

Nadeem Saddique

Investigation into allegations that
Cleveland Police officers victimised and
racially discriminated against former PC
Saddique

> Independent investigation report

> Investigation information

Investigation name:	Operation Forbes
IOPC reference:	2016/060323
Investigation type:	Conduct
IOPC office:	Wakefield
Lead investigator:	
Case supervisor:	
Director General delegate (Decision maker):	RD Miranda Biddle
Status of report:	Final
Date finalised:	08/07/19

Please note that this report contains language that some people may find offensive.

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> Introduction

> The purpose of this report

1. I was appointed by the IOPC¹ to carry out an independent investigation into allegations that Cleveland Police officers racially discriminated against and victimised former PC Nadeem Saddique.
2. PC Saddique joined Cleveland Police in 1991 as a response officer. In December 2001, he became an Authorised Firearms Officer (AFO) within the Cleveland Police Specialist Operation Unit, based in Wynyard Police Office.
3. In February 2006, he became a VIP Close Protection Firearms Officer.
4. PC Saddique's VIP status was removed in January 2011. In March 2011, he submitted a formal grievance to Cleveland Police alleging racial discrimination, harassment and bullying. Among other things, he alleged that he had been denied training opportunities and his VIP status had been removed because of his race.
5. In April 2011, he submitted an Employment Tribunal (ET) claim against Cleveland Police alleging racial discrimination relating to the issues raised in his grievance.
6. In October 2011, he agreed to settle his ET claim on the condition that Cleveland Police took certain measures to prevent further discrimination. His terms, which were recorded in a COT3² settlement, were as follows:
 - The matters he had raised in his grievance would be incorporated into a force-wide review of the treatment of Black and Minority Ethnic (BME)³ members of Cleveland Police, henceforth referred to as the Equality Review.
 - He would return to work as an AFO.
 - The Assistant Chief Constable (ACC) would speak personally to three officers PC Saddique had named in his grievance and ET claim, and tell them to treat him with the dignity and respect that should be accorded to any other member of the force.
 - Within one month of his return to work he would have a personal development plan, which he would be involved in setting, and which would

¹ On 8 January 2018, the Independent Police Complaints Commission (IPCC) became the Independent Office for Police Conduct (IOPC). We have referred to ourselves as the IOPC within this report.

² A COT3 is a legally binding agreement that outlines the terms of settlement of an ET claim as agreed between the employee and employer

³ The IOPC recognises that some people find the term "BME" offensive. However, as this was PC Saddique's preferred terminology, it has been adopted in this report.

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cover various professional and personal development objectives including a return to VIP work.

7. On 10 October 2014, PC Saddique submitted a further ET claim against Cleveland Police alleging that they had discriminated against him due to his race.
8. His claim included allegations against the then Head of the Professional Standards Department (PSD) Superintendent Jonathan Green, Head of the Cleveland and Durham Specialist Operations Unit (CDSOU) Chief Inspector⁴ Andy Huddleston, Head of Firearms Operations Inspector⁵ Mick Robson, and Firearms Instructors Subject Officer A and Subject Officer B.
9. On 25 November 2015, Employment Judge Tudor Garnon found in PC Saddique's favour in relation to the majority of his allegations, and expressed the view that the COT3 agreement was "[a] means of 'fobbing off' the claimant which no senior officer had the least intention of implementing."
10. However, Judge Garnon also observed that PC Saddique had eventually "started to see racism in circumstances where he did not earlier", and "out of frustration, later made some allegations in robust terms and lacking in evidential support."
11. This matter came to the attention of the IOPC on 20 January 2016, as a conduct referral.
12. In an IOPC investigation, the powers and obligations of the Director General (DG) are generally delegated to a senior member of IOPC staff, henceforth referred to as the decision maker. The decision maker for this investigation is Regional Director, Miranda Biddle.
13. In this report, I will provide an accurate summary of the evidence, and attach or refer to any relevant documents. I will also provide sufficient information to enable the appropriate authority and decision maker to determine:
 - whether any person serving with the police has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was unsatisfactory;
 - whether disciplinary proceedings should be brought against any person to whose conduct the investigation related, and the form of any such proceedings;
 - whether to refer any matter to the Crown Prosecution Service (CPS);
 - whether to make a recommendation to any organisation about any lessons that may need to be learned.
14. On receipt of the report, the decision maker will record her opinion on whether any person serving with the police has a case to answer for misconduct or gross

⁴ CI Huddleston has since been promoted to the rank of Superintendent. For the avoidance of confusion, he is referred to as CI Huddleston in this report, as this was his rank at the time of the events under investigation.

⁵ Inspector Robson has since been promoted to the rank of Chief Inspector, but is referred to by his original rank in this report.

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misconduct (or no case to answer), on whether their performance was unsatisfactory, and on any other matters dealt with in the report.

15. The IOPC will then send a copy of the report and the decision maker's opinion to Cleveland Police, who must advise the decision maker what action, if any, they will take in response to the investigation findings. If the decision maker does not agree, she may recommend and ultimately direct further actions or determinations in respect of misconduct or performance proceedings.

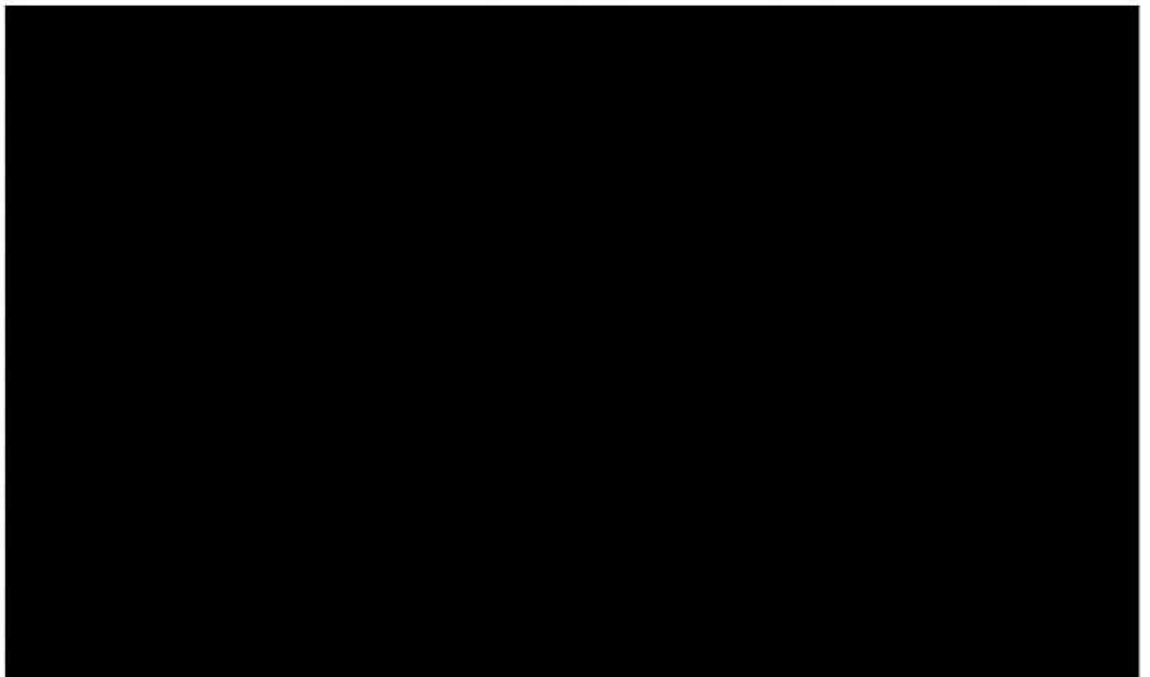
> Other investigations

16.

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18.

19.



> The investigation

> Terms of reference

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20. IPCC Commissioner Ms Mary Cunneen⁶ approved the terms of reference for this investigation on 19 October 2016. The terms of reference are:
 1. To investigate the conduct outlined in the Employment Tribunal's findings in respect of the following officers:

Inspector Robson

⁶ Following the legislative changes on 8 January 2018, the role of Commissioner ceased to exist and oversight of the investigation transferred to Regional Director Miranda Biddle.

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- a) Directly discriminated against and victimised PC Saddique by insisting that his Authorised Firearms Officer (AFO) status would be removed if he transferred to the Cleveland motorcycle unit.
- b) Directly discriminated against and victimised PC Saddique by preventing him from undertaking a VIP qualification⁷ shoot in January 2012.
- c) Directly discriminated against and victimised PC Saddique by failing to put in place a Personal Development Plan to demonstrate PC Saddique's aptitude for VIP work.
- d) Directly discriminated against and victimised against [sic] PC Saddique by failing to refer him to the force medical examiner⁸ for advice on whether he was experiencing stress, but referred PC Saddique about his back after PC Saddique challenged the decision to continue his suspension from AFO duties.
- e) Directly discriminated against and victimised PC Saddique by preventing him from completing a firearms training course in June 2014.
- f) Directly discriminated against and victimised against [sic] PC Saddique by arranging the removal of his driving permits.
- g) Was heard in the Black Bull Pub, Yarm saying that he would "*get that black cxxt out of firearms*" in reference to PC Saddique.
- h) Was heard discussing how he would remove him from firearms as a "*Pxxi*" should not be in the unit.
- i) Failed to correctly investigate an alleged English Defence League sticker on an AFO's gun holster, and destroyed the evidence.

Subject Officer B (Retired)

- j) Was heard in the Black Bull Pub, Yarm saying, "*who does he think he is, he is just a Pxxi*" in reference to PC Saddique.
- k) Was heard discussing how he wanted to remove him from the firearms unit due to his Pakistani heritage.

PC Roberts (Retired)

- l) Had a badge with a red cross on a white background on his gun holster. The sticker was alleged to include the words "*Muslim*" and "*crusade*".
- m) When questioned by line management about the sticker, PC Roberts responded that he "*was on a crusade and wanted to be challenged.*"

Chief Inspector (CI) Huddleston

⁷ In order to retain their AFO and/or VIP status, firearms officers have to pass regular qualification shoots. The VIP qualification shoot is particularly challenging, due to the demands of the role.

⁸ UK police forces have in-house doctors who perform various services, including providing medical treatment to officers and detainees. The usual term for these doctors is Forensic Medical Examiner (FME), but they are also referred to as Force Medical Examiners or Force Medical Advisors (FMAs).

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- n) Victimised against PC Saddique by insisting that he would lose his AFO status if he moved to the motorcycle unit, by putting PC Saddique under pressure to accept the vacancy at the motorcycle unit and informing PC Saddique he may be placed there against his will.

Subject Officer A

- o) Victimised PC Saddique by preventing him from undertaking a VIP qualification shoot in January 2012.
- p) Victimised PC Saddique by instructing his wife to pretend to film him at the gym.
- q) Victimised PC Saddique by preventing him from completing a firearms course on 9 June 2014.
- r) Victimised PC Saddique by humiliating him in front of the rest of the training course on 9 June 2014.
- s) Victimised PC Saddique by instructing, encouraging or inducing his wife to make a false complaint against PC Saddique.

Superintendent (Supt) Green

- t) Directly discriminated against and victimised PC Saddique by failing to investigate the matters raised in PC Saddique's emails on 8 May and 3 July 2014 and his report on 7 May 2014.
 - u) Directly discriminated against and victimised PC Saddique by informing Supt Thornton⁹ that PC Saddique had a history of domestic violence to influence the decision to withdraw his AFO status in June 2014.¹⁰
 - v) Directly discriminated against and victimised PC Saddique by serving a Regulation 16 notice on him in relation to the complaint by [wife of subject officer A].
2. To identify whether any subject of the investigation may have committed a criminal offence and, if appropriate, make early contact with the Director of Public Prosecutions (DPP). On receipt of the final report, the Commission delegate¹¹ shall determine whether the report should be sent to the DPP.
 3. To identify whether any subject of the investigation, in the investigator's opinion¹², has a case to answer for misconduct or gross misconduct, or no case to answer.

⁹ Supt Thornton took over from CI Huddleston as Head of the CDSOU.

¹⁰ This refers to a historic matter in 2004, Mr Saddique was arrested, no charges were brought and he successfully challenged Cleveland Police for this matter.

¹¹ Following the legislative changes on 8 January 2018, the Commission delegate role is now performed by the decision maker.

¹² Following the legislative changes on 8 January 2018, there is no longer a requirement for the investigator to give their opinion on whether any subject has a case to answer for misconduct or gross misconduct within the report. Instead, the delegated decision maker will give her opinion on a separate opinion document.

4. To consider and report on whether there may be organisational learning, including:
 - whether any change in policy or practice would help to prevent a recurrence of the event, incident or conduct investigated;
 - whether the incident highlights any good practice that should be shared.

> Subjects of the investigation

21. During the investigation, the IOPC lead investigator considered that there was an indication that six police officers may have behaved in a manner that would justify the bringing of disciplinary proceedings.
22. Where there is such an indication for any police officer, police staff member or relevant contractor, they will be categorised as a subject of the investigation.
23. All subjects must be served with a notice of investigation informing them of the allegations against them and stating whether the allegations would amount to misconduct or gross misconduct if proven or admitted.
- D29
D28 24. Inspector Robson and Supt Green were served with notices of investigation on 17 November 2016.
- D27
D30 25. CI Huddleston and Subject Officer A were served with notices of investigation on 18 and 19 November 2016, respectively.
- D139
D451 26. PC Roberts was served with a notice in respect of the allegations made against him. Unfortunately, the IOPC has not retained and has been unable to obtain a copy of the notice served upon PC Roberts. However, the IOPC case management system (Perito) indicates that the notice was served on him on or around 12 November 2016. Additionally, correspondence from PC Robert's legal team to the IOPC (dated 15 December 2016, 26 May 2017 and 12 July 2017), confirms that the former officer was served with a notice. Subject Officer B was served with a notice of investigation
27. The allegations against each subject mirrored those set out in the terms of reference, above. In each case, the allegations were assessed as amounting to gross misconduct, if proven or admitted.

> Policies, procedures and legislation considered

28. During the investigation, I have examined relevant national and local policies and legislation, as set out below. This will enable the decision maker and the appropriate authority to consider whether the officers named in this report

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complied with the applicable guidance and legislation, and whether the existing policies were sufficient in the circumstances.

> Standards of professional behaviour; equality and diversity

29. The police code of ethics directs that officers must uphold the law regarding human rights and equality, treat all people fairly and with respect, treat people impartially.

> The Equality Act 2010 and related case law

30. Section 13(1) of the Equality Act states:
“A person (A) discriminates against another (B) if, because of a protected characteristic, A treats B less favourably than A treats or would treat others.”
31. Section 27(1) states:
“A person (A) victimises another person (B) if A subjects B to a detriment because -
(a) B does a protected act, or
(b) A believes that B has done, or may do, a protected act.”
32. Section 27(2) states that protected acts include bringing proceedings under the Act, and making an allegation that A or another person has contravened the Act.
33. Section 39(2) states (in part):
“An employer (A) must not discriminate against an employee of A's (B) –
(b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for receiving any other benefit, facility or service;
(d) by subjecting B to any other detriment.”
34. Section 39(4) states (in part):
“An employer (A) must not victimise an employee of A's (B) –
(b) in the way A affords B access, or by not affording B access, to opportunities for promotion, transfer or training or for any other benefit, facility or service;
(d) by subjecting B to any other detriment.”
35. The following case law was cited in the Employment Tribunal judgement. As well as helping to explain how and why the Tribunal reached its findings, this case law is relevant to the findings of this investigation.
36. In the cases of *Weathersfield Ltd v Sergeant* [1999] and *Showboat Entertainment Centre v Owens* [1984], it was held that acts of victimisation may also amount to direct discrimination if a person had been treated less favourably because they objected to direct discrimination by their employer.
37. In the case of *Law Society v Bahl* [2003], Elias J. said:

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“The fundamental question is why the alleged discriminator acted as he did. If what he does is reasonable then the reason is likely to be non-discriminatory. In general a person has good non-discriminatory reasons for doing what is reasonable.

By contrast, where the alleged discriminator acts unreasonably then a tribunal will want to know why he has acted in that way. If he gives a non-discriminatory explanation which the tribunal considers to be honestly given, then that is likely to be a full answer to any discrimination claim. It need not be, because it is possible that he is subconsciously influenced by unlawful discriminatory considerations...

The significance of the fact that the treatment is unreasonable is that a tribunal will more readily in practice reject the explanation given than it would if the treatment were reasonable. In short, it goes to credibility. If the tribunal does not accept the reason given by the alleged discriminator, it may be open to it to infer discrimination. But it will depend upon why it has rejected the reason that he has given, and whether the primary facts it finds provide another and cogent explanation for the conduct. Persons who have not in fact discriminated on the proscribed grounds may nonetheless sometimes give a false reason for the behaviour. They may rightly consider, for example, that the true reason casts them in a less favourable light, perhaps because it discloses incompetence or insensitivity. If the findings of the tribunal suggest that there is such an explanation, then the fact that the alleged discriminator has been less than frank in the witness box when giving evidence will provide little, if any, evidence to support a finding of unlawful discrimination itself...”

38. In the case of *Ladele v London Borough of Islington* [2009], the Judge stated:
- “Whilst the basic principles are not difficult to state, there has been extensive case law seeking to assist tribunals in determining whether direct discrimination has occurred. The following propositions with respect to the concept of direct discrimination, potentially relevant to this case, seem to us to be justified by the authorities:*
- (1) In every case the tribunal has to determine the reason why the claimant was treated as he was. As Lord Nicholls put it in *Nagaraian v London Regional Transport* [1999] ICR 877, 884E - “this is the crucial question”. He also observed that in most cases this will call for some consideration of the mental processes (conscious or subconscious) of the alleged discriminator.*
 - (2) If the tribunal is satisfied that the prohibited ground is one of the reasons for the treatment, that is sufficient to establish discrimination. It need not be the only or even the main reason. It is sufficient that it is significant in the sense of being more than trivial: see the observations of Lord Nicholls in *Nagaraian* (p.886F) as explained by Peter Gibson LJ in *Igen v Wong* [2005] ICR 931, para 37.*
 - (3) As the courts have regularly recognised, direct evidence of discrimination is rare and tribunals frequently have to infer discrimination from all the material facts. The courts have adopted the two-stage test which reflects the requirements of the Burden of Proof Directive (97/80/EEC). These are set out in *Igen v Wong*. That case sets out guidelines in considerable detail, touching on numerous peripheral issues. Whilst accurate, the formulation there adopted perhaps suggests the exercise is more complex than it really is. The essential*

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guidelines can be simply stated and in truth do no more than reflect the common sense way in which courts would naturally approach an issue of proof of this nature. The first stage places a burden on the claimant to establish a prima facie case of discrimination:

"Where the applicant has proved facts from which inferences could be drawn that the employer has treated the applicant less favourably [on the prohibited ground], then the burden of proof moves to the employer."

If the claimant proves such facts then the second stage is engaged. At that stage the burden shifts to the employer who can only discharge the burden by proving on the balance of probabilities that the treatment was not on the prohibited ground. If he fails to establish that, the Tribunal must find that there is discrimination. (The English law in existence prior to the Burden of Proof Directive reflected these principles save that it laid down that where the prima facie case of discrimination was established it was open to a tribunal to infer that there was discrimination if the employer did not provide a satisfactory non-discriminatory explanation, whereas the Directive requires that such an inference must be made in those circumstances: see the judgment of Neill LJ in the Court of Appeal in King v The Great Britain-China Centre F1991URLR 513)

(4) The explanation for the less favourable treatment does not have to be a reasonable one; it may be that the employer has treated the claimant unreasonably. That is a frequent occurrence quite irrespective of the race, sex, religion or sexual orientation of the employee. So the mere fact that the claimant is treated unreasonably does not suffice to justify an inference of unlawful discrimination to satisfy stage one. As Lord Browne Wilkinson pointed out in Zafar v Glasgow City Council [1998] ICR 120:

"it cannot be inferred, let alone presumed, only from the fact that an employer has acted unreasonably towards one employee that he would have acted reasonably if he had been dealing with another in the same circumstances."

Of course, in the circumstances of a particular case unreasonable treatment may be evidence of discrimination such as to engage stage two and call for an explanation; see the judgment of Peter Gibson LJ in Bahl v Law Society [2004] IRLR 799. paras 100-101 and if the employer fails to provide a non-discriminatory explanation for the unreasonable treatment, then the inference of discrimination must be drawn. As Peter Gibson LJ pointed out, the inference is then drawn not from the unreasonable treatment itself - or at least not simply from that fact - but from the failure to provide a non-discriminatory explanation for it. But if the employer shows that the reason for the less favourable treatment has nothing to do with the prohibited ground, that discharges the burden at the second stage, however unreasonable the treatment.

(5) It is not necessary in every case for a tribunal to go through the two-stage procedure. In some cases it may be appropriate for the Tribunal simply to focus on the reason given by the employer and if it is satisfied that this discloses no discrimination, then it need not go through the exercise of considering whether the other evidence, absent the explanation, would have been capable of amounting to a prima facie case under stage one of the Igen test: see the decision of the Court of Appeal in Brown v Croydon LBC [2007] ICR 897

paras.28-39. The employee is not prejudiced by that approach because in effect the tribunal is acting on the assumption that even if the first hurdle has been crossed by the employee, the case fails because the employer has provided a convincing non-discriminatory explanation for the less favourable treatment.

(6) It is incumbent on a tribunal which seeks to infer (or indeed to decline to infer)

discrimination from the surrounding facts to set out in some detail what these relevant factors are: see the observations of Sedley LJ in Anya v University of Oxford [2001] IRLR 377 esp. para.10.

(7) As we have said, it is implicit in the concept of discrimination that the claimant is treated differently than the statutory comparator is or would be treated. The proper approach to the evidence of how comparators may be used was succinctly summarised by Lord Hoffmann in Watt (formerly Carter) v Ashan [2008] ICR 82, a case of direct race discrimination by the Labour Party.... (paras.36-37)..."

> IPCC Guidelines for Handling Allegations of Discrimination

D301

39. These guidelines were issued before the IPCC became the IOPC, but are still current.
40. Paragraph 1.11 of the guidelines states that, in cases involving allegations of direct discrimination, the investigator should ask:
"Would the person have been treated in this way but for their protected characteristic (i.e. their race/religion/sex/sexual orientation/gender reassignment/age/disability etc)?"
41. Paragraph 4.1 states:
"Discrimination can be overt and expressed as open hostility or use of offensive, degrading language. However, it is more than just these things. Direct discrimination includes actions that are informed by biased assumptions or prejudice in respect of a protected characteristic – even if this is done unconsciously."
42. Paragraphs 5.9-5.12 state that the investigator should consider whether there are any patterns of behaviour (for example, in an officer's complaint history) that may indicate an underlying prejudice.
43. Paragraphs 5.13-5.16 state:
"A previous complaint of discrimination against a police officer or staff member would be unlikely to provide strong evidence that they have discriminated in a separate, unrelated incident. However, if repeated allegations or other concerning trends are found, this should be taken into account..."
A pattern of previous upheld complaints that showed a clear propensity for the described behaviour could be used to help assess the credibility of competing accounts and might tip the balance of probabilities in a case depending on the other evidence available.
If no concerning trends in the officer's complaint history are found, this should not in itself be used as evidence that clears the officer or staff member subject to

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complaint – though this might reasonably be taken into account when assessing the credibility of the officer or staff member’s account or when deciding the appropriate outcome if the allegation is substantiated.”

Other patterns of behaviour evidence that might be relevant to consider includes any evidence of how the officer or staff member has behaved in similar situations with people with the same protected characteristic referred to in the complaint or people who do not share the protected characteristic by way of comparison.”

44. Paragraphs 5.26-5.27 state:

“Where an actual person can be identified who can be used as a comparator, this can be useful evidence to help decide whether there is a case to answer for discrimination or grounds to uphold a discrimination complaint.

An actual comparator is another person who:

- *was in the same or very similar circumstances to the complainant*
- *was treated differently to the complainant*
- *does not share the protected characteristic that the complaint is about.”*

D357
D210
D212
D208
D226
D228

45. Paragraph 5.29 states that the investigator must take account of any differences in the circumstances of the people being compared.

46. I have examined the disciplinary records of all the subject officers in this case. There is nothing of relevance which impacts upon this IOPC investigation.

> Home Office Guidance on Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures

D74

47. In relation to Management Action, paragraphs 2.89-2.97 of the guidance state:

“Dealing with misconduct

Unless there are good reasons to take no action, there are two ways by which line managers can deal with matters which have been assessed as potential misconduct:

- *Management action*
- *Disciplinary action for misconduct – where it is felt that the matter should be investigated*

A decision on which action will be appropriate will be made on the basis of the information available following the severity assessment¹³.

Management action

The purpose of management action is to:

¹³ A severity assessment is an assessment of whether the alleged conduct would amount to misconduct or gross misconduct if proven.

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- *Deal with misconduct in a timely, proportionate and effective way that will command the confidence of staff, police officers, the police service and the public.*
- *Identify any underlying causes or welfare considerations.*
- *Improve conduct and to prevent a similar situation arising in the future.*

When appropriate, managers in the police service are expected and encouraged to intervene at the earliest opportunity to prevent misconduct occurring and to deal with cases of misconduct in a proportionate and timely way through management action. Even if the police officer does not agree to the management action it can still be imposed by the manager providing such action is reasonable and proportionate.

Management action may include:

- *Pointing out how the behaviour fell short of the expectations set out in the Standards of Professional Behaviour*
- *Identifying expectations for future conduct.*
- *Establishing an improvement plan.*
- *Addressing any underlying causes of misconduct.*

...Management action is not a disciplinary outcome but is considered to be part of the normal managerial responsibility of managers in the police service. Management action is always available...

Where an appropriate manager decides at the severity assessment that management action is the most appropriate and proportionate way to deal with an issue of misconduct, there will be no requirement to conduct a formal investigation and therefore no requirement to give a written notice to the police officer concerned in accordance with the provisions in the Conduct Regulations.”

Recording management action

Chapter 3 Paragraph 1.31 of the guidance addresses the need to record management action. It says:

‘Management action taken as a result of identifying unsatisfactory performance or attendance should be put on record which may be the police officer’s PDR or equivalent. In particular, the line manager should record the nature of the performance or attendance issue; the advice given and steps taken to address the problems identified. Placing matters on record is important to ensure continuity in circumstances where one or more members of the management chain may move on to other duties or the police officer concerned moves to new duties. It is also important to put on record when improvement has been made in his or her performance or attendance’.

> **The threshold for serving a notice of investigation upon a person serving with the police**

48. Paragraph 19(B)(1) of Schedule 3 to the Police Reform Act 2002 states:

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“If, during the course of an investigation of a complaint, it appears to the person investigating that there is an indication that a person to whose conduct the investigation relates may have

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

the person investigating must certify the investigation as one subject to special requirements.”

49. Paragraph 19(B) (6) states that, once a severity assessment has been conducted, the investigator should serve the subject with a notice of investigation. The requirements for a notice of investigation are set out in Regulation 15 of the Police (Conduct) Regulations 2012 and Regulation 16 of the Police (Complaints and Misconduct) Regulations 2012.

> Summary and analysis of the evidence

50. During this investigation, I have gathered a volume of evidence. After thorough analysis of all the evidence, I have summarised that which I think is relevant and answers the terms of reference for my investigation. As such, not all of the evidence that was gathered in the investigation is referenced in this report. However, further relevant information is provided in the attached appendices.¹⁴
51. Former PC Saddique has been invited on a number of occasions to provide a statement for the IOPC investigation, but declined to do so, stating that he had lost faith in the investigation due to delays and changes in staff. The IOPC have tried to alleviate Mr Saddiques concerns and have continued to contact him throughout this investigation in an attempt to re-engage with him. He has declined to do so.
52. The role of the IOPC in this case is not to revisit or re-determine the matters of law determined by the Employment Tribunal. The primary role of the IOPC in this case is to determine whether or not there is sufficient evidence upon which a reasonable panel could find that the individual subjects of this investigation have breached the standards of professional behaviour. While this necessarily requires consideration of the application of equality law, it is not for the IOPC to determine any matters of law. The ET came to its own conclusions as to the credibility of the various individuals who gave evidence at the hearing, including Mr Saddique and the subjects of this investigation. As the ET had the advantage of hearing these individuals give live evidence and face cross examination, the decision maker may consider it appropriate to give some weight to the ET’s assessment of their credibility when determining what conclusions a reasonable misconduct panel could reach in this case. However, that question will need to be considered in light of all of the evidence now available. I have considered all of the evidence that was available to the ET. I have also considered a large quantity of evidence gathered during this investigation, which was not available to the ET. All of this evidence has been analysed and all of it must be taken into

¹⁴ The IOPC will not be publishing the appendices for this Investigation Report.

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account by the decision maker when making her determinations in relation to individual subjects.

53. On receipt of the report, the decision maker is required to record her opinion on whether the subjects have a case to answer for misconduct or gross misconduct, and on whether their performance was satisfactory. The threshold test for a finding of case to answer is whether a reasonable tribunal, properly directed, *could* reach a finding of misconduct or gross misconduct on the balance of probabilities. I will not make any determinative findings in relation to misconduct or performance in this report.
54. My summary and analysis of the evidence in relation to each point of the terms of reference is set out below. For reasons of clarity, these points are addressed in chronological order, and some have been combined.

> **The allegation that officers were heard using racist language about PC Saddique and planning his removal from the firearms unit. Subject officers Subject Officer B and Inspector Robson.**

Account of PC Saddique

D5

55. In his statement for the ET, PC Saddique stated that he initially had a good relationship with Chief Firearms Instructor Subject Officer A, before their relationship deteriorated. He stated that in around 2008 or 2009, Subject Officer A told him that Subject Officer B and Inspector Robson wanted him out of the firearms unit and “wouldn’t stop” until they had succeeded.
56. He said Subject Officer A had told him about a conversation that took place between Inspector Robson and Subject Officer B during a work social event at the Black Bull Pub in Yarm. He said that Subject Officer A told him he had heard Inspector Robson say to Subject Officer B, “I’ll get that black cxxt out of firearms, watch”, and Subject Officer B replied, “Who does he think he is, he is just a Pxxi.”
57. PC Saddique stated that they would have been talking about him, as he was the only BME officer in the Cleveland firearms unit at that time.
58. He stated that in December 2009, he had a chance encounter with a former firearms officer named PC Hutchinson, who had left the force in 2008 or 2009. He stated that Mr Hutchinson took him to one side and disclosed that he had heard Subject Officer B and Inspector Robson discussing how they would do their best to remove PC Saddique from the firearms unit, as a “Pxxi” should not be on the unit.
59. He stated that in May 2011, Firearms Instructor PC Towse told him Inspector Robson did not like him “because I was Asian and in Inspector Robson’s opinion the Firearms unit should only be for white officers.” (It is not clear from PC Saddique’s statement to the ET whether this was based on something that PC Towse allegedly heard Inspector Robson say, or on PC Towse’s own perception.)

60. The IOPC have examined PC Saddique's first employment claim and found that the allegations concerning the Black Bull incident were not included in that claim.

Account of DC (formerly PC) Towse

D340

61. In a statement for the ET dated 20 May 2015, DC Towse addressed the words attributed to him by PC Saddique and stated:

"I can categorically say that this conversation [between him and Insp Robson] did not take place. Not only that but at no time did Inspector Robson ever make that kind of comment to me."

The 2011 grievance investigation of C/I ██████████ Stephenson

D54

D55

62. On the 8 May 2011, PC Saddique raised a formal grievance in which he made a number of allegations against Insp Robson, Subject Officer B and Subject Officer A. A number of the allegations raised in that grievance are the same as those considered in the 2015 employment tribunal and again in this IOPC report; that he had been discriminated against, harassed and bullied. More specifically, that he had been denied opportunities to develop his AFO skills, treated less favourably than other colleagues and had had his VIP protection status removed out of malice.
63. The allegations made were investigated by C/I ██████████ Stephenson who was at the time, the line manager for PC Saddique, Insp Robson, Subject Officer B and Subject Officer A. C/I Stephenson concluded his investigation into these matters in May 2011, finding against PC Saddique (D54 'Investigation report' refers).
64. The IOPC have examined C/I Stephenson's diary which he used to record his actions during the investigation (D55 'diary notes'). Within the diary, is an entry dated 24 May 2011 which records a meeting he had with PC Saddique to explain the findings of the investigation to him.
65. C/I Stephenson recorded that when told his allegations had not been upheld, PC Saddique said that he was concerned and insisted he had evidence to support his claims (there is no record that PC Saddique was ever any more specific than this). However, any 'evidence' that may have been alluded to by PC Saddique was never produced to C/I Stephenson. C/I Stephenson recorded in his diary that PC Saddique told him, *'...it was something that would be introduced at any future ET.'*
66. C/I Stephenson's diary records that at 1345hrs that same day, he met with Insp Robson and Subject Officer B to explain his findings to them. He recorded, *'Both were still very aggrieved to have been put through the process by PC Saddique. They were embittered but nevertheless pragmatic, knowing that whatever the outcome, they would still have to deal with the officer professionally and without fear or favour. Both expressed concern about their personal safety – having to work with an armed, aggrieved and (in their words), deluded colleague.'*
67. C/I Stephenson recorded, *'Both singularly voiced their concerns about him remaining as an AFO. This was due to a combination of his training record and his mental state, but was specifically aimed at his justification for compiling his grievance. They were adamant he had lied, manufacturing things that hadn't happened as well as putting a false impression on some things that had. He had*

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demonstrated that he was deluded, malicious, distracted and wholly untrustworthy.'

68. C/I Stephenson recorded in his diary, 'Certainly they would not be shaking hands and letting bygones be bygones – and it would be very difficult to both deal with PC Saddique and make critical decisions that affected him – but as professionals, they would rise above that. Re: DE development and Bronze development, both felt both options were way above PC Saddique's ability but accepted they would have to be addressed in the same manner as everyone else.
69. The contents of C/I Stephenson's diary indicate that from at least 24 May 2011, a certain degree of animosity existed between Insp. Robson, Subject Officer B and PC Saddique. Insp Robson and Subject Officer B both appear to have held a negative view of PC Saddique at that time; expressing a belief that he was not of the required standard to remain an AFO and about working with him in the future (due 'personal safety' concerns). CI Stephenson also notes that whilst he believes both officers would act professionally, it would now be difficult for them to take critical decisions that affected PC Saddique.
70. The decision maker may wish to consider the potential relevance and impact of CI Stephenson's diary entry upon the other allegations made against Insp Robson and Subject Officer B which are detailed within this report.

The ET judgement

D6

71. This allegation was dealt with in paragraphs 3.13-3.15 of the judgement, as follows:

"All the above is hearsay. The respondent's case is the claimant has invented what he says Subject Officer A, PC Hutchinson and PC Towse said to him. As Insp Kappel says later in a different context, every policeman knows the limitations of hearsay. If the claimant was going to invent something, why not say, "I overheard it." Better still, if, as the respondent says, he has allies like Sgt Dias or the people the respondent says are lying about events concerning [wife of Officer A] in the gym (see later), why not have one of them give evidence they heard it. Why invent the particularity of the pub name? We find the claimant is telling the truth about what Subject Officer A said and Subject Officer A is lying for self protection. Why?"

... At various points in evidence we detected some officers resent any colleague giving information against other officers. We also detected a view by some senior officers that raising race discrimination unnecessarily distracted the Force from its daily work and those who did so were troublemakers. Subject Officer A would not want to be branded as one.

Subject Officer A's account of what Insp Robson and Subject Officer B said is also probably true. We found no reason for Subject Officer A to say they said it if they did not... We also find PC Hutchinson and PC Towse said what the claimant alleges and it resonates with what Subject Officer A reported to the claimant. Last but not least, [the] actions of Insp Robson and Subject Officer B support they had views not only of the claimant's marksmanship but also his

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*veracity and integrity*¹⁵ which are so far from evidence based as to indicate some factor, consciously or sub-consciously, tainted their view. The probability in the absence of a cogent explanation is that factor was race.”

Note: The reference to Inspector Robson and Subject Officer B having views about PC Saddique’s ‘veracity and integrity’ relate to comments made by those officers during a meeting with C/I Stephenson on 24 May 2011. That meeting has been dealt with at para. 62 -68 and throughout this report.

Account of Subject Officer A

Y1

72. IOPC Investigators interviewed Subject Officer A on 19 April 2018.
73. He confirmed that he was initially “*very friendly*” with PC Saddique, and would speak to him regularly at the gym. However, he stated that he had not been in the Black Bull for over twenty years, and had never been to any pub with Inspector Robson and Subject Officer B.
74. He stated that the pub of choice for firearms instructors was the Bluebell in Yarm, as it was more conveniently situated. He stated that if you asked anyone who knew the area to name a pub in Yarm, they would probably name the Black Bull because it was in a very visible location on the High Street.
75. He could only recall attending one work social event at the Bluebell, and stated that Inspector Robson and Subject Officer B had not been present on this occasion. He stated that Subject Officer B was not in post at the same time as him, and Inspector Robson was not involved in the delivery of firearms training.
76. He stated that PC Saddique was lying about the incident in the Black Bull. He stated that this allegation only appeared in his statement weeks before the tribunal, and did not feature in any of his earlier submissions to Cleveland Police. He stated:

“It’s almost like, oh we’ll have something else to throw at them here... you can’t even tell me what year it was, which is very difficult for me to defend because it may be that I wasn’t actually even in post if it was early 2008... You can’t give me a two year window so vaguely and yet be so precise on what I told him. It just doesn’t add up.”
77. In relation to PC Saddique’s claim that he (PC Saddique) was the only BME officer in the firearms unit at the time, Subject Officer A stated that he was also a BME officer, although he did not like to use that term. He stated that at that time, he was the first BME Chief Firearms Instructor in the country.

Account of former PC Hutchinson

S7

78. PC Hutchinson resigned from Cleveland Police in 2006. He provided a statement for the IOPC investigation on 22 September 2017, in which he stated he had known PC Saddique for many years and had always had a good relationship with him. He said, *‘I have no recollection of ever being present, or hearing, the conversation which is alleged to have taken by between Chief*

¹⁵ This is a reference to a meeting between CI Stephenson, Subject Officer B and Inspector Robson on 24 May 2011, during which the latter two reportedly described PC Saddique as *“deluded, malicious, distracted and wholly untrustworthy”*, in response to his allegations against them.

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Inspector Robson and Subject Officer B regarding getting Mr Saddique out of firearms. I can also say that I have never heard either of these officers make any comments of a racial nature about Mr Saddique.'

79. He confirmed that he had met PC Saddique by chance in December 2009. He stated that PC Saddique later called him and arranged to meet up a few days later, at which time PC Saddique explained that he was bringing a claim against the force for racial discrimination. He stated that PC Saddique asked him if he had ever heard Subject Officer B or Inspector Robson make any racist comments about him. He stated:

"I explained that I had never heard any officer... make any racist comments about him, although I did say that I had heard some officers make racial comments about other Asian officers. So far as I can recall, this was the extent of the conversation we had."

80. He stated that Inspector Robson only joined the firearms unit after he had retired, and he had never heard him refer to PC Saddique as a "Pxxi".
81. The service history records for Inspector Robson supports former PC Hutchinson's assertion - indicating that he joined firearm operations upon his promotion to temporary Inspector in 2008 (two years after PC Hutchinson's resignation from force).
82. In closing, he stated:
- "I would like to say that I attended the same basic firearms course as Mr Saddique and in all honesty was surprised that he passed the course as, so far as I was concerned, he "was unable to hit a barn door". I did not consider him to be a particularly skilled marksman which is why I was surprised when he passed the course."*

S7A

83. In a further statement dated 4 June 2018, Mr Hutchinson provided details of the racist remarks he had overheard. He stated that shortly after he joined Cleveland Police in 1997, an Asian colleague (not PC Saddique) told him that a Detective Sergeant in CID had said something racist to him. He could not recall what had allegedly been said.
84. He stated that in around 1999 or 2000, as he walked into the meal room he heard an officer say words to the effect of "that black bxxxxd." He stated that no names were mentioned, but he formed the impression that the officer was referring to an Asian colleague (again, not PC Saddique) who was an Acting Sergeant at the time.
85. He named the officers responsible, neither of whom featured in PC Saddique's statement for the ET.
86. He stated that he was not aware of any other officer making racist remarks during his time in Cleveland Police.

