter with anyone and did not repay the overpayment of £593.95.
5. Between August 2023 and August 2024, the Officer was rostered to undertake 104 on call sessions. He mistakenly believed that he was supplying cover for a further 3 on call sessions. However, he dishonestly claimed for an additional 6 on-call sessions.
6. In January 2024, the Officer agreed to swop his on-call cover with PS Chris Thomas. The Officer did provide cover for the period 22 - 28 January 2024.
7. The Officer did not provide on call cover for the period of 29 January – 1 February 2024 or 3 - 4 February 2024. Chris Thomas provided the on- call cover for those dates.
8. Despite not providing on call cover for 29, 30 and 31 January 2024, or 1, 3 and 4 February 2024, the Officer dishonestly claimed the on-call honorarium for those dates, and he dishonestly duplicated the claim for 2 February 2024.

PARTICULARS OF MISCONDUCT

Police Sergeant Nightingale the Appropriate Authority alleges that you have breached the Standards of Professional Behaviour and, in particular, the standards relating to:

1. Honesty and Integrity

In that you:

- (a) Dishonestly claimed the on-call honorarium for six dates when you had not provided cover, as set out at paragraphs 5 and 8 above, and/or
- (b) You dishonestly failed to declare receipt of any overpayment.

By acting in the manner set out above you have failed to do the right thing, and you failed to act with integrity.

2. Discreditable Conduct

Your actions have discredited the police service and/or undermined public confidence as is set out in (1) above.

It is alleged that these matters individually and/or collectively amount to gross misconduct namely a breach of the Standards of Professional Behaviour that, I proved, is so serious that your dismissal would be justified.

Regulation 31 response

PS Nightingale does not accept that his conduct amounts to gross misconduct.

Allegations the officer disputes and his account of relevant events

PS Nightingale faces three allegations which are summarised for the purposes of framing this response as follows;

He made a dishonest claim for 6 on call honorariums for the following dates

29th January 2024

30th January 2024

31st January 2024

1st February 2024

3rd February 2024

4th February 2024

He made a dishonest claim for a duplicate on call honorarium relating to the 2nd February 2024

He dishonestly failed to declare an over payment of overtime in relation to 9th December 2023 (for which he had erroneously, but not deliberately, submitted a claim)

These matters are said to amount individually and/or collectively to gross misconduct as breaches of the Standards of Professional Behaviour of Honesty and Integrity (both limbs) and “conduct”.

The officer relies on the account he gave in his interview on 15th January 2025, and the facts and matters set out in the attached addendum.

To assist the chair and the panel the officer’s response to the allegations may be summarised as follows

On call honorarium January to February 2024

Those representing the officer have not seen any evidence in the draft bundle which demonstrates that he made claims for on call honorariums for the dates particularised. In the absence of such evidence the allegation is denied.

In any event the officer agrees that he did not provide cover on the particularised dates, having swapped his rostered days with DS Chris Thomas as discussed in the email chain of the 16th January 2024.

The officer asserts that the only claimed on call honorariums for duties he covered whether those were duties which he was originally rostered to cover or which he covered following duty swaps. He understood that it was acceptable to make claims for the duties he performed in a block, detailing the number of sessions the claim related to rather than submitting one by one. Such claims were authorised by line managers and paid without him being told that to make the claim in that way was impermissible or inappropriate.

It follows that the officer denies making dishonest claims for on call honorariums as alleged or at all

Duplicate for honorarium relating to 2nd February 2024

Those representing the officer have not seen any evidence in the draft bundle that there was a duplicate claim for an honorarium relating to the 2nd February 2024. In the absence of such evidence the allegation is denied

If evidence is served in due course that demonstrates that there was a duplicate claim the officer asserts that it was not deliberate, it was not dishonest and it does not represent a lack of integrity.

Failure to declare the overpayment in relation to the 9th December 2024

The fact of the overpayment is admitted. The difficulties with submitting the claim (which have been accepted by the AA) caused the officer to be paid three times for the same duty. The officer accepts that he did not identify the overpayment at the time (circa 28th January 2024) for the reasons as set out in his interview.

However, it was a genuine oversight in extenuating circumstances. It was not deliberate; it was not dishonest and does not represent a lack of integrity. The allegation is denied.

The opinion of Alex Cale as to whether the officer would have been on notice through his pay slip is noted, but with respect, this is a question of fact for the panel. The chair may conclude that it would be improper for her to give opinion evidence to that effect and therefore she is not required as a witness.

Points of law the officer wishes to be considered by the person or persons conducting his misconduct proceedings.

The 2025 Amendment Regulations do not apply to these proceedings.

There is no need for witnesses who have given statements to give evidence before the panel.

The officer intends to rely upon witnesses as to his character and demeanour at the fact-finding stage since their evidence goes directly to the issues of his propensity to act in the manner alleged by the AA and his credibility (his honesty and integrity being in issue). Statements from such witnesses will follow in due course.

Addendum to Regulation 31 Response

Personal background

[REDACTED]

We are not wealthy but are comfortable and have savings with absolutely no motivation to act dishonestly.

Prior to joining the police force, I was a professional footballer. I enjoy sport and walking my dog with my family. I have also represented the force football team.

Medical/welfare

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

My officer manager was off long-term sick, and I had what I would describe as a ridiculous workload with local, regional and national commitments. As well as conduct cases in West Mercia, I was also representing officers from other forces.

[REDACTED] There was a feeling of guilt that I was letting members down, but the reality was that it would have been impossible to give each member the time they deserve with the hours in the day and demand

Following discussions with Toni Williams-Long (Line manager), she suggested that I just needed to ignore calls for a while. That very afternoon a member complained that they could not get in contact with me. My wife was concerned about my ability to switch off and the fact that I was taking calls and reviewing policies at all hours. I even took my laptop on holiday with me and did Teams calls. I am very confident that since I have been in my position within the federation, I have worked far more hours than I have ever claimed for.

Police service

I joined West Mercia Police on the 21st November 2005 and have approximately 20 years' service. I have no live disciplinary findings against me and have never been subject to attendance or performance management process.

