

Investigation name:	Operation Forbes: PC Nadeem Saddique
IOPC reference:	2016/060323

> Summary of IOPC conclusions

A summary of our conclusions and our rationale is set out below.

> Chief Inspector Andrew Huddleston

> Allegations

It is alleged that Chief Inspector (CI) Andrew Huddleston may have breached the standards of professional behaviour.

1. It is alleged that CI Huddleston victimised PC Saddique on or about May 2011 by insisting that, if he accepted a position in the motorcycle section, he would have to give up his AFO status.

No case to answer

2. It is further alleged that CI Huddleston victimised PC Saddique by putting him under pressure to accept the vacancy in the motorcycle section and informing him that he may be placed there against his will.

No case to answer

> Subject Officer A (retired)

> Allegations

It is alleged that Subject Officer A (retired) may have breached the standards of professional behaviour.

1. It is alleged that in January 2012 Subject Officer A victimised PC Saddique by preventing him from undertaking a qualification shoot, which impeded him from regaining his VIP/Close protection status.

No case to answer

2. It is further alleged that in 2013 Subject Officer A victimised PC Saddique by instructing his wife to pretend to film him at the gym.

No case to answer

3. It is also alleged that Subject Officer A, on 9 June 2014, victimised PC Saddique by preventing him from completing a firearms training course.

No case to answer

4. It is further alleged that the manner in which Subject Officer A informed PC Saddique he could not complete the firearms training course on 9 June 2014 was victimisation.

No case to answer

5. Finally, it is alleged that Subject Officer A victimised PC Saddique by instructing, causing or inducing his wife to make a false complaint against him.

No case to answer

> PC Roberts (retired)

> Allegations

It is alleged that PC Roberts (retired) may have breached the standards of professional behaviour.

1. It is alleged that PC Roberts displayed a white circular sticker with a red cross on his gun holster which included the words "Muslim" and "Crusade".

No case to answer

2. It is further alleged that when PC Roberts was questioned on the sticker by a colleague he said he was on a crusade and wanted to be challenged.

No case to answer

> Inspector Michael Robson

> Allegations

It is alleged that Inspector Michael Robson may have breached the standards of professional behaviour.

1. It is alleged that Inspector Robson was overheard by another officer to say “I’ll get that black c*** out of firearms”.

No case to answer

2. It is further alleged that Inspector Robson was overheard by another officer discussing how he would try to remove PC Saddique from firearms as a “P***” should not be in the firearms unit.

No case to answer

3. It is also alleged that Inspector Robson directly discriminated against PC Saddique by insisting that if he transferred to the motorcycle section he would lose his Authorised Firearms Officer status.

No case to answer

4. It is alleged that Inspector Robson directly discriminated against PC Saddique by failing to put in place a personal development plan including opportunities showing aptitude for VIP work.

No case to answer

5. It is alleged that Inspector Robson directly discriminated against PC Saddique by failing to refer him to the Force Medical Examiner for advice on whether he was experiencing stress, but referred PC Saddique about his back problem, after PC Saddique challenged the decision to continue his suspension from AFO duties.

No case to answer

6. It is further alleged that Inspector Robson directly discriminated and victimised PC Saddique by preventing him from completing a firearms training course on 9 June 2014.

No case to answer

7. It is alleged that Inspector Robson directly discriminated against PC Saddique by removing his driving permits on 10 June 2014.

No case to answer

8. Finally, it is alleged that Inspector Robson failed to correctly investigate an English defence League (EDL) sticker on an AFO’s gun holster and destroyed the evidence in November 2011.

No case to answer

> Subject Officer B (retired)

> Allegations

It is alleged that Subject Officer B (retired) may have breached the standards of professional behaviour.

1. It is alleged that Subject Officer B was heard by another officer to say "Who does he think he is, he is just a P****" referring to PC Saddique.

No case to answer

2. It is further alleged that Subject Officer B was heard discussing how he wanted to remove PC Saddique from the firearms unit due to his Pakistani heritage.

No case to answer

> Superintendent John Green

> Allegations

It is alleged that Superintendent (Supt) John Green may have breached the standards of professional behaviour.

1. It is alleged that on 9 May 2014 Supt Green victimised and directly discriminated against PC Saddique by informing Supt Thornton that PC Saddique had a history of domestic violence¹, thus influencing Supt Thornton's decision to withdraw PC Saddique's AFO status.