Account of former Subject Officer B

D36

87. Subject Officer B provided a written response on 22 May 2017, in which he emphatically denied the allegations against him.
88. He stated that he had only attended the Black Bull on a handful of social occasions, and had not discussed PC Saddique with anyone at the Black Bull or

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any other public house. He stated that the suggestion he would speak about anyone in that manner was offensive and untrue, and he found the word "Pxxi" extremely offensive.

89. He stated that he did not discuss removing PC Saddique from the firearms unit due to his ethnicity, or for any other reason. He stated that his only concern in relation to PC Saddique was that he found it difficult to maintain the high level of accuracy with a handgun that was required of a VIP officer.
90. He stated that failure to meet the standard required of a VIP officer would not result in the officer being removed from the firearms unit; the officer would simply lose his VIP status. He stated that he did have professional discussions about PC Saddique, but he would have had the same conversations about any officer experiencing similar issues.
91. He stated that while he was a Senior Firearms Instructor, he submitted reports regarding the additional training that had been provided to PC Saddique, specifically relating to his accuracy with a handgun. He stated that he believed these reports demonstrated that he had dealt with PC Saddique in a fair, constructive and professional manner.
92. The IOPC have identified a Cleveland Police internal report from Subject Officer B to T/Insp Robson, dated 9 October 2008 (pages indexed as 1465 and 1466 within part 3 of training file D102). This report was prepared by Subject Officer B after PC Saddique's suspension from VIP protection duties. It highlights the officer's recent failures during VIP qualification shoots and makes recommendations on how PC Saddique should proceed.
93. Subject Officer B reported, '*Nad's enthusiasm, commitment and tactical awareness were all of a high standard.*' Whilst detailing the numerous failed qualification shoots by PC Saddique, he reports,

D102

'Nad is a capable and enthusiastic AFO who is well regarded by the instructional staff at the Centre for the levels of commitment he displays. He performs well as a VIP Protection officer during training exercises at the Centre and there are no performance/development issues in this regard. Clearly his only issue is the standard of his shooting during the VIP Protection Qualification shoot.'

Subject Officer B expressed concerns in the report about PC Saddique's '*unusually low*' scores during his VIP qualification shoot but said, '*Clearly a good deal of time and effort has been spent training Nad as a VIP Protection officer and if you take the shooting aspect to one side, he is strong in all other areas. A high level of SLP accuracy however is clearly integral to the role of the Protection Officer...*'

He concludes his report by making the following recommendation in respect of PC Saddique,

'It is my recommendation that the officer attend the Tactical Training Centre for one full day's remedial training clearly centred on the VIP Qualification shoot. Thereafter I would request that the officer re-attend the Centre at a time no sooner than three weeks after this session in order to complete the formal VIP Qualification shoot. Should he fail this shoot it is my recommendation that Nad not be allowed to continue as a Protection Officer. Should he pass the shoot on this occasion it would be my further recommendation that any further failures in this shoot also result in the officer's termination as a VIP Protection Officer.'

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Y2

94. IOPC Investigators interviewed Subject Officer B on 4 April 2018, and he provided an account consistent with his written response.
95. He explained that he was asked to give a view on the suitability of officers who had applied for a specialist course. He stated that he reviewed the training records of the officers who had applied for the VIP course, and saw that PC Saddique had failed three core qualification shoots during the past eighteen months. He stated that the main weapon for a VIP officer was a handgun, and the handgun had to be “second nature” for the officer, “not a year down the line... it’s going onto the course as a Close Protection officer, and that officer has to be absolutely one hundred percent competent.”
96. He stated that three failures over eighteen months was uncommon, and concerns would be raised if a core officer continued with this pattern. He stated that, in his view, it would not be acceptable for such a person to go on a VIP training course. He stated that he discussed the matter with Inspector Jones, who agreed with him.
97. He stated that he understood it was not his decision, but in light of his earlier conversation with Inspector Jones, he was surprised when he heard PC Saddique had been accepted. He stated that he raised the subject with Inspector Jones; *“to say that, you know, that’s a bit of a strange one, [REDACTED]. And he said, he’s on the course, Subject Officer B. Uh, and that’s it, he said. He’s on the course.”*
98. He stated that other officers were *“hammering the door down”* to attend the VIP training, and he believed the decision would look bad in light of PC Saddique’s failures. He stated that he was concerned PC Saddique would embarrass himself on the course, and he was concerned about the possible impact on the force’s reputation if “something” were to happen that led to PC Saddique’s training records being scrutinised.
99. He stated that [REDACTED] later called him and told him that PC Saddique was going to be attending the course, *“and he said, we’re both hard nut, experienced cops, Subject Officer B, and we know the reasons why he’s going on the course.”* When asked what he thought [REDACTED] had meant, Subject Officer B replied that he had formed the view that the force wanted a BME officer as a VIP officer.
100. He stated that he regarded himself as a pragmatic officer, and *“if I’m told to do something I will just get on and do it.”* He described the decision as *“just one of those things”*, and stated, *“I had nothing, and have nothing against PC Saddique, at all. But once, once I was told that this is happening, it was, right, let’s get this guy up to speed. Let’s get him on the course and let’s do our very best for him.”*
101. He stated that he immediately recommended PC Saddique attend extra practice sessions, to ensure that he performed to the same standard as his peers. He stated that this was the only time he had ever done this for an officer and that part of him felt PC Saddique had been “put in a bit of a position” himself, and he genuinely wanted to help him.
102. Whilst any ‘extra practice sessions’ that PC Saddique may have attended are not recorded in his personal training file, the evidence provided by Insp Jones (Insp Robson’s predecessor) provides corroboration for Subject Officer B’s

S13

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assertion that extra VIP training had been given to PC Saddique prior to the course to support him. (See S13 of Mr Jones and his evidence as detailed later in this report).

103. Subject Officer B stated that the training took the form of three sessions with him and one other instructor, and they had tried to be as discreet as possible to avoid any perception of unfairness. He stated that he did not record the extra training sessions in PC Saddique's file, because he did not want to draw attention to the fact that he had received extra training.
104. He stated that in January 2006, PC Saddique achieved a score of 72/80, which was the minimum score required to qualify as a VIP officer, and during a requalification shoot in October 2008, he scored 69 and 72. He stated that, when given the opportunity to requalify, PC Saddique scored 65.
105. When questioned about his recommendation that PC Saddique be allowed to attend further VIP training and a qualification shoot (following his suspension from VIP duties), he stated that, to his knowledge, they had not made this concession for any other VIP officer before or since. He stated that he did not inform PC Saddique, because he knew that nerves affected his accuracy, and *"I was really worried that he wouldn't perform to the best of his capability... even at that stage I just wanted the guy to pass."*
106. He described PC Saddique as a *"decent guy. He worked hard... He gave it everything he had. He gave it a hundred percent, and he was extremely determined, and tried his best... The only issue I ever had with this officer was the repeated failures to qualify."*
107. He stated that he had been *"disgusted"* and *"appalled"* when he learned of the nature of the allegations against him. He stated that these conversations had not taken place, and he *"knew for a fact"* that he had never been in the Black Bull Pub with Subject Officer A. He stated:
"I would never speak like that. I know Mick Robson well enough to say, to suggest, I, if you knew him to suggest that he would speak like that is ridiculous... He hasn't got that in him."

Account of Inspector Robson

D31

108. Inspector Robson provided a written response to the allegations against him on 24 April 2017. He explained that between 1996 and 2001, his wife (herself a former police officer) was marginalised and bullied in work after she supported a colleague who had made allegations of gender-based harassment and bullying.
109. He stated that the way in which his wife was treated *"did nothing but strengthen my core values and belief that everyone should be treated with dignity and respect regardless of their background or in this case gender... It was this episode that gave me the belief and the reason to try for promotion as I wanted to make a difference and do what I could to ensure that no-one else would suffer as she had. It also made be [sic] acutely aware of the need to treat everyone*

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equally and to identify and challenge discriminatory behaviour both within and outside the Force.”

110. He emphatically denied using racist language, or discussing PC Saddique with any of his colleagues.
111. He stated that he did not tend to socialise with colleagues, and considered himself to be “outside the clique” when he worked in the firearms unit. He stated that a small group of AFOs would go out for a drink at the end of every initial training course, and in the early stages of his firearms career, he attended a handful of these occasions in an effort to integrate with the firearms team. He stated:

“I can certainly recall that I haven't been out drinking in Yarm for an end of course 'do' since my promotion to Inspector within the department as I took a conscious decision not to do so. I do recall after the initial course in 2010 I went into Yarm with my wife and by chance saw a number of the students and instructors from the course in the Black Bull pub. I shook hands with them all then spent the evening with my wife carefully avoiding them.”
112. He stated that on the rare occasions he did go out, he would usually go to the Bluebell (which he described as the “initial meeting pub”) and then leave early.
113. He noted that this allegation did not feature in PC Saddique’s grievances, or in his first ET claim, or in the first statement he submitted for his second ET claim, or in the particulars of claim, grounds of complaint and complete set of claims documents submitted by his legal team. He stated that to the best of his knowledge, PC Saddique mentioned this allegation for the first time in the second statement that he submitted just a few weeks before the ET.
114. He stated that, while he was also an AFO at that time, he had very little contact with Subject Officer B and could not recall an occasion when he, Subject Officer B and PC Hutchinson had ever been in the same room together.
115. He corroborated Subject Officer B’s account that PC Saddique found it hard to maintain consistency with the self-loading pistol (SLP). He stated that, as a VIP officer, the SLP was PC Saddique’s primary weapon and a high degree of accuracy was essential to the role. He stated that, while he himself was “a decent all-round AFO” and easily capable of passing core qualification shoots, he had previously been unsuccessful when applying for the VIP role because the standards were significantly higher and he was “not the best shot” with the SLP.
116. He stated that occasionally, a Senior Firearms Instructor might flag up an officer who appeared to be struggling to maintain a core or specialist role for some reason. He stated that part of his role was to ensure that all officers were able to conduct their duties without undue risk to themselves or the public. He gave the example of two officers who had eventually lost their AFO status because they were unable to maintain the level of accuracy required.
117. He stated that PC Saddique’s shooting scores were concerning, and he recalled discussing them with him. He said that PC Saddique questioned some of the records, but conceded that they were maintained in the same way for everyone, and acknowledged that he had not taken the opportunity to dispute his scores at the time.

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Y3
Y3a

118. He stated that on 10 January 2011, he informed PC Saddique that he was removing his VIP authority due to his inconsistency with the SLP.
119. IOPC investigators interviewed Inspector Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.
120. He stated that he had been to the Black Bull with Subject Officer B, *“but I don't think on a, on a, er on a professional basis. If Subject Officer B was running a course and they were going for drinks I wouldn't have joined them.”*
121. He stated that he had never been to the pub with Subject Officer A, and had never met him outside of work. He stated that he found it *“bizarre”* that PC Saddique had not mentioned this allegation in his two grievances, or in the first ET. He stated:
“As a police officer if, if I thought er I was subject to some discrimination or detrimental treatment er and somebody told me that, that example, erm, I would have made a note of it, whether it be on a scrap of paper or my PNB or whatever... it wasn't in his initial statement... Erm it upsets me to this day. This, this whole thing upsets me to this day. Erm that is a gross, er, lie, in my view, and I can't be any clearer than that; that did not happen, that has never happened. I've never been in the Black Bull with Subject Officer A. Subject Officer A or anybody else cannot have heard me say that. There is nobody that can truthfully say they've heard me say that, because it hasn't happened... Erm Cleveland police invested a lot of money in Nad¹⁶ and his training. Erm as far as I was concerned, the way I treated individuals, my approach was I, I didnt care who they were. I was about capacity and capability and Nad was somebody we'd invested in, and he was a bum on a seat, same as anybody else. Erm, so that is untrue.”
122. He confirmed that there had been issues with PC Saddique's consistency during qualification shoots, as a result of which Subject Officer B had not supported his application for VIP work.
123. In relation to PC Saddique's record after he qualified for the VIP role, he stated:
“Subject Officer B was pretty much saying to me, we have to draw a line in the sand. If Nad fails again, we're going to, you know you're going to have to consider his ticket in relation to VIP. I supported that. Er I thought it was a pragmatic perspective to take. I thought it would have been unfair to have considered Nad's VIP ticket at the time because there'd been no warning or no discussion about it, but I do think there has to be a line in the sand... There has to come a time when you think, we've sent that officer for retraining and retraining and retraining and retraining, they're not make [sic] the grade. And I think with firearms... you've got to take a quite a robust stance, and that was what Subject Officer B was suggesting to me in that memo, in my view.”
124. He stated that officers had an opportunity to make written representations at the end of their qualification shoots if they thought anything was wrong, or if they

¹⁶ PC Saddique's colleagues commonly referred to him as Nad.

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thought the Instructor had been unfair. He stated that he asked PC Saddique whether he had raised any issues at the time, and he confirmed that he had not.

125. He stated that he agreed to Subject Officer B's suggestion that PC Saddique receive remedial one-to-one training. He stated:

"Nad would be aware that he was given additional training, and be aware that to go onto the range with an instructor as an individual is er is rare, erm, and, and you only do that if there's a need to do that... I would find it very difficult for Nad to dispute that he knew that, erm, this was to try to develop his skills as a VIP officer and to get up to grade."

Account of former Inspector Jones

S13

126. Inspector Jones was Inspector Robson's predecessor. On 15 May 2018, he provided a statement to IOPC investigators. He stated that he had attended AFO training courses and core qualification shoots with PC Saddique, although he regarded him as a colleague rather than a personal friend.

127. He stated that he regularly received score sheets from the firearms range, which he used to monitor officers' performance. He stated that he could not recall whether PC Saddique had failed any of the core qualification shoots, but sometimes officers did fail to meet the required standard during shoots. He stated that in these circumstances, the officer would usually be given another chance on the day to achieve the required scores, and if an officer failed a core shoot, the officer would usually receive remedial training.

128. He stated that towards the end of 2005, a VIP Close Protection course was launched and PC Saddique applied. He stated that the range sergeants were asked to give their views on the applicants, and Subject Officer B expressed concern about PC Saddique's abilities based on his previous qualification scores. He said:

"Subject Officer B stated that there were other officers that deserve the course and that were more likely to perform on the course far better. He based this on previous scores and the fact that the VIP course was more difficult than the core AFO shoot to pass, due to the higher scores being required. Subject Officer B gave his opinion, as he always did, in a measured and reasoned way, which was factually based but clearly leaving the decision making to myself. [REDACTED] echoed Subject Officer Bs [sic] view that based on past performances, other officers were more deserving."

129. He stated that at that time, there were no female or BME officers with VIP status, and so he selected PC Saddique based on his ethnicity, in line with the force objectives around taking positive action to provide opportunities for BME

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officers. He stated that he took the view that, as it was a specialist external course, any person taking it would pass or fail on their own merit.

130. Insp Jones said, *'I remember a phone conversation with Subject Officer B where I asked him to give some specialist VIP training to Nad, prior to his course, but I can't be specific on the date.'*
131. He stated that Subject Officer B accepted his decision, and PC Saddique passed the VIP course. He stated that in 2008, Inspector Robson replaced him as the Inspector in charge of firearms operations.

132. He stated:

"As time went on I was aware that Nad was struggling with the VIP qualification shoots. I was also aware others were talking about his failures in the office. During the conversations that I heard from Mick Robson, there was never any comment or mention regarding Nad's racial or ethnic origin, it was only regarding his accuracy and failures in the qualification shoots.

I was aware of remedial one to one training being given to Nad to help him achieve the required standard. At that point in those conversations, I believe any racial issue would have come out, but it never did. It was a simple case that he couldn't maintain the standard; but Nad wouldn't accept that he couldn't maintain that standard...

Around this time I also became aware that Nad had raised a grievance around the fact he thought he was being treated unfairly. Although not his supervisor at this time, I sat with him and spoke about this and that he was unable to successfully complete VIP qualification shoots. He wanted to succeed at it so much, but he just would not accept that he couldn't achieve the standards."

133. *Nad had received one to one training on a number of occasions. This was unique. Nobody had ever had this level of remedial training that Nad had received, before or since. I believe we all bent over backwards to get him up to speed. I believe Nad's grievance relating to unfair treatment was unjustified, everything possible to help him achieve the required standard was done. He did not have the ability to maintain the standard which is particularly and necessarily very high."*

134. **Account of Mr Kevin Nicholson**

S2

135. Mr Nicholson is a former Metropolitan Police Service (MPS) Chief Inspector who is currently employed as the Firearms Lead within the Specialist Operations Department of the College of Policing.

136. In a statement dated 7 September 2017, he explained that all AFOs must attend regular refresher training and successfully re-qualify at least twice a year.

D102

137. He was provided with a copy of PC Saddique's training record, redacted to ensure that the officer could not be identified. He noted that the officer's performance with the SLP was *"a recurring theme throughout"*, with failures recorded on 11 May 2004, 4 January 2005, 6 September 2005 (albeit on this occasion it appeared to be a practice shoot), 6 October 2005, 8 December 2005 and 3 October 2008.

138. He noted that an undated memo on the file recommended remedial training for the officer, and removal of his VIP status if the issue recurred. He described this

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memo as “*factual and balanced*”, and expressed the view that the recommended action was justified in the circumstances.

139. He noted that the officer attended remedial training on 24 February and 6 March 2009, and on 7 April 2009, he passed the VIP qualification by one mark.
140. He noted that, following a further failure on 6 December 2010, the officer attended remedial training the following day, and in January 2011 the decision was made to remove his VIP status. He stated:

“The decision to remove the officer’s CP¹⁷ authority alone is difficult to understand, and I can only assume that it relates to the second failure on 3 October 2008. Based upon the number of qualification failures (both ARV and CP), and the remedial work done with the officer, my view is that removal from all firearms duties would have been justified. The officer has been given a number of opportunities, and the additional support to rectify an issue with weapon accuracy.

It is accepted that rounds fired operationally are likely to miss more often than [sic] in training, and the fairly regular failure to achieve the required national standard would give me concern regarding operational deployment... In a post incident context the training record of this individual is likely to be scrutinised and, although the weapon accuracy has been rectified with additional training, the officer has fallen below the required standard at least seven times.”

Analysis of the evidence

141. Subject Officer A, DC Towse and former PC Hutchinson have all emphatically denied telling PC Saddique that Inspector Robson or Subject Officer B were racist, or had made racist remarks about him.
142. Inspector Robson, Subject Officer B and Subject Officer A have all stated, independently of one another, that it is unlikely all three of them would have been in the Black Bull at the same time. This aspect of their accounts is difficult to prove or disprove; however, it is of note that Inspector Robson was not based in the firearms unit when PC Hutchinson retired in 2006 (PC Saddique mistakenly believed that PC Hutchinson retired in 2008 or 2009).
143. In the ET judgement, Judge Garnon expressed the view that some serving officers “*resent any colleague giving information against other officers*” and perceive such informants as “*troublemakers*”.
144. While this argument could potentially apply to Subject Officer A and DC Towse, who are still serving, it would not apply to Mr Hutchinson. Moreover, Mr Hutchinson was willing to provide examples of racist remarks by other officers within the force, which tends to undermine the argument that he was afraid of being branded a troublemaker. Finally, he provided a detailed account of his conversation with PC Saddique in December 2009, which directly contradicted PC Saddique’s version of events. The decision maker may wish to consider why, if PC Hutchinson had made the alleged disclosures to PC Saddique and later

¹⁷ Close Protection; i.e. VIP status.

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regretted it, he did not simply say that he had no recollection of their meeting in December 2009.

145. Inspector Robson's predecessor, Mr Jones, is another retired officer who would have been in a strong position to corroborate PC Saddique's allegations of racism, as he was privy to confidential discussions in the office regarding PC Saddique's performance.
146. In his account, he explained that he actually selected PC Saddique for the VIP Close Protection course because of his ethnicity, and subsequently became aware that he was struggling to meet the higher standards required for VIP work. He confirmed that Subject Officer B raised concerns about PC Saddique's suitability for the role, but did so "in a measured and reasoned way". He stated that he also heard Inspector Robson discussing PC Saddique's performance without any sign of prejudice.
147. Mr Jones provides evidence to support Subject Officer B's assertion that extra training was given to PC Saddique prior to his VIP course – to ensure that he could perform to the same level as his peers.
148. In the ET judgement, Judge Garnon expressed the view that Inspector Robson and Subject Officer B's views of PC Saddique's marksmanship were "*so far from evidence based as to indicate some factor, consciously or sub-consciously, tainted their view.*"
149. This investigation has found strong evidence to suggest that there were, in fact, issues with PC Saddique's performance during qualification shoots. College of Policing Firearms Lead Mr Kevin Nicholson noted that he failed qualification shoots on at least seven occasions between 2004 and 2010, despite receiving remedial training, and appeared to have difficulty performing consistently with the SLP. He expressed the view that PC Saddique's performance would have justified his removal from all firearms duties, not simply from VIP work. In this respect, Mr Nicholson's account supports the accounts of Inspector Robson and Subject Officer B.
150. The report of Subject Officer B to Insp Robson dated 14 October 2008 provides evidence that there was a willingness on the part of Subject Officer B to give PC Saddique a further opportunity to pass his VIP qualification shoot (even after he had been removed from VIP duties). That report emphasised PC Saddique's strengths in all other areas of his firearms training. The decision maker may consider that the report from Subject Officer B does not indicate that he was an officer seeking to disadvantage PC Saddique or have him removed from the firearms unit.
151. The decision maker may wish to consider why, if as alleged, Inspector Robson and Subject Officer B were opposed to the idea of an Asian AFO, they arranged for PC Saddique to attend remedial training on three occasions, rather than simply leaving him to pass or fail on his own merit.
152. The decision maker may wish to consider the conversation that PC Saddique told the 2015 ET he had had with PC Hutchinson in 2009 (as detailed at paragraph 58 of this report) and his assertion that PC Hutchinson told him about racist comments made by Insp Robson and Subject Officer B (a conversation denied by PC Hutchinson – see paragraph 76).

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The decision maker may then wish to consider that PC Saddique did not mention the alleged 2009 conversation he says he had with PC Hutchinson at either the time of the grievance he made against these officers in 2011. (see the investigation report and diary entries of C/I Stephenson detailed at para 62-68 and 311 -313 of this report), or at the first ET brought by PC Saddique.

The decision maker may take the view that PC Saddique had two earlier opportunities to disclose the alleged conversation he had with PC Hutchinson (and what he would say was evidence of racism), prior to the 2015 ET but failed to do so.

153. PC Saddique has asserted that in May 2011 PC Towse told him that Inspector Robson did not like him *“because I was Asian and in Inspector Robson’s opinion the Firearms unit should only be for white officers.”* The decision maker may again wish to consider C/I Stephenson’s grievance report and diary entries. The diary entry of 24 May 2011 indicates that C/I Stephenson informed PC Saddique of his findings and that the officer was not happy with the outcome of the investigation. The report and diary indicate that PC Saddique did not mention the conversation with PC Towse to C/I Stephenson (although it is noted that the precise date of the alleged conversation has never been provided by PC Saddique and the meeting with C/I Stephenson was on the 24 of the month).
154. Subject Officer B said in his written response to the IOPC that he ‘did not discuss removing PC Saddique from the firearms unit due to his ethnicity or for any other reason.’ He stated that his only concern was in relation to PC Saddique’s accuracy with a hand gun – a requirement for a VIP officer.
155. However, the diary of C/I Stephenson indicates that Subject Officer B (and Insp Robson) expressed concerns in May 2011 about PC Saddique remaining an AFO. The diary entry of 24 May 2011 records, *‘Both singularly voiced their concerns about him [PC Saddique] remaining as an AFO. This was due to a combination of his training record and his mental state, but was specifically aimed at his justification for compiling his grievance’.*
156. It may be considered that the evidence provided to by Subject Officer B to the IOPC is inconsistent with the views he expressed to CI Stephenson and that in May 2011 he had formed a view that PC Saddique should have his AFO status removed for reasons other than his shooting ability. However, the comments attributed to Subject Officer B and Insp Robson should be considered in the context of when and under what circumstances they were made. I have noted that the comments were made shortly after PC Saddique had raised a grievance against Subject Officer B, Insp Robson and Subject Officer A and by which time there appears to have been some ill feeling between those concerned. Prior to the 2011 grievance being made by PC Saddique, Subject Officer B had written a report to Insp Robson highlighting PC Saddique’s abilities and strengths as an AFO.
157. It will fall to the decision maker to consider whether Inspector Robson and Subject Officer B have a case to answer for misconduct or gross misconduct in respect of this matter.

> PC Saddique’s application to transfer to the Cleveland Police motorcycle unit

Account of PC Saddique

D5

158. In his statement for the ET, PC Saddique stated that he applied for a post in the motorcycle unit on 24 August 2010. He stated that, prior to applying and again during the interview, he asked Inspector █████ Little¹⁸ and █████ whether he would retain his AFO status if he was successful, and both confirmed that he would.
159. He stated that in May 2011, Inspector Little informed him that a post had become available, but he would have to give up his AFO status if he accepted.
160. He stated that on 16 May 2011, he had a 90-minute long meeting with CI Huddleston, who tried “*very hard*” to persuade him to accept the post in the motorcycle unit and suggested that he might post him to the unit against his will. He stated that on subsequent occasions, CI Huddleston tried to persuade him by promising that he could work at various high-profile events, such as the Milk Race, and evaluate new motorbikes for the unit.
161. He stated that on 22 May 2011, CI Huddleston informed him via email that he was going to consider posting him to the motorcycle unit, as this would help to resolve a significant staffing issue. He stated that he replied reiterating that he was unhappy to be posted to the motorcycle unit given that he would lose his AFO status, and suggested an alternative solution to the staffing issue.
162. He said that the post was eventually re-advertised and offered to a white officer, PC Pickering, who was allowed to retain his AFO status.
163. He rejected the explanation put forward by Cleveland Police that PC Pickering was allowed to retain his AFO status in order to provide additional resilience for the 2012 London Olympics, and thereafter because there was a shortage of AFOs. He pointed out that PC Pickering was recruited only a few months after he was told that he could not retain his AFO status. He stated that the MPS had identified their additional staffing needs for the Olympics as far back as 2010, and PC Pickering retained his AFO status long after the Olympics had finished.
164. He further stated that he did not accept that the motorcycle unit could not support the training abstractions required by the firearms unit, given that PC Hardwick and █████ had retained their AFO status while working in the motorcycle unit.
165. PC Saddique expressed the view that Cleveland Police wanted to post him to the motorcycle unit in order to undermine his ET claim, as he submitted his claim on 8 April 2011, shortly before Inspector Little informed him that a post had become available. He stated that he found it odd that his AFO status only became an issue after he had lodged his ET claim.
- T214 166. The IOPC have requested a copy of Cleveland police’s advertisement for the motorcycle unit post that PC Saddique applied for, to determine whether the advertisement made it clear that ‘joint specialisms’ could not be retained.
167. Cleveland police have notified the IOPC that due to a change in their recruitment systems, they have not retained job descriptions for posts advertised in 2010/11.

¹⁸Inspector Little has since [left Cleveland Police]. The decision was made not to approach him for an account.

Account of former [REDACTED]

D164

168. [REDACTED] was the sergeant in charge of the Cleveland Police motorcycle section between 2010 and 2014. In a statement for the ET dated 15 April 2015, [REDACTED] confirmed that PC Saddique was initially told he would be able to retain his AFO status, albeit not his VIP status. He stated that PC Saddique was happy with this position.
169. He stated that he was embarrassed when PC Saddique was later told that he could not retain his firearms authority and felt that they had let him down. He stated that PC Saddique told him CI Huddleston had tried to persuade him to take up the post anyway, but he knew how important it was to PC Saddique that he retained his firearms authority.
170. He stated that approximately a year later, they recruited firearms officer PC Pickering to the motorcycle unit. He stated that PC Pickering was initially told he could retain his firearms authority until the end of 2012, because additional resilience was required due to abstractions during the London Olympics. He stated that PC Pickering's firearms authority was in fact never removed.

Account of PS Hatton

D14

171. In a statement for the ET dated 5 May 2015, PS Hatton stated that between June 2012 and April 2013, he took on the role of Temporary Inspector in charge of Firearms Operations, as part of which role he was responsible for ensuring that Cleveland and Durham Constabulary had sufficient firearms resources to protect the public.
172. He stated:
- "Whilst I was not part of the decision making process specifically I can say that at the time Chief Inspector Huddleston, who was Head of the Unit at the time, was firmly of the view that all AFO constables should be deployed on the armed response unit and any officers on other units should give up their authority."*
173. He stated that PC Pickering was recruited in January 2012, several months after PC Saddique declined the post, and was allowed to continue working as an AFO until his firearms authority expired.
174. He stated that when he took over responsibility for Firearms Operations in June 2012, he was required to provide a number of officers to cover the 2012 Olympics, resulting in there being fewer AFOs covering the Cleveland area. He stated that PC Pickering was still operationally competent as a firearms officer,

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and following discussion with Inspector Little, he reinstated PC Pickering's firearms authority to provide additional resilience.

175. He stated that PC Pickering provided cover on numerous occasions during the Olympics, and towards the end of 2012 when three officers on one shift were withdrawn from firearms duties due to injury.
176. He stated that [REDACTED] left the motorcycle unit before the Cleveland and Durham SOUs merged, at which time many AFOs were working in district roles throughout the force.
177. He stated that PC Hardwick had never worked on the motorcycle unit; he had worked on the Collision Investigation Unit, and when he applied to work as an AFO he transferred to the Roads Policing Unit (RPU).

The ET judgement

D6

178. This allegation was dealt with in paragraphs 3.27-3.35, 3.252 and 4.21 of the judgement, as follows:

"The claimant's first Employment Tribunal claim was submitted on 8th April 2011...

Insp Robson's daybook for 9th May 2011 says:

"9:00am AH moving Nad Saddique onto bikes plus he will lose his AFO status once qualified - Voiced will add fuel to fire of ET etc. Contra he applied and was successful - there is an organisational need."

and for 10th May 2011:

"12 noon- [REDACTED] plus [REDACTED] discussed NS - not involved in discussion."

CI Huddleston tried to give us the impression this all was a minor routine matter he barely remembered and his only concern was operational efficiency of the motorcycle unit. Yet he met with [REDACTED] [REDACTED] and Subject Officer A on 10th May to discuss the claimant. Plainly Insp Robson was being consulted too.

On 16th May 2011 the claimant had a 90 minute meeting with CI Huddleston who explained why he had removed PC Ward's firearms authority. He tried to persuade the claimant to accept the position. The claimant said he felt this was a move to undermine his ET proceedings and, of course, as his claim was mainly for restoration [of] his VIP specialism for which he has to be an AFO, it would have that effect.

PC Pickering, also an AFO, became a motorcycle officer a few months later. The respondent's case is that he was initially told he would lose his AFO status but temporarily retained it until the end of 2012, because a number of firearms officers were required to support the Met during the London Olympics. The claimant says the Met advised what additional staffing needs they would have as far back as 2010. We have been taken to nothing which convinces us they increased the requirement dramatically late in 2011. Sgt Hatton confirms PC Pickering covered the Armed Response Vehicle (ARV) on numerous occasions during the Games and late 2012. Insp Robson says PC Pickering lost his AFO status but,

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"Some time after his old team suffered the protracted loss of 3 other AFOs [REDACTED] and the force began to realise the full enormity of the abstractions we faced during the period of the Olympics in 2012. As a result of this PC Pickering regained his AFO status. In policing things change... Since the Olympics the AFO status of PC Pickering has been reviewed on a number of occasions but demand has meant he has retained it. However there is currently an initial firearms course ongoing with a further course starting in May 2015 and should sufficient numbers be successful PC Pickering fully expects to lose his AFO status."

On the evidence we have, PC Pickering [sic] firearms authority was never removed, he simply was not used for a few weeks. He still holds his firearms authority.

PC Hardwick was a member of the Collision Investigation Unit. When he applied to be trained as an AFO he was selected on the understanding that if he passed he would leave the CIU. He moved to RPU and has been an AFO since. However, he moved back to CIU in late 2014 but retained his AFO status for "resilience reasons".

On 19 May the claimant e-mailed CI Huddleston confirming his decision not to take up the motorcycle post if it meant losing his AFO status and respectfully asserting that if, as CI Huddleston said, he would transfer him to motorcycles against his wish, that would be the same type of act as he was complaining of in his ET claim. On 22nd May CI Huddleston replied and, though he would have us believe he saw no racial dimension to any of this, he copied in Insp Kappel and Sgt Dias of the Cleveland Black Police Association (CBPA) including:

"As you say we are a disciplined organisation and for the operational benefit of my unit I hope you appreciate I am duty bound to explore this option."

There is no reason for him to copy in CBPA officials if he saw no racial dimension. The claimant replied on 24th May respectfully repeating his objections to a forced move and adding suggestions for achieving CI Huddleston's aims by moving PC's [REDACTED] and Hardwick.

CI Huddleston's response is to e-mail [REDACTED]:

"I have to say that it concerns me that never having dealt with him before and being new to the organisation, his actions and views in my opinion have come across as distorted and that he will not accept any views other than his own and twists issues to better his hand in this case his grievance "

[REDACTED] replied within an hour

"I agree this will be better for the bike section in the long run. He is currently in with [REDACTED] so watch this space!!!!!"

[REDACTED] is CI Stevenson [sic] and we will see in a moment what [REDACTED] meant¹⁹.

The respondent eventually decided not to post the claimant to the motorcycle unit The position was offered to the third placed officer from interview who did not have AFO status. That a good reason exists does not mean it was done, solely or at all for that reason. We accept CI Huddleston decides staff

¹⁹ The judgement later explained that CI Stephenson had met with PC Saddique on 24 May 2011 to inform him that he had found no evidence to support his grievance.

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movements within SOU probably with input from Insp Robson as to demand in Cleveland. Insp Robson says he does recall some discussions about whether AFOs moving onto smaller specialist units should be allowed to maintain their AFO status and believes CI Huddleston took the view smaller teams would be less able to cope with the abstractions due to training commitments. He supported this view. His witness statement gives the impression the matters had little to do with him. To us it is plain several senior officers were working together to channel the claimant into the motorbike section with the consequent loss of his AFO status.

We asked CI Huddleston why no “transitional arrangement” could have been afforded to the claimant whereby he retained AFO status until it was clearer what resilience was needed. He was totally uncompromising saying his only concern was operational efficiency. Mr Oulton submitted this showed he acted despite knowing it would fuel the fire, so not because the claimant had raised a grievance and made a Tribunal claim. We find he acted mainly to stamp his authority on an officer who had the temerity as he saw it to allege race discrimination against his superiors, but was that his only reason? The respondent’s witnesses [sic] evidence about PC Pickering losing and regaining AFO was misleading, he never lost it, and still has it, as does PC Hardwick for “resilience reasons.” They are not exact non BME comparators but close enough to warrant an explanation. No credible one was given. Also CI Huddleston’s evasive “cant [sic] recall” replies contrast with the e-mails. He was being “kept in the loop” about the grievance but was reluctant to admit it. He says he took no advice from Legal Services or HR but it is hard to believe he is so single minded he would plough on with a plan which may undermine the respondent’s position in the Employment Tribunal without doing so. He discussed it with Insp Robson who did not even put up a fight for the claimant who had been promised he could keep his AFO status. The claimant believes this all happened because he had done protected acts and/or because of race. We find it was victimisation by CI Huddleston and Insp Robson who resented the challenge to authority implicit in the protected acts but we accept the evidence shows CI Huddleston would be as uncompromising whatever the race of the claimant or whatever the content of his grievance, so it is not direct discrimination by him. We cannot say the same of Insp Robson who wanted to undermine his claim and was continuing his plan to remove the claimant’s AFO status.”

179. Paragraph 3.252 states:

“As for pressure to accept a vacancy on the motorcycle section and being informed that, despite his wishes, he may be placed there against his will, DCC Spittal says,

“Police officers are not employees but are servants of the Crown and as such are under the direction and control of the Chief Constable. Within a constable’s conditions of service it stipulates they can be required to work wherever when it is deemed necessary for operational reasons. Although the Force does try to accommodate officer’s [sic] wishes regarding postings it is not always possible and officers are posted to positions against their will when it necessary. PC Saddique is an experienced officer and should be well aware of this.”

This amounts to saying that because the Force can do something, it proves its decision cannot have been victimisation, which is a non sequitur.”

180. Paragraph 4.21 states:

“Insisting in or about May 2011 the claimant, if he accepted a position in the motorcycle section would have to give up his AFO status was victimisation by CI Huddleston and Insp Robson and direct discrimination by Insp Robson. Putting him under pressure to accept a vacancy and informing [him] he may be placed there against his will was victimisation by CI Huddleston.”

Account of PC [REDACTED] Ward

S19

181. PC Ward is a white British officer. In a statement dated 8 March 2018, he stated that he was based in the motorcycle unit, which formed part of the Cleveland and Durham Specialist Operations Unit (CDSOU). He explained that the CDSOU was set up in around 2010, after Cleveland and Durham Police merged their specialist units in a cost-cutting exercise.

182. He stated that he qualified as an AFO in 2003, and still had his AFO status when the CDSOU was set up.

183. He stated that on 7 April 2010, CI Huddleston informed him that, due to the set up of the CDSOU, the need to cut costs, and the abstractions due to officers attending firearms training, officers would no longer be allowed to retain their AFO status if they wished to remain in the motorcycle unit.

184. He stated that he was not happy with this decision but accepted the rationale and his AFO status was duly withdrawn. He stated that he was aware that PC Pickering had had been allowed to retain his firearms status, initially because of the 2012 Olympics, and thereafter because it was an operational requirement.

Account of PC Pickering

S14

185. PC Pickering is a white British officer. In a statement dated 14 March 2018, he stated that he initially accepted the post in the motorcycle unit on the understanding that he would have to give up his AFO status. He stated that his AFO status expired some time after he took up the post on 11 January 2012.

186. He stated that, following a request for VIP officers for use in the London Olympics, he was asked (he did not say when or by whom) whether he would consider re-training as a firearms officer in order to compensate for officer abstractions. He stated that he agreed, and his AFO status was restored after he completed the training. He stated that, again, it was understood that he would lose his AFO status after the Olympics; however, due to a subsequent shortage of firearms officers he was again asked to retain his AFO status.

187. He said that he recalled speaking with PC Saddique about the selection process for the motorcycle unit. PC Pickering said, *‘I remember talking to him about why he didn’t take up the position (within the motorcycle unit) and remember him saying that he didn’t want to lose his firearm status and SPP special priority payments were being withdrawn and he would lose his overnight allowance’.*

188. Special priority payments (SPP) were annual payments made to officers who performed specified roles or functions within the force. The postings that were eligible for such payments varied from year to year and were at the discretion of the Chief Constable. Notification of which postings were to receive priority

payments were displayed in advance of the financial year on Cleveland's intranet system so that they could be viewed by all officers and staff.

Statement of Ms C

S20

189. Ms C is a HR manager for Cleveland Police. On 27 July 2018, she provided the IOPC with a statement in which she said that the SPP payments (all roles) for 2011/12 were £950. However, whilst the Roads Policing Unit (RPU) was eligible for the payment, the motorcycle unit was not.

Account of Chief Constable Michael Barton

S18

190. Chief Constable Barton is the Chief Constable of Durham Constabulary. In a statement dated 11 August 2017, he explained that firearms officers attended a large number of training days per year, which required significant resources. He stated that, at that time Cleveland and Durham firearms departments were merging, the threat of terrorism was much lower, and a decision was made to reduce the number of trained firearms officers.

191. He stated that national guidance advised against officers having two specialisms (commonly referred to as 'double hatting'), and they (Cleveland Police) were trying to avoid it for various national resourcing and strategic reasons. He stated: *"In the run up to the Olympics in 2012, the position changed slightly as we had to maintain our flexibility and needed to keep some officers with "double-hats". We did not know which specialist officers would be required to provide support, e.g. traffic or firearms officers or both. I considered this position to be sub-optimal but there was little we could do given the exceptional nature of the circumstances."*

192. He said, *"In terms of the suggestion that Supt Huddleston could move PC Saddique to the motorcycle section "against his will", this is correct. The needs of the public and the organisation come before the desires of the individual officer. That is not to say that the individual's wishes are not considered and taken into account but ultimately our accountability is to the public and not the officer."*

193. He stated, *"I fully support the approach taken by Supt Huddleston with respect to PC Saddique and I would make the same decision had I been in his position."*

194. He further stated that he had never seen Supt Huddleston display any discriminatory behaviour.

Account of Chief Inspector Huddleston

D35

195. CI Huddleston provided the IOPC with a written response to the allegations on 26 May 2017. He explained that the merging of the two Specialist Operations Units was driven by cost saving and efficiency, and one of their goals was to reduce the number of AFOs from 200 to 140. He stated that the cost of training and equipping an AFO was significant, and this was seen as an area in which

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considerable savings could be made, given that a number of AFOs spent more time in training than in actual deployment.