Prior to being promoted I was a member of the force dog. When I passed the legal part to the Sergeant promotion exam, I did so with an exceptional score, in the top 2%. I passed the inspectors legal exam with one of the highest scores in the force. I have been supported by line managers for three successive promotion board processes for the rank of inspector and performed the role of temporary inspector for over a year. I also work tirelessly in my role as Secretary and chair to West Mercia Police Federation in a very challenging period.

I previously worked within the strategic Workforce Planning team and had responsibilities for identifying skill gaps across the organisation in all disciplines. This is linked to HMICFRS AFI requirements.

As a custody sergeant I got job satisfaction from assisting those in my care. This regularly involved working in a hostile environment, using information and intelligence effectively to make informed values and risk assessments and the role tested the core communication skills, often in challenging circumstances.

Following custody, I commenced a role as a Sergeant on patrol in Malvern. I took on responsibility for managing a team of inexperienced PC's who had previously received little direct supervision due to the rural station. I addressed welfare concerns and conducted risk assessment/occupational health referrals as well as offering visible leadership and giving support with career development opportunities. I carried out one-to-one sessions with each team member to reinforce my expectations and understand their workloads and needs.

Having two decades of predominantly operational service has given me a breadth of experience that I am able to pass on to what is currently an inexperienced workforce. My previous roles and skills include taser, dog handler, licenced search officer, method of entry as well as public order, CBRN and disaster victim identification.

During my year as Temporary Inspector I voluntarily kept up to date with my custody training to support colleagues and retain operational resilience and enhance my CPS.

In my role as duty inspector, I worked alongside many teams in my relief capacity, managing operational threats and commanding the LPA in addition to chairing daily management meetings. I was also tasked with managing other portfolios. These included volunteers and use of force which involved chairing scrutiny panels and inviting key stakeholders and IAG's to increase transparency. I also improved/reduced the number of detainees shown on the bail/RUI database to ensure compliance and accuracy utilising my previous custody experience of the Athena Custody process. I displayed great flexibility by offering to cancel leave to provide additional operational cover during New Year's Eve to act as Custody Inspector thus allowing the regular patrol Inspector to concentrate on managing the demands knowing I would look after all custody and PACE issues. This was done to assist colleagues and the organisation, and I would often cancel leave or work a rest day for no personal benefit to myself.

During my role as problem solving inspector my main responsibilities were to second line manage police officers and civilian staff. This involved working with partners internally and externally to resolve issues and reduce demand.

I gave regular praise to officers and police staff and celebrated outstanding work. Notably I was involved in some positive national media surrounding racist tweets following the European football championships where my team initiated one of the first arrests nationally following the unacceptable social media outbursts. I also spoke out in local media following a stabbing to reassure the community and explain the many aspects to our Op Spectre Knife Crime Initiative including partnership working and displaying the success of the knife amnesty bins. I instigated the introduction of hate crime officers and implemented new processes which quickly increased victim satisfaction in these key areas to the highest level in the force.

Applying problem solving principles such as SARA enabled me to identify and forecast trends and develop policing initiatives to reduce harm. An example of this was working collaboratively with the motor trade in relation to thefts of catalytic convertors. As part of my role, I worked closely with SNT to ensure that good work was not being duplicated and to ensure we worked effectively and efficiently.

When recruiting for a youth engagement PC, after writing the job advert, I invited a community leader from a local ethnic minority group to be part of the interview/selection process thus building trust and confidence but also fostering an open, inclusive team which allowed all members to flourish and enjoy coming to work. Sickness on the department was low under my leadership.

I ensured that any lessons learnt through my used of force audits were disseminated appropriately for wider strategic development. Working alongside different shifts enabled me as inspector to identify inconsistencies and identify good working practice that could be implemented across all teams. Following this role my chief inspector wrote that I had

“excelled in South Worcestershire” and that I “will be an asset to the inspector cadre going forward”.

I developed my decision making by thinking/working through the NDM to demonstrate accountability, acquiring a breadth of leadership experience including commanding critical incidents, managing operational threats/risks and monitoring the progress/quality of delegated work.

I take my own continuous professional development seriously and am always looking to learn, improve and take on new challenges. I have growth mindset and see setbacks as learning opportunities. I worked in workforce planning to enhance my strategic perspective. As a qualified mentor, I assist colleagues to realise their aspirations, supporting their development and wider organisational resilience.

I adopt and balance leadership styles to navigate challenges and manage changes, but essentially, I favour an authentic, supportive and empowering approach, because I believe it gets the best from people. This transformational style includes use of powerful motivators, e.g. praise and recognition to reinforce desired behaviours aligned with our Code of Ethics. I am personable, treating individuals according to their needs, promoting diversity and acting as role model by setting, maintaining and improving standards and leading by example. Passing my inspectors and sergeants exams first time scoring “exceptional” demonstrates my dedication and conscientiousness.

As Police Federation secretary I build trust/relationships with counsel and command teams, dealing with sensitive issues requiring my professional judgement. I’ve developed my emotional awareness through regularly representing officers experiencing mental health and other issues, liaising with supervisors, signposting to support agencies and encouraging return to work where appropriate.

Commendations and letters of appreciation.

I have received a DCC commendation from Chris Singer in January 2017 for my determination and commitment “He demonstrated a high degree of impartiality and professionalism in making very complex decisions, the importance of which would subsequently scrutinise at senior level. It is to (PS Nightingale’s) credit that the policing operation was a success.

I came across a member of the public by a river whilst off duty with my daughter. I identified her vulnerability and called for assistance from on duty colleagues to look after her welfare. I have also detained suspects whilst off duty on more than one occasion and bravely intervened to break up disorder in my own street whilst off duty.

I also received a “Thank You” card from a neighbour after intervening in a local incident of anti-social behaviour. Previous superintendents have received letters of appreciation from partner agencies about me and how helpful I was. Whilst a member of the dog section, I attended a local school in my own time to promote the work of the organisation and the department for which I received a thank you card.

General.

I have previously taken part in and helped organise charity runs with colleagues which has shown the police in a favourable light in the local media raising money for Leukaemia Care. I have also taken part in sporting events with the local community as well as speaking about the Police Service to prospective new officers at recruitment events in the local community

I previously received an appreciation letter for assisting with a Help for Heroes charity fundraiser event which I again attended in my own time. I have personally contributed over £200 to police charities in the 12 months prior to the investigation.