No case to answer

2. It is also alleged that Supt Green failed to investigate a telephone call involving PC Saddique and Inspector Kappel in which Inspector Kappel is said to have been shouting and ranting, which was outlined in PC Saddique's email on 8 May 2014, this was victimisation and direct discrimination.

No case to answer

3. It is alleged that Supt Green failed to investigate matters outlined in PC Saddique's email on 4 July 2014, in relation to the decision not to further investigate the allegation involving Inspector Kappel and PC Saddique at Lloyds Gym.

¹ 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.

No case to answer

4. It is further alleged that Supt Green did not sufficiently investigate the report PC Saddique submitted on 7 May 2014 which identified the “Shoot P*** Kids” allegation

No case to answer

5. Finally it is alleged that Supt Green victimised and directly discriminated against PC Saddique by giving him a notice of alleged breach of the Standard of Professional Behaviour Regulation 15 Police (Conduct) Regulations 2012 and Regulation 16 (Complaints and Misconduct) Regulations 2012 following the complaint by Subject Officer A’s wife.

No case to answer

> Determinations and rationale from the IOPC decision maker

I, Miranda Biddle, acting as the Director General’s delegate, set out in this document my opinion on the matters that the Appropriate Authority (AA) was then required to determine under paragraph 23(6) of Schedule 3 of the Police Reform Act 2002. Those matters were:

- (a) in accordance with regulations under section 50 or 51 of the 1996 Act, determine
 - (i) whether any person to whose conduct the investigation related has a case to answer in respect of misconduct or gross misconduct or has no case to answer, and
 - (ia) whether or not any such person’s performance is unsatisfactory, and
 - (ii) what action (if any) the authority is required to, or will in its discretion, take in respect of the matters dealt with in the report, and
- (b) determine what other action (if any) the authority will in its discretion take in respect of those matters.

In this case, the allegations were of racial discrimination and victimisation. The relevant Standard of Professional Behaviour is: Equality and Diversity

“Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly”.

My view was that there is no case to answer in respect of any of the six subject officers. I set out in more detail below my rationale. In reaching my view I have taken into account all the relevant evidence set out in the IOPC’s independent investigation report. The fact I may not have referred to a particular piece of evidence does not mean I have not considered it.

In reaching my view I have kept in mind the case to answer test as set out in the IOPC statutory guidance. I have also had regard to the Home Office Guidance in relation to Police Officer Misconduct, Unsatisfactory Performance and Attendance Management Procedures (hereafter referenced as the HOG), and the College of Policing Guidance

on outcomes in Police Misconduct Proceedings. I have taken into account the Police Code of Ethics, and the IOPC Guidelines for Handling Allegations of Discrimination.

I recognise that conflicting evidence can be evaluated in a number of ways. I have sought to focus on the question of whether a reasonable tribunal could accept the evidence least favourable to the officers. I have reminded myself that where there are two conflicting accounts, neither of which are implausible, incredible or otherwise incapable of belief, such that the dispute could only properly be determined by a tribunal hearing all the evidence then it would usually be appropriate to find a case to answer.

In respect of allegations of discrimination, I have reminded myself that the issues are whether the complainant, Nadeem Saddique, a BME former police officer, received less favourable treatment and, if so, whether that less favourable treatment was on the grounds of race. In respect of victimisation, I have reminded myself that the issue is whether the complainant was subjected to a detriment because he did or was believed to have done a protected act. I have, however, kept in mind that it is not for me to determine whether or not PC Saddique was discriminated against or victimised by the Force as an institution. I focused on the question of whether or not there was now sufficient evidence upon which a reasonable tribunal could find that any of the six individual subject officers breached the Standards of Professional Behaviour.

I am aware, and it is addressed in detail in the investigator's report, that an employment tribunal (ET) in late 2015 reached a number of adverse findings regarding the subject officers. I recognise that these findings were made after hearing all the subject officers, save for PC Roberts, give evidence and be cross-examined. I have taken into account the evidence before the ET and had regard to the findings reached. I have also considered a range of evidence gathered during this investigation, which was not available to the ET.