196. He stated that officers on the motorcycle unit had far less opportunity to deploy as AFOs, due to the nature of the role and the number of officers on the team.
197. He explained that, before the two units merged, a number of officers in the Cleveland RPU retained their AFO status, and PC Saddique applied for the role before the joint unit was established.
198. He stated that he met with PC Saddique on 18 May 2011, and during this meeting, he explained why he had removed PC Ward's AFO status, and why there was a need to be fair to the whole team. He stated:

"[PC Saddique] said he understood my rational [sic] for not needing motorcycle officers to carry firearms but due to his ongoing dispute with the force he would be using this as further evidence of Cleveland Police treating him differently."
199. CI Huddleston stated that PC Saddique was putting him in a difficult position, in that if he maintained his stance he would then be included in PC Saddique's claim against the force, but if he treated him differently, this would not be fair to the other officers. He stated that, as well as being unfair to PC Ward, it would be unfair to other officers who had considered applying but decided against it because they did not want to lose their AFO status. He stated that he explained to PC Saddique that he was not prepared to take an inconsistent approach to a decision that had been made with good reason.
200. He denied trying to persuade PC Saddique to move to the motorcycle unit. He stated that it was an "excellent" job and was nearly always oversubscribed; however, he saw PC Saddique as someone who would be good for the team.
201. He stated that he did tell PC Saddique that he "may as well move him anyway," as he had passed the selection process and he considered him the best person for the job. He stated that he did not say he would move PC Saddique against his will.
202. He stated that, approximately a week later, one of the supervisors on the motorcycle unit raised concerns that PC Saddique was receiving special treatment. He stated that PC Saddique had apparently claimed that he had been promised he could test and choose the type of motorcycle he rode and set himself a bespoke shift pattern. He stated that he found this "absolutely bizarre" and "greatly concerning", as he and PC Saddique had never discussed this. He stated that it was at best a misinterpretation, and at worst, a fabrication.
203. He confirmed that PC Pickering had retained his AFO status, although this had not been the understanding when he transferred. He stated that this had been due to officer abstractions during the 2012 Olympics, and subsequently due to the increased terrorist threat.

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Y4
Y4a

204. IOPC investigators interviewed CI Huddleston under gross misconduct caution on 6 March 2018, and he provided an account consistent with his written response.

205. He disagreed with PC Saddique's argument that the force should have known how many officers would be required to help police the 2012 Olympics. He stated:

"We didn't know how many firearms officers [were required] until the week before, before G4S crashed²⁰ and they couldn't provide the security for the Olympics, so we ended up having to send more people and [inaudible] even the army were brought in to assist with providing that security for the Olympics... We knew years in advance there was a basic number, but the demand continued to grow, right up until the event."

The IOPC have requested statistics from Cleveland police regarding 'mutual aid' and resources provided for the Olympic games; to ascertain whether the number of firearms officers provided exceeded the numbers originally requested. Whilst mutual aid statistics have been provided, there are no reliable records available to evidence whether the number of ARV officers eventually provided exceeded the original request.

206. He stated that he had not been involved in the recruitment process, but once it was complete, Inspector Little and ██████ identified PC Saddique and PC Pickering as the two most suitable candidates.

207. He stated that the issue of who joined the motorcycle unit was minor in comparison with the other issues he had to deal with at that time, including the arrest of the then Chief Constable, ██████ Price, the complexities of combining two Specialist Units that had very different ways of working, cutting costs and negotiating with the Police Federation. He stated:

"I can do a list as long as my arm, and where in terms of, where did the selection of a motorcycle officer sit on that? It wasn't very high up on the list because for me, it's one of those points where everybody who can ride a motorbike would love to be on the bike section... I wasn't looking for any more trouble or problems there..."

208. He stated that he did not have repeated conversations with PC Saddique; they only had one meeting. He stated that parts of PC Saddique's account of this meeting were "*completely fabricated*"; for example, he had never even heard of the Milk Race, and when he looked it up online, he found that it had ended in 1993.

209. In relation to the allegation that he told PC Saddique he may move him to the motorcycle unit against his will, he stated:

"One of the things I did say to him was around, look, I'm duty bound to consider... you're going to be best on the motorcycle section for me, so I'm going to move you across there. I am duty bound to consider that because, um, the, at this point in time I don't really want to have to go back through an advert,

²⁰ Security firm G4S was contracted to provide almost half of the 23,700 security staff needed for the London Olympics. In July 2012, they issued a statement explaining that they had encountered significant difficulties in processing sufficient numbers of applicants through the necessary training, vetting and accreditation procedures, and as a result, would be unable to provide all of the staff required.

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selection, test drives and interviews for more people when I feel I've got in front of me somebody who will do a very good job."

210. He stated that it was common and legal for officers to be transferred to different sections or locations.
211. He stated that he was a Durham officer at the time and had no allegiance to Cleveland, *"and there were numerous times I'd give where Cleveland officers didn't like me because I'm in doing the job so I was no, I mean I was no friend of Cleveland's in point of being in cahoots with other senior officers. Um, it's just complete, complete rubbish."*
212. He stated that he had copied the CBPA into his email to PC Saddique because PC Saddique had copied them into emails to him, and he considered it good etiquette to do the same. The IOPC obtained copies of emails between PC Saddique and CI Huddleston (dated 20 and 22 May 2011), which provide evidence that PC Saddique had indeed copied members of the CBPA into emails he had sent to CI Huddleston (T2).
213. In relation to PC Saddique's proposed solution to the staffing issue, he stated:
"None of these proposals would give me a motorcycle officer... so I move somebody around so he can keep his firearms ticket and stay in the bike section. It's just, erm, it's, it's, he's trying to get me to be unfair and give him preferential treatment..."
214. In relation to PC Saddique's allegation that he spent a long time trying to persuade him to join the motorcycle unit, he stated:
"[PC Saddique] knows, erm, knows his mind and is a good talker too... ultimately he could not give me a good argument against the rationale [for not allowing officers in the motorcycle unit to retain their AFO status] despite repeatedly trying. So, erm, again, my view will be that he's trying to emphasise there I spent ages trying to persuade him and that was absolutely not the case. Erm, he's the one, he's been trying to give me erm his rationale as to why I should change my mind."
215. He denied victimising PC Saddique. In relation to the allegation of racism, he stated:
"I cannot change the demand for the unit. If the Olympics hadn't happened would [PC Pickering] have lost [his AFO status]? Absolutely... If this is all about race, why did I take a firearms authority off ██████ Ward?"

T2

Account of Inspector Robson

- D31 216. Inspector Robson provided a written response to the allegations against him on 24 April 2017. He stated that he was not involved in the selection process and had had no influence over CI Huddleston's decision that officers in the motorcycle unit should not be allowed to retain their AFO status.
217. He agreed that this decision was reasonable, for the same reasons other officers have given, but stated that he was not consulted about the matter at any point.
218. He stated that he would be reluctant to lose any AFO, as a lot of time and money was invested in their training.

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Y3
Y3a

219. He stated that he had never discussed the matter with PC Saddique, and PC Saddique's belief that he had been involved appeared to be "*nothing more than a presumption on his part*". He stated that none of the other officers gave evidence that he was involved in this decision.
220. IOPC investigators interviewed Inspector Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.
221. He stated that he did not have managerial responsibility for PC Saddique, and PC Saddique did not mention him in his statement, "*Until I think there's one paragraph where he says something like, and I think Mick Robson might have been involved too. I think, well I know that is the only evidence if you like that I was involved, I wasn't.*"
222. He stated that he recalled one conversation in a management team meeting where "*I think Andy Huddleston at the time was talking about posting into the motor cycle section unit erm whether he wanted to go there or not... and I said, well, you're going, you're going to further his view by doing that. That he's being detrimental. It would add fuel to his ET, I think I said... The Judge seems to suggest that... I played a part, some sinister part in the background to persuade Andy Huddleston... I can tell you now that Andy is a man who makes his own decisions. Listens to advice and counsel, but makes his own decisions.*"
223. He stated that if PC Saddique moved to the motorcycle unit, whether voluntarily or not, they would be losing both an AFO and a VIP officer. He stated that, despite PC Saddique's problems maintaining consistency, he preferred to invest in further training rather than lose him as a VIP officer.
224. He stated that VIP officers were "*gold dust, really, 'cause you've got somebody that you've invested a huge amount of money in, and time to train, and experience... you should try and keep all your specialist AFOs on your bigger team, 'cause it's easy to pull them out at short notice.*"

Analysis of the evidence

225. Inspector Robson has maintained that he was not involved in the decision selection process for the motor cycle unit or the decision that officers accepted on the unit would not be allowed to retrain their AFO status.
226. Other than his daybook entry of 9 May 2011, which states that he expressed the view during a management meeting that the loss of his AFO status would "*fuel*" PC Saddique's ET, there is no cogent evidence that Inspector Robson influenced CI Huddleston's decision. As he pointed out, none of the other officers gave evidence that he was involved.
227. The decision maker may also wish to consider why, if (as alleged) Inspector Robson wanted PC Saddique out of the firearms unit, he would take steps to make a transfer seem less palatable to him.
228. CI Huddleston argued that he was newly appointed to the role from Durham, and as such, had no allegiance to Cleveland and no prior knowledge of PC Saddique

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and his history. He also pointed out that, at that time, he had higher priorities than the posting of a single officer to the motorbike unit.

229. CI Huddleston maintained that he had already decided before PC Saddique applied for the role that officers in the motorcycle unit should not be allowed to retain their AFO status.
230. CI Huddleston's assertion is supported with the case of PC Ward's transfer to the motorcycle unit. PC Ward, a white officer, was told by CI Huddleston in April 2010 that he would have to accept the removal of his AFO status if he transferred to the motorcycle unit. This was four months prior to PC Saddique's application to join the motorcycle section.
231. PC Pickering also confirms that he accepted a position in the motorcycle unit on the understanding that he would have to give up his AFO status. He corroborated CI Huddleston's account that he only retained his AFO status due to subsequent officer shortfalls in the firearms unit.
232. PC Pickering has offered a possible financial explanation for why PC Saddique did not take up a position within the motorcycle unit. He says that PC Saddique told him he did not want to lose his AFO status and that the SPP payment was being withdrawn from the motorcycle unit. Evidence provided by HR manager Ms C confirms that the motorcycle unit was excluded from the £950 SPP payment that year.
233. CC Barton and PS Hatton also corroborated CI Huddleston's account that the decision had already been made to reduce the number of AFOs, and officers who held joint specialisms, although some flexibility was required due to abstractions for the 2012 Olympics.
234. In his statement for the ET, PC Saddique stated that, before applying for the role, he asked Inspector Little and [REDACTED] whether he would be allowed to retain his AFO status and asked this question again at his interview. It is not clear why he felt it necessary to ask this question repeatedly if, as his statement implies, this issue had never arisen before, and he was the only officer affected.
235. It will fall to the decision maker to consider whether Inspector Robson and CI Huddleston have a case to answer for misconduct or gross misconduct in respect of this matter.

> The allegation that Inspector Robson and Subject Officer A prevented PC Saddique from undertaking a VIP qualification shoot in January 2012

Account of PC Saddique

D5

236. In his statement for the ET, PC Saddique stated that he was off sick with stress for just over three months around the time of his first ET claim.
237. He stated that following his return to work, he was required to attend a bespoke training course covering the training he had missed during his absence. He

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stated that Inspector Little informed him that he could complete his core firearms and VIP requalification shoots immediately after the training.

238. He stated that he successfully completed the core shoot, but as he was preparing to begin the VIP shoot, Inspector Little rang him and informed him that he would not be allowed to continue because Subject Officer A and Assistant Chief Constable (ACC) White had "*moved the goal posts*".
239. PC Saddique stated that he was aware his VIP status would not be reinstated immediately after he completed the qualification shoot, as he still needed to complete training that he had missed. He explained that the point of completing the qualification shoot at the outset was to see if he had the skills and aptitude to continue with the training; as agreed with ACC White and recorded in his COT3 agreement.
240. He stated that because he was not permitted to complete the VIP qualification shoot, he could not complete the training, and hence was prevented from regaining his VIP status.
241. He stated that the only time he had failed the VIP qualification shoot was on 3 October 2008, when he scored 69/80 and 65/80 with the same weapon²¹. He stated that the Instructor recorded that he had consistently fired to the left of the target but had had no other issues. He stated that this suggested his weapon may have been out of line, in which case it should have been checked and zeroed and he should have been allowed to re-take the shoot.
242. He said that many white officers would fail a shoot but attribute this to the weapon requiring zeroing. He stated that in these instances, the failures were not recorded and the officer would be allowed to re-take the shoot after the weapon had been zeroed.
243. He stated that he believed Subject Officer A, ACC White and potentially Inspector Robson were involved in the decision to prevent him from completing the VIP qualification shoot, as Subject Officer A and Inspector Robson had a say in all firearms officers' training and status, and he had named Inspector Robson in his previous ET claim.
244. He stated that, alternatively, he considered that this decision was made simply because they did not want an Asian officer to be a VIP officer. He said that he believed Inspector Robson did not like him because of his race, and would not have wanted him to be a VIP officer.

Letter from former ACC Sean White to PC Saddique dated 4 October 2011

D269

245. On 4 October 2011, ACC White wrote to PC Saddique following a meeting to discuss his grievance. His letter, which evidently formed the basis for the subsequent COT3 agreement, states (in part):

"It was agreed that I would write to you today setting out the issues coming out of the meeting as I saw them..."

That you plan to return to work as an Authorised Firearms Officer (AFO) performing ARV duty on A Relief of the combined RPU at Wynyard at an early opportunity.

²¹ As per Mr Nicholson's statement above, this is not correct.

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We identified that you should be allowed to access the full range of training and development opportunities commensurate with your position as a constable within the unit and that you should neither be unduly favoured nor disadvantaged in being considered for training and development opportunities in the future.

...we agreed also that you would have a personal development plan (which you would be involved in the setting) of professional and personal development objectives and that this plan would include opportunities to demonstrate, once again, your skills and aptitude for the role of VIP protection work.

You asked for a timeframe to be agreed that will allow you to adjust back into your role as an operational officer and receive appropriate training and support to move towards that position... This is agreed and we would offer this facility to any member of staff returning to work from sickness and you should discuss this with your GP, Occupational Health and line manager."

246. This letter does not specify the process by which PC Saddique would regain his VIP status.

Email from CI Stephenson to CI Huddleston on 8 November 2011

T5

247. On 8 November 2011, CI Stephenson sent an email to CI Huddleston in which he said, *"...today I spoke to ACC White about the terms of PC Saddique's return to work but in particular, his attendance at a requalification/refresher course in the week commencing 15 November. Mr White still requires PC Saddique to attend that course.*

However, insofar as his AFO status and deployment on an ARV is concerned, he agrees with me that we need a suitable period of assessment to satisfy ourselves that he is both physically and mentally ready to take on the stress and responsibility of being an operational AFO.

Having been certified sick with stress, we have an obligation to the officer, his colleagues and most importantly, the public, to only deploy him as an AFO when we are completely satisfied that he:

- Is mentally and physically strong enough to return to the role*
- Has sufficiently developed his stamina following reintroduction to the working environment and shift patterns*
- Has successfully reintegrated himself back into the team and;*
- There exists no residual issues that could distract him from the clear thinking and high states of alertness and concentration the role of an AFO demands.*

How long that period of assessment comprises is difficult to say, but I would estimate it would be at least 14 – 28 working days as an RPU officer. During that period we can meet to discuss any proposed return to AFO duties."

248. CI Stephenson adds, *"PC Saddique should be made aware of this return to work framework at the same time as his return to work plan is discussed."*

The COT3 agreement

D59

249. Points 5 and 6 of the COT3 agreement state (in part):

"5) The parties identified that the Claimant should be allowed to access the full range of training and development opportunities commensurate with his position as a constable within the unit and that he should neither be unduly favoured nor disadvantaged in being considered for training and development opportunities in the future.

"6) ...the parties agree that within one month of the Claimant's return to work, the Claimant would have a personal development plan (which the Claimant would be involved in the setting) of professional and personal development objectives and that this plan would include opportunities to demonstrate, once again, his skills and aptitude for the role of VIP protection work."

250. The COT3 does not specify the process by which PC Saddique would regain his VIP status.

Email from former ACC Sean White to PC Saddique dated 16 January 2012

T9

251. An email from ACC White to PC Saddique dated 16 January 2012, which was copied to several officers including Inspectors Robson and Little and Subject Officer A, states, in part:

"Hello Nad,

I refer to our telephone conversation of today and also that I undertook to 'drop you a line' concerning my understanding of the agreement we reached last year in respect of your status as a 'close protection' (VIP protection officer).

...In respect of your previous close protection/VIP protection qualification it is my understanding that you would 'work towards' regaining this status, over a period of time, once you have returned to, and re-established yourself as an ARV officer. I do not share your understanding that close protection/VIP status would simply be returned to you through a routine/general qualification shoot.

Indeed, my letter to you of the 4th October 2011 (that was later incorporated into the binding ACAS agreement between us) makes specific mention of the 'pathway' back to close protection/VIP status should you wish to pursue that ambition and demonstrate the necessary aptitude and capability.

...I would urge you to put in place (with your supervision) the appropriate personal development plan; this is the way forward to achieving close protection/VIP status and what we agreed as part of the ACAS agreement."

The ET judgement

D6

252. This allegation was dealt with in paragraphs 3.87-3.92 and 4.22 of the judgement, as follows:

"PC Clennett has known the claimant for a number of years, as a shift member on the ARV and as an instructor delivering refresher training for core and VIP work. At training in January 2012, he and the claimant were cleaning weapons when the claimant said "you have to sort out my VIP qual shoot, the ACC said so." PC Clennett replied "if that's what he said then I'll arrange that but I'll have to go through my supervision". He then spoke to Subject Officer A who said he

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would take care of it and that was the last PC Clennett heard. It is notable the claimant's core shoot is one shot short of a perfect score...

Subject Officer A denies he prevented the claimant undertaking his VIP shoot saying he has never been his supervisor and Insp Robson should have arranged it. The abiding problem in this case is to detect who really made decisions...

On 11th January 2012 Supt Best e-mailed [REDACTED] and CI Stephenson. He had been approached about the claimant's cancelled shoot and says:

"I am not sighted on the detail but I am led to believe that he has come back to work with some kind of agreement to the effect that he needs to pass the basic qualification followed by a similar thing to qualify as a VIP officer (again I am led to believe that the agreement was signed off by ACC White). Nad is saying he passed his basic shoot but has now been told that he needs to wait 18 months for his VIP course (qualification) - his view that this is outside the agreement reached with the Force and as a consequence he has been trying to get hold of ACC White to make representations (he is on leave this week). I am told that Nad has been given the above information by Inspector Little. As mentioned I am not sighted on the full detail however I have been approached in the context of the Equality Review that I am leading on - the matter is clearly not one for me to deal with and thought it best to raise with you to either deal with. Given the context of the review I am in process of doing (and some backdrop to it that I won't expand on at this point) this is probably something that should be picked up asap. Happy to discuss".

...The reply, again on 11th January, from CI Stephenson is:

"PC Saddique is quite wrong in his assertion that he has been told this on at least two occasions. The "agreement" is actually a development plan and whilst I won't go into the details here it will take at least 12-18 months to demonstrate consistency required to even be considered for VIP protection officer again. This is actually CI Huddleston's and Inspector Little's matter to resolve and I am advised they will deal with this upon PC Saddique's return to work..."

We conclude Insp Little set up a common sense starting point to the claimant regaining his VIP status. We find Subject Officer A and ACC White thwarted that plan because the respondent's then senior management never had the faintest intention of doing anything to fulfil the promises in the COT3 but rather teaching him a lesson for ever having brought proceedings. Although the documents do not point clearly to it, we find on balance of probability Insp Robson played a part in the decision for the same reason and because it furthered his view a Pakistani should not be a VIP officer. Supt Best and the other senior officers copied in stood by and watched. It was now essential any personal development plan included return to VIP status."

253. Paragraph 4.22 states:

"Preventing the claimant undertaking a VIP qualification shoot in January 2012, and thereby impeding from regaining his VIP status was victimisation by Subject Officer A and Insp Robson and direct discrimination by Insp Robson."

Account of Subject Officer A

D32

254. Subject Officer A provided a written response to the allegations against him on 24 April 2017.
255. He stated that PC Saddique did not attend a bespoke training session as he had claimed; it was routine mandatory core refresher training for all authorised AFOs. He further stated that PC Saddique was not prevented from undertaking the VIP qualification shoot, as no such shoot had been scheduled.
256. He explained that VIP shoots were specialist courses, covered by a detailed training package, and there was no such thing as a bespoke VIP package. He stated that up until early 2010, it was possible for an officer to complete a specialist shoot during individual qualification days; however, this policy was changed in 2010 for reasons of efficiency.
257. He stated that he had not been made aware of any arrangements for a VIP shoot, and there was nothing in PC Saddique's training file to suggest that bespoke training had been arranged. He stated that he had not spoken to ACC White as alleged, and ACC White had in fact been on a sailing holiday in the Mediterranean at the time.

Y1

258. IOPC investigators interviewed Subject Officer A on 19 April 2018, and he provided an account consistent with his written response.
259. He explained that the VIP officer role profile changed nationally while PC Saddique was away, and the new role profile required VIP officers to be first aid trained to a higher standard. He stated that he and [REDACTED] explained this to PC Saddique during a meeting at the end of the training week, and PC Saddique did not mention that he had a COT3 agreement. He stated that he did not find out about ACC White's discussion with PC Saddique until he saw his email of 16 January 2012.
260. He explained that a VIP shoot would require another range, different instructors, different targets and different weapons. He stated:
- "You couldn't just turn up on an ad-hoc basis and demand a shoot because you wouldn't have the resources there to do it. Because we were a busy centre delivering thousands of student training days per year, but I only have a finite number of instructors.... As part of the role of a [Chief Firearms Instructor], I agree a training plan with the ACC lead... between October and December for the following training year, beginning in April. That's how much notice people generally got for a training calendar."*

Account of Inspector Robson

D31

261. Inspector Robson provided a written response to the allegations against him on 24 April 2017.
262. He stated that he was not told PC Saddique had a COT3 agreement, and in fact had no idea what a COT3 was. He stated that he only found out what the COT3 said years later. He stated that he did not receive any guidance from senior

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officers on how to manage PC Saddique's return to work, and nobody explained how the ET had been settled and what was expected as a result. He stated:

"This was in my view a fundamental flaw, the misunderstanding about which led to many of the problems later caused. In fact, with the benefit of hindsight it left me and other officers in what many would describe as an untenable position."

263. He stated that, based on what he was later told, it became clear that Cleveland Police and PC Saddique had very different understandings of what had been agreed. He stated that he voiced his concerns about the lack of clarity in a meeting with CI Stephenson on 1 November 2011, which he documented in his day book²².
264. He stated that he suggested someone should explain the force's intentions to PC Saddique before he returned, but CI Stephenson stated that this was unnecessary.
265. He stated that he sought advice from his senior management team on how to manage PC Saddique following his return to work, but the advice he received was unclear.
266. The IOPC have obtained a copy of Insp Robson's day book entry for 1 November 2011. He has recorded a meeting he had with CI ██████ Stephenson at which PC Saddique's return to work was discussed. The diary entry says,
- "PM - I discussed NS return with ██████. I am concerned that ACC W (ACC White) has promised NS return to ARV 'A' yet now wants (illegible) file sending to NPIA (illegible). NS may have withdrawn ET in belief he is due back on ARV whilst now ██████ is telling me he needs period of settling in etc to allow judgement to be made on suitability to return plus review of (illegible) opinion. I am concerned NS will feel he has been tricked into dropping the ET and feel someone needs to fully explain the force's intention re NPIA and staggered return to him. ██████ doesn't feel that's necessary and wants NS to be informed when he actually returns to work – he is due to attend core 2 (arranged himself – extra space provided by PTTC) on 14/11allow to train and qual. then period of integration required. I mention this to ██████ (Insp ██████ Little) and he doesn't agree either – I left them discussing it whilst I left."*
267. In his written response to the IOPC, Insp Robson said that he was not privy to any discussions about PC Saddique's training following his return, and could not recall whether he had even been aware that he had training booked in December 2012. He stated that it would be unusual if he had been aware, as the Sergeants and staff at the training centre usually handled training.
268. He stated that he was aware that, when PC Saddique returned to work, he would be returning as an AFO rather than a VIP officer, and would not regain his VIP status immediately. He stated:
- "Indeed my understanding at the time was that PC Saddique would need to demonstrate a period of consistency before he would again be considered for VIP training. This view was formed following discussions with my line managers*

D360

²² Inspector Robson explained that he used his day book to document anything he thought might later be subject to challenge or scrutiny. He stated that he recorded significant decisions or conversations at the time or immediately afterwards, and stood by his entries as a true record of events. Copies of the relevant day book entries were provided to the ET and to the IOPC investigation, and all were consistent with his subsequent accounts.

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about their expectations. PC Saddique had his VIP status removed due to his inconsistency with the SLP and the only credible way to regain that status would be to prove a level of greater consistency and an ability to consistently meet the required standard in core shooting (which required a lesser level of accuracy compared to that of a VIP officer) and then progress if able over a period of time."

269. He stated that, to the best of his recollection, he first became aware that PC Saddique was attending the training on 11 January 2012, as this was when PC Saddique called Inspector Little (with whom Inspector Robson shared an office) to discuss the matter.
270. He stated that Inspector Little later told him that PC Saddique had expected to regain his VIP status after qualifying, and he (Inspector Little) had explained to him that he needed to demonstrate consistency first.
271. He stated that the following day, [REDACTED] told him that PC Saddique would have to show a period of consistency in his shooting prior to being considered for future initial training. He stated that he again recorded this conversation in his day book.
272. He said that this decision reflected the fact that PC Saddique had already missed over a year of firearms and VIP training, and would then miss a further 12-18 months of VIP training while he demonstrated consistency in his shooting. He stated that the situation would be the same for any other officer, as an AFO needed to be able to demonstrate consistency and competency in his shooting for the safety of himself, his colleagues and the public. He stated:
- "With the benefit of hindsight PC Saddique clearly had different expectations and I firmly believe that it was this lack of clarity in relation the settlement agreement as to the way forward between PC Saddique and ACC White that led to the problems that subsequently followed. [ACC White's email] supported my understanding that PC Saddique would be 'working towards' his VIP status over a period of time, although again it did not add any further clarity or detail as to how or when this was to be achieved."*
273. He stated that paragraphs five and six of the COT3 agreement were clear in his view, *"although perhaps not as clear and unambiguous as they should have been... The judgement at para 3.44 seems to suggest that PC Saddique would 'secure the return of VIP status' which is not what I was advised by my line managers in relation [to] the COT3."*
274. He stated that the old process for qualifying required an officer to book a qualification day, during which the officer would undertake any shoots they needed to retain their core status and any specialisms they held. He stated that under this process, PC Saddique would not have been able to book anything in advance; the Firearms Instructor in charge would simply ask on the day if anyone needed to undertake a VIP qualification shoot.
275. He stated that under the new process, which came into force in 2010, officers were no longer able to complete a specialist shoot at the end of the mandatory training; instead, they had to arrange separate training. He stated that if PC Saddique had wanted to attend a VIP shoot under the new process, he would

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have had to make specific arrangements to attend this training, which would have generated an audit trail of emails and training records.

276. He stated that to the best of his knowledge, there was no documentary evidence (other than PC Saddique's witness statement for the ET) to prove that he had been booked to do a VIP qualification, in which case nobody could be held responsible for cancelling it. He stated that he was certainly not involved in any discussions regarding this matter. He noted that there was no evidence from any source to suggest that he had been involved in the decision to "prevent" PC Saddique from taking the VIP qualification shoot.

277. He stated that, as far as he was aware, there was no evidence that he had been involved in any decision making regarding the training on that day, and PC Saddique himself did not suggest that he had been.

Y3
Y3a

278. IOPC investigators interviewed Inspector Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.

279. He stated that the COT3 was so "woolly and open to interpretation" that it justified his fear that the force and PC Saddique might have different expectations of what would happen following his return to work. He stated:

"And I think the force had failed, at that point... If you're going to agree a way back, you need to agree a way back. You don't... then say to everyone else, "Go on then, you, you just crack on" and not give us any idea of what's involved. Because I was, myself and Subject Officer A, to be fair, was set up to fail. I'm not saying intentionally, but we were set up to fail."

280. He expressed the view that Cleveland Police should have arranged for a Senior Firearms Instructor to sit down with PC Saddique and explain the process by which he would regain his VIP qualification. He stated that, as explained previously, PC Saddique had lost his VIP status in the first place because of his lack of consistency, and so he had to address that issue before he could regain his VIP status. He stated that he had been told "under no uncertain terms" by senior officers that PC Saddique would need to perform at a consistently high standard for 12 to 18 months in order to negate the pattern of inconsistency that had led to the original removal of his VIP status. He stated:

"Now at that point, Nad, if I remember right, had already missed a good chunk of VIP training, probably about a year... and then he was going to take, according to the Superintendent and the Chief Inspector, another twelve to eighteen months to prove his consistency. He's then looking at two, two-and-half years without any VIP training or without being [an] operationally competent and occupationally competent VIP officer."

281. He stated that he remembered asking CI Stephenson whether PC Saddique was aware that this was going to happen. He stated that he also texted CI Huddleston "and said, look we need to nail down what's going to happen because nobody ever told me what was going to happen and nobody ever told the track, the training range what was going to happen."

282. He stated that he remembered thinking, "What are we supposed to do? How are we going to manage this return to work? And how are we going to manage the fact that Nad wanted [his] VIP ticket back? And what happens if he fails again?"

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Am I going to face another employment tribunal and another grievance investigation?"

283. He stated that he raised the issue with CI Stephenson, who told him that it was *"all sorted... And then I eventually persuade the two Chief, it almost seemed like persuade the two Chief Inspectors, well, have you bottomed this with Nad? Because I've just gone through a world of crap with an employment tribunal and uh, a grievance, a lengthy grievance investigation. You need to nail this down... and as a result of us making representations to Mr Stephenson and [REDACTED] they went, one of them went to see [REDACTED] White who sent off the email which, I think, was the sixteenth of January."*
284. He stated that there was no evidence that Inspector Little had arranged for PC Saddique to complete his VIP qualification shoot, and it would be very unusual for him to do so, because this was the firearms sergeants' role. He stated:
"I never had any expectation that Nad was going to a VIP course, and [Insp] Little didn't either, because we both said to [REDACTED] Stephenson and [REDACTED] and everybody, and Andy Huddleston, what's happening? He's gonna come back as an ARV... and then it's gonna take a period of consistency. And that's backed up by the emails with [REDACTED] Best and, from uh, [REDACTED] Stephenson²³."
285. He stated that PC Saddique had not named him as being responsible in his complete set of claims, and *"again, it seems to be, "but I think Mick Robson might be involved." And it's quite telling to me... the judgement says, paragraph 3.92, "although the documents do not point clearly to it"... Well, the documents do not point clearly to it and I wasn't involved in that decision at all."*
286. He stated that in his view, nobody other than PC Saddique expected that he would take his VIP qualification that day. He stated that it could be argued that this approach would have put PC Saddique under undue pressure, *"knowing that he's just been out for a long time... He's under an enormous amount of pressure to do the easier, and it is easy, core qualification. I think it would have been unjust and unfair of us to say, "Oh and by the way, if you want your VIP ticket back, crack on with that one as well, but if you fail it proves your inconsistency again." I think I would stand more chance of being criticised for supporting that view..."*
287. He stated that he, Subject Officer A and Subject Officer B were left in an untenable position, *"Because, Nad obviously had a view about me and I think, whatever I did was never going to be good enough for Nad, um, because he held a view about me at that time. And whatever decision I took, or Subject Officer A took, or Subject Officer B took, Nad would see an infer, uh, an influence from me.... So I think we were set up to fail... I tell you, whoever the solicitor was [who drew up the COT3], I don't know, they must have been laughing their head off when they did that, because they must have thought, well, bingo, there's the golden ticket for the future, because it's just rubbish... there's so many words in here about if, when, may, should, could."*

Analysis of the evidence

²³ The emails between Supt Best and CI Stephenson are quoted in the ET judgement, above.

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288. ACC White's letter of 4 October 2011 and subsequent email of 16 January 2012 also indicate that it was agreed PC Saddique would work towards regaining his VIP status via an agreed personal development plan.
289. CI Stephenson's email of 11 January 2012 makes it clear that PC Saddique would need to demonstrate consistency over a period of at least 12-18 months before he could even be considered for the role of VIP protection officer (See document/email T209 referred to in the next section of this report).
290. Insp Robson's day book entry for 1 November provides evidence that he had reservations about the way that PC Saddique's return to work was being managed by senior officers. He made representations to CI Stephenson that the force's view and understanding of PC Saddique's return to AFO duties should be explained to him prior to his return to work. Insp Robson's view appears to have been rejected at the meeting with CI Stephenson.
291. Elsewhere in his account, PC Saddique stated that a personal development plan was never agreed. This being the case, it is difficult to see how and why he formed the impression that concrete arrangements had been made for him to regain his VIP status.
292. Inspector Little, who reportedly told PC Saddique that he could complete a VIP shoot, was based in the RPU and accordingly would have had no say in firearms training and qualifications shoots. It may be that he did say this to PC Saddique, but this investigation has not identified any evidence (including from PC Saddique himself) that Inspector Little discussed the matter with anyone else. If Inspector Robson and Subject Officer A were not aware, then it would be difficult to argue that they had prevented PC Saddique from undergoing the shoot.
293. According to Inspector Robson, while officers were previously allowed to complete VIP shoots on an ad-hoc basis following training, the new process (which came into force during 2010) required them to make separate arrangements. It is not clear whether this shift in procedure was what gave rise to a perception that ACC White and Subject Officer A had "moved the goalposts."
294. The available evidence indicates that PC Saddique's VIP status was removed because of his inconsistent performance and the decision was that he could only regain it by demonstrating consistency. The COT3 agreement did not direct that PC Saddique should proceed immediately to a VIP qualification shoot; it said that he should be involved in setting his own personal development plan, which would include opportunities to demonstrate his skills and aptitude for the role of VIP protection work.
295. It will fall to the decision maker to consider whether Inspector Robson and Subject Officer A have a case to answer for misconduct or gross misconduct in respect of this matter.

> The allegation that Inspector Robson failed to put in place a Personal Development Plan to demonstrate PC Saddique's aptitude for VIP work

Account of PC Saddique

D5

296. In his statement for the ET, PC Saddique stated that he agreed a Return to Work plan with management following his return in November 2011. He stated that this plan covered an initial brief period he spent in the RPU before resuming work as an AFO, but did not include training and opportunities for him to demonstrate his skills and aptitude for VIP protection work. He stated that initially he was not concerned about this, as he assumed that a new plan would be agreed when he had passed his core firearms and VIP qualification shoots.
297. He stated that he spoke to Inspector Robson about the fact that he had been prevented from completing the VIP qualification shoot, and highlighted that the plan did not include points from his COT3 agreement. He stated that he made it clear that he was not happy with the action plan Inspector Robson was suggesting.
298. He stated that it was his understanding that, as his Inspector, Inspector Robson was responsible for producing an action plan that covered the areas included in the COT3, and he repeatedly told him this.

Inspector Robson's day book entries in January and February 2012

D69

299. Inspector Robson's day book entry for Friday 27 January 2012 states (in part):
"Spoke Nad. Made clear that closing date for bronze was today – I am concerned he may not have known that so prepared to extend to give him this [illegible]. He explained that he wanted to be excluded on this occasion lots of other things going on. Still looking at e-mail and things... Discussed he is going to look at develop plan."

D70

300. Inspector Robson's day book entry for 20 February 2012 states (in part):
*"Mon 20/2 6.30 Wynyard
Relief parade – ask NS to come and see me later – I want to get to the bottom of development plan etc.
12. NS – Me and [redacted] present – Nad sat down – [redacted] outlined that we were keen to move forward with the development plan – [redacted] had [illegible] plan upon return to work interview – Nad spent a long time explaining that he had a lot ongoing at the moment and he was reluctant to commit to any plan when at this stage he may not be happy/keen to move on with ACC's agreed actions – he has a couple of options available – he sometimes felt that he wanted to bury his head and hope everything went away - or his solicitors were involved and Fed and he may disagree and take further action due to dissatisfaction with how ET was resolved.*

D72

301. Inspector Robson's day book entry for 29 February states (in part):
"Nad was asked to come and see me and [redacted]. He arrived and [redacted] began to discuss development/action plan. We expressed that last week Nad had been in middle of meetings etc and was considering his options. Nad immediately mentioned that at that point he was considering withdrawing from the development plan + just concentrating on his ARV work. We discussed that

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there are things that he can do for himself outside of an official development plan that would make him shine out above colleagues when it came to selection for causes. I wanted him to be the one that if asked Sgt would put him forward for something. He agreed and said that was what he wanted to do. I told him I would support him throughout.”

The ET judgement

D6

302. This allegation was dealt with in paragraphs 3.93-3.96 and 4.23 of the judgement, as follows:

“The COT3 was to cover training and opportunities to demonstrate not only [PC Saddique’s] aptitude for VIP protection work but other opportunities. Insp Robson was pushing a standard form career development plan for any AFO which did not cover VIP status at all. Insp Robson says it is the claimant’s own fault no PDP materialised. We reject that. In January Insp Robson asked the claimant to see himself and Insp Little. The SOU had asked for expressions of interest from officers wishing to develop themselves as ‘bronzes’. They discussed role at length and Insp Robson encouraged the claimant to express his interest. We have earlier seen him and Subject Officer B saying the claimant was not fit for such a role²⁴...

We do not accept the claimant said he would withdraw from a PDP and just concentrate on his ARV work. The claimant said he was going to write a report and wanted to speak to Insp Robson to ‘clear the air’. Insp Robson says:

“I believe PC Saddique wanted to extend an olive branch towards me after the previous complaints or allegations he had made”.

The conversation never took place, Insp Robson says:

“I don’t recall any further discussion about a development plan as PC Saddique clearly indicated he did not want or expect one. I think it is disingenuous to suggest that the Force failed to provide a plan and more accurate to describe that despite numerous attempts to discuss it or move it forward, PC Saddique initially failed to take part in the process then finally withdrew from the process entirely.”

We find Insp Robson is the one being disingenuous. The claimant did not want to be a bronze, but a VIP officer and it is highly unlikely he would, after putting himself through litigation, have abandoned that aspiration. It is acts like this which show Insp Robson’s determination to keep the claimant away from VIP work which tend to suggest the reported conversation in the Black Bull is likely to be true. We emphasise our approach has been to look for whether the hard facts corroborate the hearsay, not the other way around...

303. Paragraph 4.23 states:

“Failing to put in place a Personal Development Plan including opportunities to demonstrate skills and aptitude for VIP work was victimisation and direct discrimination by Insp Robson.”

²⁴ Elsewhere, the ET judgement detailed how Inspector Robson and Subject Officer B expressed the view in a meeting with CI Stephenson on 24 May 2011 that the Bronze role was “way above PC Saddique’s ability, but accepted [it] would have to be addressed in the same manner as everybody else.”