Allegation that I dishonestly failed to declare an over payment in January 2024 payslip.

I maintain the account I provided during my interview which is contained within the transcript in the bundle.

I accept the overtime was incorrectly claimed 3 times (and there was also a 4th claim too which never went through). This was purely down to an IT issue which I submitted the overtime. I didn't realise I had claimed this 3 times nor was that my intention. After 1 submission there would be a spinning wheel, and nothing would happen so I would refresh/click back. I only became aware there was an issue when I was served my Regulation 17 notice. I didn't notice this on my pay slip as the overtime is not broke down and I was owed overtime for other work too.

I have repaid the overpayment of £593.95. This was confirmed by Suzannah Nichols in pay office via email on 11th February 2025 at 10.45

I deny that I dishonestly failed to declare the overpayment as I simply did not realise.

Payslips do not break down the days worked/claimed for. They just give a total number of hours and the rate. My pay can vary considerably month to month. Many years ago, our payslips would be delivered to our home address but since they went online you have to consciously remember to check them, if you can even log on.

Due to all the security requirements, two step authentication and regularly having to amend passwords, I no longer routinely check my pay slip on Mercury via West Mercia Police systems. I am unable to recall whether or when I downloaded the payslip as it was almost a year later that I was interviewed and I was [REDACTED]

[REDACTED] I have included screenshots of emails below which evidence issues with Mercury.

It can also be very difficult to identify which month any claim is likely to be paid. The cut off it the 10th of the month but it is heavily dependent on when you submit it and when a line manager approves it. If the line manager fails to action (or is of sick or on leave) then the officer does not get paid.

Having been a line manager for many years I was also fully aware that any overtime submissions required line manager approval. I was also aware that there was an audit process as I have previously received a clarification request. The IT systems are poor and claims /submissions can go missing as per the email from Simone Darrel Jones and Supt Gareth Morgan many months later finding an old on call claim.

Email from Richard Allen to Ps Nightingale dated 14th September 2025

"As previously discussed, I recently had an issue with the iTrent/Mercury Payroll system, in that I believe on around 29th to 31st August this year for some reason I could not log on to Mercury, I kept having to change my password and then use the Authenticator App.

Whenever I attempted to log on it, it just would not work and each time I had to change my password. I attempted these 3 or 4 times from memory. However, it just would not work. I then left it over rest days. When I came back, I thought that I would have to pay a visit to the IT guys at HQ, I attempted it one more time and, on this occasion, and inexplicably it worked find and I was able to log on.

However, at the time of writing this email, I have attempted to log on to confirm that the above date is correct.... guess what.... it's asking for the authenticator code. I am generating said code, but when I tap it into Mercury it is having none of it!

Email from Peter Frankish dated 15th August 2025

“General consensus is that when it was just the log in password there were difficulties getting into the system and refreshing the password did not always work. Since the introduction through Microsoft of passwords being saved things have improved and access is easier.

I personally have had issues from the start and still cannot get access to the system through any forum. I have asked for password resets, spoken to Liberta and asked for resets, this has achieved nothing and I cannot access the system and have to submit claims and authorise payments by email through finance.

On the whole if officers can get access through the correct password or from the new system remembering the password they can access the system”

Witnesses:

The following witnesses did not give live evidence, and their statements were read by the panel

DC Smith

DC Smith exhibited the call out rota for 2023 (NS/1) and the call out rota for 2024 (NS/2).

From the documents she obtained she created a “working spreadsheet” combining mileage, standby claims, standby worked from the call out rotas (NS/1 and NS/2), overtime, toil and expenses.

The standby tab showed that 114 claims were made by PS Nightingale. From the rota it showed that PS Nightingale was down to work 104 sessions in the August 23 to August 24 period. It was difficult to compare as rather than submitting one standby claim per shift with the date listed. PS Nightingale was “block” claiming sessions so the dates could not be seen.

The tabs also showed that PS Nightingale had claimed the same overtime session of the 9th December 2023, three times.

Alex Cale

Alex Cale said that she was the Senior Payroll Clerk for West Mercia Police.

Alex Cale was able to show that PS Nightingale made a claim for overtime worked on the 9th December 2023. He submitted the claim on the 11th December 2023. That overtime claim was submitted on a further 2 occasions. The unique reference number for each submission was different.

This was a cost to West Mercia Police of £1444.56. On the 28th January 2024, PS Nightingale’s payment was for £7341.29 (gross) and £4880.52(net).

Alex Cale confirmed that PS Nightingale did not submit his on call claims each time he covered a session, they were submitted in blocks. For example, on the 18th August 2023, PS Nightingale submitted an on-call claim for 3 sessions, listing the reason as “Fed on call pip 18th, 19th and 20th”. However, on later block sessions such as the 3rd November 2023, PS Nightingale claimed for 6 sessions but just gave the reason as pip. By not giving the

dates in the reason section, Alex Cale was unable to cross reference the sessions to the dates worked.

DI Lesley Williams

DI Williams stated that she was the full time Misconduct and Performance lead and held the portfolio for Post Incident Procedures (pip).

DI Williams stated that she ensured the maintenance of the on-call rota which covered off duty arrests or post incident call out.

The rota is uploaded to the force system under the “on call rota” section, which allows others to establish who the federation point of call is at all times. Should any changes occur then she would update the rota as it is a live document, and it is essential that the rota is accurate.

DI Williams said that she was on call on the 30th to 31st December 2023 and the 1st January 2024. Due to personal issues, she was unable to attend the police station if there was a call out. DI Williams contacted PS Nightingale stating that if there was an arrest, she could manage that via the solicitor as usual as she had access to her phone and the police system, but asked him if he would go to the police station if there was a call out as DI Williams was not in a position to be able to go to the police station.

DI Williams did not interpret this as asking PS Nightingale to take over the on-call duties and did not amend the on-call rota. DI Williams later made a claim for on call payment for the 30th and 31st December 2023 and the 1st January 2024

DS Thomas

DS Thomas provided an email stating that DS Thomas was on the on-call rota to cover the 2nd February 2024. However, DS Thomas confirmed that PS Nightingale covered the 2nd February 2024. DS Thomas confirmed that as of the 24th January 2025, the rota had not been updated to show this swap.