Account of Inspector Robson

D31

304. Inspector Robson provided a written response to the allegations against him on 24 April 2017.
305. He stated that as explained previously, he had not seen the COT3 and did not know what was in it until he saw ACC White's email of 16 January 2012.
306. He stated that he knew PC Saddique expected to be involved in creating a personal development plan, but it was also his understanding that this was Inspector Little's responsibility, as PC Saddique's line manager, although he understood that he would have an advisory role in relation to firearms matters.
307. He referenced the email from CI Stephenson to Supt Best and [REDACTED] (quoted previously in the ET judgement), which stated that CI Huddleston and Inspector Little would be responsible for PC Saddique's personal development plan.
308. He reiterated that he had been under the impression that PC Saddique would not be considered for VIP training for some time, once he had proved consistency with the SLP in core shooting, in line with ACC White's email of 16 January 2012. He stated:
- "My understanding, and clearly that of my managers, was that PC Saddique would be given opportunities to develop himself as an all round AFO/RPU officer and together with his hopeful consistency this would provide the basis for his possible future development in specialist roles."*
309. He stated that PC Saddique had previously complained that he had been overlooked for the role of Bronze commander²⁵.
310. He stated that on 6 June 2011, CI Stephenson emailed him a draft development plan for him to provide his thoughts from a firearms perspective. He stated that CI Stephenson made it clear in this email that Inspector Little was responsible for PC Saddique's development plan.
311. He stated that on 27 January 2012, he recorded in his day book that he had spoken to PC Saddique about the Bronze role and offered to extend the closing date to allow him to apply. He stated that PC Saddique replied that he would look at Inspector Little's development plan, which he presumed was the same one that Supt Stephenson had emailed him previously.
312. He stated that on 20 February 2012, he recorded in his day book that he and Inspector Little had discussed PC Saddique's development plan with him (as detailed above), and during a subsequent meeting, PC Saddique stated that he just wanted to focus on his AFO work. He stated:
- "The further notes are clear and detail that I continued to talk to PC Saddique and suggest ways to him that he could make himself stand out from others, this was an effort on my part to support him and help him to develop. I am aware from the judgement that it would seem to suggest that I have made my extensive*

²⁵ In his grievance dated 1 March 2011, PC Saddique stated, "...I have been overlooked several times for particular courses. Having expressed an interest in a Bronze Commander's course over the years I have never been selected..."

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notes up when there is no evidence to suggest I did nor is there any motive for me to do so.

With the greatest respect I would dispute this suggestion and confirm that my day books are an accurate reflection of my dealings with everyone. Therefore in conclusion I can confirm that at no time did I discriminate or victimise PC Saddique by failing to provide a development plan.”

D55

Diary of C/I [REDACTED] Stephenson

313. As detailed in paragraph 62 of this report; in early 2011 C/I Stephenson investigated a number of grievance complaints made by PC Saddique against the officers now subject of the IOPC investigation. The officer's diary entry provides evidence of discussions with PC Saddique regarding his development within the firearms unit.
314. C/I Stephenson's diary entry of 24 May 2011 details a meeting which he had with PC Saddique at which he explained his investigations and findings to the officer. He recorded, *'PC Saddique stated that he would still like to develop his career but I explained he would not be reconsidered for VIP. His record was such that I supported the removal of his status due to the rationale provided. We discussed DE and Bronze but this would have to be generated as it would with any other officer – interest, development plan and ultimately support and selection. He was content with this.'*
315. He recorded a conversation he had with Insp Robson and Subject Officer B later that same day. The entry says, *'Re: DE development and Bronze development, both [Insp Robson and Subject Officer B] felt both options were way above PC Saddique's ability but accepted they would have to be addressed in the same manner as everyone else. Insp R [Robson] asked about what would happen if he failed another re qual. Shoot. I explained he would have to give some thought about where the line in the sand should be drawn.'*

Emails concerning PC Saddique's personal development plan

316. There are a number of emails which provide evidence in respect of who was involved in preparing PC Saddique's development plan and who may have been responsible for implementing it.
317. To place the chronology of discussions around PC Saddique's proposed development plan into context, it is important to remember that he had already submitted his first employment tribunal claim against Cleveland police on 10 April 2011.
318. His allegations in that claim included that he had unfairly had his VIP/close protection permit withdrawn and been prevented from attending dynamic entry (DE) and bronze commander courses.
- T207 319. On 2 June 2011, C/I Stephenson sent [REDACTED] (Cleveland Police HR department) an email in which he informed her he had met with PC Saddique that morning and would now be meeting with C/I Huddleston and Insp Robson to draw up a development plan for the officer.
- T211 320. On 3 June 2011, Inspector Robson sent an email to C/I Stephenson (cc CI Huddleston). Insp Robson said that he had spoken with 'Andy' (CI Huddleston),

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regarding PC Saddique's development plan and could offer a number of suggestions to C/I Stephenson for inclusion in any proposed development plan.

Insp. Robson suggested, "*Nad should take whatever opportunities he can whilst training to improve the consistency of his pistol shooting (DE shoot is hard). (DE stands for 'Dynamic entry') This should involve discussion with the relevant instructor during any shooting practice sessions to identify any areas where he may or may not struggle and he should concentrate his efforts accordingly.*"

Insp Robson also made a number of suggestions for how PC Saddique could gain experience for a potential role as a firearms 'Bronze commander'.

T212

321. On 6 June 2011, C/I Stephenson sent Insp. Robson an email to which he attached a proposed development plan for PC Saddique.

C/I Stephenson wrote, "*Do you think it would be more appropriate for [REDACTED] Little to deliver and oversee it, as strictly speaking he is Nad's line manager on a day to day basis? It will also ensure that you are not too directly involved and can maintain a consultancy role*".

D359

322. The development plan which C/I Stephenson sent to Insp Robson is comprehensive and covers two main areas: development opportunities for a 'bronze commander position' and opportunities for 'dynamic entry' training.

T212

Insp. Robson responded to C/I Stephenson's email on 20 June 2011. He broadly agreed with the proposed development plan and said, "*I think that [REDACTED] (Insp [REDACTED] Little) should look after this for the reasons you suggest*"

D55

323. On 8 June 2011, C/I Stephenson sent PC Saddique an email with the proposed development plan attached (contained within D55 – investigation report of C/I Stephenson, page 136).

PC Saddique wrote an email response to C/I Stephenson on 9 June 2011 (page 135 of D55). He said that he had viewed the proposed development plan but felt it did not reflect their recent discussions. He had spoken with 'legal counsel' and had decided to proceed to an employment tribunal.

C/I Stephenson sent an email on 10 June 2011 in which he expressed his concerns that PC Saddique did not feel the development plan reflected their earlier conversations on the subject. He asked PC Saddique to meet with him to discuss the development plan and his views on it.

The IOPC have not identified any response to this request from PC Saddique.

T207

324. On 10 June 2011, C/I Stephenson sent an email to [REDACTED] (HR) informing her that he had spoken to PC Saddique regarding the proposed development plan, but that the officer was not satisfied. PC Saddique had told him that, after taking legal advice, he would be taking the matter to an employment tribunal.

325. PC Saddique's first employment claim was withdrawn in October 2011 and settled by way of a COT3 agreement. (Detailed earlier in this report). He returned to operational duties in November 2011.

T209

326. On 11 January 2012, Supt [REDACTED] Best sent an email to [REDACTED] and C/I [REDACTED] Stephenson in which he highlighted concerns raised by the BPA

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concerning PC Saddique and his perceived delay in qualifying as a VIP protection officer.

Supt Best wrote, *'Nad is saying that he passed his basic shoot but has now been told that he has to wait 18 months for his VIP course/qualification – his view is that this is outside the agreement reached with the force.'*

T209

327. C/I Stephenson responded to Supt Best on 11 January. He said, *"PC Saddique is quite wrong in his assertion and has been told this on at least two previous occasions. The 'agreement' is actually a development plan and whilst I won't go into the details here, it will take him at least 12 to 18 months to demonstrate the consistency required to even be considered for VIP prot officer again. This is actually CI Huddleston's and Insp. Little's matter to resolve and I am advised that they will deal with this upon PC Saddique's return to work."*

328. C/I Stephenson sent a further email to Supt Best on 12 January in which he said, *'There is no natural and immediate progression to a VIP re-qualification shoot. He has been provided with a draft development plan and this will only take him to a point where he may have a future application supported to go forward for selection as a VIP protection officer again. This is no different to any other officer aspiring to VIP duties.'*

'He has it in his head, despite being told to the contrary, that he will return as a VIP prot officer once he returns to work. He was removed from that role due to repeatedly erratic qualification shoots – a handicap for a protection officer by anybody's standards. There is no fast track return in such circumstances but clearly he refuses to accept this.'

Y3
Y3a

329. IOPC investigators interviewed Inspector Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.

330. He stated that CI Stephenson's emails made it quite clear that Inspector Little and CI Huddleston were responsible for PC Saddique's development plan.

331. He stated that he had been under the impression that Inspector Little, as PC Saddique's line manager, would be taking the lead on looking for ways to develop PC Saddique as an AFO and RPU officer. He stated that PC Saddique had previously complained about being denied opportunities to develop himself as a Bronze, and the force was currently running a selection process for Bronze officers, so he discussed this with PC Saddique. He stated:

"I suppose in my mind, Nad's previously gone to an ET and said he's not been supported for this and this. He's coming back to work and we've got that and that opportunities available to him. If I don't consider him and try to help him towards those, what does that look like? Do you know what I mean? Well, you've yet again, he's come back to work and you've got these opportunities, did you not even discuss it with him? Why not?"

332. He stated that PC Saddique did not want to go for the Bronze role, and later withdrew from the discussions about his development plan. He stated:

"I find it incredulous to suggest that I've discriminated against him because I haven't done a development plan. I've tried to support the supervisor who was supposed to be doing the development plan. I've discussed it with Nad with that

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supervisor and Nad has, eventually, withdrawn from it and not played any part in it and... suddenly suggests well it's not about DE and bronze, it's about VIP."

333. He stated that he did not recall even being aware at that stage that PC Saddique's development plan was meant to cover his return to VIP work, because he had previously been told that PC Saddique first needed to demonstrate consistent shooting over a period of 12 to 18 months.

Analysis of the evidence

334. Inspector Robson highlighted that PC Saddique had previously complained about being overlooked for the role of Bronze commander (in his grievance of 1 March 2011 and also ET claim of April 2011). He stated that he could therefore have faced criticism if he had not encouraged him to apply for that role.
335. He stated that he did not find out about the COT3 until much later, and did not recall even being aware that PC Saddique's development plan was meant to cover his return to VIP work. His day book entries, which are otherwise detailed, do not include any reference to the COT3. There is no evidence to suggest that Insp Robson was aware of the COT3 agreement prior to 16 January 2012.
336. Inspector Robson stated that he was under the impression that PC Saddique would need to develop as an AFO and demonstrate consistency over an extended period before he could be considered again for VIP work. This view is supported by C/I Stephenson who expressed that this was his belief in an email to Supt. Best on 11 January 2012.
337. CI Stephenson's email of 11 January 2012 makes it clear that it would take PC Saddique at least 12-18 months of consistent performance before he could even be considered for the role of VIP officer again.
338. Inspector Robson stated that Inspector Little was responsible for PC Saddique's development plan. This assertion is supported by the email of C/I Stephenson (dated 6 June) in which he told Insp Robson that Insp. little would be responsible for delivering and overseeing the development plan.
339. Whilst the available evidence indicates that Inspector Robson advised C/I Stephenson on what should be included in PC Saddique's development plan, it appears that he had no responsibility for delivering or implementing it. In his email to C/I Stephenson dated 20 June, Inspector Robson agreed that Inspector Little would take responsibility for the development plan and he would maintain a 'consultancy role'.
340. CI Stephenson's email to Supt. Best on 11 January 2012 stated that the development plan "*is actually CI Huddleston's and Inspector Little's matter to resolve*".
341. Inspector Little was PC Saddique's manager, not Inspector Robson.
342. Inspector Robson's day book entries provide evidence that PC Saddique declined to participate in discussions regarding his personal development plan and eventually withdrew from the process entirely.
343. Emails between C/I Stephenson and Supt. Best on 11 January 2012 provide evidence that due to the circumstances surrounding the withdrawal of PC Saddique's VIP protection status (erratic shooting), immediate requalification could not form part of a proposed personal development plan for PC Saddique.

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C/I Stephenson's view was that PC Saddique had to demonstrate 12-18 months of consistency before being supported again for VIP protection duties. He wrote that there could be no *'no natural and immediate progression to a VIP re-qualification'* under these circumstances.

344. There is certainly evidence (contained within the diary entry 24 May 2011 of C/I Stephenson), that Insp Robson and Subject Officer B felt DE training and Bronze development were *'way above PC Saddique's ability.'*
345. However, in his email to C/I Stephenson dated 3 June 2011, Insp Robson made a number of suggestions for inclusion in PC Saddique's development plan. He said, *'Nad should take whatever opportunities he can whilst training to improve the consistency of his pistol shooting'*. Insp Robson also made a number of suggestions for how PC Saddique could gain experience for a potential role as a firearms 'Bronze commander'. The decision maker may consider that Insp Robson may have set aside his concerns over PC Saddique's 'ability' and that the emails to C/I Stephenson provide evidence he was actively promoting the development opportunities for PC Saddique. It may be considered that the email Insp Robson sent to C/I Stephenson is consistent with a longer term plan for the officer to attain the standard required for VIP duties.
346. It will fall to the decision maker to consider whether Inspector Robson failed to put in place a personal development plan to demonstrate PC Saddique's aptitude for VIP training, whether he had any responsibility for preparing/delivering such a plan and whether he has a case to answer for misconduct or gross misconduct in respect of this matter.

> The allegation that an AFO displayed an English Defence League (EDL) sticker on his holster

The ET judgement

D6

347. This allegation was dealt with in paragraphs 3.48-3.52, 3.97-3.99 and 3.254 of the judgement, as follows:

"PC ██████ Coates told the claimant PC Roberts was displaying an English Defence League (EDL) sticker on his gun holster and words including "Muslim" and "Crusade" were written on it.

Insp Robson said he did not consider the sticker was racist but describes it as "patriotic". Page 1032 is an e-mail from Insp Robson to Supt Jonathan Green of PSD written much later when the "badge" incident was being addressed as part of an investigation. It sets out the first complaint about it was at 3:10pm on 2nd November 2011 from PC ██████ Murphy, an experienced firearms officer who "acts up" in the absence of a Sergeant. He was concerned about the behaviour of PC Roberts due to his having personal problems but also he was wearing a badge on his holster and, when he had been asked why, had commented he was on a crusade and wanted to be challenged.

Later that day Insp Robson spoke to both Insp Little and C/I Huddleston about the concerns raised. PC Roberts was not due back on duty for a couple of days. The following morning, Insps Robson and Little conducted a search of PC Roberts' locker where they found his holster. Insp Robson says it had a small

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white circular badge with a red cross on it about one inch in diameter but did not have any writing on it. On 4th November he and Insp Little spoke to PC Roberts which resulted in suspension of his AFO status. PC Roberts was asked about the badge and stated he had wanted to be challenged by supervision. Insp Robson says:

"I did not attach any racist connotations to the badge nor do I looking back. I have never had any reason to believe PC Roberts to be racist nor to suspect that the badge was anything other than patriotism or stupidity on his part - possibly both. I later recall that Inspector Little spoke to Chief Inspector Huddleston and either a member of the SMT (Chief Inspector Stephenson, [REDACTED] or the PSD to outline our findings. I cannot find any notes of this but then I wouldn't as I did not hold the conversation".

Insp Robson threw the badge away only days after the COT3. The St George Cross as an emblem has been adopted by groups known for racist, including anti-Islamic, views. Add the use of the word "crusade" and PC Roberts saying he was trying to provoke a reaction from supervisors and it is risible Insp Robson could think this had no racial connotation. Insp Robson told us PC Roberts was entitled to hold whatever views he liked so long as he did not bring them into his work, but by wearing it on his holster that is exactly what he was doing."

At 406(b) there is a note of the incident being passed to PSD on 28th March for action. As far as we were told, nothing happened. Either Insp Robson saw the evidence of writing and destroyed it to protect PC Roberts or PC Roberts had taken the writing off his holster leaving only the badge or the person who told the claimant about it was causing mischief. Whichever is true, it needed action. Time and again we will see an attitude, so unusual for police officers, who normally welcome a member of the public reporting a suspected crime and take the initiative themselves to look for evidence, asking the claimant to provide them with concrete proof before they would do anything. As the claimant says,

"Inspector Robson didn't even consider retaining the sticker on PC Roberts' gun holster or taking a photograph of the sticker. Surely retaining the sticker would have been best evidence and the right thing do and then refer the matter to PSD to deal with but no, Inspector Robson saw fit to remove and destroy crucial evidence.

Statement of PC Saddique to the ET

D5

348. In his statement for the ET, PC Saddique said that in 2011, PC [REDACTED] Coates told him PC Roberts (now retired) had a racist EDL sticker on his gun holster. He stated that he complained about this to Inspector Robson on 29 November 2011. This is incorrect as the complaint PC Saddique referred to was contained within a letter sent to Inspector Little and [REDACTED] and was not sent to Inspector Robson. I have detailed the letter from PC Saddique below.

349. He told the tribunal, "*I did not hear anything from Insp Robson about my complaint until 20 February 2012, almost three months later. He confirmed that he had searched PC Roberts' locker and removed the sticker from his gun holster and threw it away. Inspector Robson told me he did not consider the sticker was racist. I asked him if he could show me the sticker but by that point he had already thrown it away.*" He stated that Inspector Robson told him he did not believe the sticker was racist.

PC Saddique's letter dated 29 November 2011

D66

350. This letter was addressed to Inspector Little and [REDACTED]. PC Saddique made a number of complaints about other matters and then said, "...I am also aware of another officer who has previously expressed extreme racist views towards ethnic minorities and has very recently been displaying a sticker on his gun holster of an insulting and offensive nature (crusades against Muslims, tell me you're a Muslim and I'll shoot you). This has caused me great concern on many levels both personally and professionally. My parents are of Pakistani/Indian origin and I obviously look Pakistani and everyone knows I am a Muslim".

He added, "I wonder why they feel so confident in the work environment to make such comments and display rabid racism. One has to come to the conclusion that this is an environment where they feel so comfortable as no one challenges it and in most cases it's positively encouraged."

PC Saddique did not identify the officer he referred to nor did he name any potential witnesses.

Statement of PC (formerly A/PS) [REDACTED] Murphy

S9

351. PC Saddique was not the first to highlight concerns over PC Roberts and a sticker being displayed on his holster. The matter first came to notice on 2 November 2011 when APS [REDACTED] Murphy reported it to Inspector Robson.

352. In a statement dated 12 April 2018, PC Murphy stated that, while he was Acting Sergeant, he decided to change the ARV crewing arrangements and his colleague PC Roberts resented this. He stated that their relationship deteriorated to the point that it was difficult to manage or even interact with him.

353. He stated that during one shift in November 2011, PC [REDACTED] Foster told him that PC Roberts had put a badge on his holster and had said that he wanted someone to challenge him. He stated:

354. "Both [REDACTED] and I knew that what [REDACTED] wanted was a confrontation towards me... As I looked out of the corner of my eye, so as not to let [REDACTED] know I was looking, I briefly saw a small round white badge with a little red cross in the middle. I didn't go up to him to look as this is what [REDACTED] was wanting, a confrontation... My opinion of [REDACTED] was that he [was] unstable at the time. When I saw the badge, I genuinely thought he's put that on for me, he's trying to wind me up."

355. He stated that it was against force policy for officers to have badges on uniform, particularly on holsters. He stated that he reported his concerns to Inspector Robson, and when he next returned to work, he learned that PC Roberts' AFO status had been suspended.

Account of PC [REDACTED] Foster

S10

356. In a statement dated 17 April 2018, PC Foster stated that A/PS Murphy and PC Roberts had previously been very good friends but had fallen out over a decision A/PS Murphy had made. He said:

357. "On this particular day, [REDACTED] approached me and showed me a sticker on his gun holster. As I looked at this, I would describe this as about 5 inches in

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diameter... It was a red George Cross on a white background; it also had a knight on a horse on it. When I saw this, it didn't really surprise me as [REDACTED] had an interest in ancient history, so it was no surprise he had such a sticker."

358. He stated that PC Roberts said, "Let's see what he does about this" or words to that effect. He stated that he then realised PC Roberts was trying to provoke a reaction from A/PS Murphy. He emphasised that there had been no words or other markings on the sticker.

Written response from Inspector Robson

D31

359. On 24 April 2017, Inspector Robson provided a written response to the allegations against him.

360. He stated that PC Saddique's letter of 29 November 2011 was addressed to Inspector Little and [REDACTED], not him. He stated that PC Saddique never complained to him about the badge and the first time he saw this letter was on 12 January 2017.

361. He stated that on 2 November 2011, he recorded in his day book that A/PS Murphy had reported serious concerns for PC Roberts' welfare. He stated that A/PS Murphy told him that PC Roberts was wearing a "crusade badge" on his holster, and when asked why, had said, "I'm on a crusade and want to be challenged." He stated that A/PS Murphy did not know what PC Roberts had meant by this remark.

D360

362. The IOPC have obtained a copy of Insp Robson's day-book entry for 2 November 2011. He recorded that he received a telephone call from APS Murphy on this day, during which serious concerns about PC [REDACTED] Robert's state of mind were raised. APS Murphy suggested that PC Roberts' personality had 'completely changed'. Some of his concerns were around the officer's personal life which are not relevant to this investigation and are therefore not detailed. However, some of the concerns are directly relevant to the allegations made by PC Saddique.

363. Insp Robson recorded that APS Murphy said, "[expressed concerns about PC Robert's mental health]".

364. The day book entry states, [REDACTED] (APS Murphy) very upset but felt he had to tell me. Had taken advice from AH (CI Huddleston) etc" in addition "All of the team had spoken to [REDACTED] and voiced concerns – were reluctant to work with him" (PC Roberts).

365. [REDACTED] [REDACTED] has put a Crusade badge on holster. [REDACTED] F (PC Foster) asked him why. "I am on a crusade. I want to be challenged". Did he mean by me/[REDACTED] (Insp Little) re inappropriate badge or by an armed/dangerous individual? [REDACTED] didn't know. [the day book entry documents concerns regarding the erratic behaviour of PC Roberts, as perceived by a work colleague] [REDACTED] is very concerned about [REDACTED] "

D70

366. In his written response to the IOPC, Insp Robson stated that he discussed the matter with Inspector Little and CI Huddleston, and they agreed on how to approach the matter. He stated that, at that time, he was only concerned for PC Roberts' welfare, and the safety of his colleagues and family. He stated that CI Huddleston was of the view that PC Roberts should not have access to firearms, and he agreed with this decision. He stated that a number of PC Roberts'

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colleagues had raised concerns, and the badge “*merely added to the strangeness of his behaviour*”. He stated:

367. “*Given the serious welfare concerns which had been raised about PC Roberts the badge can best be described as incidental and very minor, in fact I would describe it as less than 1% of my concern at that point.*”
368. He stated that on 3 November 2011, he recorded in his day book that he and Inspector Little had searched PC Roberts’ locker and found the badge, which he described as “*a small white circular badge [with] a red cross on it and no words.*” He stated that the badge appeared to be a George Cross, and either he or Inspector little took possession of it. He stated that there was no EDL sticker, the badge had no racist connotations, and there had been no suggestion that it was racist when he dealt with the matter.
- D360 369. The IOPC have obtained a copy of Insp Robson’s day book entry for 3 November. He recorded the search of PC Roberts locker.
370. The entry states: “*Locker search – badge on holster. White background – red crusade cross –nothing else apparent.*”
371. In his written response to the IOPC, Insp Robson said that when he and Inspector Little spoke to PC Roberts on 4 November 2011, “*the badge was I recall, a way of breaking the ice and he did explain that he just wanted to provoke a reaction from supervision, although he couldn’t explain why which concerned me. PC Roberts was not himself during our meeting and was angry at PC Murphy for breaching his confidence.*”
372. He stated that the badge was not required for evidence, so he did not seize it. He stated that if PC Saddique or anyone else had complained about the badge being racist, he would have seized it to prove that it was not.
373. He stated that on 20 February 2012, he and Inspector Little met with PC Saddique to discuss his development plan, as mentioned previously. He stated that PC Saddique raised the issue of the badge during this meeting and stated that he was not happy with how it had been handled. He stated that this was the first mention of any connection between PC Saddique and the badge. He stated that they tried to reassure PC Saddique that what he had been told was not the case, and he drew a picture²⁶ of the badge in his day book.
374. He said, “*The Judge states the George Cross to be an emblem adopted by groups known for racist, including anti-Islamic, views. He asked me about this in my evidence and I agreed. I should have pointed out however that for the vast majority of law abiding individuals in this country it is also an emblem about which we are proud. It is worn during sports tournaments, appears on the front of newspapers and is the emblem of the 'Help for Heroes' charity and worn as a wristband by many. Indeed, there is a pub in Yarm called the George which covers its front with a huge St George flag at various times of the year. Celebrating the flag of St George or indeed wearing it does not make the individual racist. This is the context in which I described PC Roberts as perhaps being patriotic.*”
375. He denied telling the ET that PC Roberts was entitled to hold whatever views he liked as long as he did not bring them to work. He stated that he had in fact said that some individuals may hold private views outside of work without his

²⁶ The picture (which is not in colour) shows a circle with the outline of a cross.

knowledge, and he could do nothing about that, but if those views were expressed in work then they would be dealt with.

376. The evidence presented to the ET hearing was not audio recorded and therefore, no reliable transcript of what Insp. Robson told that tribunal exists. Consequently, it is not possible to compare the officer's written account to the IOPC against the evidence he gave orally to the tribunal.

Enquiries conducted by PSD

D71

377. Following the action taken by Insp Robson, the matter concerning PC Roberts was referred to Cleveland PSD for investigation.

378. A 'file note' created by PSD Office Manager [REDACTED] dated 28 March 2012 states:

"PC Saddique was seen on 21.2.12 and the matters he raised discussed. It was agreed that I would make discreet enquiries with the officers he identified and others I may identify to establish the veracity of the information regarding PC Roberts. Following this, we would meet to discuss way forward.

Four officers have been spoken to their names will remain anonymous (PC M, PC S, PC C and PC F)

Two had no direct knowledge of the sticker/badge. Two had knowledge and described it as a Cross of St George no wording. PC M believed that the display was an effort by PC Roberts to provoke a reaction from his Supv (there was ill feeling at the time for unrelated matters).

Subsequent meeting at HQ with PC Saddique to discuss outcome. PC Saddique had view that PC Roberts had deliberately displayed a badge with inflammatory words but he had no direct evidence this had taken place. He put forward a view that he just wanted to get on with his job and be allowed to work. As long as people didn't bring extreme views into the workplace he would be happy with that position. PC Saddique was content that I had tried to determine the exact truth behind the 'badge' but that this had not been possible to achieve. He was content that the matter had been dealt with proportionately by his own supervision and did show some concerns for PC Roberts and his health and well being.

It was agreed that PSD would open a file on the matter for intelligence/future reference, no further action would be required at this time."

Account given by Insp Robson during IOPC interview

Y3
Y3a

379. IOPC Investigators interviewed Inspector Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.
380. He provided further examples of PC Roberts' concerning behaviour, as reported to him by A/PS Murphy. He stated that A/PS Murphy [*expressed serious concerns to him regarding what he believed was the unpredictable behaviour of PC Roberts. Inspector Robson said that APS Murphy told him these concerns were shared by other officers within the firearms unit*]
381. He stated that A/PS Murphy did not say anything to him that made him think the badge was racist. He explained that Cleveland Police had a uniform dress code,

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and it was “*completely inappropriate*” for an officer to wear a badge of any kind on their holster.

382. He stated that at that time, he had been unaware that PC Saddique perceived the badge as racist. He stated that he had been primarily concerned for PC Roberts’ welfare and regarded the badge as incidental when viewed in the context of the other concerns that were being raised.
383. He stated that he and Inspector Little searched PC Roberts’ locker for anything that might add weight to the reports that PC Roberts might not be “*in the correct frame of mind.*” He stated that they found the badge on his holster, “*which was a white background with a red cross, nothing else. No words, nothing... It didn't say any words about, um, Islam, or Muslims, or harming Muslims... crusade, or nothing like that, and I didn't attach anything to do with Nad Saddique or anybody else of a BME background to that badge.*”
384. He highlighted that the George Cross was not a racist symbol in itself, and more recently, some firearms officers had started wearing a blue Union Jack badge²⁷ on their uniforms.
385. He stated that when they later raised the issue of the badge with PC Roberts, he said that he wanted to be challenged but refused to elaborate any further.
386. He stated:
“Do I wish I'd seized that badge? Bloody, of course I do. Did I have any reason to do so? No. Because if, if I created an item of police property... for every discussion I had with an officer, I'd never do anything else. That's what all this is. It's arse covering and I, I've become quite adept at it. Perhaps, not good enough, yet... And do I wish I'd taken a photograph on my phone? Course I do. Do I wish I'd kept the phone and booked it into [inaudible] crime property? Of course I do. Did I have a good reason to that? No. And I think it would be um, disproportionate of me to have done so. I wish I bloody had.”
387. He stated that to the best of his knowledge, he had thrown the badge away. He stated that PC Roberts was suspended from firearms duties, and he did not think anything more about the badge until PC Saddique raised it during their meeting on 20 February 2012 and alleged that the badge had been racist.
388. He stated, “*We had a lengthy discussion about it which I've documented... and I drew a picture of it, as well, to say to Nad, this was not a badge, this was not a racist badge. This was a George Cross. And he said that he had uh, three or four witnesses that... had told him that this was a racist badge and it said various words. Now, the words that he alleged it said changed quite a few times, but nevertheless, he, his witnesses had told him that it had words on it.*”
389. He stated that he asked PC Saddique who the witnesses were, but he refused to name them. He stated that he was not aware that PSD had already carried out an investigation and spoken to the witnesses, who had failed to corroborate PC Saddique’s account.
390. He stated:
“It's been said in judgement that because █████ Foster had used the word crusade, I should attach uh, potential racial connotation to that badge... I looked up the word crusade, and without knowing the word, the, the meaning uh, word for word, it says, “A campaign of social, political or religious nature.” I've also

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looked up who uses that word or who has used that word crusade and it would include Tony Blair, David Cameron, lots of other people, famous people who talk about crusade against crime, a crusade against poverty, a crusade against whatever.”

Accounts of PC [REDACTED] Coates

T140

391. On 5 January 2015, PC Saddique sent an email to [REDACTED] (personal assistant to DCC Spittal), in which he indicated that PC Coates was a witness to the ‘EDL sticker’ incident. Consequently, [REDACTED] of Cleveland Police’s counter corruption unit interviewed PC Coates on 9 March 2015.

D358

392. [REDACTED] prepared an officer’s report (dated 9 March 2015), in which he detailed his meeting with the officer. He recorded, *‘PC Coates states that around the time the ARV team moved to Wynyard he had heard rumours about PC Roberts having a “crusader” or flag of St George type of sticker on his firearm holster. PC Coates states that although he had heard of this he had never seen such a sticker himself. PC Coates stated that he had talked about this sticker with PC Saddique, but this had been several years afterwards.’*

S12

393. In a statement to the IOPC dated 1 June 2018, PC Coates stated that he had had a good working relationship with PC Saddique, but they did not socialise outside of work.

394. He stated that in 2011, Supt [REDACTED] Campbell from PSD contacted him about a sticker on PC Roberts’ holster. PC Coates stated he had only heard rumours about this sticker and had not seen it personally. He stated that all he had heard was that PC Roberts had a George Cross on his holster. He stated that at the time, PC Roberts was having health and personal issues and was *“being awkward in general”* at work. He stated that he had never told PC Saddique it was a racist sticker.

Account of PC Roberts (Retired)

R9b

395. An IOPC Investigator contacted Mr Roberts via phone on 24 May 2018 and requested an interview with him regarding the allegations against him. Mr Roberts declined a formal interview but gave a verbal account to the IOPC investigator over the telephone. This account was recorded in the form of an IOPC ‘investigator report’.

396. Mr Roberts stated he had no grievance with PC Saddique, and was not racist. He accepted that he had placed a sticker on his gun holster but that it had been a Maltese Cross, which he believed symbolised chivalry and protecting the people.

397. He stated that he put the badge on his holster because he had been having family and work related problems. These included disagreements with his then acting Sergeant, [REDACTED] Murphy. He told IOPC investigators that by placing the sticker on his holster, he hoped to provoke a reaction from APS Murphy. He said that at the time, his head was *“in a mess”*. He recalled that he had told his

²⁷ The badge in question depicts a thin blue line bisecting the Union Jack. It is sold in support of the charity COPS (Care of Police Survivors), which raises money for the families of police officers who have died in the line of duty. Both the George Cross and the Union Jack have also been co-opted by racist far-right groups.

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colleague, PC ██████ Foster, that he wanted A/PS Murphy to challenge him about the sticker.

398. He stated that Inspector Robson had spoken to him about the badge, and his AFO status was removed until his personal problems had been resolved.
399. He stated that, looking back, he regretted his actions and it had been a “*stupid*” thing to do.
- D150 400. On 26 May 2017, solicitors acting on behalf of Mr Roberts wrote to the IOPC to confirm that he did not wish to engage with the investigation.

Email account provided to the IOPC by CI Huddleston 10 August 2018

- T216 401. CI Huddleston provided a written account to the IOPC (within an email dated 10 August 2018), in which he said that he first became aware of the allegation about the alleged racist sticker several days to a week after Inspector Robson had dealt with the matter. He said, *‘I was told by Mick Robson that there had been an allegation made of a sticker on an officers gun belt that said ‘crusade against Muslims’. Mick had followed this up and found there was no such sticker.’* He said that he had no reason to question Insp Robson’s actions and although the initial reporting suggested it was a racist incident, it had transpired that it was not. He said that he was new to the department, did not know PC Roberts but, *“I considered this (the allegation about the sticker) to be malicious and not at all what was reported. I was surprised by a culture I had not experienced before of blatant false reporting against colleagues.”*

Analysis of the evidence

402. This matter was first brought to the attention of Inspector Robson by APS Murphy and not PC Saddique. The evidence offered by APS Murphy indicates that his concerns were around his belief that PC Roberts was trying to ‘*wind him up*’ by displaying a badge on his gun holster and that he [was behaving unpredictably]– not a belief that it was a racist gesture.
403. The evidence of PC Foster indicates that the sticker displayed by PC Roberts was not racially motivated. PC Foster has said in his evidence that when he saw the badge, PC Roberts told him, *“Let’s see what he does about this”* – a comment he perceived to be a direct challenge to APS Murphy’s authority.
404. In the account PC Roberts gave to the IOPC, he accepted that he had displayed a sticker on his holster but had done so to provoke APS Murphy. The accounts from PC Foster supports this assertion.
405. In his letter dated 29 November 2011, PC Saddique told Insp Little and ██████ that the sticker contained the words, *‘crusades against Muslims, tell me you’re a Muslim and I’ll shoot you.’* However, PC Saddique did not see the sticker himself and none of the officers who say they saw the sticker - A/PS Murphy, PC Foster and Inspector Robson, have said that these words formed part of the badge on PC Robert’s holster. PC Saddique has declined to engage

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with the IOPC investigation and it is unclear as to why he would have claimed the sticker bore racist language.

406. PC Saddique told the ET that he reported PC Roberts having a '*racist EDL sticker*' on his holster to Insp Roberts on 29 November. This is incorrect. The allegation he made was actually in a letter he sent that day to Insp Little and [REDACTED] - almost four weeks after APS Murphy had reported his concerns to Insp Robson. This is important, as Insp Robson has maintained throughout that when he took action (following the information given to him by APS Murphy on 2 November), his concerns centred upon PC Roberts' [unpredictable behaviour] rather than any suggestion the sticker was racially motivated. When considering the information he had at the time of the incident coming to his attention (the accounts provided by APS Murphy and PC Foster), they lend credibility to Insp Robson's account. The information presented to Insp Robson on 2 November indicated that there were concerns over PC Roberts' [unpredictable behaviour]²⁸ rather than highlighting racially motivated behaviour. That suggestion was raised by PC Saddique some four weeks after Insp Robson's action.
407. The day-book entry of Insp Robson provides strong evidence that when APS Murphy brought the sticker to his attention on 2 November, the concerns were around PC Roberts' [unpredictable behaviour]. There was no suggestion of the sticker having a racist undertone. Insp Robson's records indicate that officer/public safety appear to be his concern.
408. PC Saddique has alleged that Insp Robson failed to investigate the sticker allegation and destroyed evidence. The available evidence indicates that following APS Murphy's reporting, Insp Robson took advice from senior officers, searched PC Roberts' locker the following day and then supported the decision to suspend PC Roberts' AFO status due to his erratic behaviour. PC Saddique had yet to make his allegations that the sticker had racist connotations and the decision maker may take the view that Insp Robson's actions were a proportionate response to the information he had at the time.
409. Insp Robson's day book entry of 3 November records the moment he found the sticker on PC Roberts' gun holster. He described it as. '*white background – red crusade cross – nothing else apparent*'. In the context of PC Saddique's complaint, the word 'crusade' is a sensitive one which can have a potential association with racism under certain circumstances. However, when reporting to Insp Robson, APS Murphy had described it as being a 'crusade badge' and told him that PC Roberts had said he was 'on a crusade'. The decision maker may take the view that this is important context when considering what weight, if any, could reasonably be attached to Insp Robson's use of the word 'crusade'.
410. It is the case that Insp Robson did not retain or photograph the sticker that he found in PC Roberts' locker. Whilst it would certainly have been prudent to have done so, there was no direct allegation of racism at that time and his actions appear to have been driven by concerns over PC Roberts' state of mind. It will fall to the decision maker to consider whether Insp Robson's omission was an oversight or an attempt to hide evidence of racism by PC Roberts.
411. It was not until 5 January 2015 that PC Saddique provided Cleveland police with the name of a potential witness (PC Coates) to support his claim that the sticker was racist in nature. I have found no reasonable explanation why it took PC

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Saddique 3 years to identify this witness – having told the employment tribunal that he came by the information in 2011.

412. PC Saddique named PC Coates as a witness who would confirm that PC Roberts was displaying a “racist EDL sticker” on his holster. However, PC Coates has been spoken to separately by Cleveland PSD and the IOPC and said that he did not see the sticker and never told PC Saddique that it was racist in nature.
413. A/PS Murphy, PC Foster and Inspector Robson all reportedly saw the badge, and described it as a small round white badge with a red cross in the middle. PC Foster stated that it featured a knight on horseback. PC Roberts stated that it was in fact a Maltese Cross. All four stated that the badge did not include any text.
414. The display of a George Cross (or other Crusade symbol), combined with PC Roberts’ claim that he was “on a crusade” could be construed as a sign that he held extremist beliefs, given that the Crusades were waged by Christians against Muslims. This is one possible interpretation but there are others.
415. All those who had direct knowledge of the matter stated independently of one another, that PC Roberts was [acting unpredictably at the time] [REDACTED] file note of 28 March 2012 appears to corroborate their accounts, in that it mentions PC Saddique expressing concern for PC Roberts’ health and well being.
416. None of the witnesses were able to say why PC Roberts chose to display that particular symbol in the hope of provoking a confrontation; or why he made the obscure reference to being “*on a crusade*”. PC Roberts himself could only say that his head was “*in a mess*.” Again, it will fall to the decision maker to consider whether a reasonable tribunal could reach a finding of misconduct in respect of this matter.
417. It will fall to the decision maker to consider whether Inspector Robson has a case to answer for misconduct or gross misconduct in respect of this matter.
418. It will fall to the decision maker to consider whether former PC Roberts has a case to answer for misconduct or gross misconduct in respect of this matter.

> The incident at the gym involving Subject Officer A’s wife, and her subsequent complaint against PC Saddique

419. The allegations against Subject Officer A and Supt Jonathan Green (PSD) follow an earlier complaint by PC Saddique (made in January 2013); that [wife of subject officer A] had photographed/filmed him on her mobile phone whilst at the David Lloyd gym.
420. [wife of subject officer A] is a retired [REDACTED] Police officer and the wife of Subject Officer A, a subject in this investigation. At the time of PC Saddique’s complaint against [wife of subject officer A], Supt Green was not head of Cleveland PSD; that was Supt [REDACTED] Campbell.

²⁸ Where we have summarised sensitive information we have placed that summary in square brackets to indicate that we have done so

T20

421. PC Saddique had claimed that [wife of subject officer A] recorded him at the gym whilst he was on a period of sick leave and rehabilitation following an injury. He reported the incident via email on 14 January 2013 to his supervisor [REDACTED] and the matter was passed to PSD. PSD concluded that no criminal offences had been committed by [wife of subject officer A] and, as she was not a police officer at the time of the incident, there were no misconduct matters to investigate. Consequently, PC Saddique was told that there would be no investigation.
422. On 28 October 2014, (prior to the commencement of the ET), [wife of subject officer A] made a public complaint against PC Saddique; alleging that he had been dishonest in the claims he had made against her on 14 January 2013.
423. Following the complaint, PC Saddique was served with a Reg 16 misconduct notice on 6 January 2015.
424. The allegations against Supt Green and Subject Officer A were outlined by PC Saddique at the employment tribunal in 2015.
425. PC Saddique has alleged that Subject Officer A instructed his wife to pretend to record/film him whilst at the gym on 14 January 2013. He also alleges that Subject Officer A instructed, encouraged or induced his wife to make a false complaint against him in respect of this matter and prior to the employment tribunal proceedings.
426. PC Saddique has alleged that Supt Jonathan Green directly discriminated against and victimised him by serving him with a Regulation 16 notice following the 2014 complaint made by [wife of subject officer A]

The allegations against Subject Officer A

Emails relevant to the initial complaint by PC Saddique against [wife of subject officer A]

D260

427. Although this investigation is not directly concerned with the complaint that PC Saddique made against [wife of subject officer A] on 14 January 2013, there are a number of emails generated during that PSD investigation which are mentioned here to provide context to the later allegations he made against Subject Officer A at the ET.
428. On 9 January 2013, the then head of Cleveland PSD, Supt [REDACTED] Campbell, sent an email to [REDACTED] (Page 37 of D260 indexed as 1872). The email was sent 5 days prior to PC Saddique's complaint against [wife of subject officer A].
429. Supt Campbell wrote, '*The following matter was brought to my attention by a concerned officer (I have the officer's details and can provide if needed). PC Saddique is an AFO and was due to attend training some time prior to Christmas. There were some concerns raised at the Range regarding his physical suitability due they suspected to a current injury, in these circumstances the norm is to ask for an officer to see the FMA to be certified as fit to train. Although this was requested for some reason no FMA appointment appears to have been made and PC Saddique attended training. During the course he*

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reported an injury to his back which he claims occurred whilst on site. He has reported sick and has not returned to work. It is thought that arrangements have since been made for the officer to be seen by the FMA but he failed to attend stating he was too ill to drive to the appointment, he has however been seen frequenting Lloyds Gym where it was reported he was lifting weights. The source is credible and known.'

- T20
430. Supt Campbell asked ██████████ to make some 'initial enquiries' to establish the veracity of the claim that PC Saddique had been attending the gym whilst on sick leave. ██████████ was asked to make enquiries.
431. A further email from Supt Campbell to ██████████ dated 17 January 2013 (D260 page indexed as 1870) has been examined by the IOPC. In this email, Supt Campbell said, '*I was informed on 8 January but the accusation re [wife of subject officer A] is for the following week.*'
432. Supt Campbell's comments in this email highlight to this investigation that the information concerning PC Saddique attending the gym whilst on a period of sick leave was received by him 6 days prior to PC Saddique making his complaint.
433. Cleveland PSD made enquiries with Cleveland police's occupational health unit regarding PC Saddique's injury and any medical advice that he may have been given. On 17 January 2013, Supt Campbell concluded the matter in an email to ██████████ (D260 page indexed as 1870). He said that any evidence against PC Saddique was inconclusive and wrote, '*I think we must give him the benefit of doubt in this case, he may after all be following medical advice which is generally inclusive of some form of exercise.*' There was no further PSD investigation.
434. On 14 January 2013, PC Saddique made his complaint (in an email to ██████████ ██████████), that [wife of subject officer A] had been photographing him whilst he was at the David Lloyd Gym on that same day.

The information given to Supt. Campbell regarding PC Saddique

- S23
435. The employment tribunal found that [subject officer A and his wife] were the source of the information received by Supt Campbell on 8 January, informing him that PC Saddique was training at the gym whilst on sick leave. The IOPC have explored whether there is any evidence to support this proposition, and if so, considered whether this provides an indication that Subject Officer A may have been victimising the officer.
436. The IOPC approached former Subject Officer A and asked him if he was the source of the information to Supt Campbell. He provided a statement dated 10 May 2019 in which he said, '*I can categorically deny that I was not that person*'
437. Subject Officer A said that he had been questioned at the ET by PC Saddique's barrister about the email from Supt Campbell. He says in his statement to the IOPC, '*I told the hearing it was not me in relation to Lloyds Gym*'.
438. No contemporaneous records or audio recordings were made during the ET and so it has not been possible to establish precisely what Subject Officer A told the ET during his evidence in chief or cross examination.
439. On 15 May 2019, Cleveland police provided the IOPC with copies of two emails. The first is an email send by ██████████ (Legal Services) to Supt ██████████ Campbell (PSD), dated 9 July 2015. ██████████ informed Supt Campbell of the

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- T217 ongoing employment tribunal concerning PC Saddique and refers him to his email of 9 January 2013 in which he states that a 'credible and known source' had provided information that PC Saddique was attending the gym whilst sick. She asked Supt Campbell, *'Do you recall this and can you please let me know who the source was?'*
440. The second email is a response from Supt Campbell to [REDACTED], dated 10 July 2015. He stated, *'Hi [REDACTED] the officer was Subject Officer A. I believe his wife works at [REDACTED] and she reported it to Subject Officer A who then spoke to me. I seem to recall that I was at the range and Subject Officer A approached me.'*
- T217
- T223 441. IOPC investigators have sought to obtain an evidential account from former Supt Campbell so that this investigation has a better understanding of how and who passed the information to him. The IOPC contacted Mr Campbell and his legal representative (via letter and emails) on 10 occasions between 23/05/19 and 28/05/19, asking whether he can explain the email he sent to [REDACTED] and provide further information. Whilst not refusing the request outright, Mr Campbell has not to date provided a statement or agreed to be interviewed by the IOPC on this matter.
442. The IOPC have asked Cleveland police whether they have any other record of who the source of Supt Campbell's information was. There is no further record.

Account of PC Saddique

- D5 443. In his statement for the ET, PC Saddique explained that he spent a period off sick following a back injury at work in November 2012. He stated that after a few months, his medical specialist advised him to try gentle exercise such as walking in the swimming pool, walking on the treadmill and stretches.
444. He stated that on 14 January 2013, he was at the gym talking to other members when he saw [wife of subject officer A] filming him on her phone. He stated that he alerted his friend, Mr [REDACTED] Collin, and then deliberately moved away. He stated that [wife of subject officer A] moved as well and stood holding her phone in a way that made it clear she was filming him. He stated that she stopped filming him when he mentioned her behaviour to a colleague, [REDACTED]
445. PC Saddique said that on leaving the gym, he called his supervisor, [REDACTED], and told him what had happened. He said that [REDACTED] told him he had just been informed in a supervision meeting that PC Saddique was not injured and had been bench-pressing 120 kilograms at the gym.
446. PC Saddique has said that this was not true and it caused him to feel extremely anxious and upset. He stated that he explained to [REDACTED] why he had been at the gym and submitted a report to him regarding the matter later that day.
447. He stated that he believed Subject Officer A was trying to make him look dishonest, because of the concerns he had raised about him in his previous ET claim.
448. PC Saddique said that on 6 January 2015, he was served with a notice of investigation informing him that he was alleged to have lied about [wife of

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subject officer A] filming him in the gym and was alleged to have intimidated her by pretending to photograph her and “sniggering” at her.

449. He strenuously denied behaving in this way. He stated that in fact, [wife of subject officer A] had verbally abused him on two occasions at the gym and would position herself close to him and then mutter under her breath and stare at him.
450. He stated that he believed Subject Officer A had instructed his wife to make a complaint against him because of his previous and current ET claims, and because of the concerns that he had raised about him and his wife²⁹. He stated that he believed Subject Officer A had been trying to undermine his credibility at the ET.
451. He stated that [wife of subject officer A] had waited over two years to make a complaint, and had only done so after learning about his second ET claim

Account of [wife of subject officer A]

- D260 452. On 28 October 2014, [wife of subject officer A] made a public complaint against PC Saddique. The complaint was made directly to Cleveland PSD by way of an email (page 53 of PSD investigation file D260). She alleged that PC Saddique had been dishonest when he made the allegations against her in January 2013 and since then, had continued to intimidate and humiliate her when meeting at the gym.
453. When referring to the initial allegations made against her by PC Saddique in January 2013, [wife of subject officer A] said, *‘This is an absolute lie and total fabrication’*. She said that at the time, her husband Subject Officer A had spoken to Supt [REDACTED] Gudgeon and asked for informal advice. She had been told by her husband that Supt Gudgeon had advised her to, *‘...let the matter lie and not make a big deal of it’*. Consequently, she did not take the matter any further or make a counter allegation against PC Saddique.
454. [wife of subject officer A] said in her email complaint, *‘I am obviously now aware that he (PC Saddique) has raised these allegations again in a potential employment tribunal and it concerns me greatly that a serving police officer can fabricate events and call a member of the public to an employment tribunal.’*
455. She went on to claim that since the January 2013 incident, PC Saddique had continued to intimidate and humiliate her whenever they saw each other at the gym.
- D260 456. [wife of subject officer A] made a written statement to Cleveland PSD on 12 November 2014 (pages 49-52 of Cleveland Police PSD investigation file D260). The statement was made in support of her public complaint against PC Saddique and is consistent with her earlier email.
457. She said that she first found out about the allegations made against her by PC Saddique during the summer of 2013. Whilst upset, she had decided not to

²⁹ As detailed in the ET judgement, PC Saddique made a complaint about [wife of subject officer A]’s behaviour at the time.

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make a complaint as a 'senior officer' had advised her husband to, 'let the matter lie'. She said she thought that that would be an end of it.

458. [wife of subject officer A] states that in October 2014, she had discovered PC Saddique was bringing an employment tribunal claim against Cleveland Police and his earlier claims that she had filmed him at the gym were to be repeated at the tribunal. She said, *'I feel extremely stressed by the fact that a police officer is spreading lies about me....I felt I have had no choice but to make a complaint about a police officer who is spreading malicious lies about me'*.

D9

459. [wife of subject officer A] provided a statement to the Saddique employment tribunal (dated 29 April 2015). That statement is consistent with her earlier email and the statement of complaint she made to PSD. She reiterated her complaints against PC Saddique and said, *'I understand that PC Saddique is claiming that Subject Officer A (Subject Officer A), has instructed, caused or induced me to make a false complaint about his behaviour towards me at the gym. This is untrue. The only reason I have made a complaint about PC Saddique is due to the false claim he has made that I have been photographing and videoing him at the gym.'*

Accounts gathered by PSD following the complaint made by [wife of subject officer A]

Supt [REDACTED] Gudgeon

D260

460. Supt Gudgeon prepared an officer report for PSD (D260 page indexed as 1874). This report is dated 20 November 2014 and is one of a number collated by PSD following [wife of subject officer A]'s later complaint (October 2014) against PC Saddique. He recalls having a conversation with Subject Officer A during which he was told about the complaint PC Saddique had made against his wife (complaint of January 2013) and that [wife of subject officer A] was upset. Supt Gudgeon said in the report, *'I asked him (Subject Officer A) what he wanted to do regards the matter and he said that it was up to his wife. I outlined her options regarding making a complaint if she wished.'* Supt Gudgeon did not explain in his report what those options were or what he understood the [subject officer A and his wife] intended to do

PS Hatton

D260

461. PS Hatton was a temporary Inspector within firearms operations between June 2012 and March 2013. He produced an officer report for PSD dated 16 January 2015 (D260 page indexed at 1873) in which he said, *'At some point during this time I recall Inspector Little telling me that he had been told that the wife of Subject Officer A attended the same gym as Nad Saddique and she had seen him bench pressing weights; I think this might have been as a result of PC Saddique complaining that she had taken photos of him. I remember having a discussion with Inspector Little about the appropriateness of attending the gym whilst on sick leave and concluded that without the FME's report it was difficult to gauge as it could be that he was allowed to do that as part of his therapy'*

The ET judgement

D6

462. This allegation was dealt with in paragraphs 3.104-3.110, 3.259-3.266, 4.24, 4.37 and 4.38 of the judgement, as follows:

“Mr Collin gave a detailed account to us of having a clear view of a lady for about 30 seconds. She had her phone held out at arm’s length pointing towards the claimant, so it did not look like she was sending a text. He is 80% sure she was filming. She denies it. Subject Officer A says the allegation is:

“complete fabrication and we have offered my wife’s mobile phone to Cleveland Police for analysis but the offer was declined. I feel Mr Saddique has made this allegation because in my previous Employment Tribunal statement (360qq - 360tt) from 2011 paragraph 7.4 read, “Since this action has started my wife has told me that MR N SADDIQUE has attended the Gym several times whilst she has been there. She has stated that MR N SADDIQUE has never spoken to her directly but just stands and stares at her. She states that he will do it for several minutes without moving. This has made her feel uncomfortable and uneasy.”

We find Subject Officer A knew the claimant was off sick and told his wife. She saw him on his first day back and decided to try to get him into trouble. An e-mail at page 1872 from Supt Campbell of PSD to [REDACTED] dated 9th January says the claimant had missed an FMA appointment on 3rd January saying he was too ill to drive but:

“he has however been seen frequenting Lloyd’s gym where it was reported he was lifting weights. The source is credible and known.”

We find [subject officer A and his wife] were the source. None of the respondent’s witnesses were able to offer another candidate. We find [wife of subject officer A] was pretending to film to goad the claimant into a reaction. Had her phone been examined there would have been nothing to see. She knew the earlier Tribunal claim named her husband and because of this they since disliked and never spoke to the claimant. We find Subject Officer A gave his wife information and encouraged her acts, which was victimisation by him...

Insp Little asked the claimant if there were any witnesses to [wife of subject officer A]’s actions and he supplied their names. Insp Little told the claimant his complaint had been passed to PSD and he would keep him updated. A few days later Insp Little told him the matter would not be investigated. He added “sorry Nad, it’s out of my hands I can’t do anything”...

[wife of subject officer A] made a complaint on 28th November 2014 (This date is incorrect – she made her complaint in the form of an email dated 28 October 2014.). She says that in the early part of 2013:

“I was made aware by my husband that PC Saddique had told [REDACTED] who in turn informed PC Clennett that I was videoing and photographing whilst he was training and exercising at David Lloyd’s Gym. This is an absolute lie and total fabrication”.

She says at the time she did not take any further action as her husband was advised by a high ranking officer not to do anything more about it. That officer was Supt Gudgeon. Someone was lying and causing trouble. One would expect

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PSD to want to find out who, but PSD did not want to know at that time. They took a very different approach later.”

463. Paragraphs 3.259-3.266 state:

“As Subject Officer A says, any member of the public is entitled to make a complaint against a serving Police Officer, and his wife decided to do so because she wanted to, with no prompting from him. While we find [wife of subject officer A], for whose acts the respondent is not liable, is capable of acting on her own initiative, we find Subject Officer A encouraged and supported her to make this complaint, and he was probably encouraged by Supt Green because he thought attack was the best method of defence...

[wife of subject officer A] has a motive to lie and waited over two years until she found out about this Employment Tribunal before, on 29th October 2014, she made a public complaint. Any experienced police officer would view with caution an allegation made years after the person making it could have done so but chose not to. At the time, Supt Gudgeon had advised [subject officer A and his wife] not to press the matter and they took that advice. She has not a single witness to any of these events. If ever there was a misconduct allegation which stood no reasonable prospect of reaching the standard of proof required, this is it. The probability is that someone told [subject officer A and his wife] that if they did complain now, it would result in a charge against the claimant.

Supt Green was aware the claimant had previously complained about [subject officer A's wife] including to CC Cheer in the presence of his MP. As the “delegated Appropriate Authority for Cleveland Police”, he was responsible for assessing this allegation, in accordance with Police Regulations and Home Office Guidance. His assessment was it should be investigated as gross misconduct because, if the claimant lied about [wife of subject officer A] to mislead the Employment Tribunal, this was serious. We agree, if it is true.

After DCC Spittal met the claimant [on] 24th October 2014 Supt Green was tasked with establishing further information which he put in a report dated 9th December 2014. We need only quote this paragraph:

“The second matter related to [subject officer A's] unprofessional behaviour. I spoke with Superintendent Thornton regarding Subject Officer A and whether he had any cause for concern, either in terms of his behaviours or performance, to which he told me his experience and view was wholly positive. I also had some personal experience, in a professional sense, with Subject Officer A and my opinion mirrors that of Supt Thornton.”

This is not information, it is opinion, but entirely favourable to Subject Officer A.

On 6th January 2015 the claimant received a formal notice of an alleged breach of the Standards of Professional Behaviour under Regulation 15 Police (Conduct) Regulations 2012 and Regulation 16 Police (Complaints and Misconduct) Regulations 2012... It was alleged he had been dishonest by claiming [wife of subject officer A] had photographed and videoed him at the Gym in 2013. The contrast as to the speed with which Supt Green dealt with an allegation against the claimant and with allegations by him is striking. He decided a gross misconduct allegation should be put against the claimant within weeks of [wife of subject officer A]'s complaint.”

464. Paragraph 4.38 states:

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“Giving the claimant notice on 6th January 2015 of an alleged breach of the Standards of Professional Behaviour, Regulation 15 Police (Conduct) Regulations 2012 and Regulation 16 Police (Complaints and Misconduct) Regulations 2012 was victimisation and direct discrimination by Supt Green.”

Account of PS Blackett

S24

465. In her statement for the ET dated 18 June 2015, PS Blackett stated that during a welfare meeting, PC Saddique *“made reference to his complaint arising from incidents at [REDACTED] involving [wife of subject officer A] and allegations that she had been recording him exercising in the gym. He commented that he had walked passed [sic] her whilst she was there on one occasion and held his phone up as if he was recording her, commenting to see how she liked it. I commented to Sgt Stokeld as we left about this and stated I felt his complaint was somewhat flawed if he had in fact done this as it was very much “tit for tat”.”*

Account of Subject Officer A

D32

466. On 24 April 2017, Subject Officer A provided a written response to the allegations against him. He stated that he had never asked his wife to film or pretend to film PC Saddique. He stated that PC Saddique had regularly harassed his wife at the gym and had admitted doing so to PS Stokeld and PS Blackett.
467. He stated that sometime in the summer of 2013, a colleague informed him that PC Saddique had been telling people his wife was filming him. He stated that he spoke to a serving Chief Superintendent about this matter at length and was advised to *“let it lie.”*
468. He stated that his wife’s complaint was not false, and he did not encourage her to make the complaint. He stated that he had actually been concerned it would make things difficult for him at work if she made a complaint, but in light of her frustration with PC Saddique’s behaviour, he did not consider it appropriate to stop her.
469. He stated that he sought advice from the force solicitor about the possible ramifications for him, and the solicitor later confirmed that she had spoken with Supt Green, who *“fully supported”* his wife’s proposed course of action.
470. He stated:
- “...in relation to the question of why [PC Saddique] might make such a false allegation against me, I am aware that he has an intense dislike for me and I would say despises me. An example of this which is available in his equality interview is where he refers to myself [sic] as a ‘monkey’³⁰, which I find highly offensive due to my ethnicity.”*

³⁰ In his interview for the Equality Review (which is discussed in more detail below), PC Saddique described Subject Officer A, Subject Officer B and Inspector Robson as the *“three monkeys”*. This may be a reference to the *“three wise monkeys”* who embody the phrase *“see no evil, hear no evil, speak no evil.”*

Y1

471. IOPC investigators interviewed Subject Officer A on 19 April 2018, and he provided an account consistent with his written response.
472. He stated that PC Saddique had no evidence to support his allegation that he had encouraged his wife to film him. He stated that his wife made the complaint because she was "*sick to death*" of his behaviour towards her, and his latest statement was "*the straw that broke the camel's back.*"

Analysis of evidence in respect of Subject Officer A

473. [wife of subject officer A] is not a subject in this IOPC investigation, but the possibility that Subject Officer A may have instructed or otherwise asked her to photograph/record PC Saddique at the gym has been explored and considered.
474. I will first examine the allegation that Subject Officer A instructed his wife to pretend to film PC Saddique at the gym.
475. In the evidence he presented to the employment tribunal, Mr [REDACTED] Collin corroborated PC Saddique's account that [wife of subject officer A] appeared to film him at the gym on one occasion.
476. A plausible reason for [wife of subject officer A] to have done so is because she may have known PC Saddique was off sick with an injury. It is entirely possible that Subject Officer A and his wife discussed PC Saddique being at the gym whilst on sick leave; in addition to being the wife of Subject Officer A, she is a former police officer and acquaintance of PC Saddique, who she saw regularly at the gym. The decision maker may consider that Mr Collin's evidence indirectly supports the allegation made by PC Saddique.
- D260 477. The ET ruled that [subject officer A and his wife] were the source of information passed to PSD which resulted in the email from Supt Campbell to [REDACTED] on 9 January 2013 suggesting a "*credible and known source*" had seen PC Saddique lifting weights. (See D260, Page 37 Indexed as 1872).
478. The statement of PS Hatton indicates that he had knowledge of PC Saddique attending the gym whilst on sick leave and so did Inspector Little. It is therefore possible that others within the firearms unit were also aware. Whilst the email from Supt Campbell indicates that Subject Officer A was the source of his information, it is also possible that others within the firearms unit may have notified PSD; although the decision maker may think that Supt Campbell's email can be relied upon and is a more likely indication of who the source was.
479. When former Subject Officer A was asked directly by the IOPC if he was the source of that information, he denied that he was and said that he told this to the ET. However, the email from Supt Campbell to [REDACTED] provides strong evidence which indicates Subject Officer A may have been the source of the information. If Subject Officer A was the source of Mr Campbell's information, it could be inferred that this adds weight to the allegation he then went on to instruct his wife to record PC Saddique at the gym 6 days later.
480. It is concerning that the account given by Subject Officer A in his statement of 10 May 2019 appears to conflict with the email of Supt Campbell (Subject Officer A says in his statement that he was not the source of information. The email from

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Supt Campbell suggests that he may have been). Furthermore, Subject Officer A told the IOPC that he told the ET he was not source.

481. There are no typed or hand-written official transcripts of the oral evidence given by witnesses at the ET or their cross examination during proceedings. Therefore, it has not been possible to ascertain what Subject Officer A told the tribunal or whether he did in fact tell them he was not the source of information given to Supt Campbell. There are a number of 'non-official' hand-written summaries of the oral evidence given by witnesses at the ET (including notes of Subject Officer A's evidence) but the evidence summarised is incomplete and as they are unsigned, the author's (the notes are in different hands), are not identified. I have examined these notes and there is no indication that Subject Officer A was asked about Supt Campbell's email or whether he was the source of the information.
482. Subject Officer A gave his statement to the IOPC six years after the events of 2013 and four years after the ET. The IOPC decision maker must consider whether this time period may have impacted upon the evidence provided by Subject Officer A.
483. The statement taken from Subject Officer A by IOPC investigators was not obtained under a 'misconduct caution' but rather in the form of a witness statement. The evidence of Supt Campbell's email (in which he names Subject Officer A as the source of his information) was disclosed to the IOPC five days after the witness statement was taken. Whilst IOPC investigator's acted in good faith when taking Subject Officer A's statement, it may reasonably be argued that as a subject of this investigation, his account should have been taken whilst he was afforded the protection of being interviewed under the misconduct caution. Consequently, the IOPC decision maker must consider the evidential value of Subject Officer A's statement and its potential inadmissibility in any misconduct proceedings that could arise from this matter.
484. Supt Campbell has not provided a statement to this investigation and his email of 10 July 2015 alone (in which he named Subject Officer A as the source of his information), amounts to hearsay evidence only. Cleveland police do not have any other record of who gave the information to Supt Campbell. Given that the email was written some 2 years after the alleged incident at David Lloyd, there is no corroboration of whom the source may have been and Mr Campbell has not provided a statement to explain the matter further, the decision maker will have to consider how much weight can be attached to this evidence.
485. If Subject Officer A was the person who had told Supt Campbell that PC Saddique was attending the gym whilst sick, there is an alternative explanation for why he might have done so. This is simply that he was fulfilling his obligations as a supervisor and quite properly notifying a senior officer that an officer may be fraudulently on sick leave.
486. Both possibilities; that Subject Officer A was victimising PC Saddique or that he was correctly reporting perceived misconduct by PC Saddique to a senior officer are viable. However, I have not identified any evidence which provides direct evidence of Subject Officer A instructing his wife to film PC Saddique at the gym. The IOPC decision maker may therefore, consider that there is insufficient evidence to attach more weight to one possibility than the other.

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487. I have considered whether there was sufficient evidence (in January 2013), for Cleveland PSD to have reasonably formed the view that Subject Officer A may have acted inappropriately and directed his wife to photograph PC Saddique.
488. The information that PC Saddique gave to his supervisor, [REDACTED] (T20), which in turn was forwarded to PSD, contains no allegations against Subject Officer A or indication of misconduct by him. Consequently, there was no requirement to consider serving a misconduct notice upon Subject Officer A.
489. The allegations made by PC Saddique (that [wife of subject officer A] had been recording him at the gym) were not matters that Cleveland police or PSD were able to investigate as [wife of subject officer A] was not a police officer and there was no indication of criminality. This may explain why the PSD investigation was closed quickly and without further action.
490. As already outlined in this report, it is possible that Supt Campbell had received information from Subject Officer A concerning PC Saddique being at the gym whilst on sick leave. However, Supt Campbell and others within PSD did not know and could not have anticipated how this matter would escalate years later (in the form of the 2014 public complaint from [wife of subject officer A] followed by allegations made against Subject Officer A by PC Saddique at the ET in 2015). The decision maker may take the view that with the limited information PSD had and without a specific complaint being made against Subject Officer A, there was no reason to suspect misconduct on the part of Subject Officer A in 2013.
491. On the matter of whether Subject Officer A victimised PS Saddique by instructing, encouraging or inducing his wife to make a false complaint; It has been asserted that the only reason [wife of subject officer A] made her public complaint against PC Saddique in November 2014, was because she was aware of the upcoming ET and she, (supported and encouraged by Subject Officer A), wished to undermine the officer's credibility as a witness before the tribunal.
492. Supt Gudgeon's evidence (his report to PSD dated 20 November 2014), provides an indication that [wife of subject officer A] was considering making a complaint against PC Saddique in 2013, shortly after PC Saddique had made his complaint against her. The IOPC decision maker may consider that the report from Supt Gudgeon supports the accounts given by [subject officer A and his wife] - that following advice given to Subject Officer A by Supt Gudgeon, she decided against making a complaint then but reconsidered the following year when becoming aware that PC Saddique's allegations against her would be repeated at the ET hearing. The IOPC decision maker must consider whether the available evidence indicates [wife of subject officer A]'s sole motivation for making her complaint was to undermine PC Saddique's credibility before the ET.
493. No evidence has been found by this investigation to support the allegation that Subject Officer A encouraged or induced his wife to make a false complaint against PC Saddique.
494. It will fall to the decision maker to consider whether Subject Officer A has a case to answer for misconduct or gross misconduct in respect of this matter.

The allegation against Supt Jonathan Green

Accounts provided by Supt Green

495. The allegation made against Supt Green is that he directly discriminated against and victimised PC Saddique by serving a Regulation 16 notice on him in relation to the complaint from [wife of subject officer A]

D13

496. Supt Green has provided a number of accounts and statements in respect of the allegations made against him. The first of these was in 2015 when he presented a statement to the employment tribunal.

D40

D33

Y7

Y7a

Y7b

497. On 14 March 2016 he provided an officer's report to the IOPC. The account was given by Supt Green voluntarily and without prior request by the IOPC. Although it is not an account provided under the misconduct caution, Supt Green expressed a wish during later IOPC interviews that the report be accepted as part of his response to the allegations against him.

498. On 27 March 2017 (following service of a Reg 16 misconduct notice), Supt Green provided the IPCC with a written response.

499. The officer was interviewed under misconduct caution by IOPC investigators on 24 May 2018 and answered all questions put to him. The account he provided to IOPC investigators is consistent with all earlier accounts he provided.

500. To assist the reader, I will introduce relevant extracts from the accounts provided by Supt Green at appropriate sections throughout this report.

PSD investigation file and legal advice

D260

501. The PSD investigation file (pages 1 -2 of D260), indicates that upon receipt of [wife of subject officer A]'s email, an initial assessment of her complaint against PC Saddique was conducted. Because of the dishonesty allegation against PC Saddique, a 'local resolution' to the complaint was not considered appropriate and the matter was referred to Supt Green for further consideration.

502. On 5 November 2014, Supt. Green recorded the following (Pages 2-3 within PSD investigation file D260): *'Of the two matters that [wife of subject officer A] notes, I believe the first to be potentially more serious as it questions the honesty and integrity of PC Saddique – the starting point for this would be gross misconduct. In part, my assessment is based upon the fact that these incidents are cited by PC Saddique in civil proceedings, which aggravating factor. However, I am conscious that there is also a wider context behind this matter and from the neutrals point of view a perception that either party could be perceived to have a wider agenda behind their actions. That said, I have made the assessment based on the circumstances of the complaint alone, despite cognisance of the fact that it does lie within civil proceedings.'*

503. He further instructed, *'Regulation notices should be served if accounts are required from the officers subject of the alleged misconduct – this may be necessary as no account has been provided, or if the accounts provided are inadequate and do not address the necessary points...'*

- T203 504. Because of the ongoing civil claim made by PC Saddique, PSD investigator [REDACTED] liaised with the force's legal department.
- She sent [REDACTED] (legal services) an email on 7 November 2014 in which she highlighted the complaint from [wife of subject officer A] and the apparent link with ongoing ET proceedings. She asked whether PSD could speak to [wife of subject officer A] in advance of the ET proceedings.
- [REDACTED] responded in an email dated 10 November. She advised, *'You should deal with the complaint in the same way you would deal with any complaint regardless of the employment tribunal. In fact I think it is more important that you do speak to her and get more detail sooner rather than later'*.
- D33 505. In his written response dated 27 March 2017, Supt Green said, *"The decision to serve the Regulation 16 Notice was made after seeking advice from Counsel, Mr Richard Oulton, who had been instructed by Cleveland Police in respect of the Employment Tribunal proceedings. I sought this advice initially from [REDACTED] as there was a potential for sub judice issues. The legal advice I received was to serve the Notice."*
506. IOPC investigators have searched Cleveland Police's email system in an attempt to identify any legal advice that Supt Green may have received from Mr Oulton or [REDACTED] on this matter. Whilst it has not been possible to identify specific advice from Mr Oulton, the following emails provide evidence that Supt Green did seek advice from [REDACTED]
- T204 507. On 19 December 2014, Police Federation representative [REDACTED] Duncan sent an email to PSD investigator [REDACTED]. He raised concerns that Cleveland Police may investigate the public complaint made by [wife of subject officer A] prior to PC Saddique's employment tribunal hearing.
- T204 508. On 22 December Supt Green forwarded [REDACTED] email to [REDACTED]. He said, *"I intend to progress this complaint regardless of the ET and I don't foresee this causing any conflict as a result – would you agree with this, given the comments below?"* (referring to [REDACTED] email).
- T204 509. [REDACTED] responded to Supt Green in an email dated 23 December. She advised, *"I agree that this should be progressed regardless of the ET, there is no reason why they cannot run in parallel"*.
- D156 510. PC Saddique was served with a Reg 16 misconduct notice on 6 January 2015 in respect of [wife of subject officer A]'s complaints and the PSD investigation was pended until the employment tribunal process concluded. The complaint made by [wife of subject officer A] was not upheld and the PSD investigation was finalised on 21 January 2016.

Account of Supt Green

- D40 511. In his report of 14 March 2016, Supt Green addressed the criticism (made during the ET) that he had victimised and discriminated against PC Saddique when deciding to serve a Reg 16 misconduct notice upon him.
512. He stated that, as outlined in his statement for the ET, his rationale for treating this as an allegation of gross misconduct was that, if PC Saddique had lied

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about [wife of subject officer A] filming him, in order to mislead the ET, then this was a serious matter.

513. He categorically denied soliciting a complaint from [wife of subject officer A] and stated that he met her for the first time when she gave evidence at the ET. He stated that in fact, when recording his assessment of the matter on the Centurion³¹ system, he had emphasised the need for caution and balance.

514. He stated that the ET judgement acknowledged that the allegation was serious, and that his assessment of its seriousness was accurate. He stated that, having assessed the allegation, he was legally required to serve PC Saddique with a notice of investigation, and a failure to serve a notice would have been inconsistent with how PSD handled every other public complaint in which potential misconduct had been identified.

515. He categorically denied serving the notice in an attempt to intimidate PC Saddique.

D33

516. In his written response dated 27 March 2017. He stated:

“My assessment was that the matter should be investigated as gross misconduct. My rationale for this decision was that if PC Saddique had lied about [wife of subject officer A] taking video of him, in order to mislead the Employment Tribunal, then this was a serious matter... I considered all factors including the fact that both parties concerned had an agenda, both parties had a right to be believed and as police officers, we are required to investigate without fear or favour...”

Y7
Y7a
Y7b

517. IOPC Investigators interviewed Supt Green under gross misconduct caution on 24 May 2018, and he provided an account consistent with his earlier written response.

518. He stated:

“[wife of subject officer A] was alleging that, erm, what Nad said originally was now different to what he was saying in his ET. Hence he was going to perjure himself and he was attempting to pervert the course of justice, so on the face of it, it could be a criminal allegation, erm but certainly erm, my view was that on face value, which the, the guidance tells us we need to treat on face value, erm, it would be gross misconduct. Having said that, there’s an agenda potentially for both parties in this, so we needed to tread carefully, but in essence the face value of the complaint was, erm, he, he was attempting to pervert the course of justice.”

519. The officer was asked why he had served a misconduct notice upon PC Saddique. He said ‘Well, it’s necessary in law. That’s, that’s the simple answer. Once the special requirements are met then, then the Reg 16 notice should be served as soon as possible.’

520. He was asked to respond to PC Saddique’s accusation that he had only been served with a misconduct notice to undermine his credibility before the employment tribunal. Supt Green said, ‘It’s a kind of feature of what Nad consistently says, that he takes a set of circumstances and represents them in a

³¹ Centurion is the system used in Cleveland Police for recording and managing complaints and conduct matters.

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very polarised way....The actions speak for themselves. Erm, you know, none of my actions have been driven by any degree of erm dislike for Nad, never mind racism.'

521. He later said, '*...My own conscience is absolutely satisfied I haven't acted in any way in a discriminatory way towards Nad or anyone else for that matter.'*

Analysis in respect of Supt Green

522. I will now consider the evidence surrounding the allegation that Supt Green discriminated against PC Saddique by serving him with a Reg 16 notice following the public complaint from [wife of subject officer A].
523. The ET judgement has been critical of Supt Green's decision to serve a misconduct notice on PC Saddique whilst not adopting the same approach with Subject Officer A. As detailed above, Supt. Campbell was the head of PSD and decision maker at the time PC Saddique made his complaint against [wife of subject officer A], not Supt Green. It is the actions and decisions of Supt. Green which have been considered by this investigation. Whilst the earlier actions of PSD may or may not have had an influence upon Supt. Green when he dealt with the later complaint from [wife of subject officer A], he was not responsible for the decisions made two years earlier in respect of PC Saddique's complaint.
524. I have considered whether there was any historical evidence available to him arising from the earlier complaint made by PC Saddique, which may have led him to believe Subject Officer A had encouraged his wife to photograph/video PC Saddique.
525. The PSD investigation file examined by the IOPC indicates Supt. Green would have been aware that when PC Saddique made his original allegation in January 2013, it was against [wife of subject officer A] alone (not Subject Officer A). As [wife of subject officer A] was not a police officer at that time, and no criminal offences had been committed, PSD were unable to take action against her. There is nothing contained within the earlier PSD investigation file for the first incident which suggests Subject Officer A may have encouraged or enticed his wife to photograph/record PC Saddique. Consequently, it is unlikely that Supt. Green would have believed Subject Officer A may have been a factor in that earlier complaint.
526. I have also considered whether there was evidence available to Supt. Green for him to consider that Subject Officer A may have influenced the complaint made by [wife of subject officer A]. Other than the specific allegations made by PC Saddique against Supt. Green at the ET hearing (made after [wife of subject officer A]'s complaint), there was no direct indication or evidence suggesting Subject Officer A was instrumental in the complaint made by [wife of subject officer A].
527. Evidence contained within the PSD investigation file indicates that Supt Green recognised and considered the wider context behind the two contrasting versions of events as well as the forthcoming ET civil proceedings, which touched upon [wife of subject officer A]'s complaint. His recorded action provides

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evidence that he did not ignore the surrounding circumstances but concluded that his decision would be based upon the circumstances of the complaint

528. Paragraph 19B(1) of Schedule 3 to the Police Reform Act 2002 states:

“If, during the course of an investigation of a complaint, it appears to the person investigating that there is an indication that a person to whose conduct the investigation relates may have

(a) committed a criminal offence, or

(b) behaved in a manner which would justify the bringing of disciplinary proceedings,

The person investigating must certify the investigation as one subject to special requirements.”

529. If an investigation is declared subject to special requirements, this then triggers the service of a notice of investigation.

530. It can be seen from the above that the special requirements threshold is extremely low and does not involve an assessment of whether the allegation in question stands a reasonable prospect of reaching the standard of proof.

531. [wife of subject officer A] had provided Supt Green with evidence of potential misconduct by PC Saddique in her email of 28 October 2014 and then in her supporting statement of 12 November 2014. The ET judgement later considered Supt Green’s assessment of the severity assessment as being one of gross misconduct and commented, *“We agree, if it is true”*.

532. Supt Green has said that he asked for legal advice prior to serving the Reg 16 notice upon PC Saddique. There is evidence in the form of emails between Supt Green and ██████████ that this was the case. In her email of 23 December 2014, ██████████ told Supt Green, *‘I agree that this should be progressed regardless of the ET, there is no reason why they cannot run in parallel.’*

Additionally, ██████████ had already advised PSD investigator ██████████ that she should *‘...deal with the complaint in the same way you would deal with any complaint regardless of the employment tribunal’*.

The decision maker may consider that the available evidence indicates Supt Green did consider the legality of proceeding with [wife of subject officer A]’s complaint and asked for legal advice prior to serving the Reg 16 notice upon PC Saddique. Furthermore, he followed the legal advice given to him in this matter.

533. PC Saddique did not make his allegation against Subject Officer A until the employment tribunal hearing in 2015. It will fall to the decision maker to consider whether Supt Green has a case to answer for misconduct or gross misconduct.

> The allegations that Supt Green failed to investigate PC Saddique’s complaint regarding T/Inspector Kappel’s conduct during a phone call on 8 May 2014, and that he told Supt Thornton he had a history of domestic violence in order to influence the decision to withdraw his AFO status

D89 534. PC Saddique was a member of the Cleveland Black Police Association (CPBA) prior to these allegations. On 8 May 2014, PC Saddique sent an 'open' email letter of resignation from that organisation to all CBPA members. Within the letter, he made serious allegations of corruption against the CBPA and the Independent Advisory Group (IAG) attached to Cleveland Police's equality review project (an internal review set up by Cleveland Police to explore the perception of racism within the force). T/Inspector Kappel held a senior position within the CBPA at that time and was included in the mailing list of those receiving PC Saddique's emailed letter. PC Saddique alleges that after he sent his email of resignation from the CBPA, he had a telephone conversation with T/Insp Kappel, which he considered was aggressive and threatening. He reported that incident to Supt Green directly but alleges the incident was neither investigated or dealt with appropriately. He says that he was never informed of the outcome of his reports to Supt Green and said *"I consider they failed to investigate the matters because of my race and also because I had raised a previous employment tribunal case"*.

535. In his report of 14 March 2016, Supt Green said that he and PC Saddique worked together in the mid 1990s, and were friends during that time. He stated, *"I would point out the obvious disparity between the assertions that I have acted in a prejudiced fashion more recently, when I enjoyed a positive relationship with him when we worked together – closely – for a prolonged period of time."*

536. He said that the *"absolute unfairness"* of the ET judgement had had a catastrophic effect on him personally, but despite this, he had never held any ill feeling or prejudice towards PC Saddique.

537. He stated, *"It is relevant that at no stage did PC Saddique make any direct allegations towards me, prior to Counsel being appointed."*

Chronology of events

D5 538. PC Saddique has declined to engage with the IOPC or provide a statement for this investigation. He did however, provide a statement to the employment tribunal in 2015.