PS Nightingale

PS Nightingale gave live evidence to the panel.

PS Nightingale in evidence said that he had worked for the police federation. An on-call session for the police federation started at 7 am and lasted until 7 am the following day.

PS Nightingale explained that he would get a gross fee rate of £20 for each on call session. He would have to complete and submit a form to claim the fee.

PS Nightingale stated to claim the on-call fee he had to go onto the police intranet and find the relevant page and form. There was a box on the form which asked the number of sessions (plural) the officer was claiming for, and because of that he assumed that he could submit one form for multiple sessions.

PS Nightingale was shown a document headed “West Mercia Police Officer, Entering an overtime and standby claims for approval, your self-service user guidance”. PS Nightingale stated that he was not aware of this form prior to it being disclosed to him during the currency of the proceedings. PS Nightingale said that the Police Federation were not consulted about the guidance.

PS Nightingale referred to an email from the 8th November 2023, which was from “pay roll” to an officer in the dog handling section. The email explained that milage allowances could be claimed in blocks and PS Nightingale said that because milage could be claimed in blocks, he thought that he could submit on call payment requests in blocks also.

PS Nightingale explained that his first submission for on call payment related to one on call session which related to the 17th August 2023. On the 18th August 2023, he made a claim for the 18th, 19th and 20th August 2023. He could not recall why he had claimed in advance of the actual on call session.

PS Nightingale stated that there was a rota showing who was on call, but PS Nightingale said that he did not upload the rota. He had access to the on-call rota, but he did not have editing rights. The rota would be prepared about 2 months in advance and once PS Nightingale received the rota, he would add the details of it to his own outlook calendar.

PS Nightingale accepted that in the period August 2023 to August 2024, he was on the rota to cover 104 on call sessions.

PS Nightingale explained that he was not initially on the rota on the 30th and 31st December 2023 and the 1st January 2024, DI Williams was supposed to be on call. However, DI Williams had an emergency, and she asked PS Nightingale to attend the police station if a call came in. DI Williams said that she would cover any phone calls. The AA accepted that there was some confusion as to whether this equated to PS Nightingale being on call and PS Nightingale was given the benefit of the doubt when he claimed the fee for covering this session.

On the 2nd February 2024, PS Nightingale agreed to swap an on-call session with PS Thomas and this swap was not shown on the rota, but it was accepted that PS Nightingale actually covered the 2nd February 2024.

PS Nightingale accepted that the above on call sessions, (including the 3 standby sessions from New Year, and the 2nd February 2024) amounted to 108 sessions.

PS Nightingale accepted in evidence that he had claimed for 114 on call sessions. PS Nightingale stated that he believed that he had been on call for 114 sessions over the period August 2023 to August 2024. PS Nightingale further stated that he knew the consequences of police officers being dishonest and stated that he would not destroy his police career by claiming for 6 on call sessions that he had not worked, amounting to £120 gross.

It was put to PS Nightingale that the AA stated that the on-call rota reflected when PS Nightingale was covering on call shifts. PS Nightingale stated that the rota was wrong and showed PS Thomas covering the 2nd February 2024, when it was accepted that PS Nightingale covered that session.

PS Nightingale maintained that he had completed 114 on call sessions and claimed for 114 on call sessions. He stated that if the AA were correct in their allegation that he had claimed for more on call sessions than he completed, then it was an error on his part and not deliberate.

PS Nightingale confirmed that on the 9th December 2023, he completed an overtime shift. PS Nightingale also completed overtime on the 15th and 16th December 2023. PS Nightingale accepted that he accidentally submitted the overtime claim for the 9th December 2023, 3 times. Consequently, PS Nightingale was overpaid £963.04 (gross) £593.95 (net). The AA accepted that PS Nightingale did not deliberately submit the overtime claim 3 times.

PS Nightingale said that he did not spot the error in the amount of money he received, when he was paid on the 28th January 2024. PS Nightingale said that he did not recall if he even downloaded his pay slip, stating further that he was expecting to be paid more than normal that month as he had completed overtime on the 9th, 15th and 16th December 2023.

PS Nightingale told the panel that on a previous occasion the rota showed PC Nightingale as working 12 hours. PS Nightingale said that he had only worked 8.5 hours that day and so claimed for 8.5 hours.

[REDACTED]

PS Nightingale confirmed that he was not in debt and he was fortunate enough not to have to count every penny. He said that 6 on call sessions would amount to £72 net. He had money in the bank, and he had £2500 in TOIL. PS Nightingale confirmed that he had paid the overpayment back to the police force, but this was after service of the Regulation 17 notice.

PS Nightingale said that he was aware that on a previous occasion he had to query payments. He said that he had previously been overpaid £67.85. On one occasion he had submitted a claim at the wrong rate and had brought this to the attention of his supervision before the claim was authorised. In 2020 PS Nightingale told pay roll that he had been paid £5625 in his salary payment, and he thought that was an overpayment, but it transpired that he was entitled to that money as it was an adjustment of tax. On another occasion, PS Nightingale was entitled to claim time and a half and had only claimed at the flat rate. On the 27th December 2023, PS Nightingale was on leave. He worked 3.5 hours that day. He did not claim overtime as he was entitled to do, asking only for 3.5 hours of his leave to be cancelled. On another occasion PS Nightingale said that he did not realise that he had not been paid for an overtime session until Superintendent Morgan brought it to his attention.

PS Nightingale confirmed his case was that if he had claimed for 114 on call sessions, that was because he worked 114 sessions. However, if he had not worked 114 sessions that was an error caused by human failing, caused in part by the stress that he was under.

[REDACTED]

Cross Examination

PS Nightingale said that he was aware that other officers had made errors in submissions for payment and they have not been made the subject of misconduct proceedings. PS Nightingale said that if he had claimed for 114 sessions, he honestly believed that he had worked 114 sessions but accepted that he was not aware if he had made an error.

It was put to PS Nightingale that the AA had given him the benefit of the doubt in relation to his on-call submissions, but PS Nightingale said that he could not see how he had been given the benefit of any doubt.