D91 539. In that statement, he alleges that shortly after sending his email letter of resignation to CBPA members, he was in a police vehicle and in company with PC Thomas when he had a missed call from T/Insp. Kappel. PC Saddique returned the call to T/Insp. Kappel at 10.02am. He said that Insp. Kappel was unhappy about the circulated letter and was *'extremely rude and aggressive'* towards him on the telephone, saying he was going to *'fxxking have it out'* with him. PC Thomas recorded what he heard in his pocket note book.

540. PC Saddique said, *'I was extremely upset at how Inspector Kappel had behaved towards me and I was also concerned that he may take further action; I was concerned for my own safety. I was fearful, Inspector Kappel had said he would seek me out. Therefore, later that day I emailed Jonathan Green, head of professional standards to complain about Inspector Kappel's behaviour.'*

T46 541. PC Saddique sent his email report to Supt. Green at 3.46pm that same day. In the email, he told Supt Green, *"I would like to bring to your attention the conduct of T/DI Kappel, at 1002hrs toady (sic) I had a telephone call with him on my mobile phone.'* He went on to say, *'He was shouting and ranting to the point I felt*

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intimidated I asked him several times to stop eventually I ended the phone call...please could you assist or give suitable advice.'

542. During the afternoon of 8 May 2014, Supt Green was asked to meet with Chief Constable Jacqui Cheer to discuss the letter of resignation from the CBPA circulated by PC Saddique and the serious corruption allegations it contained. A number of people were present at the meeting, including CBPA representative T/Insp. Kappel
543. At the meeting, former CC Cheer verbally tasked Supt Green to conduct an investigation into the corruption matters that PC Saddique had alleged within his email. No written record or notes of this meeting are known to exist.
544. Supt Green was asked during his misconduct interview with IOPC investigators what specifically CC Cheer had tasked him to investigate. He replied, "*If you are asking me, did she ask me to investigate the Kappel issue, no she didn't*". He insisted that he had only been tasked to investigate the allegations of corruption contained within PC Saddique's email CBPA resignation letter.
545. Supt Green said that at some point during the meeting, Insp Kappel had informed him he had contacted PC Saddique via telephone to discuss the letter. He told the IOPC, "*I can't remember precisely what he said, I think he said...he'd raised his voice but he'd maintained a respectful conversation, I think is how he described it, or maybe not in those words*".
546. Supt Green said that it was only when he received the email from PC Saddique later that afternoon, he became aware of the specific allegation against Insp Kappel. He told IOPC investigators that he quickly decided the investigation of corruption matters as directed by the Chief Constable were his priority, but accepted that the telephone call allegation also needed dealing with.
547. At 5.17pm on 8 May, Supt Green sent an email reply to PC Saddique's earlier email. In his email he made reference to the letter which PC Saddique had circulated to the CBPA and told him that there was a need to address these allegations, along with his report of Insp Kappel being rude and aggressive on the telephone.
548. In his statement to the employment tribunal, PC Saddique said, '*I was really frustrated when I read his (Supt Green's) email because he only seemed to be interested in what I had said in my email resigning from the CBPA and my allegations about corrupt practice. There was no enquiry about what had prompted me to get in touch with him, which was the behaviour of Inspector Kappel towards me.*'
549. It has been agreed by all parties concerned that at around 8.50am on the morning of 9 May, PC Saddique telephoned Supt Green to discuss his allegation against Insp Kappel. PC Saddique said in his statement to the ET, '*Superintendent Green told me that between the two issues, allegations of corruption were obviously more serious and they were duty bound to investigate them.*' PC Saddique says that he felt his complaint against Insp Kappel was being brushed aside. He said, "*I told Supt. Green that I did not feel very well and that I was going to end the conversation, which I did.*"
550. PC Saddique stated a colleague, PS Blackett, heard parts of his conversation with Supt Green, and asked him if he was happy to stay in work. He stated that he told her he was not and did not consider it wise for him to carry a firearm "*in*

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case Insp Kappel confronted me and we ended up in an altercation.” He explained that firearms officers were taught to remove themselves from volatile situations if carrying a firearm, and he knew of officers who had had their firearms authority suspended for fighting while in possession of a weapon.

551. He handed his firearm to PS Stokeld, and then left work.
552. In his statement to the ET, Supt Green said he received the call from PC Saddique at 8.50am on the morning of 9 May. He said he found PC Saddique to be unexpectedly defensive and argumentative during their telephone call. Supt Green said, *‘I explained that of the two issues, allegations of corruption were obviously more serious and we were duty bound to investigate them, although I reassured him that the telephone conversation with T/Inspector Kappel would nevertheless be dealt with’.*
553. Supt Green said that during their brief conversation, PC Saddique brought up an historical allegation of domestic assault that had been made against him which had resulted in his arrest. He stated, *‘PC Saddique then said I had told him he ‘had deserved to be arrested’. The comment took me by complete surprise as it was totally out of context to our conversation until that point. I initially didn’t know what he was referring to, but he explained that he was referring to a conversation we had some years ago, relating to his arrest which had resulted from an allegation of domestic abuse against him, by his partner.’* He stated that PC Saddique told him that he had never forgotten that conversation, *“and it became clear to me that he had held my comments against me since that time.”*
554. Supt Green told IOPC investigators that it was following his telephone conversation with PC Saddique that he had decided the allegation against T/Insp Kappel was a matter that would be appropriately dealt with by way of informal ‘management action’. He explained his view that it was a low level and a minor dispute between colleagues that could and should be dealt with quickly and proportionately. The more serious allegations of corruption made within the CBPA resignation letter would be dealt with by way of formal investigation.
555. Supt Green said that the telephone conversation had caused him to become concerned about PC Saddique’s welfare and he felt it was important to provide an update to PC Saddique’s line management. Consequently, at 9am that same day, Supt Green met with Supt Thornton and Insp Robson to discuss the events. He was informed by Insp Robson that PC Saddique had retired from duty, feeling unwell.
556. He said that during the meeting, he provided his colleagues with an update regarding the letter PC Saddique had sent to the CBPA, his telephone conversation a short while earlier and the ‘out of context’ references made by PC Saddique to his arrest years previously.
557. During his interview with IOPC investigators, Supt Green was asked why he had told them about PC Saddique’s past arrest in connection with a domestic violence assault. He said, *‘Well, that’s what the judgement (employment tribunal) says and it’s, I just say it’s nonsense. It’s absolute nonsense. I think that any reasonable person, if I’m going to describe the events to two senior managers within that department of what conversation I’d had with Nad, to deliberately omit probably the most critical part of that conversation, because it might have an adverse influence is, it makes no sense in any reasonable terms at all.’*

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558. He said he was aware that PC Saddique was under a lot of stress at the time and had retired from duty sick shortly after their telephone conversation. Supt Green said that to have not mentioned the domestic violence arrest would have been to neglect his responsibilities. It was important that Supt Thornton was fully briefed regarding the ongoing investigation into the allegations that had been made and it would have been wrong of him to leave out important information such as the arrest raised in conversation by PC Saddique. He was acutely aware that PC Saddique was a firearms officer and believed that Supt Thornton needed the full facts so that he could make an informed decision regarding whether or not PC Saddique should retain his firearms permit. Supt Green denied that he had tried to unfairly influence that decision or had victimised PC Saddique.
559. Supt Green said that during the meeting, he raised the question of whether it was appropriate for PC Saddique to be carrying a firearm, given the recent events and the apparent mental strain he may be under.
560. He told investigators, *“I also asked Inspector Robson to speak with T/Insp Kappel regarding the telephone call he had made to PC Saddique the day before, to ask that he didn't make any further contact with him and to update PC Saddique to this effect when it had been done. I also asked that his approach to PC Saddique be discussed, as it was suggested by PC Saddique that he may have lost his temper during the call. My assessment was that the matter should be dealt with informally, as 'management action' - to take any formal action in this case would have been disproportionate, in my experience.*
561. In his account provided to the IOPC on 14 March 2016, Supt Green explained why he had decided to deal with the allegation against T/Insp Kappel by way of 'management action'. He said, *'To suggest... that this matter was not dealt with, or that I was "not interested", is, as can be seen, incorrect and contrary to the facts. [It was dealt with] in a balanced, considered and appropriate way, to resolve the matter fairly and consistently with similar incidents in the workplace. I can understand that PC Saddique wanted a punitive outcome, but this is not uncommon when people feel aggrieved and this in itself should not lead to disproportionate or overzealous outcomes by the Appropriate Authority or managers'.*
562. He stated he was conscious he had effectively asked an officer of the same rank to speak to T/Inspector Kappel. However, he was mindful of the need for urgency, and Inspector Robson was very experienced in his rank and regularly acted up as Chief Inspector, whereas T/Inspector Kappel was a Sergeant who was acting up as an Inspector.
563. He stated that he was content to accept PC Saddique's account of the phone call, but his professional assessment was that it would be disproportionate to investigate the matter or take formal action against T/Inspector Kappel. He stated that DCC Spittal agreed with this decision.
564. Supt Green said that, if he had dealt with the matter differently, it could be argued that he had discriminated against T/Inspector Kappel, who was also a BME officer. He stated that the ethnicity of the officers involved was irrelevant to his decision

Account from Supt Thornton

D22

565. Supt. Thornton provided a statement to the employment tribunal in which he said, *"During our conversation (with Supt. Green), Insp. Robson arrives at my office and advises me that PC Saddique has retired from duty, citing "pressures" and handed the Inspector his Firearm. We all agree a way forward, namely D/Supt Green would continue with his work, I would meet with the Chief Constable (a pre- arranged appointment to discuss his ongoing work with PC Saddique and the support he was providing in respect of a number of issues raised by the officer), and Insp. Robson would try and reach PC Saddique to check on his welfare"*.

566. Supt. Thornton said, *"At 14.30 on the same day I have a telephone update from Inspector Robson that he has not been able to reach PC Saddique but that he has left a message on an answer phone. He then asks me what I wish to do about the officers permissions to carry firearms. In my day book (618 - 620 & 624) I then write almost three pages of NDM (National Decision Model) content, which results in my decision for the officer's permit to be withdrawn from Firearms duties, both live operations and for training."*

D77

567. Supt Thornton's day book has been examined by the IOPC. The contents are consistent with the evidence he gave to the employment tribunal. A lengthy entry (timed and dated at 5.30pm on 9 May 2014 documents his rationale for withdrawing PC Saddique's firearm permit. The officer applied the NDM when considering PC Saddique's position. He appears to have considered a number of factors. These included PC Saddique's '*pressured conversation*' with Supt Green, that the officer had then retired from duty feeling '*unwell*' and had possibly been involved in a pressured conversation with other staff (a reference to the telephone conversation with T/Insp Kappel). He also noted that PC Saddique was currently uncontactable and was (in Supt Thornton's opinion) under intense pressure and stress. He concluded that it was necessary to withdraw PC Saddique's permit for his own protection and the safety of the public and colleagues. The NDM rationale does not reference PC Saddique's past arrest and it does not appear to have been a factor in his decision to remove PC Saddique's firearms authority.

Diary entry of Inspector Robson

D274

568. Diary entries made by Insp. Robson support the assertions of Supt. Green that he was tasked to speak with and advise T/Insp Kappel regarding the incident.

569. An untimed entry on 9 May 2014 records Insp Robson's meeting with Supt Green and Thornton.

He recorded the following, *██████ + JG Long discussion re circs. Nad had put phone down on JG saying I can't cope, I need to leave work – words to that effect. We all agreed he could not carry firearm.*

A – Speak Nad – Welfare reassurance re (illegible single word) + intentions.

B – Speak with Kappel – as I would any other officer. Keep distance and do not antagonise. Inform – investigation ongoing.'

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570. A further untimed entry on the same day reads, '*Kappel – assures me he has no intention to speak to Nad etc. Insisted on showing me email. He intends to complain.*'
571. An entry timed at 4.35pm that same day reads, '*Rang Nad. Very confused, upset. Feels everyone is against him. I offered reassurance re – John Green – will investigate all allegations. Feels unwell + kept talking about PSD not investigating bullying by Kappel (clarified phone call). Yes – I am sure Supt. Green will deal with everything. Nad referred it was a different conversation that (illegible single word) John, who only referred to letter and wouldn't discuss bullying.*'
- T47 572. Insp Robson sent an email to Supt Green at 3.50pm on 9 May in which he provided him with an update as to the action he had taken. He told Supt Green that he had spoken with T/Insp Kappel and agreed that he would not approach or speak with PC Saddique further. Insp Robson said that he had tried to speak with PC Saddique to update him, but had been unable to do so as he was not answering his telephone. He had left PC Saddique a message on his mobile phone giving an update and offering reassurance.
- D99 573. On 13 May 2014, PC Saddique sent a report to Supt Green (the report is actually dated 11 May 2014), in which he made a number of serious allegations against other officers. Within that report, he asserted that his complaint against T/Insp Kappel regarding the abusive phone call had been ignored by Supt Green and not dealt with.
- D100 574. He sent a further report to Supt Green on 20 May 2014 (the report is actually dated 12 May 2014). In the report, he provided an account of the phone call from T/Inspector Kappel but did not mention that T/Inspector Kappel had threatened to find him and "*fxxking have it out with him.*" He only stated, '*Kappel... started being aggressive about the email I had sent earlier that morning. He quickly got louder and started shouting and ranting at me and threatened to come and "see me". Because of his demeanour and the way he was shouting at me it appeared, to me, to be a threat.*'
- D285 575. Supt Green tasked [REDACTED] from the Cleveland Police anti-corruption unit to visit and speak with PC Saddique regarding the allegations of corruption made in PC Saddique's report. [REDACTED] met with PC Saddique on 2 June 2014 and conducted a witness interview with him. Following the meeting, he produced an officer's report (dated 3 June 2014) outlining the discussion he had had with PC Saddique. During the interview with DS Green, PC Saddique had said that in his opinion, the matter involving T/Insp Kappel had not been resolved and he had not been told what action had been taken.
- D285
576. In October 2014, Supt Green sent an email to Insp Robson, explaining that the Deputy Chief Constable (Iain Spittal) told him PC Saddique had suggested he had never received '*feedback*' regarding his complaint against T/Insp Kappel. Supt Green asked Insp Robson if he had any record of his update to PC Saddique.
- T112 577. Inspector Robson replied to Supt Green in an email sent at 6.32pm on 17 October 2014. He said, '*In our discussions with Supt Thornton on 09/05/14 you asked that I speak to [REDACTED] (Kappel) regarding his previous contact with NS (Nad Saddique). At 4.40pm on Monday 12/05/15 I had a lengthy telephone discussion*

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with NS and during that conversation I discussed that I had indeed spoken to SK about their previous telephone conversation and he thanked me for doing so. I called you late the following and updated you about the content of this and about another call between myself and NS. I cannot find an email covering the content of our conversation but I can assure you that you and the Dep (deputy) that NS was fully updated and as stated, thanked me for taking action'.

Account of PC Hussain

D16

578. PC Hussain was not spoken to by Supt Green or Cleveland PSD in respect of PC Saddique's allegations. She did however, provide a statement (dated 30 April 2015) and produced a copy of her pocket note book to the ET. She said she was with T/Inspector Kappel when he rang PC Saddique on 8 May 2014. She stated that PC Saddique. was very defensive, and raised his voice to the extent that she could hear him even though the phone was not on loudspeaker. She said, *'A/Insp Kappel informed PC Saddique that he had called his and the Review's integrity into question, the least he can do was give him an explanation. During the entire conversation A/Insp Kappel's voice tone remained calm and he conducted himself professionally throughout his telephone call with PC Saddique'*

D90

579. She stated that she documented the conversation in her pocket notebook. She provided a copy of this entry, which was consistent with her statement.

Account of PC Thomas

D161

D91

580. PC Thomas was not spoken to by Supt Green or Cleveland Police PSD in respect of PC Saddique's allegations. He did however provide a statement to the ET (dated 15 April 2015) and a copy of his pocket notebook. He said that PC Saddique put his phone on loudspeaker at one point during the telephone call with T/Insp Kappel. He said that T/Inspector Kappel was in a highly agitated state, shouting, *"How dare you question my integrity?"*

581. PC Thomas stated that T/Inspector Kappel *"continued with his tirade of abuse"*, and PC Saddique took the phone back off loudspeaker and informed him that he would end the call if he continued speaking to him in that manner. He stated that T/Inspector Kappel was speaking loudly enough that he could hear his voice, but could not hear what he was saying. He stated that PC Saddique finally informed T/Inspector Kappel that he was ending the call due to his aggressive manner. He stated that PC Saddique remained calm and professional throughout the conversation, whereas T/Inspector Kappel was *"completely unprofessional."* He stated that PC Saddique seemed quite shaken following the call.

582. PC Thomas did not document any threat by T/Inspector Kappel to find PC Saddique and *"fxxking have it out with him"*, and he did not say that PC Saddique mentioned this alleged threat when they later discussed the call.

583. Supt Green was asked by IOPC investigators why he had not spoken to or taken a statement from PC Thomas. He said that he had accepted PC Saddique's account on 'face value' and decided that there was no need to obtain an account from PC Thomas as the incident was suitable for management action resolution regardless of any account PC Thomas may have given.

Statement of DCC Iain Spittal

584. Iain Spittal was at the time of this allegation, the Deputy Chief Constable of Cleveland Police. As such, he was responsible for discipline within the force and was Supt Green's direct line manager. Supt Green had regular meetings with DCC Spittal throughout his tenure as head of PSD and provided regular updates to him regarding the progress of allegations made by PC Saddique.

D20

585. Mr Spittal provided a statement for the ET (dated 27 April 2015), in which he specifically addressed the allegation made against T/Insp Kappel by PC Saddique. He told the tribunal, *'It is my opinion that this matter was dealt with correctly, that Superintendent Green had correctly assessed the allegation and had directed that it be resolved in a proportionate and appropriate manner. It would not have been either proportionate or appropriate in the circumstances to do a full investigation which included speaking to witnesses.'*

The ET judgement

586. These allegations were dealt with in paragraphs 3.174-3.187, 3.198, 3.200, 3.218-3.220, 3.223-3.228 3.250, 4.14 and 4.28 of the judgement, as follows:

"At 15.46 Supt Green was emailed by the claimant about the telephone call in which Insp Kappel was 'shouting and ranting'. The steps Supt Green took are vital to the outcome of this case. His reply at 17:17 asks the claimant to telephone him but in terms which showed the point he wished to address was the alleged corrupt practice in the CPBA. He says "In addition, there is obviously the issue you detail below". The claimant was frustrated when he read his email because Supt Green only seemed interested in corrupt practice, not the behaviour of Insp Kappel.

On Friday 9th May at 08.50 the claimant telephoned Supt Green with whom he had worked at Stockton around 1994-96. Supt Green says from the beginning the claimant was "defensive and increasingly argumentative", asking why he was more interested in the corruption allegations than Insp Kappel's telephone call. Supt Green said of the two, allegations of corruption were more serious. He claims to have reassured the claimant the telephone call would be dealt with. We do not believe he did. Supt Green says he formed the belief the claimant was deliberately attempting to make our exchanges divisive", saying he would only speak with PSD regarding his suspicions after seeking legal advice and asked for assurances he would not face disciplinary action. Supt Green replied, as long as his suspicions were honestly held and not malicious, he should not be concerned. The claimant was rightly not reassured as he knew the history of PSD and other managers "turning the tables" on complainants. Supt Green accepts the claimant remained calm throughout.

The claimant then raised a conversation they had years earlier when Supt Green had told him he 'had deserved to be arrested' referring to his arrest on an allegation of domestic abuse. The arrest was later subject to successful litigation against Cleveland Police for wrongful arrest. Supt Green had spoken with him sometime after his arrest (but prior to his civil claim) saying his arrest was understandable because at the time Cleveland Police had a policy of positive action to tackle domestic abuse and he believed the arresting officers acted with integrity. A successful action for wrongful arrest means a Court found the officers did not even have reasonable suspicion the claimant had committed an offence. Supt Green demonstrated in his oral evidence he still holds the view the

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arresting officers were right and the claimant was unjustified in seeking, let alone obtaining, a judgment in the Courts.

Supt Green's statement contains a passage which speaks volumes. He refers to an incident in 1996 whilst he was based at Stockton and the claimant was subject to a discipline investigation, relating to damage caused by him to a police car. On 28th January 1996 on night shift, there had been snow storms and at the shift briefing the team had been warned to take account of the conditions, if responding to any urgent calls. Also information was provided in respect of a man wanted for breaching his bail conditions who was to be arrested if seen. The claimant was crewed with [REDACTED]. In the early hours of the morning, when PC Green (as he then was) was with [REDACTED] and [REDACTED] they heard the claimant providing verbal commentary over the air on their police radios about a car he was pursuing driven by the man wanted for breaching his bail conditions. There was no background noise (tyres, engine etc) and it was odd he was providing the commentary, as it was normal for the passenger, [REDACTED] to do so. The claimant then reported he had been involved in a collision and returned to the police station. It later transpired the claimant had lied when he said he had been involved in a pursuit, in order to account for damage he had caused to the police car when performing 'handbrake-turns'. Supt Green says:

"I remember feeling disappointed in his behaviour as he had compromised [REDACTED] and also put a number of our team at risk, as they responded to the police pursuit in his support, although I do not believe my personal relationship with him was affected".

PSD records show the claimant received disciplinary cautions making false statements and was fined £600 for damage to the car. The claimant admits this but says "I've never been allowed to forget it." Supt Green demonstrated in his oral evidence he holds the view the claimant is dishonest and always has been. He told Ms Woodward this did not cause him concern as to his suitability to be the investigator into the claimant's allegations...

On 9th May 2014 at 09.00 Supt Green went to Supt Thornton's office to speak about the phone call with the claimant. At page 618 we see in Supt Thornton's notebook "Jon indicated N/S may have been previously involved in D/V issues". D/V stands for "domestic violence". Supt Green was, we find, referring to the arrest which had been found wrongful. This was deliberate to cause Supt Thornton to be ill disposed to the claimant.

At 9.05am Insp Robson attended HG and joined them. On the way he had taken a call from Sgt Blackett who said the claimant had retired from duty. Sgt Blackett described him as upset and feeling vulnerable. It was Supt Green who raised the question of whether it would be appropriate to withdraw his AFO status, given his apparent mental strain. They all agreed the claimant should not be permitted to carry a firearm if he returned to work.

Supt Green asked Insp Robson to speak to Insp Kappel about the telephone call and ask he did not make any further contact with the claimant whom he should tell when it had been done. Supt Green says:

"My assessment was that the matter should be dealt with informally, as 'management action' to take any formal action would have been disproportionate. Insp Robson later confirmed via email (749 - 750) he had tried

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to contact PC Saddique and had left him a message updating regarding the outcome of this specific matter.”

Insp Robson says he spoke to Insp Kappel who disputed he acted unprofessionally and reassured him he would not seek any further contact with the claimant. That was the end of the matter. We do not believe Insp Robson told the claimant what he had done, if indeed he did speak to Insp Kappel. Within hours it was decided by Supt Green, without the least investigation, the claimant was lying about the phone call and all that was needed was for one Inspector who had no managerial rank over Insp Kappel to “have a word” with him. We find Supt Green probably decided that before at 12:55 on 9th May 2014 Insp Kappel emailed him saying that as a result of the claimant’s e-mail:

“I feel harassed, distressed and a certain amount of embarrassment when speaking to colleagues. You will see from the contents of the e-mail that he makes a number of allegations against me and other members of the group which he refers to as AIG (I believe he means the independent advisory group IAG). I have attempted to contact PC Saddique to seek clarity around the exact nature of his allegations, I have offered him the opportunity to meet with me and to address the CBPA membership or any other forum of his choice all of which he has declined. During our conversation PC Saddique made it clear that he was questioning my integrity, he stated ‘I am pleased that you have understood that I am calling your integrity into question’. PC Saddique has stated that he has ‘uncovered less than ethical practices’. There is also an inference to the ‘awarding of promotions which cause [sic] both mine and the organisation’s integrity into question’, in the absence of any evidence to substantiate these claims I believe that PC Saddique has breached the police code of conduct. As a police officer if PC Saddique has evidence of wrongdoing he is obliged to do something about it. This being the case I would request a full investigation in order to establish the facts”.

It is most likely Supt Green asked for this e-mail so as to have something in writing to support what he intended to do anyway which was to counter the allegation made by the claimant with one made against him. As will be seen, every allegation by the claimant is brushed aside with no investigation into simply verified matters. Any allegation against him is treated seriously. We find Supt Green resents anyone raising race issues, which he views as an unwelcome distraction from the undoubted demands of operational policing and trivial compared to such matters as corruption. That is plainly victimisation but could also be racially motivated too.

... On 14th May 2014 DCC Spittal says he commissioned Supt Green to undertake enquiries into what the claimant had detailed. CC Cheer already had.

When Insp Robson had rung the claimant at 16.35 he told him Supt Thornton had suspended his firearms authority and describes the claimant as very upset, confused and feeling everyone was against him. He gave him reassurances PSD would be investigating all complaints he had made, knowing his complaint about Insp Kappel would not be taken further...”

587. Paragraphs 3.198 and 3.200 state:

“On 20th May 2014 the claimant sent the final version of his report to Supt Green in which he explained how Insp Kappel had acted in ways which he perceived as potential offences under sections 4(a) and 5(1)(a) of the Public

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Order Act 1986 and also Section 127(1) of the Communications Act 2003.. This is his first protected disclosure.

Supt Green says the report made allegations against Insp Kappel but did not explain what information caused the claimant to form his suspicions so he arranged for an officer from Counter Corruption Unit, [REDACTED] to see the claimant.”

588. Paragraphs 3.218-3.220 state:

“On... 13th June Supt Green wrote to the claimant, as he says, “in a further attempt to define the allegations and what evidence or witnesses he could supply.”

[The judgement then quotes from the letter at length. Among other things, the letter asks PC Saddique to set out his allegations in detail, including the grounds on which he believed the alleged conduct met the criteria to be treated either as a complaint or as a recordable conduct matter.]

DCC Spittal says he would not have written a letter in these terms because a reader may find the technicality confusing. That was Supt Green’s intention. He must have known the claimant was signed off sick. The claimant says “I was frustrated with Supt Green’s request. I felt like he was asking me to do the job of PSD, in identifying what matters could be a public “complaint” and what were possibly “police misconduct”.

It took some time but the claimant sent a written response dated 14th July. It is full of information but Supt Green says it “did not add any significant additional detail.” It sets out everything [PC Saddique] has said and or written before and expresses his disappointment nothing has been done about Insp Kappel’s telephone call. It raises... that on 9th June his training had been withdrawn publicly in front of his colleagues... He goes on to say it is not it is PSD’s job, not his, to identify the categories of breach but he does so quoting directly from the Regulations. Receipt was acknowledged on 15th July. The claimant has never been informed of the outcome of the reports he submitted. Supt Green says, “a formal investigation has been carried out by Cleveland Police Counter Corruption Unit in relation to some of these matters, but no evidence to support the allegations raised by PC Saddique could be found and this investigation is now closed.” The matters not about “corruption” were not dealt with.”

589. Paragraph 3.250 states:

“DCC Spittal accepted Supt Green correctly assessed the allegation that Insp Kappel had been aggressive on 8th May saying:

“...whilst I explained to PC Saddique how this matter had been dealt with and what the outcome was he refused to accept that the approach was appropriate. It is my opinion that this matter was dealt with correctly, that Superintendent Green had correctly assessed the allegation and had directed that it be resolved in a proportionate and appropriate manner. It would not have been either proportionate or appropriate in the circumstances to do a full investigation which included speaking to witnesses.”

Why not? PC Thomas was readily available. DCC Spittal probably did not know Supt Green took next to no time to “assess ‘managerial action’ was all that was needed.”

590. Paragraph 4.14 states:

“... Supt Green said he found being accused of being a racist offensive as he joined the police to promote fairness and equality. He appeared to think most officers did and are not racist. It follows he would not be well disposed towards a man who repeatedly and forcefully says the opposite about some officers and he undoubtedly victimised the claimant as a result. Stereotypical assumptions about people from Pakistan unfortunately include that they lie, seek financial gain and “play the race card” to get what they want. Supt Green’s determination to paint the claimant as such a person, even when evidence showed the opposite, leads us to conclude he directly discriminated also. If the claimant said something about, for example, [wife of subject officer A] or Insp Kappel, Supt Green assumed it was untrue. If they said something adverse to him, he assumed it was true.”

591. Paragraph 4.28 states,

“Failing to investigate the matters raised by the claimant about the actions of Insp Kappel made orally to Supt Green and by email on 13 May 2014 was victimisation and direct discrimination by Supt Green.”

Analysis of the evidence

592. PC Saddique has alleged that Supt Green failed to investigate his complaint against T/Inspector Kappel. It is important to note that PC Saddique’s account of T/Inspector Kappel’s conduct in the evidence he gave to the ET includes additional details that were not present in his reporting to Supt Green shortly after the incident.

593. The most serious language that PC Saddique alleges T/Insp Kappel used includes a threat that he would find him and *‘fxxking have it out with him’*. This information was not included in the initial email report from PC Saddique to Supt Green (8 May). I have not been provided with any evidence that PC Saddique ever told Supt Green this during their telephone conversation on 9 May. These words were not included in the reports that PC Saddique sent to Supt Green on 13 and 20 May. PC Thomas does not include them in the evidence he gave to the employment tribunal.

594. The available evidence indicates that CC Cheer tasked Supt Green to investigate the corruption matters highlighted in PC Saddique’s CBPA resignation letter. I have not been provided with any evidence to suggest she was aware of the complaint against T/Insp Kappel at the time of his meeting with CC Cheer or that she had tasked Supt Green to investigate that matter. Email evidence indicates that it was only after the meeting with CC Cheer that he became aware of that particular allegation. Supt Green has explained why he made a decision to deal with the matter by way of action management.

595. Home Office guidelines provide the following guidance in respect of when and how management action can be applied:

Section 2.137 of those guidelines advise, ‘where an appropriate manager decides at the severity assessment that management action is the most appropriate and proportionate way to deal with an issue of misconduct, there will be no requirement to conduct a formal investigation’

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Section 2.132 of the guidelines state that when appropriate, managers in the police service are expected and encouraged to intervene at the earliest opportunity to prevent misconduct occurring and to deal with cases of misconduct in a proportionate and timely way through management action, even if the police officer does not agree to the management action it can still be imposed by the manager providing such action is reasonable and proportionate.

Supt. Green has provided his rationale for deciding to use management action in these circumstances (detailed above). There is no evidence that Supt. Green's decision was anything other than an honest judgement call on his behalf.

596. However, Home Office guidance (chapter 3, paragraph 1.31 detailed earlier in this report), instructs that the use of 'management action' should be recorded by a supervisor and endorsed on the service record of the officer concerned. There is no record of management action being taken in respect of T/Insp. Kappel by Supt. Green, Inspector Robson or any other supervisor. Whilst I do not believe this omission is sufficiently serious to be considered a misconduct matter, it is perhaps something which the IOPC decision maker may wish to note when considering the action of Supt. Green.
597. It will fall to the decision maker to consider whether his use of management action under these circumstances was appropriate or not
598. The diary entry created by Insp Robson on 9 May 2014 along with emails between that officer and Supt Green (9 May 2014 and 17 October 2014) provide further evidence that Supt Green had not ignored the complaint from PC Saddique, but had dealt with it in accordance with 'management action' protocols
599. The ET judgement has said, *'Within hours it was decided by Supt Green, without the least investigation, the claimant was lying about the phone call and all that was needed was for one Inspector who had no managerial rank over Insp Kappel to "have a word" with him. We find Supt Green probably decided that before at 12:55 on 9th May 2014'*.
- Supt Green has said throughout, that he accepted PC Saddique's account 'at face value' and had decided that no investigation was required as it was a low level incident that should be dealt with using management action as per Home Office guidelines.
600. PC Saddique has said that he was discriminated against and victimised by Supt Green when he told Supt Thornton about his arrest for domestic violence. Supt Green does not dispute that he told Supt Thornton about PC Saddique's previous arrest but makes the point that that it would have been wrong for him to have been selective with the information. He told IOPC investigators that he believed it was important to give Supt Thornton all of the information he had in order for him to assess risk and public safety in relation to PC Saddique carrying a firearm.
601. Supt Green said that it was not the fact that PC Saddique had been arrested which was important, but the context in which PC Saddique had introduced the topic into their conversation that concerned him and raised questions about his state of mind. It is not disputed by either party that the comments attributed to PC Saddique about the arrest were made.

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602. The decision maker may consider that an 'out of context' statement from PC Saddique was relevant information when considering whether he should retain his firearms authority. They may also take the view that it was appropriate for Supt Green to pass this information to Supt Thornton so that he could make an informed risk assessment of PC Saddique before deciding whether the officer's firearm permit should be removed.
603. It has been alleged that Supt Green's actions (when disclosing PC Saddique's arrest), were motivated by his wish to influence Supt Thornton's decision to remove his AFO status. Whilst we cannot be certain of Supt. Green's intentions, Supt. Thornton's diary notes indicate that he was not influenced by that particular piece of information provided by Supt. Green. Rather, the decision to remove PC Saddique's AFO status seems to have been due to other factors outlined in the diary and repeated in this report. The decision maker may wish to consider whether if as alleged, Supt. Green had used the historical arrest to discriminate against PC Saddique and unduly influence Supt. Thornton, the diary entry would have reflected this.
604. Supt Thornton has provided evidence (supported by extensive diary notes) that he removed the AFO status due to the intense stress and pressure that PC Saddique appeared to be under at that time and to ensure officer and public safety. This is not unprecedented and Supt Thornton has removed the AFO status of others when similar concerns have been raised. An example of this can be seen in this report when PC Roberts, a white RPU officer, had his firearms permit removed following concerns over his erratic behaviour.
605. PC Saddique has said that he was not provided with an update in respect of his complaint against T/Insp Kappel. Evidence in the form of emails (dated 9 May 2014 and 17 October 2014) between Insp Robson and Supt Green indicate that this is not the case and suggest that he was spoken to personally by Insp Robson on 9 May 2014. The diary entries created by Insp Robson on 9 May 2014 provide evidence that T/Insp Kappel was spoken to and given advice regarding the incident and that PC Saddique was given an update by Insp Robson.
606. The ET considered an email sent by T/Insp Kappel to Supt Green on 9 May 2014. In that email, T/Insp Kappel complained about the serious allegations made against him and the CBPA by PC Saddique in his open letter of resignation from the CBPA. The ET ruling said of T/Insp Kappel's email, "*It is most likely Supt Green asked for this e-mail so as to have something in writing to support what he intended to do anyway which was to counter the allegation made by the claimant with one made against him.*"
607. However, the evidence provided by Insp Robson's diary indicates that it is unlikely Supt Green asked for the email. Inspector Robson is understood to have had first contact with T/Insp Kappel on 9 May (having been tasked by Supt Green to do so). Following that contact, he recorded in his diary, '*Kappel – assures me he has no intention to speak to Nad etc. Insisted on showing me email. He intends to complain.*' This provides evidence that T/Insp Kappel had decided to complain about PC Saddique within hours of their telephone conversation – and it was not at the request of Supt Green.
608. DCC Spittal was Supt Green's line manager and had overall responsibility for discipline within Cleveland Police. Supt Green has said in the accounts he provided to the IOPC that he was in regular contact with DCC Spittal to discuss

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the various allegations that had been made by PC Saddique. These included the complaint against T/Insp Kappel. The evidence that DCC Spittal gave to the employment tribunal in 2015 confirms that he was aware of the action taken by Supt Green in respect of this particular allegation. He has expressed his opinion that, *'this matter was dealt with correctly, that Superintendent Green had correctly assessed the allegation and had directed that it be resolved in a proportionate and appropriate manner'*. The decision maker may take the view that there were 'checks and balances' in place to scrutinise Supt Green's actions around PC Saddique's complaint and at no time did DCC Spittal raise any concerns that the matter had not been managed in an appropriate way.

609. It will fall to the decision maker to consider whether Supt Green has a case to answer for misconduct or gross misconduct in respect of this matter, taking into account the information that was available to PSD at that time.

> **The allegation that Supt Green failed to investigate PC Saddique's complaint that an officer talked about shooting "Pxxi kids."**

610. PC Saddique first disclosed the allegation that these comments had been made, to his line manager Supt Thornton in February 2014 during a conversation that they had. He repeated the allegation in an email he sent to Supt Thornton on 8 May 2014.

611. On 9 May, Supt Thornton sent CC Cheer an email informing her of the allegation that PC Saddique had made. CC Cheer sent an email to Supt Green on 12 May, directing him to investigate the matter.

D5

612. In his statement to the employment tribunal, PC Saddique said, *'In 2013 at Wynyard Police Station, PC Coates told me that he had been crewed to work with [REDACTED]. [REDACTED] said to him that he should "go down to the local mosque and shoot the Pxxi kids". PC Coates told me he felt conflicted with what he should do. He had no recording of what [REDACTED] had said and felt it would be his word against [REDACTED] and without proof no action would be taken. I agreed with PC Coates'*

613. He stated that he and PC Coates agreed to take no further action on the basis that they had no proof. [REDACTED] left the force a short time later.

614. PC Saddique has alleged that Supt Green failed to investigate the disclosures he made to Supt Thornton.

The ET judgement

615. This allegation was dealt with in paragraph 3.184 of the judgement, as follows:

"At 16.30 Supt Thornton met CC Cheer and a little time into the meeting took a telephone call from Insp Robson... He told CC Cheer of the claimant's report dated 7th May 2014 which contained the "shoot Pxxi kids" allegation which CC Cheer said was, if true, extremely serious. CC Cheer received an email from Supt Thornton on 9th May 2014 at 18:02 which confirmed this had been first told to him by the claimant during their meeting on 2nd February 2014. He only reported it because the officer alleged to have said it had retired. This needed investigation and Supt Thornton was a potential witness about how the matter

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had come to light. As a result CC Cheer instructed Supt Thornton to cease his work with the claimant whilst the allegation was assessed and dealt with by someone else. In an e-mail she told Supt Green to investigate this separately from the corruption allegations... Supt Green did not investigate this at all preferring to investigate the allegations of corruption which Insp Kappel was urging him to use as a means of showing the claimant was the one guilty of professional misconduct..."

Chronology of events

- D77 616. At 7.56am on 8 May 2014, PC Saddique sent Supt. Thornton an email containing a report dated 7 May 2014 (pages 40-42 of Supt Thornton's day book D77). Within the report, PC Saddique provided a number of examples of what he claimed to be racism and bullying he had experienced. He claimed, *'Supervisors and colleagues never confronted or dealt with armed officer wanting to "drive to the local Mosque and shoot Pxxi kids"'*. PC Saddique did not identify the officer making this comment or provide any further information.
- T49 617. At 6.02pm the following day, Supt Thornton sent CC Cheer an email in which he brought to her attention the allegation about *'shooting Pxxi kids'* he had received from PC Saddique the day before. He also informed her that during a conversation he had had with PC Saddique on 2 February 2014, PC Saddique had said, *'Okay I will tell you but only because he has now retired. I have been in officer's company when they have said words like, "I would drive past a Mosque and shoot Pxxi kids"'*. PC Saddique had not disclosed to Supt Thornton which officer made these comments.
- Supt Thornton told CC Cheer that although he was breaching PC Saddique's confidence in telling her of these comments, he thought it necessary and believed they should be investigated.
618. I have examined Supt Thornton's diary and found that there is a lengthy entry created on 2 February 2014, documenting the officer's meeting with PC Saddique on this date. It does not mention the racist comments alleged by PC Saddique and detailed in his email to CC Cheer on 9 May 2014 (T49).
- T49 619. At 8.13am on 12 May 2014, CC Cheer sent an email to Supt Green, and included DCC Iain Spittal. In it she brought the reported *'shoot Pxxi kids'* comments to their attention. She told Supt Green, *'Jon, This needs a separate investigation... I have instructed [Thornton] to withdraw from the work he has been undertaking to try and resolve PC Saddique's work place concerns... Please ensure we bottom out this statement – either he provides further details or we will need to be able [sic] to make a statement that we have been told it but the officer refused to assist with enquiries. The Codes of Ethics now makes it clear that you cannot just say things and leave them hanging any longer.'*
- D99 620. On 13 May 2014, PC Saddique sent Supt Green a report in which he made a number of corruption allegations (the report did not include the *'shoot Pxxi kids'* comment), Supt Green tasked [REDACTED] to interview PC Saddique about the corruption allegations contained in the report. [REDACTED] made an arrangement to interview PC Saddique on 2 June 2014.