PS Nightingale said that it was not unusual for police officers to work more hours than they get paid for and went on to say that he had done "Hundreds of hours of work" which had been unpaid, [REDACTED] It was put to PS Nightingale that that would not be a defence to dishonesty and PS Nightingale said that he had not been dishonest, but accepted that he was human and could make mistakes, he added that if pay roll had asked him for an explanation as to what had happened, it could have been sorted out.

PS Nightingale accepted that after the service of the Regulation 17 notice, he had been through his emails but denied that was with a "fine toothcomb". He explained that he had 2

laptops with 2 different systems, and he was trying to find evidence to demonstrate his honesty.

It was put to PS Nightingale that he had not produced any contemporaneous documents relating to rota changes, but PS Nightingale said that the on-call sessions were as per his outlook calendar, stating that the actual on call rota is not accurate. PS Nightingale accepted that he did not know what dates the 6 extra on call claims related to, adding that if the AA could show some evidence that he had not worked those sessions, he would pay back the money claimed.

The AA accepted that PS Nightingale had paid the overpayment of overtime back to the police force but stated that this was not paid back straight away and when it was paid back to the police force, it was paid back in instalments. PS Nightingale said that was on legal advice but added that he did not know how many instalments he had made. PS Nightingale went on to say that if he had claimed more on call sessions than he had worked then it was an error on his part and was not dishonest.

PS Nightingale said that he had a reasonably good knowledge of the pay policy and that police officers only got paid for the hours that they had worked. PS Nightingale was asked if he accepted that the pay guidance said that officers were only entitled to claim a week on call payments at any one time. PS Nightingale said that the policy was written by a 3-year-old. It was pointed out to PS Nightingale that when a claim form was opened, that there was a section dealing with guidance on completion, but PS Nightingale said that he regarded the system as being inadequate and here was no hyperlink to follow. The form headed "Entering an overtime and standby claim" had a section stating, "Add number of sessions completed either on a day or up to a week at a time". PS Nightingale said that he was not aware that the document existed when he submitted his claim, saying that if someone had told him that the guidance existed then he would have completed the form in accordance with the guidance, adding that he had had 3 line supervisors who had never told him he was completing the form incorrectly. PS Nightingale said that West Mercia Police had made no proactive effort to make the work force aware of the guidance. It was put to PS Nightingale that when he initially started claiming for on call sessions, he had correctly completed the form and then stopped. PS Nightingale said that the form referred to "sessions" and therefore he thought that he could claim for multiple sessions at a time.

PS Nightingale said that it was not unusual for him to work late into the night. He took his laptop on holiday with him so that he could do a TEAMS call whilst he was away.

PS Nightingale said that the overpayment that he received on the 28th January 2024, was not an obvious overpayment. He had been expecting to get more money that month as he had done overtime shifts. He said that he did not notice the overpayment and if he had, he would have reported it and paid it back. It was pointed out to PS Nightingale that he did pay attention to his pay slip, as in the past he had reported overpayments, to which PS Nightingale replied that he had no financial motive to keep the overpayment and there was no dishonesty, he had just made a mistake.

Questions from the panel

PS Nightingale said that he generally would not make claims for sessions in the future and that some of his claims were submitted weeks later.

PS Nightingale said that he worked on the assumption that his outlook calendar was correct when making claims. The rota was not always correct, and PS Nightingale did not have access to amend the rota, but he was able to make amendments to his outlook calendar.

Interview under caution on the 15th January 2025

This is a summary of the interview under caution.

PS Nightingale accepted that he had been paid 3 times of the overtime shift of the 9th December 2023. The error was put down to an IT issue. PS Nightingale made his submission and then got a “spinning wheel” on the screen, and thinking the claim had not gone through, he submitted it again. PS Nightingale explained that there was a further claim that was showing as provisional, so in effect PS Nightingale had tried to claim 4 times.

PS Nightingale said that his payslip did not give a breakdown of the shifts that he had worked explaining that he had worked 2 other overtime shifts on the 15th and 16th December 2023, so it was not obvious to him that he had been overpaid.

In addition to it not being obvious, PS Nightingale said that he was [REDACTED] so he was not going through his pay slips in finite detail in December 2023. It was not one of his top priorities.

PS Nightingale was asked “So you’ve not checked your pay slip at all, and you were expecting additional money to be in there because of the other overtime shifts you have worked?”

PC Nightingale replied “Yeah, and I am also aware of other officers that have had this issue and submitted and been paid for overtime on multiple occasions for the same shift”

PS Nightingale was asked “So this is not unique to you?”

PC Nightingale responded, “Definitely not, the officers also did not realise, and it was brought up at an audit, is my understanding of the situation”.

PS Nightingale said that he thought it was an IT issue.

PS Nightingale said that he did not check all his emails, stating that he gets around 200 a day.

PS Nightingale was asked in interview “Did you get emails to say you’d submitted (the overtime claim)”.

PS Nightingale responded “Yes, I did. So, you do get emails, as you’re probably aware, we in the Federation use a different laptop, different IT systems. I don’t check my force emails that regularly”

PS Nightingale said that in the past he has been overpaid special priority payment and got a payment of around £5000 and brought this to the attention of pay roll.

PS Nightingale said that he joined the Police Federation in February 2023. He said that the federation represented around 2400 police officers in West Mercia. PS Nightingale said that he has been working excessive hours and not being paid for them. The rate for an on-call session was £20.

With regard to making a claim for an on-call session, PS Nightingale said that he still was not sure if he should be making block requests. The form refers to sessions (plural) and he could not understand why the form refers to multiple sessions, if he is supposed to make one claim at a time.

Finding of fact

The Issues to be Considered

The Standards of Professional Behaviour for all police officers are set out in the regulations and are expanded upon in the College of Policing Code of Ethics, which all officers are expected to adhere to.

The panel was reminded of the following:

The panel must not speculate about other matters such as other evidence it believes might be available, what it believes someone else might have said, or what it believes some other document, not in the bundle, might have said. If there are, in the panel's judgement, 'holes' or 'gaps' in the evidence, then that is a matter that the panel must consider in deciding whether the AA has proved the allegations it makes.

Misconduct' is defined as a breach of the Standard of Professional Behaviour that is so serious as to justify disciplinary action, and 'Gross Misconduct' is defined as a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

For an adverse finding against the officer, it is not necessary for every single fact/allegation made against him in the Regulation 30 Notice to be proved. It is sufficient to prove only some of the facts/allegations, so long as what is proved amounts to a breach of the standard (or one of the standards) identified in the Regulation 30 Notice.