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- D243 621. Supt Green sent an email to ██████████ at 2.17pm on 19 May (contained within PSD investigation file page 41 of D243). He provided ██████████ with guidance on what matters he should speak to PC Saddique about. They included allegations contained within PC Saddique's email/letter of 13 May (D99). The email did not ask ██████████ to question PC Saddique about the 'shoot Pxxi kids' comments.
- D243 622. Supt Green sent a further email to ██████████ in advance of his interview with PC Saddique. This email was dated 20 May 2014 at 4.04pm (page 48 of PSD file D243). Further instructions were given to ██████████ regarding matters that needed to be addressed with PC Saddique. No instruction was given to interview him regarding the 'shoot Pxxi kids' comments.
- D285 623. ██████████ met with PC Saddique on 2 June 2014 and conducted a witness interview with him. The interview was audio recorded. ██████████ produced an officer's report dated 3 June 2014 in which he outlined his conversation with PC Saddique. No reference is made by ██████████ within that report of the 'shoot Pxxi kids' allegation.
- D243 624. Following ██████████ interview with PC Saddique, Supt Green attended a meeting on 11 June 2014 chaired by DCC Spittal, to discuss the management of PC Saddique's various allegations. ██████████ was present at that meeting (Evidenced at page 73 of PSD investigation file D243).
- Following his meeting with DCC Spittal, Supt Green drafted a severity assessment and terms of reference in respect of the allegations made by PC Saddique. He sent these to ██████████ in an email dated 16 June at 9.17am. This document records, in general terms, PC Saddique's various allegations and does not make reference to the 'shoot Pxxi kids' comments. Supt Green recorded his view that the corruption allegations made by Saddique should be referred to the IPCC (Evidenced at page 73 of PSD investigation file D243).
- D236 625. On 24 October 2014, DCC Spittal held a meeting with PC Saddique to discuss his ongoing complaints. The IOPC have obtained the typed minutes of that meeting. Item 26 on the agenda was the disclosures made by PC Saddique about firearms officers saying, 'Let's go down to the local Mosque and shoot the Pxxi kids'.
- The minutes record that PC Saddique said these were the comments of specific officers, but no witnesses would come forward. DCC Spittal asked for specific information on this allegation so that the matter could be investigated.
- D20 626. DCC Spittal gave evidence to the ET in which he said, '*...this is a very serious allegation, I asked PC Saddique to provide details of the officers who had witnessed these comments in order that I could approach them to provide me with evidence that would enable me to investigate these allegations. He was unwilling to provide details at the meeting. Post the meeting, in writing through his Federation friend, he was asked again to provide witness details as described earlier in this statement.*'
- T140 627. In response to the request made by DCC Spittal during their meeting of 24 October 2014, PC Saddique eventually provided the name of a 'witness' to the racist comments that have been alleged to have been said. On 5 January 2015,

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PC Saddique sent an email to [REDACTED] (personal assistant to DCC Spittal) in which he named PC [REDACTED] Coates of the roads policing unit as being the witness.

D13

628. In his statement to the ET, Supt Green said that he tasked PSD officer [REDACTED] to interview PC Coates and ascertain what evidence he may be able to provide. However, he said that PC Coates had told [REDACTED] he had no knowledge of the incident.

D358

629. [REDACTED] interviewed PC Coates on 9 March 2015 and asked him if he had any knowledge of the 'shoot Pxxi kids' comments. [REDACTED] prepared an officer's report in respect of his meeting with PC Coates. In that report he recorded, *'I asked PC Coates whether he had any knowledge of comments being made about shooting people outside a mosque. PC Coates was adamant that he had not heard anyone making such comments, he stated that if he had heard a colleague making such comments he would have challenged it'*

S12

630. IOPC investigators spoke with PC Coates on 1 June 2018 and obtained a statement from him. When asked about the alleged racist comments, he said, *'The second point I have been asked about was regarding comments that Nad said I had told him about. This was in relation to a [REDACTED]. The comments were about going to a mosque and shooting kids. The comments are unacceptable and the conversations Nad said happened did not take place. I never said those things to Nad. Had anything like this ever being said in my presence, I would have refused to have work with him [REDACTED] and reported him to supervision.'*

631. [REDACTED] has retired from Cleveland Police. PC Saddique is not a witness to what he alleges [REDACTED] said, and the evidence of PC Coates does not support the assertion made by PC Saddique that [REDACTED] made these comments. On this basis, [REDACTED] has not been spoken to by the IOPC.

Accounts provided by Supt Green

632. The various accounts provided by Supt Green to this investigation and the ET are somewhat contradictory to what PSD did when investigating the comments alleged by PC Saddique about the 'shoot Pxxi kids' comments.

D33

633. In Supt Green's statement to the IOPC dated 27 March 2017 (para 11), he said it was his belief that [REDACTED] had been 'specifically tasked' to speak with PC Saddique about the comments, but that [REDACTED] 'had not taken details of the allegation.'

In paragraph 17 of the same statement he said that [REDACTED] had 'attempted to obtain information' from Saddique about the allegation'.

In paragraphs 26-28 he said, *'I expected [REDACTED] to speak directly to PC Saddique about this allegation when he conducted a witness interview with him. I believe that [REDACTED] omitted to raise this allegation with PC Saddique in error. I do have a recollection that I asked [REDACTED] to ensure he investigated this matter after I realised that I had not received an update regarding this specific allegation. This conversation took place in my office. I asked [REDACTED] to review the recording of his interview with PC Saddique to establish what, if anything, PC Saddique had said about this allegation during the interview. I*

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recall feeling disappointed that [REDACTED] had not addressed this allegation and that I had to raise it with [REDACTED] I emphasised to [REDACTED] the importance of speaking to PC Saddique to ensure that it was properly addressed'

634. During his interview with IOPC investigators, Supt Green was asked what investigation had taken place in respect of the disclosures by PC Saddique. He said, *'I tasked [REDACTED] as the DI in the counter corruption unit. Erm, [REDACTED] was the one who tasked [REDACTED] specifically to do it.'*

635. When asked to clarify and explain his earlier accounts that suggest PC Saddique had not been questioned about the 'shoot Pxxi kids' comments by [REDACTED] [REDACTED] he said, *'So I asked him [REDACTED] to go away and listen to the, to the recording again and come back and tell me exactly what he did say about it. He came back and said, 'actually, erm, I've cocked up. I haven't asked him about it'. So I said right, you need to get the wheel back on. You need to do it with some urgency. Erm, and I think he'd spoken to Nad (Saddique) on the telephone erm not long before we'd had that conversation so his intention was to get back in touch with Nad to do this particular allegation. Erm, to try and expedite it. ...He's made a mistake, a genuine and honest mistake but something that he's been asked to do, he's not done.'*

He further stated, 'When I find out he hasn't asked about it, erm we try and get the, the, the, the thing back on the rails and he contacts Nad I believe by telephone.' Supt Green said that he wasn't present when [REDACTED] made a telephone call to PC Saddique to ask him about the comments and only believes that he made such a call because that is what [REDACTED] told him he was going to do. The IOPC have not been provided with any written record of such a telephone call being made.

636. Supt Green was asked whether anyone else was ever tasked to visit PC Saddique and question him about the comments. He replied, *'Not by me.'*

Chronology post 24 October 2014

(Date of the meeting between DCC Spittal and PC Saddique)

D249

637. An internal Cleveland Police report prepared by Supt Green provides evidence that DCC Spittal had asked him for an update on the issues raised by PC Saddique during their meeting on 24 October 2014.

The request for an update from DCC Spittal appears to have prompted Supt Green to conduct additional enquiries around the racist comments allegation. The following emails are contained within the report prepared by Supt Green and subsequently sent to DCC Spittal on 1 December 2014.

638. At 4pm on 14 November 2014, Supt Green sent an email to Insp. Robson (page 24 of D249) in which he said, *'Another issue that has been raised by Nad was comments made by unknown officer(s) of threatening to drive past a Mosque and shoot Asian kids – not sure if you have any knowledge of this one?'*

639. Insp Robson responded to Supt. Green in an email dated 17 November 2014 at 6.49am (page 18 of D249). He told Supt Green that he was not aware of the comments and that PC Saddique had not mentioned them to him.

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640. Supt Green sent an email to Insp. Robson dated 26 November 2014 at 11.35am (page 17 of D249). He said, *"I think we have hit a dead end with this – is there anyone else in RPU (other than yourself, obviously), who has been there long enough and in the relevant role to potentially have knowledge of it, assuming it was ever disclosed previously of course."*
641. Insp Robson sent an email response to Supt Green at 3.18pm on 26 November 2014 (page 17 of D249). He expressed concerns regarding asking staff about the disclosures – saying that because of the lack of information from PC Saddique, it was unlikely that anyone would admit to hearing anything and that there was a danger of causing animosity between staff.
642. Supt Green responded to Insp Robson via email at 1656hrs on 26/11/14 (page 16 of D249). He said, *'To assist, the question I am trying to establish is whether or not this was ever reported at a management level within RPU. I wouldn't advise asking about this generally, but if you are able to make a discreet enquiry to a supervisor who a) has been within RPU for a number of years b) would likely have knowledge of this c) can be trusted to deal with the request in confidence, then we may be able to gain some clarity around the issue.'*
643. Insp. Robson responded to Supt Green with the result of his enquiries. In an email dated 27/11/14 at 0851hrs (page 16 of D249), he said that he had asked PS Hatton (RPU) about the comments who had told him the allegations from Saddique were *'utter nonsense and without substance.'* Insp. Robson suggested that Saddique be asked to substantiate his claims
644. Supt Green also made email enquiries with Supt Thornton. In an email sent at 1611hrs on 14/11/14 (page 24 of D249), he said, *'I recall that Nad raised this matter during one of your meetings with him, can you recall the details?'*
645. Supt Thornton responded to Supt. Green's enquiry at 0454hrs on 17/11/14 (page 23 of D249). He told Supt Green, *'...I managed to get sat down with Nad on the 2/2/14 and he gave very little detail to support these comments. I pushed and he did briefly talk about the "shooting Asian kids" comment but was very uneasy doing so. I pushed for more from him and all he would indicate it was from retired officers and that he wanted to move on. I felt there was a bigger piece of work to do with Nad and rather than loose [sic] his trust and confidence we moved onto other subjects'*
646. The updates that Supt Green provided DCC Spittal within his report included the racist comments allegation. Supt Green told DCC Spittal, *'This matter first came to our attention from Supt Thornton's interaction with NS, the first attachment (to Supt Green's report) refers to this disclosure. It was again brought up by NS when ██████████ interviewed him in relation to his allegations, although this was provided as background material by NS prior to the conversation being recorded, as it didn't form part of the current matters. In essence, the context in which it was described was that it was historical in nature.'*
647. Supt. Green informed DCC Spittal that Insp. Robson and Insp. Hatton did not have any personal knowledge of the comments and that without more information from PC Saddique, it would be difficult to probe further.

Accounts provided by Supt Green

D33

648. In his written response of 27 March 2016, Supt Green stated that enquiries were made with PSD to establish whether a complaint of this nature had been previously lodged (within the RPU), with a negative result; the longest serving officer in the RPU was also asked whether he had any knowledge of the incident, and confirmed that he did not. He stated:

“This information was reported back to me and I accepted that we had reached an impasse. My view was that no additional, proportionate investigative steps could be taken. PC Saddique had served on the Roads Policing Unit for approximately 15 years so the matter could have occurred any time during that period. Had PC Saddique provided more information or identified the person from whom he had been told of the matter, we would have spoken to that individual.

In my professional opinion there was little more we could do to investigate this allegation without more specific detail from PC Saddique and this was not forthcoming.”

649. In the misconduct interview with the IOPC, Supt. Green was asked if his email enquiries in the November had only been conducted because he had been asked for an update by DCC Spittal. He said, ‘*It might have been that. Yeah.*’

650. Supt Green was asked whether it was appropriate for him to conduct an investigation via email with the firearms unit when part of Saddique’s allegations had been that firearms supervisors and colleagues ‘failed to confront or deal with’ the alleged comments. He replied,

‘If you think how long the scope so, so Nad had been in that department what ten years ish probably longer. Could have happened any time in those ten years. If you think of how many officers, it’s a big department. How many officers had been and gone and were still there, including the supervisors. Where do you start in terms of, do you start ten years ago and do you work through them methodically each and every one? Completely disproportionate. So to actually go physically and speak, who do you go and speak to?’

651. Supt Green said he believed the emails to Supt Thornton and Insp Robson were appropriate and was a ‘scoping exercise’ to determine whether there was any additional information to assist an investigation. Had there been, then further investigation would have been possible

652. IOPC investigators asked the officer why there had not been any apparent investigation into the matter between the time CC Cheer had asked him to investigate (12 May 2014) and sending the emails to Supt Thornton and Insp Robson in the RPU (14/11/14) - a period of approximately 6 months.

He said, ‘In terms of my oversight, that’s what I’ve given it. Oversight, and in terms of the people involved in that investigation, you’ve got ██████████ who is actually investigating it. Literally. ██████████ is supervising that investigation. Iain Spittal’s aware of it. He didn’t raise it. I was the one that actually picked this out the weeds and, and, and reinvigorated it. So you know if, if your question is, should I have done it sooner; perhaps, but realistically given all the other things that’s going on between June and November, erm, it’s me that’s actually realised

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that that the issue has not been addressed. So if you're asking me should I give oversight, I think I have. That's what I've done

IOPC request for a statement – [REDACTED]

T197

653. On 13 June 2018 the IOPC sent an email to retired [REDACTED] asking him whether he had ever been tasked to speak about the 'shoot Pxxi kids' comments and whether he had ever spoken to Saddique about these comments.
654. [REDACTED] responded to this request on 13 June 2018 and said, '*I can confirm that I was NOT asked to speak to Mr Saddique in relation to his allegation that an officer or officers had made those specific comments. It is my belief that he did mention it during our 'interview' (referring to witness interview of 02/06/14) and that on reporting back to [REDACTED] and Supt. Jon Green I was told that this was an historic incident which had been dealt with although not to Mr Saddique's satisfaction.*'
655. [REDACTED] was not prepared to expand upon these comments or provide the IOPC with an evidential statement – stating that he had already been labelled a 'racist' on social media sites and had concerns for the safety of his family

Analysis of evidence

656. PC Saddique has declined to engage with the IOPC investigation.
657. PC Saddique did not identify either those responsible for or witnesses to the alleged comments when he first made disclosures to Supt Thornton on 2 February 2014.
658. PC Saddique chose not to identify either those responsible or potential witnesses in the email/report he sent to Supt. Thornton on 07/05/14
659. Neither did he disclose the identity of a 'witness' to DCC Spittal during their meeting on 24/10/14
660. It was not until almost a year later – on 5 January 2015, that PC Saddique disclosed the identity of 'witness' PC [REDACTED] Coates to DCC Spittal. Separate enquiries by Cleveland PSD and the IOPC have determined that PC Coates does not support the claims made by PC Saddique.
661. There can be little doubt that the reluctance of PC Saddique to provide this essential information to Cleveland Police made an investigation by Supt Green very difficult.
662. In PC Saddique's evidence to the employment tribunal, he said that it was PC Coates who told him about the racist comments. This conflicts with the recollection of Supt. Thornton (in email T49) who recalls that during a meeting he had with Saddique on 02/02/14, the officer told him, 'I have been in officer's company when they have said words like 'I would drive past a Mosque and shoot Pxxis'
- Supt Thornton has not recorded the disclosures PC Saddique made to him in his diary and only recalls what was said from memory, some three months after his conversation with PC Saddique. The lack of recording by Supt Thornton and the

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refusal by PC Saddique's to engage with the IOPC investigation has made it difficult to be sure of the precise allegations made.

663. As already mentioned in this report, there is a degree of ambiguity in the accounts provided by Supt Green in respect of whether PC Saddique was interviewed by PSD officers about these allegations or not.

The emails sent by Supt Green to ██████████ in advance of the witness interview with PC Saddique on 2 June 2014 indicate that ██████████ was not specifically tasked to question PC Saddique about the 'shoot Pxxi kids' comments.

However, the email from retired ██████████ to the IOPC provides evidence that PC Saddique may have spoken to him about the alleged racist comments prior to the recorded witness interview taking place. This seems to be the recollection of both Supt Green (in his report to DCC Spittal dated 1 January 2015) and ██████████ (in his email to the IOPC on 13 June 2018).

664. If PC Saddique did discuss the incident with ██████████, then it was not recorded in ██████████ officer report (dated 3 June 2014) and there is no reliable record of what he may have said.

665. Supt Green stated in the IOPC interview that he realised the racist comments had not been addressed in ██████████ report and this was confirmed when the audio recording of PC Saddique's interview was reviewed. Supt Green says that he instructed ██████████ to re-contact PC Saddique.

666. The assertion that he had been specifically tasked to speak with PC Saddique about the 'shoot Pxxi kids' comments is refuted by former ██████████. Furthermore, ██████████ says that when PC Saddique introduced the topic to him prior to their formal interview, he reported back (verbally) to Supt Green and ██████████, but was told that the matter had '*been dealt with but not to Mr Saddique's satisfaction*'.

667. Former ██████████ has declined to provide the IOPC with an evidential statement to explain further what may have happened.

668. There has been a considerable passage of time (approximately 4 years), from the date of PC Saddique's disclosures on this matter and the various accounts provided by Supt Green. This may explain the apparent ambiguity contained within his accounts. Due to the passage of time and the reluctance of key witnesses to engage with the IOPC investigation, I have inevitably had to rely upon available documentary evidence to determine the facts of this case.

669. CC Cheer directed Supt Green to conduct an investigation into this matter on 12 May 2014. There is no evidence to indicate that there was any proactive investigation by PSD until October 2014, when DCC Spittal asked Supt Green to provide him with an update on the investigation. That request prompted Supt Green to make a number of email enquiries with the RPU, asking for information.

670. Supt. Green has made the point that Cleveland PSD were at this time inundated with serious complaints from PC Saddique and other officers at the time of the events which are subject of this complaint. My report has outlined the number and frequency of these reports to Cleveland police. As head of department,

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Supt. Green was responsible for ensuring that these were all managed and progressed.

671. Events were moving very quickly at the time Supt Green was directed by CC Cheer to investigate the 'shoot Pxxi kids' comments alleged by PC Saddique.

On 8 May 2014, he was tasked by the Chief Constable to investigate the contents of PC Saddiques letter to the CBPA (corruption matters).

On the same day, PC Saddique made an allegation to Supt Green of bullying by T/Insp Kappel.

On 12 May he had been instructed to investigate the 'shoot Pxxi kids' comments.

On 13 May he had been sent a report by PC Saddique in which serious allegation of corruption were made. (D99)

That report was followed by another from PC Saddique on 20 May making similar allegations (D100)

672. The decision maker may consider that the number and frequency of these allegations contributed to the apparent confusion around whether [REDACTED] had been tasked to interview him about the alleged comments or not.
673. The email evidence detailed within this report indicates that Supt Green certainly liaised with [REDACTED] prior to the formal interview with PC Saddique, and provided instruction. I can see no benefit to any individual officer in deliberately omitting to speak with PC Saddique about the racist comment allegation he had made (other complaints that he was interviewed about on 2 June also contained elements of alleged racial discrimination). It would have been as easy to speak with PC Saddique about the 'shoot Pxxi kids' allegation as to not have done so. This suggests that the omission to speak formally to PC Saddique about this matter may have been an oversight or mistake rather than a deliberate omission.
674. I have considered the manner in which Supt. Green conducted his email enquiries with the FSU during November 2014 and whether this was an appropriate way in which to try and progress the investigation. I have also considered the explanation that he gave during the IOPC interview; that it would have been logistically impractical for PSD officers to interview all officers who may have served within the RPU over the 10 year period that PC Saddique had been in post. And, his assertion that without clear information or direction from PC Saddique, the only reasonable way to have approached that line of enquiry was to directly approach managers within RPU and conduct a 'scoping exercise' to try to gather further information to begin an effective investigation.
675. The explanation provided by Supt. Green may be considered reasonable and that it demonstrates a proportionate approach to information gathering.
676. It will fall to the decision maker to determine whether Supt Green has a case to answer for misconduct or gross misconduct in respect of this matter

- > The allegation that PSD failed to investigate PC Saddique's complaint that Inspector Kappel followed him on 3 July 2014**

Account of PC Saddique

D5

677. In his statement for the ET, PC Saddique stated that he visited the David Lloyd gym on 3 July 2014. Whilst there, he saw T/Inspector Kappel sat with three unidentified men at a table in the club room of the centre.
678. He stated that he left the centre a short while later and saw that T/Inspector Kappel was standing by the main doors. The three males were not with him. He stated that T/Inspector Kappel then got into his vehicle and drove to where he (PC Saddique) was parked, taking a route which "*was not the direct route for Inspector Kappel to leave the car park.*" He stated that T/Inspector Kappel tried to follow him as he drove out of the car park, but was prevented from doing so by the automatic barrier.
679. He stated that he reported this incident to PS Stokeld the same day. He said that PS Stokeld initially told him T/Inspector Kappel had been attending a training day at the gym, but subsequently told him that it had in fact been a supervision meeting. He stated that he believed T/Inspector Kappel had in fact gone to the gym in the hope of speaking to him and/or intimidating him.

PC Saddique's email to PS Stokeld of 3 July 2014

T141

680. At 2129hrs on 3 July 2014, PC Saddique emailed PS Stokeld as follows:
- "At 12.55hrs today 3rd July 2014, whilst leaving David Lloyds gym after my physiotherapy I saw Kappel hovering nearby, it appeared to me he was following me. I saw him climb into a blue ford focus containing at least 3 other males. Was this an attempt to intimidate me or an attempt to attack me as he previously stated he would?"*
681. PC Saddique did not say in his email that T/Inspector Kappel had driven over to where he was parked, or tried to follow him as he drove out of the car park.

Emails regarding how this matter was dealt with

T141
D249

682. PC Saddique's email was forwarded to CI Gill (PSD) at 1126hrs on 4 July 2014. At 1222hrs that same day, she emailed DCC Spittal (page 14 of D249) Supt Green was copied into the email. She informed them:
- "I received this from Mick Robson....I have made arrangements for PC Coates to visit Nad to prevent any further feelings of isolation. Would you like me to look into Kappel's whereabouts at the time mentioned by Nad?"*
683. Later the same day, CI Gill emailed Supt Green and DCC Spittal as follows (page 13 of D249):
- "Just to let you know that Kappel was on Sgt's development day at David Lloyd's on the 3.7.14, I do not believe he was in any way 'following' Nad."*

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684. On 16 July 2014, ██████████ emailed CI Gill as follows (page 11 of D249):

"Had chance to speak with ██████████

1) It was not a course. It was roughly a two hour supervision meeting. Insp Kappel newly appointed to the role and wanted to brief his Sgt's as to his standards and intentions.

2) ██████████ is a member of that Gym (as is Nad and they both routinely come across one another at that gym.) No booking was made as the facility they used was a public space and not a private forum.

3) Professional Development day was for Custody Sgt's and TASCOR Detention supervisors only."

685. On 18 July 2014, Inspector Robson forwarded the following email from CI Gill to PS Stokeld (page 12 of D249):

"I can confirm this was an approved, legitimate business meeting between Kappel and all of his PHT Sgt's. Please can this be relayed to Nad, additionally PSD will not be seizing any CCTV footage relating to this as it would be wholly disproportionate."

Supt Green's report to DCC Spittal dated 1 December 2014

D249

686. In response to a request from DCC Spittal for an update regarding the various complaints and allegations made by PC Saddique, Supt Green prepared a report that was sent to DCC Spittal on 1 December 2014. When dealing with the allegation concerning T/Insp Kappel following him from the David Lloyd gym, Supt Green wrote,

'This has been investigated by PSD and they found that there was no evidence to suggest any intent to intimidate PC Saddique. This matter was explained by Inspector Kappel as a supervision meeting between him and his sergeants, using a public area within Lloyds gym as a venue.'

"I believe that NS was mistakenly told that ██████████ was on a development day (there was one running that day, but not attended by ██████████ but this was later rectified.

NS wasn't satisfied with this explanation and asked that the CCTV at David Lloyd's Gym be checked, which I felt was disproportionate given what we knew about the incident – this was fed back to NS."

(evidence found at page 5 of D249)

The ET judgement

D6

687. This allegation was dealt with in paragraphs 3.223-3.228 of the judgement, as follows:

"Insp Kappel is a member of David Lloyds gym and can use the facilities for meetings. This was the first meeting he had with his sergeants following his promotion... He says "During this visit I did not see PC Saddique." He denies following the claimant's car or going into another car park. Many parts of the premises are covered by CCTV. If there was eye contact and if the blue Ford Focus followed the claimant's car, CCTV would probably show both and prove who was lying..."

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Members of PSD had decided the force was content with the reason why Insp Kappel was there and hence seizing the CCTV would be “wholly disproportionate” Even Insp Kappel agrees this is nonsense in that it would show the car being followed out of the car park, or not as the case may be. We find Insp Kappel did not go to the gym to confront the claimant but, when he saw him, did follow him out of the car park in an attempt to intimidate him...

...On 27th July in an e-mail at 9:13 the claimant wrote to Sgt Stockeld [sic]:

“Have any witnesses been spoken to re my complaint regarding [REDACTED] following me at Lloyds whilst he was there?”

...Sgt Stokeld says:

“As PC Saddique’s welfare officer I have tried to support him as best I can. On numerous occasions I have had to point out I am not involved in his disagreements with Cleveland Police. I have seen him suffer with a whole range of emotions throughout this time. It is clear he has been extremely stressed out at times. I have worried about him and I have tried to engage other services to help him. From the beginning I highlighted big issues of trust and PC Saddique would only engage with PS Blackett and myself. These issues of trust continue and PC Saddique is under the impression that Cleveland Police are out to discredit him.”

We find certain people are out to discredit him. An e-mail from Insp Robson to CI Jackson³² and Supt Thornton on 28th July says Supt Green had asked him to make it clear PSD were not going to investigate the incident and had provided a satisfactory explanation. Sgt Stokeld, a man who we accept was trying to help the claimant, began to think the claimant was imagining things because it did not occur to him PSD and other senior officers were trying to portray the claimant as a person who was an inveterate liar making up stories to support his claims of race discrimination and were doing so in retaliation for his having made such allegations before and to deter him doing so again. We find it surprising and shocking. However we, unlike PSD, draw the inferences to which the primary facts take us rather than making up our minds of [sic] the result we would like to see and then ignoring evidence which does, or might, not fit with such result.”

Account of Supt Green

D40

688. Supt Green provided a written response to the allegations against him on 14 March 2016. He stated:

“This matter was overseen by DCI Gill, the deputy head of PSD, albeit I was sighted on how it was resolved. The decision not to recover CCTV from the locations of this incident... was made by DCI Gill, but I am of the view that this was proportionate given the circumstances and therefore, in my professional opinion, correct.”

D33

689. Supt Green provided a further written response to the allegations on 27 March 2016. He stated that to the best of his recollection, he was away on leave or on

³² CI Jackson has since been promoted to the rank of Superintendent. However, to avoid confusion, she is referred to as CI Jackson in this report, as this was her rank at the time of the events under investigation.

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a course when PC Saddique raised this issue, and did not become aware of the investigation until it was already underway.

690. He stated that a matter such as this would typically be allocated to an Investigating Officer, normally a Detective Constable, who would be responsible for progressing the investigation. He stated that the Detective Inspector in PSD oversaw all investigations, and the Detective Chief Inspector was responsible for ensuring that investigations were progressed expeditiously. He stated that the Head of PSD had little involvement in the day-to-day management of investigations, due to the volume of cases.
691. He stated that PC Saddique did request that CCTV be obtained and reviewed; however, he believed that this course of action was deemed disproportionate given that PC Saddique's initial claim that T/Inspector Kappel was accompanied by "three heavies"³³ had been undermined (it was actually three Detective Sergeants from Cleveland Police).
692. IOPC Investigators interviewed Supt Green under gross misconduct caution on 24 May 2018, and he provided an account consistent with his written response.
693. He explained that CI Gill (based in PSD) had dealt with this matter, and he had had very little involvement with her investigation. He stated that it very quickly became apparent that T/Inspector Kappel had been at the gym for a legitimate reason, and he agreed with CI Gill's decision that it would not have been proportionate or necessary in the circumstances to seize the CCTV footage.

Analysis of the evidence

694. It is important to note that the evidence PC Saddique gave to the ET includes additional details that were absent from his initial account to PS Stokeld.
- In his statement to the ET, PC Saddique said T/Inspector Kappel had driven over to where he was parked and then tried to follow him as he left the car park.
- However, his initial email complaint to PS Stokeld said, "*... whilst leaving David Lloyds gym after my physiotherapy I saw Kappel hovering nearby, it appeared to me he was following me...was this an attempt to intimidate me or an attempt to attack me as he previously stated he would?*" There was no mention of T/Insp Kappel following him through the car park or being in a car. Consequently, the information passed to PSD is unlikely to have prompted consideration of seizing CCTV from the car park areas.
695. In his email to PS Stokeld, PC Saddique said T/Inspector Kappel had left the centre and got into a car with 'three other large males'.
- In his statement to the ET, he said that the three males had left. He did not mention their presence when telling the tribunal how T/Insp Kappel had 'followed him' through the car park.
696. The email evidence supports Supt Green's account that this matter was passed to CI Gill to investigate. Following some initial confusion, she had established that T/Inspector Kappel had been at the gym for a supervision meeting, and the three males in question were his sergeants. The email evidence shows that CI

³³ PC Saddique's email to PS Stokeld of 3 July 2014 stated that T/Inspector Kappel was accompanied by "at least 3 other large males."

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Gill concluded it would be disproportionate in the circumstances to seize CCTV footage from the gym.

697. Supt Green confirmed that, while CI Gill investigated this allegation, he was sighted on the matter and agreed with her decision that it would not be proportionate to seize the CCTV footage.
698. It will fall to the decision maker to determine whether Supt Green has a case to answer for misconduct or gross misconduct in respect of this matter, taking into account the information that was available to PSD at that time.

> **The allegation that Inspector Robson failed to refer PC Saddique to the Forensic Medical Examiner (FME) for stress, but referred him for his back after suspending him from AFO duties**

Account of PC Saddique

D5

699. In his statement for the ET, PC Saddique stated that, following the events of 8 May 2014 (detailed above), Inspector Robson removed his firearms authority on 9 May 2014.
700. He stated that Inspector Robson then decided to refer him to the FME, not about his firearms status, but about his back. He stated that he explained to Inspector Robson that nothing had changed since he last saw the FME about his back; he had not been off work, and had not made any complaints about his back. He stated that he also pointed out to Inspector Robson that he had recently worn two additional ballistic plates for two weeks without complaint. He stated that at his appointment, the FME simply reiterated his previous recommendations.
701. He stated that to his knowledge, Inspector Robson had never sent a white officer to the FME after removing their firearms authority for any other reason than for the FME to make a decision regarding their suitability to carry a firearm.

The ET judgement

D6

702. This allegation was dealt with in paragraphs 3.195-3.196, 3.251 and 4.30 of the judgement, as follows:

“Insp Robson says:

“I do recall asking for PC Saddique to be referred to the FME around the 20th May 2014 (821); Sgt Blackett had asked me what vehicles PC Saddique should be driving... An officer not performing AFO duties would normally take out a traffic car- a saloon BMW. Sgt Blackett and I were both aware a couple of years previously PC Saddique had suffered a back problem and the FME had provided advice that the force should seek to allow PC Saddique to drive one of the 4 x 4 or SMAX vehicles whenever possible... Sgt Blackett wanted to know whether that was still the case... I instructed that as far as possible PC Saddique should be allowed to drive a BMWX5 and I would check that the FMA advice was still current.”

...The claimant had been driving BMW saloons regularly. After his appointment, the FMA he just restated what had been recommended previously. Even if there was a genuine concern about his back, why not kill two birds with one stone, and

save money by referring about his stress as well? Frankly it makes no sense at all, and leads us to infer it was done out of spite. We will be returning to this point."

703. Paragraph 3.251 states:

"As for referral to the FMA, DCC Spittal examined the submission memos of 20th May 2014 which related to his back and 8th July 2014 whilst he was absent from work, his reason being identified as "Stress". He says "In relation to the two referrals it is wrong for PC Saddique to suggest either of these were unjust, both are very clearly focused on enabling managers to provide support to PC Saddique". He misses the point the referral in May singularly omitted to mention stress and was all about a non-problematic historic back injury."

704. Paragraph 4.30 states:

"Insp Robson failing to refer the claimant to the Force Medical Examiner for advice on whether he was experiencing stress but referring him about his back after the claimant had challenged the decision to continue his suspension was victimisation and direct discrimination by Insp Robson."

Account of Inspector Robson

D31

705. Inspector Robson provided a written response to the allegations against him on 24 April 2017.

706. He explained that in 2010, the CDSOU management team decided that each force would only put two operational ARVs on the road at any one time, and utilise firearms officers in an unarmed role when staff numbers allowed. He stated that PC Saddique highlighted that a low saloon car may exacerbate his back problems, and was duly referred to the FME, who advised that he should use the BMW X5 or Ford S-Max vehicles where possible.

707. He stated that in November 2012, PC Saddique was off work for ■ days due to a back complaint, and when he returned, he was placed in a recuperative role in the RPU, as this role would not require him to wear body armour or spend extended periods in a vehicle.

708. He stated that in April 2013, he returned from a year's secondment, during which time PC Saddique had been absent for ■ days due to a back complaint. He stated that PC Saddique spent another period in the RPU following his return, to aid his recovery.

709. He stated that on 23 April 2013, he recorded in his day book that he had met with PC Saddique, who had "*alluded to the fact that his consultant would not even discuss the wearing of body armour with him*". He stated that this caused him concern, and he emailed HR and copied in his managers.

710. He highlighted that Supt Thornton mentioned in his statement for the ET that he had met with PC Saddique on 1 May 2014 to discuss reasonable adjustments when driving certain vehicles.

711. He stated that on 16 May 2014, he recorded in his day book that he had told PC Saddique he would be referring him to the FME for an up-to-date view on his back, which PC Saddique accepted. He stated that PC Saddique sent him a

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follow-up email the next day, which referenced his back problems and the reasonable adjustments that the force could make to support him.

- T152 712. The IOPC have identified an email sent by Inspector Robson to [REDACTED] on 16 May 2014. Inspector Robson wrote, *'I met with Nad Saddique this morning and during the conversation we discussed the various support measures that were available to him should he feel the need, including welfare and counselling support. Nad discussed that he has a support network in the form of his wife and family, his bike and the gym. He says that he feels fine and should circumstances change and he feels the need later, he will let me know.'*
- T170 713. Inspector Robson sent an email to PC Saddique on 20 May 2014, titled *'RE: Meeting with PC 45 Saddique Friday 16 May 14'*. Insp Robson confirmed the subjects that he discussed with PC Saddique on 16 May. These included a number of 'reasonable adjustments' that could be made to accommodate PC Saddique in the work place. He informed PC Saddique that he had spoken to PS Blackett and asked her to accommodate his wish to drive specific vehicles at work to assist his recuperation and also asked her to enquire whether there were any other 'reasonable adjustments' that could be made to support him at work.
- T155 714. On 11 June 2014, Inspector Robson sent an email to PC Saddique (who was at that time on sick leave). He provided the officer with information and documents to assist and enable him to submit a grievance complaint. Additionally, Inspector Robson told PC Saddique,
'As you know I have asked the FME for an up to date assessment in relation to your back and the adjustments I can provide to accommodate your needs but I am waiting for that report. I will of course make all reasonable adjustments to support you at work when you feel able to return.'
715. In his written response to the IOPC, Insp Robson stated that on 19 May 2014, PS Blackett informed him via email that she had spoken to PC Saddique about reasonable adjustments that were required because of his back. He stated:
"Interestingly Sgt Blackett also requests that I contact PC Saddique about his firearms authority then mentions that PC Saddique had said that I 'had been his support and contact since the matter was raised last week, and therefore I (Sgt Blackett) thought this was a reasonable request even though you are occupying the Ch Insp role at present'."
- T171 716. The IOPC have identified the email from PS Blackett to Insp Robson, which is dated 19 May. In her email, she confirmed that she had spoken with PC Saddique about 'reasonable adjustments' within the work place. It had been agreed that he could use specific police vehicles to assist his return to work – an arrangement with which he was happy with.
717. Insp Robson stated that PS Blackett came to see him at 6.15am on 20 May 2014 to discuss her email, following which he decided to refer PC Saddique to the FME for current guidance on his back problems and any reasonable adjustments that were required. He stated that he considered it his duty to consider PC Saddique's welfare in the circumstances.
718. He stated that PC Saddique chose not to disclose the reason for his absence between 10 and 16 May 2014, but *"I know from previous interactions with HR colleagues that usually referrals for stress related matters are made after a period of a few weeks, 28 days is usually quoted, and sometimes it is left until an*

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officer is moved from the workplace if the workplace is one of the causes of the stress. This is because a more meaningful referral is often achieved in this was the case.”

719. He stated that on 17 June 2014, he emailed HR to request that PC Saddique be referred to the FME for stress, and HR replied advising that referrals for stress would normally be made after 28 days.
720. He stated that on 3 July 2014, HR emailed him to confirm that PC Saddique would be referred to the FME for stress, and a referral was made on 8 July 2014.
721. He stated that he had drafted a detailed return to work support plan for PC Saddique, which demonstrated the level of care and support that he provided to him.
722. He stated that, in his six years as the Head of Firearms Operations, he had never referred an officer to the FME for advice on whether they should carry a firearm, although he had occasionally referred officers for stress. He explained that the FME’s role was to consider medical issues and provide medical advice on an officer’s ability to carry out certain duties. He stated that the decision regarding an officer’s suitability to carry a firearm would fall to a senior officer. He stated that he had seen many GP reports in connection with firearms licensing issues, and many FME reports about stress, and none of these reports expressed an opinion on whether an officer or member of the public was suitable to carry a firearm.
- Y3
Y3a 723. IOPC investigators interviewed Inspector Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.
724. He explained that Supt Thornton made the decision to suspend PC Saddique’s AFO status following the events of 8 May 2014. He stated:
“When you’re suspended from firearms, what do you do when you’re not crewing an ARV? You crew a traffic car. [Inaudible] the ARVs are 4x4x, x5s, the traffic cars are three series BMs, you know, saloons, quite low seat position.”
725. He stated that, as detailed in his written response, in the period shortly before PC Saddique was suspended from firearms duties, PC Saddique’s conversations with him, Supt Thornton and PS Blackett indicated that his back problem was still *“very much alive.”* He stated:
“So, 2012, I know Nad has a back injury. 2013, I know he’s had a prolonged period of absence and we put him on the camera unit and talk about risk assessments. 2014, within two months of him going off, there are three or four conversations. One with Nad and me, that he details his back issues. One with Blackett where she details they’ve had a discussion, and one with Thornton where he details they’ve had a discussion.”
726. He stated that, in the circumstances, it would have been remiss of him not to refer PC Saddique to the FME for up-to-date advice.
727. He confirmed that PC Saddique had told him nothing had changed. He stated:
“And I said, yeah, but I need an up to date view. I need to know that nothing’s changed. It’s alright you saying that. I need to know from the doctor what, what do we need to do. Is he on such medication that means he can’t drive? Because

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there are medications that say you shouldn't drive. So can I even put him put him out in a camera van, or do I need to double-crew him? You know, I don't know, so I need to ask those things."

728. He stated that, with hindsight, he could have referred him for stress when he referred him for his back. He stated:

"Was I worried that looking back, subconsciously, was I worried that I might be accused of referring him for stress when he wasn't on the sick with stress? Yeah, probably. Because he'd gone on the sick with "Prefer not to disclose." [Sigh] Did anybody else think about it? No. Um, did [Occupational Health] think about it? No."

Emails and correspondence examined by the IOPC

729. The IOPC have identified a number of documents that may assist in determining when PC Saddique was referred to the occupational health unit and for what reason.

T152

730. On 16 May 2014, Insp Robson sent an email to [REDACTED] and [REDACTED] (Cleveland police's HR department). He notified them that he had met with PC Saddique earlier that same day and discussed various support measures, welfare and counselling services available to him.

Insp Robson wrote, 'Nad discussed that he has a support network in the form of his wife and family, his bike and the gym. He says that he feels fine and should circumstances change and he feels the need later, he will let me know'.

D284

731. On 9 June 2014, Insp Robson sent an email to Supt Jackson in which he discussed a number of matters in relation to the recent revocation of PC Saddique's AFO permit (page 3 of D284). Insp Robson referred to a recent meeting he had with PC Saddique (date not provided), and his referral of PC Saddique to the FME. He wrote, *"We discussed his recent visit to FME- He stated the FME had not reported any concerns re him being under pressure etc. I explained that I had referred him to FME for an updated view on the back/ car issue. He said nothing had changed since the FME report in early 2012 but I stated I needed to know and understand the risks applicable to him being at work and driving certain types of cars etc. He viewed this referral as further evidence of victimisation and refused to understand that I needed to be updated about medical things."*

T162

732. On 10 June 2014, PS Stokeld produced a 'sickness report' on behalf of PC Saddique which he sent to the Operations management team and the HR department. He reported that the officer had *'reported sick as an 'injury on duty as a result of stress caused by victimisation at work.'*

He informed HR that PC Saddique had been issued with a sick note on 10 June for [REDACTED] days.

T163

733. On 16 June 2014, Insp Robson sent an email to [REDACTED] (HR), asking for confirmation that when he had made a referral to the FME for PC Saddique, it

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had only been in respect of his back and advice on suitability of vehicles he could drive.

██████████ replied the same day to confirm that this was the case and that PC Saddique's appointment with the FME had been on the 5 June.

T163

734. On 17 June, Inspector Robson sent a further email to ██████████ in which he said, *"He is now on the sick with stress as you know. We can now safely refer for consideration of his mind-set etc. can't we? If so, without fear or criticism, then please do. Usual questions about fitness to return to work, if he does what duties can he perform, what if anything can we do to assist him while off or when he returns etc."*

735. On 17 June 2014, Inspector Robson emailed CI Jackson as follows:

"I have confirmed with HR that Nad was only referred to the FME to consider the ongoing issues with his back and only driving certain vehicles... He was not referred to consider his state of mind etc which may assist is [sic] determining suitability to return to firearms.

As he is now off with 'work related stress' it is now entirely appropriate in my view that the FME does consider those matters and what if anything can be offered in terms of support etc. I have asked for him to be referred again."

T162

736. At 12.41pm on 3 July 2014, ██████████ (HR) sent an email to PS Stokeld and Inspector Robson. She wrote,

"As PC Saddique is coming up to ██████████ days calendar days sickness, I will need to look at referring him into Occupational health to see Dr ██████████."

She asked that PC Saddique be informed of the referral and advised that the occupational health unit would send him a letter in due course.

T141

737. At 9.29pm on 3 July 2014, PC Saddique sent an email to PS Stokeld. He referred to a forthcoming appointment he has with the FME and said that his ongoing stress was as a result of *'highlighting serious wrongdoing within Cleveland Police and the way I have been treated since'*.

He said, *'My symptoms and condition is an area I shall discuss with the FME as they are private, please try and understand.'*

The email from PC Saddique was forwarded to Insp Robson on 4 July 2014.

T162

738. On 7 July 2014, Insp Robson sent an email to ██████████ (HR) confirming that PC Saddique had been made aware of the referral to occupational health and the FME.

Inspector Robson wrote, *"When asked about his sickness, etc he stated that he was off with stress as a result of the way he had been treated since making certain allegations but that he would rather discuss those matters with the FME in private."*

Analysis of the evidence

739. The email evidence gathered supports Insp Robson's assertion that he initially referred PC Saddique to the FME for updated advice in respect of a back injury so that the officer could be allocated police vehicles appropriate to his needs.
740. The employment tribunal has said that Insp Robson failed to refer PC Saddique to the FME for stress. However, email evidence highlighted within this report provides strong evidence that Insp Robson did refer PC Saddique to the FME for stress related matters.
741. Insp Robson initiated an enquiry to the HR department on 16 June to confirm that PC Saddique had only been referred to the FME in respect of a back injury and not a stress related illness. When he was told that this was the case, he requested (via email on 17 June) that HR make a referral in respect of stress.
742. An email from HR dated 3 July confirmed that PC Saddique was to be referred to the occupational health unit (as he was now approaching █ days sick leave) and was eligible for referral.
743. Furthermore, the email from PC Saddique to PS Stokeld on 3 July indicates that he was aware of his referral to the occupational health unit, as he mentioned suffering from stress, a forthcoming appointment with the FME and said that he would only discuss his stress related illness with the FME.
744. The advice from Cleveland Police's HR department to Insp Robson was that referrals for stress related matters usually occur after a 28 day period.
745. It will fall to the decision maker to consider whether Inspector Robson has a case to answer for misconduct or gross misconduct in respect of this matter.

> The allegations arising from the firearms training course in June 2014

Account of PC Saddique

D5

746. In his statement for the ET, PC Saddique stated that on 9 June 2014 he was due to attend a routine firearms training course, which all AFOs were required to complete in order to retain their firearms status. He stated that Insp Robson had previously informed him that his firearms training was all still in place.
747. He stated that after he had changed and collected his weapons and ammunition, Subject Officer A approached him and said, in front of his colleagues, "*What are you doing here, I want a word with you.*" He stated that Subject Officer A then walked with him to a corridor near the changing rooms and told him that Insp Robson had said he could not attend the training.
748. He stated that he then had to remove the ballistic plates from his body armour in front of his colleagues. He stated that Subject Officer A could have left the area at this point, but instead stood over him smiling.
749. He stated that Subject Officer A had not spoken to him at the firing range since his ET claim, and he believed he had been trying to provoke him into reacting badly. He stated that the incident left him feeling humiliated and frustrated. He

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stated that any member of the training team could have asked him to contact Insp Robson directly, or Insp Robson could have called his mobile.

750. He stated that he believed Insp Robson was responsible for the decision to stop him attending the training. He stated that he was aware Insp Robson had said that it was CI Jackson's decision, but she would have made that decision based on what Insp Robson had told her. He stated that he believed Insp Robson was motivated either by his race, or by his previous ET claim and subsequent allegations against him.

751. He stated that he was aware of white officers who had been allowed to attend training after their firearms authority had been removed; for example, [REDACTED] had attended training in April 2014.

Account of Chief Inspector Jackson

D17

752. In a statement for the ET dated 24 April 2015, CI Jackson stated that, having reviewed Insp Thornton's decision to suspend PC Saddique's firearms status on 6 June 2014, she decided³⁴ that he should remain suspended from firearms duties.

753. She stated that on 9 June 2014, Insp Robson called her to request clarification as to whether PC Saddique could take part in firearms training. She stated that she confirmed he should not be allowed to train, in line with Supt Thornton's original decision. She stated that PC Saddique was clearly under significant pressure at the time, and it would have been remiss of her to allow him to attend the training in the circumstances, due to the risk posed to him and other individuals during live firing exercises. She stated that she left PC Saddique a voicemail message on 11 June 2014 inviting him to discuss the matter with her, but did not hear back from him.

Account of PS Stokeld

D21

754. In a statement for the ET dated 13 June 2015, PS Stokeld stated that Inspector Robson emailed him at 3.56pm on 9 May 2014 to inform him that PC Saddique was suspended from operational firearms duties and was not to undertake firearms training until further notice. He stated:

"At 17.30hrs the same day I phoned PC Saddique regarding welfare and to inform him that his Firearms Authority had been suspended and his involvement in firearms training. It was established that Insp Robson had also called him earlier to notify him. NS stated that he intended to document the following which he relayed to me, he had been informed by Insp Robson that his Firearms authority had been suspended which he understood but didn't agree with he wasn't aware that it also included any firearms training which he felt was unfair

³⁴ CI Jackson provided her rationale in support of this decision; however, as the decision to suspend PC Saddique's firearms status is not under investigation, her rationale is not included in this report.

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and he was sure that other people within firearms who had their tickets suspended had been allowed to train... I completed my PNB at the time."

755. He stated that on 9 June 2014, he returned to work following a period of rest days to find that PC Saddique had been asked to leave firearms training and was asking to see Inspector Robson. He stated:

"I am unsure why PC Saddique turned up to complete his firearms Core training package when he was aware that his firearms ticket had not been reinstated which included firearms training."

PC Stokeld's pocket notebook entry

D96

756. An entry in PS Stokeld's pocket notebook at 5.30pm on 9 May 2014 states that he called PC Saddique and informed him that he was suspended from operational firearms duties and training.

The ET judgement

D6

757. This allegation was dealt with in paragraphs 3.194, 3.187, 3.207-3.210 and 4.33 of the judgement, as follows:

"...Insp Robson says he recalls "at some point discussing with PC Saddique that whilst he remained suspended from AFO duties I would not be physically cancelling his training on the force system as we did not know how long his suspension might last and cancelling training often causes problems when an officer returns as previously booked training is often unavailable which lengthens delays in a return to operational duties, I used this as a demonstration that I wanted him back."

758. Paragraph 3.187 states (in part):

"Insp Robson sent an e-mail to interested parties informing them the claimant had been suspended from operational firearms duties and he should not attend firearms training. The decision with regard training depends entirely on the circumstances of each case. About half AFOs are able to continue training whilst suspended. Sgt Stokeld did not think his suspension would last for long. He spoke to the claimant later that evening and his pocket notebook says he told him he was not permitted to attend training. The claimant does not remember him saying this. We find Sgt Stokeld is honest but mistaken. He omitted to say anything about training. Insp Robson subsequently confirmed in writing training was not suspended."

759. Paragraphs 3.207-3.210 state:

"On 9th May, Subject Officer A had received a group email from Insp Robson saying the claimant had been suspended from firearms operations and training by Supt Thornton until further notice. He placed a copy in the claimant's training file and markers on the spine of his file indicating his suspension. On 24th May Insp Robson began a holiday and did not return until Monday 9th June. That day the claimant went for normal core firearms training which every AFO has to complete to retain their status.

At around 0830 Subject Officer A contacted Insp Robson and asked whether the claimant should train as his file still showed him suspended. Initially Insp Robson said as he was there he should be allowed to train. He says after the call he

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realised the decision to suspend had been taken at a more senior level and it was not for him to overrule that without recourse to the senior management team (SMT). He rang Subject Officer A back and informed him he would seek out a member of the SMT. He spoke to CI Jackson who informed him the claimant should not train in line with the original decision by Supt Thornton. Insp Robson says "I completely supported her decision and explained my earlier error and that I had immediately reflected upon it." CI Jackson recalls the phone call. She confirmed the claimant had presented to PSD as paranoid and was of the opinion Cleveland Police had a vendetta against him so she was thought he could present a risk to himself and others during live firing on the range. Again, we have the problem of seeing who really made decisions. Insp Robson says Supt Thornton had earlier decided the claimant should not train and CI Jackson confirmed that was still so. He therefore says he cannot be held responsible. We find Supt Thornton at the early point made a temporary decision because he talks of "knocking his training back." He had not branded the claimant a danger to others when he did his NDM on 7th June, only two days earlier. CI Jackson acted on information received about the claimant's paranoia and his vendetta. When asked by Ms Woodward if he thought the claimant might shoot someone Supt Thornton said it was a possibility.

Insp Robson immediately rang Subject Officer A and asked [that] [REDACTED] inform the claimant. [REDACTED] was not at the TTC that day so he asked Subject Officer A to do so. An e-mail at 9:09 from Insp Robson to Subject Officer A includes:

"You rang me earlier and asked whether PC Saddique was able to train whilst suspended from firearms duties - my original e-mail said not. In my haste as the officer had turned up for training I said he could, however after our call I reflected and of course realised that this was not my decision to make and in fact things may have developed whilst I was on leave (returning this morning). I have spoken to Chief Inspector Jackson who has confirmed that PC Saddique cannot conduct firearms training at this point I apologise for the confusion which is entirely my fault and ask that you pass this decision on to the officer and ask him to attend Wynyard to speak to me".

...Insp Robson's statement says

"I can only explain that my original decision was wrong, it had been made on the spur of the moment when I was faced with a mountain of work on my first day back from leave I immediately reflected and made appropriate efforts to rectify the matter as quickly as possible. Any delay in informing PC Saddique was entirely due to my brief error of judgement and not in any way designed to delay informing PC Saddique or to engineer an embarrassing situation for him. To suggest so is insulting and completely wrong".

We do not believe this. The way it was handled produced maximum humiliation but there was no racial content in the conduct. The reason for it was the claimant had made, and continued to make, allegations of race discrimination and earlier victimisation. This was victimisation by Subject Officer A and Insp Robson and direct discrimination by Insp Robson who believed throughout the claimant should not be an AFO due to his Pakistani origin."

760. Paragraph 4.33 states:

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“Preventing the claimant on 9th June 2014 from completing a firearms training course was victimisation and direct discrimination by Insp Robson and victimisation by Subject Officer A as was the manner in which the claimant was informed.”

Account of Insp Robson

D31

761. Insp Robson provided a written response to the allegations against him on 24 April 2017.
762. He explained that whenever an AFO is suspended from operational duties, a separate decision is made about whether they should continue to attend training. He stated that it was much easier all round if the officer continued training, as this meant that they would be ready to resume operational duties as soon as their suspension ended. He stated that in his experience, approximately half of suspended AFO officers were also suspended from training, and the decision depended entirely on the circumstances of each case.
763. He stated that on 9 May 2014, Supt Thornton decided to suspend PC Saddique from all firearms duties with immediate effect. He stated that Supt Thornton's day book entry made it clear that PC Saddique was suspended from both operations and training.
764. I have examined the day book entries of Supt Thornton (page 43 of D77) and found that on 9 May he decided to temporarily suspend PC Saddique's AFO status. The suspension applied to both operational deployments and training.
765. He stated that he spoke to PC Saddique later that day and informed him of the decision to suspend him from all firearms duties.
766. He stated that PS Stokeld's email and pocket notebook entry demonstrated that he had also informed PC Saddique that he was suspended from firearms training. He stated:
- “The judgement seems to suggest that Sgt Stokeld is mistaken about whether he informed PC Saddique about his suspension from training duties but there is no evidence to suggest this is the case. Sgt Stokeld has written a PNB entry, sent me an email and referred to the conversation in his statement followed up by his verbal evidence. Surely that is evidence that contradicts the view expressed in the judgement.”*
767. He stated that in his view, the evidence clearly showed that PC Saddique was aware he should not attend firearms training. He stated that he was on leave when CI Jackson reviewed PC Saddique's suspension, and had no influence over her decision.
768. He stated that he returned to work on 9 June 2014, and at some point Subject Officer A called to inform him that PC Saddique was at the centre expecting to undertake training. He stated that he was struggling to catch up with a large volume of emails, and his initial response was that as PC Saddique was present, he should be allowed to train. He stated:
- “Immediately after the phone call I reflected that I had made a mistake. After thinking about what had been happening before my leave in relation to PC Saddique I realised that the decision about him training was not one which I could make because senior managers had been involved in the decision to suspend his operational and training status. It would therefore have been*

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inappropriate and wrong of me to have altered or changed that decision without consulting and at least updating myself to see if there had been any material changes or developments in my absence.”

769. He stated that he called CI Jackson, who confirmed that PC Saddique remained suspended from operational and training duties and should not undertake training. He stated that he rang Subject Officer A and asked him to inform PC Saddique of the decision. He stated that he did consider telling PC Saddique himself, but did not consider it appropriate in the circumstances to inform him of the decision by phone.

770. He stated that he met with PC Saddique at 10am and documented this meeting in his day book. He stated:

“We had a lengthy conversation during which I apologised for any confusion about his training that morning which had been entirely my fault. PC Saddique and I discussed that he was aware he should not train and we also discussed how I had not, and would not, be, physically cancelling his training on the admin system but that he should not train until informed that the suspension was lifted.”

771. He explained that he did not cancel PC Saddique’s training because firearms training is booked months in advance, and it is often very difficult to know how long a suspension will last. He stated that they had encountered difficulty in the past when trying to reschedule training for officers who had been absent, as the training sessions were already full. He stated that they found it easier and more efficient not to cancel training so that it would be available to the officer as soon as they returned.

772. He stated:

“PC Saddique raised a number of concerns including that I should have been aware that he was training that day and taken action to ensure he did not attend. Clearly, I had been on leave and returned that morning and as I have explained earlier I do not play any part in who trains on what day and in what specialism that is managed by the Sgts and the range admin team. PC Saddique also should realise that he was one of a large number of officers I was responsible for in both the firearms and RPU roles I was covering and my attention and focus was not entirely on him.”

Y3
Y3a

773. IOPC investigators interviewed Inspector Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.

774. He explained that he did discuss with PC Saddique the fact that he was not going to cancel his training, for the reasons he had outlined in his written response. He stated:

“The Employment Tribunal seems to think, and Nad may well have perceived, but I doubt it because I made very, very clear to him why I was doing that. I explained why. I’m not going to cancel it on the system because when we bring you back it’s bloody problematic. And, instead of getting somebody back within a couple of weeks, it might take six months to get somebody back, which costs money because of the people that have to cover et cetera. So I didn’t cancel his training. Nevertheless, he was told, you, you’re suspended from operations and training by me and Stokeld.”

Account of Subject Officer A

D32

775. Subject Officer A provided a written response to the allegations against him on 24 April 2017. He stated that at the time of the course, PC Saddique was suspended from training and operations, and it would have been inappropriate for him to ignore this decision. He stated that he would himself have been disciplined for failing to follow a lawful order, and it would have breached health and safety as well.

776. He was asked whether it was normal practice for a suspended officer to continue with their training. He stated that it would depend on the individual circumstances; sometimes an officer would be suspended from operations but not from training, but sometimes an officer would be suspended from both.

777. He stated that he did inform PC Saddique that he was unable to attend the training, but he did so in an appropriate manner and certainly not in front of colleagues. He stated that CCTV footage was available which supported his account.

778. He stated that PC Saddique initially alleged in his witness statement that Subject Officer A had shouted at him in front of colleagues but changed his version of events on learning that CCTV footage was available.

779. He stated that he recalled saying to a colleague, PS [REDACTED] that he felt he was being "set up" by PC Saddique. He stated that he formed this suspicion because as far as he was aware, PC Saddique had previously been informed that he was not to attend the training.

D5

780. I have considered Subject Officer A's assertion that PC Saddique changed his account at the employment tribunal, when learning of the existence of CCTV footage. PC Saddique's statement to the ET does not say that Subject Officer A 'shouted at' him'. There was no stenographer present at the tribunal and therefore no accurate record of the verbal evidence which PC Saddique gave.

781. There is no evidence to indicate that PC Saddique changed or 'watered down' his evidence when realising there was CCTV footage available.

Y1

782. IOPC investigators interviewed Subject Officer A on 19 April 2018, and he provided an account consistent with his written response.

783. He stated that when PC Saddique arrived at the training centre, he called Insp Robson for advice, and Insp Robson initially told him to allow PC Saddique to proceed with the training. He stated that he then asked Insp Robson to confirm via email that the suspension was no longer valid, to ensure that he was not in breach of the Health and Safety at Work Act or the Firearms Act. He stated that if he had simply let PC Saddique train and someone had been injured, he could have received a substantial fine or even a prison sentence.

784. He stated that Insp Robson called back shortly afterwards and confirmed that he had made a mistake, and CI Jackson had just confirmed that PC Saddique should not be attending the training.

785. He stated that after he informed PC Saddique that he should not be attending the training, he returned to the office immediately. He stated that he certainly did

not stand over him smirking, and the other officers would be able to confirm this. He stated:

"I mean he says there, taking ballistic plates out. Now, again, I would think to myself why's he put ballistic plates in. Ballistic plates were not something that you would ordinarily place in your body armour, unless the Instructor's specifically told you we're doing some training today that requires an enhanced level of protection. Now, at that point, the safety brief hadn't been read out to any of the students so they wouldn't have known to put extra hard plating in their body armour... for someone to turn up and whack ballistic plates in without being told to, that's, that's unheard of... you're just putting neck-end of eight kilos extra weight in your body armour for no reason."

786. He explained that it had been mandatory refresher training, and officers would usually wear standard issue body armour unless they were doing something more dangerous in the training.

787. He stated that he suspected he was being "set up" because *"I've never known an officer who had been suspended from training turn up and get kitted up and appear to be ready to train. I've never seen that before."*

Accounts of other officers present when Subject Officer A approached PC Saddique

S3

788. In a statement dated 26 February 2018, PS Sutherland stated that Subject Officer A said something like, *"Nad, can I have a word,"* and then the two of them moved out of earshot. He stated that it was a normal conversation, and he was not aware of any *"heated words or remonstrations"*

S3a

789. PS Sutherland provided a further statement to the IOPC on 16 August 2018 in which he said that the course in question was a 'normal ARV refresher package'. He said, *'Prior to commencing the course, the course instructor would carry out a safety briefing with the officers attending and explain what the course entailed. There would be a safety briefing for every aspect of the training course. This particular course would have included the necessity to wear ballistic vests where necessary. Officers would attend the course with their own ballistic vest and would be issued with ballistic plates to insert into their vests prior to going on to the firearms range.'*

790. PS Sutherland recalled being on the course that PC Saddique had attended on 9 June 2014. He said, *'I remember Subject Officer A speaking with PC Saddique as soon as he had arrived. To the best of my recollection, we had not been given the safety brief at that time and were not aware of any of the training that we would undertake on that date.'*

791. PS Sutherland states that as the safety briefing had not been given prior to Subject Officer A speaking with PC Saddique, officers who had attended for the course would not have known at that time that ballistic plates would have needed to have been worn.

S15

792. In a statement dated 12 April 2018, PS ██████ stated that Subject Officer A said something like *"Can I have a quick word,"* and he and PC Saddique then went over to an area near the disabled toilets. He stated that PC Saddique left a short while later, and Subject Officer A later told him that PC Saddique should not have been on the course. He stated that Subject Officer A told him that he had

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deliberately taken PC Saddique to the area near the disabled toilets because it was covered by CCTV, and he thought that “*something might happen*” as a result of him speaking to PC Saddique. He stated that the conversation between Subject Officer A and PC Saddique was “*very low key*”, with no raised voices.

S5 793. In a statement dated 26 February 2018, PC Cook stated that he remembered Subject Officer A taking PC Saddique away from the group. He stated that nothing was said in front of the group. He stated that Subject Officer A later told him that PC Saddique would not be training, but he did not say why and it would not have been his place to ask.

S16 794. In a statement dated 9 March 2018, PC Tait stated that he had a faint recollection of Subject Officer A speaking to PC Saddique; however, it was not a heated conversation and he did not hear what they were saying.

CCTV footage of the conversation

D327 795. IOPC investigators have examined CCTV footage from the Uraly Nook police firearms centre. The footage has no audio but shows Subject Officer A and PC Saddique walk into view of the camera together and engage in what appears to be an amicable conversation. Subject Officer A’s body language is not obviously aggressive or overbearing, and neither party are animated or gesticulate towards each other. No other officers are present during the brief conversation. A viewing log has been prepared to evidence the content of the CCTV.

Analysis of the evidence

796. The ET concluded that PS Stokeld was mistaken when saying he had told PC Saddique his firearms training had been suspended. However, PS Stokeld completed a detailed pocket notebook entry on 9 May 2014, in which he recorded that he had told PC Saddique he was suspended from both operational firearms duties and training.

797. Insp Robson initially told Subject Officer A that PC Saddique could participate in the training day. However, that decision was not his to make. CI Jackson provides evidence that it was her decision and, after being asked by Insp Robson whether PC Saddique should be allowed to train, she directed that he could not.

798. If Insp Robson was seeking to victimise or humiliate PC Saddique, why did he initially give ‘permission’ for him to take part in the training and then immediately question his own decision making and take advice from a senior officer? The decision maker may wish to consider whether these are the actions of an officer intending to unfairly prevent an officer training or whether it is an officer who realises he has made a decision that may have been incorrect and was not in any case his to make.

799. PC Saddique has suggested that Insp Robson influenced CI Jackson’s decision and prevented him from training. That is not the evidence of CI Jackson who says that she was supporting Supt Thornton’s earlier decision that PC Saddique should not be allowed to engage in live firearm training.

800. The employment tribunal has made the point that Supt Thornton, ‘*...had not branded the claimant a danger to others when he did his NDM on 7th June.*’ This

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is factually incorrect. Supt Thornton's diary entries have been examined by the IOPC (D77). The officer's NDM risk assessment on 7 June is that PC Saddique should be removed from operational firearms duties and all training with live ammunition stopped for his own protection, public protection and the safety of colleagues.

801. PC Saddique has said that he was 'humiliated' when Subject Officer A told him he could not attend the training. Witnesses to the conversation between Subject Officer A and PC Saddique say that it was handled discreetly, and the CCTV footage appears to support their accounts.
802. There is no evidence to support PC Saddique's account that Subject Officer A stood over him, smiling, while he removed ballistic plates from his body armour. It was not captured on CCTV and none of the officers who attended the course recall this in their witness statements.
803. PS Sutherland has provided a statement in which he says that he believes the safety briefing had not been given to officers prior to Subject Officer A speaking with PC Saddique. The importance of this is that officers who were about to begin the training would not have been told what the training entailed or whether ballistic plates would be needed that day. The ballistic plates would have only been issued to officers prior to taking part in live exercises on the range. If PS Sutherland's recollection is correct, then it is unlikely that ballistic plates would have been issued when Subject Officer A spoke to PC Saddique. Consequently, PC Saddique's assertion that he had to remove his ballistic plates in front of colleagues may be unreliable.
804. It will fall to the decision maker to consider whether Insp Robson and Subject Officer A have a case to answer for misconduct or gross misconduct in respect of this matter.

> The allegation that Inspector Robson arranged the removal of PC Saddique's driving permits

Account of PC Saddique

D5

805. In his statement for the ET, PC Saddique stated that PS Stokeld informed him on 15 October 2014 that his police driving permits had been removed, and he would have to undergo an assessment by the Police Driving School before driving any of the police vehicles.
806. He stated that he had not received any complaints about his driving since he became an advanced driver in 2001; he also held a VIP driving qualification, and had been the top student in a high profile vehicle escort course he had attended in April 2014.
807. He stated that he believed Inspector Robson and/or Supt Thornton decided to remove his driving permits because of his race, and because of his ET claim and the concerns that he had raised about them on previous occasions.

The ET judgement

D6

808. This allegation was dealt with in paragraphs 3.211-3.215, 3.243-3.245 and 4.36 of the judgement, as follows:

“At 09 45 Sgt Stokeld was at Wynyard but in a meeting when the claimant arrived requesting to speak to Insp Robson. At about 10am the claimant saw Insp Robson and asked whose decision it had been to not allow his training that morning. Insp Robson said it was CI Jackson’s but he fully supported her decision. Insp Robson said the claimant should now cover a traffic car. There was no mention of restrictions or having to double crew. The claimant asked how, if it was thought his mental state was such that he could not even do AFO training, he could be allowed to drive high performance vehicles. Insp Robson says:

“This was an issue that I had not considered until that point which is probably remiss of me. The stresses and strains of driving high powered vehicles in response or pursuit situations are well documented and could be described as similar [to] those faced by AFOs during operational deployments. I later spoke to Supt Thornton who drew parity between the AFO and driver status of PC Saddique and informed me he was suspending the driver status of PC Saddique and he should patrol double crewed. The following day Tuesday 10/6/14 I came in early intending to sit with PC Saddique to inform him.”

Insp Robson spoke to Sgts Stockeld [sic] and Blackett saying the claimant had raised the issue of his driving performance vehicles, he would discuss it further and speak to the claimant next day. That day the claimant was signed off with work related stress. Insp Robson also told Supt Thornton.

On 10th June 2014 Supt Thornton send [sic] an e-mail to himself detailing his thought process, the claimant having asked why, if he cannot handle a weapon, could he be allowed to drive high performance cars. He decided again to call on CI Jackson for advice. She advised he should be double crewed to reduce the driving risk. In his NDM Supt Thornton writes under the section “T/R (Threat and Risk)”

“This unfortunate set of circumstances can only add to the view that the officer has of the Force and certain individuals, that by raising his grievance he has a view I am suggesting. I expect that by stopping him driving this will be compounded but he has raised the question and organisationally we must respond to it. By stopping him driving at speed we remove the risk but risk really alienating an officer. Which comes first the public and his own safety or the alienation? Answer every time for me is safety”.

Supt Thornton and CI Jackson now had the claimant branded as a danger to himself and others only because they took as right everything PSD and Insp Robson said about him. The reality is not separate decision makers reaching the same conclusion but tainted information leading to inevitable decisions. The

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decision was all driving permissions would be removed along with AFO permissions.

This was victimisation by Insp Robson who knew throughout how to get senior officers to make the decisions he wanted them to make by feeding them one sided information.

809. Paragraphs 3.243-3.245 state:

“We find this decision, made on 10th June when the claimant went to see Insp Robson at Wynyard, is the most blatant victimisation. Insp Robson cannot credibly say it is obvious advanced driving and AFO duties are so similar in terms of stress factors and he should have drawn the parallel at the time his AFO permit was removed on 9th May but omitted to. He made an OH³⁵ referral about what type of high performance car the claimant should drive on 20th May. Sgt Blackett wrote an e-mail on 19th May never once hinting at there being any need for the claimant to be suspended from driving just because he had surrendered his firearm and been suspended from AFO duties. On 9th June when the claimant challenged Insp Robson about the fairness of what was happening it must have been clear to Insp Robson he was again alleging this was direct discrimination and victimisation. Insp Robson decided to teach him a lesson for having the temerity to question him. This is further victimisation by him and a continuation of direct discrimination.”

810. Paragraph 4.36 states:

“The removal of the claimant’s Police driving permits was victimisation and direct discrimination by Insp Robson.”

Account of Insp Robson

D31

811. Insp Robson provided a written response to the allegations against him on 24 April 2017.

812. He stated that during a meeting with PC Saddique on 9 June 2014, PC Saddique asked what duties he should perform while he was suspended, and he replied that he should work unarmed on the RPU. He stated that PC Saddique then asked whether he was able to drive high performance vehicles.

813. He stated that this was *“a very pertinent and valuable question and one that I had not really considered before... the driving of vehicles was something that should have considered by both decision makers and by myself at an earlier stage. There are distinct similarities between firearms duties and driving high performance vehicles in certain situations...”*

814. He stated that he sent PC Saddique home early on welfare grounds, and promised to update him the following day.

815. He stated that he emailed Supt Thornton and CI Jackson about this issue and later spoke to Supt Thornton, who stated that PC Saddique should be double crewed so that his partner could drive. He stated that he considered this a good solution, as it would allow PC Saddique to continue to perform operational duties, and would mean that he would have the support of another officer during

³⁵ Occupational Health.

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what could be long and stressful shifts. He stated that he later spoke to CI Jackson, who agreed with the decision. He stated:

“When I discussed the driving vehicles matter with both Supt Thornton and Ch Insp Jackson I did not seek to influence their decision making in any way, nor would I attempt to do so. Both officers are extremely experienced and in my view are not the type of officers who would influence in such a way. I also note from their evidence at the Employment Tribunal that neither have suggested I influenced them in any way. I have no motive to do so, in fact just the opposite as by double crewing two officers in a traffic car I was in fact depleting my own RPU capability and the capacity to deal with ongoing incidents.”

816. In closing, he stated:

“On a personal level, to be accused of being racist has destroyed me and had a massive effect on my health and mental wellbeing. I have been absent from work for some time and am beginning to question my future with Cleveland Police.

Throughout my dealings with PC Saddique I treated him in exactly the same fashion as I would anyone else, other than after the 2010/11 grievance and ET process I made notes of our conversations. That was as a result of the issues he had raised then. I always treated PC Saddique with dignity and respect and I gave him endless hours of my personal time when we discussed his back health and other matters, including his development within CDSOU.”

Y3
Y3a

817. IOPC investigators interviewed Insp Robson under gross misconduct caution on 20 February 2018, and he provided an account consistent with his written response.

818. He explained that, in his view, PC Saddique had raised a valid point when he asked why he was allowed to drive high performance vehicles when he was suspended from AFO training due to stress. He expressed the view that the two roles were very similar, and it was remiss of him and senior officers not to have considered this previously.

819. He stated that Supt Thornton decided PC Saddique should be suspended from driving, and expressed the view that, in future cases when an AFO had been suspended from duty on grounds of stress, consideration should also be given to whether they were fit to drive.

Statement of Inspector Robson to the tribunal

D19

820. In the statement he provided to PC Saddique’s employment tribunal, Insp Robson said, *‘PC Saddique questioned what duties he should now conduct and questioned whether he should be allowed to drive high performance vehicles at work. This was an issue that I had not considered until that point which is probably remiss of me. The stresses and strains of driving high powered vehicles in response or pursuit situations are well documented and could be described as similar those faced by AFOs during operational deployments. For various reasons documented within my book, I allowed PC Saddique to retire from duty and said I would speak to him tomorrow to clarify things further but that he should undertake unarmed RPU duties. I later spoke to Supt Thornton who drew parity between the AFO and driver status of PC Saddique*

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and he informed me that he was suspending the driver status of PC Saddique and he should patrol double crewed whilst on duty.'

Statement of Supt Thornton

D22

821. Supt Thornton provided an evidential statement to PC Saddique's employment tribunal. He addressed the removal of PC Saddique's driving permit and said, *"On 10th June 2014 I send an e-mail to myself detailing another addition to my thought process. This all falls from the officer having attended the range for training and after having been told he could not train, a query was raised by him as to, if he cannot handle a weapon, how can he be allowed to drive in pressured circumstances?. That Chief Inspector Jackson had advised he was to be double crewed to reduce the driving risk"*.

'Note to self' email from Supt Thornton

D77

822. The 'note to self' email that Supt Thornton referred to in his evidence to the tribunal is dated 10 June 2014 (contained within D77 – diary of Supt Thornton at page 50). The first part of the email contains his thoughts around PC Saddique reporting for training when his AFO status had already been removed (dealt with earlier in this report). He then references an email he received from Inspector Robson who had provided further information regarding the training day incident. Supt Thornton wrote that he had reflected on Inspector Robson's email and, *'Quite rightly the officer is looking for a steer as to what his duties can entail, asking is he allowed to drive. My view to add to a discussion between Insp. and CI due to take place that afternoon was that he should remain within RPU and so as not to be put in a pressured situation, we remove him from driving. The officer is rightly drawing the parallel with the pressure of high speed pursuit driving (maybe we should have removed this status some weeks ago, tempered by the fact we all drive and the risk whilst high is mitigated to a lesser degree as driving is a more repetitive psychomotor skill, called upon more regularly by officers).'*

Supt Thornton wrote, *'By stopping him driving at speed we remove the risk but risk really alienating the officer. Which comes first – the public and his own safety or that alienation? (Answer every time for me is safety).'*

He later wrote in the email that the Chief inspector's decision was to 'double crew' and minimise the risk.

823. The IOPC have been unable to identify the email from Insp Robson which Supt Thornton refers to within his 'note to self' email.

824. Whilst CI Jackson did provide a statement to the ET tribunal, she did not mention any considerations around whether or not PC Saddique's driving permit should have been removed or her eventual decision that he perform duties in a 'double crewed' vehicle.

Email from Inspector Robson to PC Saddique 11 June 2014

T155

825. This email (titled 'Grievance and ongoing support from me'), Inspector Robson addresses what duties PC Saddique may resume when he returns to work. He told PC Saddique,

'Duties -This is now largely irrelevant until you feel able to return to work however I had taken the decision to ensure that you were double crewed with a colleague whilst at work and that whenever possible your colleague would drive an X5 or S-Max in accordance with previous FME reports. As you know I have asked the FME for an up to date assessment in relation to your back and the adjustments I can provide to accommodate your needs but I am waiting for that report. I will of course make all reasonable adjustments to support you at work when you feel able to return.'

Inspector Robson sent a copy of the email to C/I Jackson and Supt. Thornton on 11June.

Analysis of the evidence

826. Whilst the documentation around this allegation is incomplete, the email evidence from Supt Thornton in particular, provides strong evidence that the decision to remove PC Saddique's driving permit did not fall to Inspector Robson. Rather, it was that of CI Jackson (although Supt Thornton's view was that his permit should be revoked).
827. The email evidence from Insp Robson to PC Saddique (11 June) indicates that upon his return to work, PC Saddique would be 'double crewed' with a colleague when driving police vehicles. This email was sent to CI Jackson by Inspector Robson.
828. The decision maker may take the view that regardless of who took the decision, PC Saddique's AFO status had already been removed due to concerns that he may have been suffering from stress, he had not at that time been assessed by an FME and there was a legitimate conversation to be had around driver safety.
829. The decision maker may decide that the email evidence supports the assertion of Inspector Robson that he did not arrange for the removal of PC Saddique's permit and there is no evidence made available to this investigation to indicate he tried to influence the decision making of Supt Thornton or CI Jackson.
830. The decision maker will decide whether there is a misconduct or gross misconduct case for Inspector Robson to answer.

> Next steps

831. The decision maker will now set out their views about the investigation outcomes. The decision maker will record these on a separate opinion document.
832. The decision maker will also decide whether any organisational learning has been identified that should be shared with the organisation in question.

> **Criminal offences**

833. On receipt of my report, the decision maker must decide if there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related. If she decides that there is such an indication, he must decide whether it is appropriate to refer the matter to the CPS.

834. I have not identified any offences for the decision maker to consider.

Nadeem Saddique

Investigation into allegations that
Cleveland Police officers victimised
and racially discriminated against
former PC Saddique

- > Independent investigation report
- > Appendices

> Appendix 1: The role of the IOPC

The IOPC carries out its own independent investigations into complaints and incidents involving the police, HM Revenue and Customs (HMRC), the National Crime Agency (NCA) and Home Office immigration and enforcement staff.

We are completely independent of the police and the government. All cases are overseen by the Director General (DG), who has the power to delegate their decisions to other members of staff in the organisation. These individuals are referred to as DG delegates, or decision makers, and they provide strategic direction and scrutinise the investigation.

> The investigation

At the outset of an investigation, a lead investigator will be appointed, who will be responsible for the day-to-day running of the investigation on behalf of the DG. This may involve taking witness statements, interviewing subjects to the investigation, analysing CCTV footage, reviewing documents, obtaining forensic and other expert evidence, as well as liaison with the coroner, the CPS and other agencies.

They are supported by a team, including other investigators, lawyers, press officers and other specialist staff.

Throughout the investigation, meaningful updates are provided to interested persons and may be provided to other stakeholders at regular intervals. Each investigation also passes through a series of reviews and quality checks.

The IOPC investigator often makes early contact with the CPS and is sometimes provided with investigative advice during the course of the investigation. However, any such advice will usually be considered to be confidential.

> Investigation reports

Once the investigator has gathered the evidence, they must prepare a report. The report must summarise and analyse the evidence, and refer to or attach any relevant documents.

The report must then be given to the decision maker, who will decide if a criminal offence may have been committed by any person to whose conduct the investigation related, and whether it is appropriate to refer the case to the CPS for a charging decision.

The decision maker will also reach an opinion about whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was

unsatisfactory. The decision maker will also decide whether to make individual or wider learning recommendations for the police.

> **Misconduct proceedings**

The report and decision maker's opinion must be given to the appropriate authority (normally the police force) responsible for the individuals to whose conduct the investigation related. The appropriate authority must then inform the decision maker whether any person to whose conduct the investigation related has a case to answer for misconduct or gross misconduct, or no case to answer, or whether any such person's performance was unsatisfactory, and what action they propose to take, if any. The decision maker must consider whether the appropriate authority's response is appropriate, and has powers to recommend or ultimately direct it to bring misconduct proceedings or unsatisfactory performance procedures (UPP).

Unsatisfactory performance will be dealt with through the police force's UPP. UPP is generally handled by the person's line manager and is intended to improve the performance of both the individual and police force.

> **Criminal proceedings**

If there is an indication that a criminal offence may have been committed by any person to whose conduct the investigation related, the IOPC may refer that person to the CPS. The CPS will then decide whether to bring a prosecution against any person. If they decide to prosecute, and there is a not guilty plea, there may be a trial. Relevant witnesses identified during our investigation may be asked to attend the court. The criminal proceedings will determine whether the defendant is guilty beyond reasonable doubt.

> **Publishing the report**

After all criminal proceedings relating to the investigation have concluded, and at a time when the IOPC is satisfied that any other misconduct or inquest proceedings will not be prejudiced by publication, the IOPC may publish its investigation report, or a summary of this.

Redactions might be made to the report at this stage to ensure, for example, that individuals' personal data is sufficiently protected.