The panel noted that it is the AA who brings these allegations - it is the AA, therefore, who must prove them.

This standard of proof is concerned with whether the panel is satisfied something has been proved on "the balance of probabilities". These are not criminal proceedings, and the panel does not need to be 'sure' of the matters founding any of the charges.

The starting and ending point of the panel's analysis of these allegations is the wording of the Regulation 30 Notice. Those are the matters the AA seeks to prove. The panel is only determining the allegations set out in the Regulation 30 Notice and nothing more.

The panel was provided with a number of statements from people who know the officer personally and professionally and heard live evidence from the officer. In accordance with the case of *Donkin v The Law Society*, it is correct that these character references were provided to the panel at this stage. Where the issue is dishonesty, evidence of good character, is relevant to credibility and propensity.

The panel must consider the character evidence in addition to the evidence it had heard in the hearing room or read in the hearing bundles.

Good character arises from the lack of any previous findings against the officer

Good character is not a defence to the allegation, but it is relevant to your consideration of the case in two ways. First, the defendant has given evidence. His good character is a positive feature of the defendant which you should take into account when considering whether you accept what he told you. Secondly, the fact that the Officer has not offended in the past may make it less likely that he acted as is now alleged against him

Any assertions of fact in those character statements pertaining to these particular allegations must be disregarded

The weight to be attached to this character evidence is a matter for the panel. But the panel must state what weight, if any, it has put on the character evidence in its written reasons.

The panel was advised that the authorities are clear that the concepts of dishonesty and want of integrity are separate and distinct.

The leading case on integrity is *Wingate, Evans and Malins v SRA* 2018 which states

“Integrity is a broader concept than honesty

Integrity connotes adherence to the ethical standards of one’s own professional. That involves more than mere honesty. To take an example a solicitor conducting negotiations or a barrister making submissions to a judge or arbitrator will take particular care not to mislead. Such a professional person is expected to be even more scrupulous about accuracy than a member of the public in daily discourse.

The duty to act with integrity applies not only to what professional persons say, but also to what they do.

Obviously neither courts nor professional tribunals must set unrealistically high standards... The duty of integrity does not require professional people to be paragon of virtue. In every instance professional integrity is linked to the manner in which that particular profession professes to serve the public.”

The leading case on dishonesty is *Ivey v Genting Casinos (UK)* which says:

In deciding whether the officer was dishonest, the Panel must approach that question by taking the following approach:

Firstly - What did the officer actually know or believe at the time he did the matter that is said to be dishonest? In deciding that question, the Panel can consider the reasonableness or otherwise of what he says he knew or believed; it is not necessary, however, for that belief to be reasonable – an unreasonable belief is still a belief.

Secondly - Was the officers conduct, in light of his knowledge/beliefs, honest or dishonest by the objective standards of ordinary decent people?

The panel took the following approach:

- a. First, to consider the facts of the case and to make findings in relation to each of the facts alleged by the AA.
- b. Second, to determine if facts were found proved, whether they constituted one or more breach(es) of the relevant Standards.
- c. Third, to consider if any conduct is found proven against PS Nightingale, if that amounts to Misconduct or Gross Misconduct
- d. Fourth, if appropriate, to decide what the outcome should be.

The panel considered the bundle of evidence served and the Regulation 31 response and the addendum to the Regulation 31 response together with the bundle of character references that were provided on behalf of PS Nightingale in addition to the live evidence given to the panel, when making its decision.

Assessment of the witnesses

PS Nightingale

The panel did not find PS Nightingale to be a credible witness.

The panel accepted that PS Nightingale found the investigation of the allegation and the run up to the hearing to be very stressful. The panel accepted that PS Nightingale found the giving of evidence and cross examination to be distressing.

The panel found that PS Nightingale was very controlled and managed when giving evidence in chief. The character of his evidence changed when he was cross examined. PS

Nightingale was evasive when answering questions. He was asked several questions, and he did not actually answer the questions put to him but skirted around them.

PS Nightingale was evasive in evidence about how he made his on-call requests and later was inconsistent in his account as to whether he claimed on call payments in advance or arrears. In response to questions from the panel, PS Nightingale said that he “would not be asking for things in the future”. However, it was clear from the request for payment submitted on the 18th August 2023, that PS Nightingale was indeed claiming in advance for sessions that he had not yet completed. Overall, the panel found that the way in which PS Nightingale claimed payment for on call sessions was impenetrable and defeated audit.

The panel found PS Nightingale’s assertion that he had not seen the guidance on “Entering an overtime and standby claim for approval” to lack credibility. It was clear that PS Nightingale had initially completed his request for payment in accordance with that guidance, before changing the way in which he completed the form. In addition, it is reasonable that as a federation representative that PS Nightingale would have a good knowledge of guidance and policy.

Mr Summers on behalf of PS Nightingale confirmed to the panel that the provisions of the Equality Act 2010 did not apply in this case.

[REDACTED]

[REDACTED]

PS Nightingale’s defence was that he had not realised that he had been overpaid as he had not checked his payslip and/or bank account. The panel did not accept that PS Nightingale had not checked his bank account and/or pay slip and was not aware of the overpayment. The panel took into account the fact that PS Nightingale confirmed that emails were sent to claimants upon the submission of overtime claims, which provided a further opportunity to PS Nightingale to have been made aware of the overpayment. Based on these factors, the panel found that it was more likely than not that PS Nightingale would have been aware of the overpayment of the overtime fee before the service of the Regulation 17 notice. Thereafter PS Nightingale deliberately failed to disclose that he had been overpaid.

Character witnesses

The panel had the opportunity to read the character witnesses statements when deciding on outcome. The panel accepted that the character witnesses were all providing their honest accounts of PS Nightingale. The panel noted that PS Nightingale had no previous findings of misconduct recorded against him or any convictions or cautions and reminded themselves of the good character direction that it had been given.

The panel have also concluded from this character assessment that PS Nightingale has no propensity towards dishonesty or lack of integrity.

Admitted and proven facts

The panel found the following facts to be admitted.

1. PS Nightingale was rostered for 104 on call sessions in the period August 2023 to August 2024
2. PS Nightingale completed 13 hours overtime on the 9th December 2023.
3. PS Nightingale submitted a request for overtime payment for the 9th December 2023, three times.

4. It is accepted that PS Nightingale did not deliberately make 3 requests for payment for overtime completed the 9th December 2023. The submission of 3 requests for payment was due to an IT issue.
5. PS Nightingale worked overtime on the 15th and 16th December 2023, working 13 hours and 8.5 hours respectively.
6. The AA accept that there was a genuine misunderstanding in relation to the on-call claims for the 30th and 31st December 2023 and the 1st January 2024.
7. PS Nightingale covered an on-call session for PS Thomas on the 2nd February 2024.
8. On the 28th January 2024, PS Nightingale received overpayment for the overtime completed on the 9th December 2023.

The following facts were not admitted by PS Nightingale

1. PS Nightingale denies knowing that he had been overpaid for overtime completed on the 9th December 2023.
2. PS Nightingale asserts that he only claimed on call fees for the sessions that he had covered. PS Nightingale asserts that he did not claim for 6 sessions that it was alleged that he had not covered.

The panel also accepted the following assertions-

1. The IT system was complicated and did not always work correctly.
2. PS Nightingale had raised issues with pay roll on previous occasions.
3. That PS Nightingale was expecting to be paid on the 28th January 2024 for overtime shifts and on-call sessions in addition to his basic pay.

Findings on the disputed breaches of The Standards of Professional Behaviour

Honesty and integrity

Claiming the on-call honorarium for 6 dates that PS Nightingale had not covered

The panel noted that the on-call rota is the evidence that the AA relied upon to bring the case against PS Nightingale.

The panel found that the rota that the AA relied on to prove their case is not accurate.

There is a discrepancy between the rota and the evidence of PS Thomas and PS Nightingale. PS Nightingale covered an on-call session for PS Thomas on the 2nd February 2024. That amendment or change of shift was not reflected on the on-call rota.

To show that PS Nightingale had acted dishonestly, there would have to be a piece of material that was honest and the rota did not stand up to that scrutiny.

On the balance of probabilities, the panel did not find that PS Nightingale dishonestly claimed for 6 on call honorarium that he had not covered.

Failure to declare the receipt of an overpayment.

The panel found that PS Nightingale did work overtime on the 9th December 2023 and made a request for payment. That request for payment went through 3 times which resulted in PS Nightingale being overpaid.

PS Nightingale said that he was not aware of the overpayment as he had not checked his payslip and/or bank account and that in any event his payslip did not set out exactly what

overtime was being paid. The endorsement on the pay slip would simply read “directed overtime” and then give the rate at which it was being paid.

The panel note that in interview, PS Nightingale said “I am aware that other officers have had this issue and submitted and been paid for overtime on multiple occasions for the same shift”.

PS Nightingale also accepts in interview that he knew-

1. He had Submitted his request for payment 3 times in error.
2. He knew that he would have received an email confirming submission of the overtime payment request but stated that he received so many emails that the chances of him reading the email were limited.
3. He knew that submissions were auditable.

The panel found that PS Nightingale was on notice that there was a realistic possibility that he was going to be overpaid from multiple claims being made on the same occasion. Additionally, PS Nightingale knew that other officers had been paid in error for overtime.

The panel found that it was PS Nightingale that had raised the issue of payment in that he worked an overtime shift and had requested an overtime payment when he completed the necessary form to facilitate payment of that request. This was not a basic salary payment.

On the 28th January 2024, PS Nightingale expected to receive his basic salary, multiple on call session payments together with overtime payments. The panel struggled to accept that PS Nightingale would not have checked his bank account and/or pay slip or the automatically generated email notification that is received when an overtime claim submission is made and realised that an overpayment had been made.

The panel found that that there was 9 months between the overpayment and service of the Regulation 17 notice. The panel also noted that in the intervening months, PS Nightingale had been on holiday. The panel did not accept that with having to pay everyday expenses and go on holiday, that PS Nightingale would not have checked his bank account.

The panel did not accept that PS Nightingale had not checked his bank account and/or his pay slip and did not accept PS Nightingale’s assertion that he did not know he had been incorrectly overpaid.

In deciding whether PS Nightingale was dishonest, the Panel approached that question by taking the following approach as per *Ivey v Genting Casino*

- a. The panel found that PS Nightingale knew that there was a realistic possibility that he was going to be overpaid and further that PS Nightingale knew that he had been overpaid. The panel considered the reasonableness of what PS Nightingale said that he knew or believed at the time.
- b. The panel considered that PS Nightingale’s conduct in light of his knowledge at the time was dishonest by the objective standard of ordinary decent people.

On the balance of probabilities, the panel found that PS Nightingale dishonestly failed to declare receipt of an overpayment.

The panel also accepted that by acting dishonestly, PS Nightingale did not act with integrity.

In accordance with the case of Chief constable of Thames Valley Police Misconduct Panel v White, PS Nightingale did not behave as “The totally correct police officer would” and as a

police officer PS Nightingale did not do “the right thing”, when he failed to declare receipt of the overpayment.

On the balance of probabilities, the panel found that PS Nightingale failed to act with integrity.

Discreditable conduct

The panel reminded themselves that in order to prove a breach of the Standard relating to Discreditable Conduct, it is not necessary to prove that actual discredit has been brought to the police service; it is sufficient that the officer’s behaviour had the potential to do so.

The Standard of Professional Behaviour states “Police officers behave in a manner which does not discredit the police service or undermine public confidence in it, whether on or off duty.”

The panel found that members of the public expect police officers to act to a high moral code. The public do not expect police officers to act in a dishonest manner and without integrity. The panel believed that if members of the public were to find out that a serving police officer had acted dishonestly and without integrity, they would be shocked and PS Nightingale’s actions therefore had the potential to discredit the police service and undermine public confidence in the police service.

On the balance of probabilities, the panel found that by PS Nightingale’s failure to declare receipt of an overpayment was likely to bring the police service into disrepute and therefore found the breach of Standard of Professional Behaviour in relation to Discreditable Conduct to be proven.

Misconduct or Gross Misconduct

Gross misconduct - Is defined as so serious that the sanction of dismissal without notice could be justified.

Misconduct – A breach of the standards of professional behavior so serious as to justify disciplinary action.

The panel finds that all breaches individually and collectively amount to gross misconduct, namely a breach of the Standards of Professional Behavior that is so serious as to justify dismissal without notice. This is due to the nature and severity of the breaches of the Standards of Professional Behavior.

Approach to Sanction

The panel heard submissions on sanctions from Mr Summers and Mr Holdcroft.

The panel also received advice from Mrs Wilson.

The panel considered the Guidance on Outcomes in Police Misconduct Hearings, and the panel bore this in mind in its deliberations.

The panel had sight of and considered PS Nightingale’s service record.

The panel adopted the three-stage process as outlined in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings to determine the appropriate sanction.

The panel bore in mind the threefold purposes of the police misconduct regime namely:

- (a) Maintain public confidence in and the reputation of the police service
- (b) Uphold high standards in policing and deter misconduct

(c) Protect the public

The panel was reminded that misconduct proceedings are not designed to punish police officers,

“The panel is then centrally concerned with the reputation or standing of the profession rather than the punishment of the doctor” (or police officer) per *Rachid v General Medical Council*.

The first stage is to assess the seriousness of the conduct.

This is assessed by reference to

The officer’s culpability

The harm caused by the misconduct

The existence of aggravating features

The existence of mitigating features

The panel noted that the College of Policing Guidance on Police Conduct Hearings reminded the panel that it must look at the appropriateness of the least onerous sanction before going on to consider more onerous sanctions and always choose the least severe outcome that deals adequately with the issues identified whilst protecting the public interest. If an outcome is necessary to satisfy the purpose of the proceedings, they should impose it even where this would lead to difficulties for the individual officer.

The panel first considered the seriousness of the proven allegations.

Outcome

The panel directed itself that it must consider the officers’ conduct is not serious simply because the same action on his part involves him breaching multiple Standards of Professional Behavior. The panel accepted that it is the conduct proven that matters, not the number of Standards of Professional Behavior he has breached.

Absence of PS Nightingale

PS Nightingale left the hearing room before sanction outcome was determined. Mr. Summers continued to represent PS Nightingale.

The panel confirmed that they had drawn no adverse inference from the absence of PS Nightingale.

Deployment

Mr Holdcroft, in his submissions on sanctions, suggested to the panel that the panel’s findings against PS Nightingale effectively rendered PS Nightingale as non-deployable.

The panel reminded itself of the three purposes of the police misconduct regime, namely, to maintain public confidence in and the reputation of the police service and to uphold high standards and deter misconduct and to protect the public.

The panel did not deliberate further as to whether PS Nightingale would be non-deployable.

The panel came to the view that its focus should instead be on the three purposes detailed above.

Culpability

The panel found that PS Nightingale did not deliberately make false claims to get an overpayment of overtime, but once he had the overpayment, he deliberately kept the overpayment.

The harm was unintentional, but PS Nightingale knew the risk of harm in keeping the overpayment.

The panel found that honesty and integrity are fundamental requirements for police officers.

The panel assessed the culpability as high

Harm

The panel found that there was financial loss caused to West Mercia Police Force, but the panel also noted that the overpayment was repaid to the police force, after the service of the Regulation 17 notice in November 2024.

There is a risk of reputational harm to the police service. Honesty goes to the heart of the police service. The panel found that the public would be shocked to hear that a serving police officer had breached the Standards of Professional Behavior of Honesty and Integrity and Discreditable Conduct and PS Nightingale's actions would impact on the standing and reputation of the police profession as a whole

The panel formed the view that if the public found out about PS Nightingale's dishonesty, then there was potential for public confidence in the police force to be undermined.

The panel assessed the harm as high.

Aggravating features

The panel was mindful not to double-count matters that had already formed part of the assessment of culpability and harm.

The panel found that PS Nightingale was a sergeant and officer of the police federation and therefore was in a position of leadership.

The panel found that there were aggravating features.

Mitigating features

The panel found that this incident was confined to a single episode. It was an isolated act. The panel accepted that PS Nightingale was under a significant amount of stress

The panel found that there were mitigating factors.

Taking all matters into consideration, the panel assessed the seriousness of the conduct as high.

Personal mitigation

The panel was mindful as to the weight that they should attach to personal mitigation as identified in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings and that the interests of the police service and the protection of the public are more important than those of the individual officer.

The panel accepted that PS Nightingale has no previous misconduct finding.

The panel also had sight of PS Nightingale's record of service and the character references and noted that PS Nightingale had no propensity towards dishonesty or lack of integrity.

The panel found that PS Nightingale had received a commendation in 2017 and had been a dedicated and hardworking police officer since 2005.

The panel considered PS Nightingale's personal mitigation and gave it limited weight.

Sanction

The College of Policing Guidance on Outcomes in Police Misconduct Proceedings reminded the panel that the panel must look at the appropriateness of the least onerous sanction before going on to consider the more onerous sanctions and always choose the least severe outcome.

The panel considered whether a final written warning or reduction in rank would be consistent with the public interest.

The panel concluded that a final written warning would not serve to mark the seriousness of the conduct or deter others from similar conduct and fulfil the purpose of the police misconduct regime.

The panel concluded that reducing PS Nightingale in rank would not serve to mark the seriousness of the conduct or deter others from similar conduct and fulfil the purpose of the police misconduct regime, furthermore, PS Nightingale's misconduct is not related to poor leadership.

The panel considered the matter fully including the nature and severity of the breach of the Standards of Professional Behavior. The panel considered this matter to be serious due to the fact that it is a breach of Honesty and Integrity. The panel also concluded that honesty and integrity are a fundamental part of policing.

The panel noted the words of Lord Justice Maurice Kay in *Salter v Chief Constable of Dorset*, which said that police officers ".....carry out vital public functions in which it is imperative that the public have confidence in them. It is also obvious that the operational dishonesty or impropriety of a single officer tarnishes the reputation of his Force and undermines public confidence in it.'

The gravity of PS Nightingale's breaches of the Standard of Professional Behaviour means that the panel do not consider that any sanction less than dismissal without notice is justified.

As such the panel's decision is that PS Nightingale should be dismissed without notice and placed on the College of Policing's barred list