PC Saddique decided during the course of the investigation to cease engaging with the IOPC. He explained that he had lost confidence in the investigation due to delay and changes in personnel. It is of course a matter for PC Saddique whether or not he wishes to engage with an IOPC investigation. However, this has necessarily impacted upon the issue of case to answer, as the IOPC has been limited in its ability to clarify aspects of his account in light of evidence gathered since the ET, including in respect of material that may contradict evidence he gave to the ET. During the course of the investigation several attempts were made to engage with PC Saddique and request that he provide a statement. When these attempts were unsuccessful, PC Saddique was provided with an opportunity to engage with the IOPC under Salmon principles. PC Saddique provided a response to the IOPC, but no further evidence was provided to the investigative team. It was felt that the majority of his response pertained to the credibility of character of the subjects and other witnesses, and it has been my view that these matters would be unlikely to be admitted by a panel due to the lack of corroborative evidence and therefore deemed as hearsay. Some additional investigative enquiries were made to explore questions he had raised regarding evidence considered and these have been detailed in the report.

In my view, no reasonable tribunal could find against the officers where the only evidence against them is hearsay evidence from a witness who has declined to attend to give live evidence and has failed to provide evidence that would substantiate allegations made. To avoid repetition, I do not repeat this point below but have taken it

into account where the only evidence in support of an allegation is an assertion made by PC Saddique that is unsupported by any documentary or other evidence.

I also point out at the outset that, in considering the evidence against Inspector Robson and Subject Officer B, I have borne in mind the evidence at paragraphs 66–69 of the investigation report, namely that Chief Inspector Stephenson’s diary indicates that following PC Saddique’s formal grievance in May 2011 there was some bad feeling by Inspector Robson and Subject Officer B towards PC Saddique. The 2011 grievance also made allegations against Subject Officer A. When considering the allegations against Subject Officer A, I have borne in mind that the same diary also indicates the 2011 grievance may have given rise to bad feeling on his part towards PC Saddique. To avoid repetition, I do not repeat this point below.

> The allegations

Allegation 1: officers were heard using racist language about PC Saddique and planning his removal from the firearms unit

This allegation relates to Inspector Robson and Subject Officer B. The alleged breaches would likely be particularised as follows:

Subject Officer B

(a) Was heard in the Black Bull Pub, Yarm, saying “who does he think he is, he is just a P***”.

(b) Was heard discussing how he wanted to remove him from the firearms unit due to his Pakistani heritage.

Inspector Robson

(a) Was heard in the Black Bull Pub saying that he would “get that black c*** out of firearms”.

(b) Was heard discussing how he would remove him from firearms as a “p***” should not be in the unit.

My opinion is there is no case to answer. There are two alleged incidents. The Black Bull incident relates to a conversation between Inspector Robson and Subject Officer B allegedly overheard by Subject Officer A and reported to PC Saddique in 2008 or 2009. The conversation is denied by all the witnesses other than PC Saddique, so his evidence is the only material that supports this allegation.

The second incident relates to a conversation between Inspector Robson and Subject Officer B allegedly overheard by Mr Hutchinson and reported to PC Saddique in 2009. Mr Hutchinson, who appears not to have given evidence before the ET but did provide two statements to the IOPC, says he told PC Saddique he had heard racist comments made about other officers but never heard them made about PC Saddique. Mr Hutchinson also retired before Inspector Robson joined the firearms unit, which makes it less likely he would have overheard Inspector Robson’s conversations. I also note the fact PC Saddique did not make reference to this serious allegation in his grievance against these officers in 2011 or in the first ET claim he made in April 2011.

I have also had regard to PC Saddique's allegation that in May 2011 PC Towse told him Robson did not like him because the Firearms Unit should be for white officers only. PC Towse in his statement to the ET denied that any such conversation took place, or that he heard Inspector Robson make comments of a racist nature. The ET disbelieved PC Towse's denial but the judgment does not explain why they made such a finding.

There is also evidence that tends to point against PC Saddique's allegation that his removal from the firearms unit was for some discriminatory reason:

(a) Mr Kevin Nicholson, College of Policing Firearms Lead, who is an independent expert witness and whose evidence was not available to the ET, strongly supports the view there were issues with PC Saddique's firearms performance such that his removal from the unit would have been objectively justified. I refer to the investigation report at paragraphs 133–138.

(b) There is evidence that Subject Officer B and Inspector Robson arranged for PC Saddique to attend remedial training to help PC Saddique achieve the required standard.

(c) There is evidence from 2008 (see report paragraph 150), which is closer in time to the two itemised incidents above, that Subject Officer B was supportive of PC Saddique's strengths in some areas of his firearms training.

Allegation 2: PC Saddique's application to transfer to the Cleveland Police motorcycle unit

This allegation refers to CI Huddleston and Inspector Robson. The alleged breaches would likely be particularised as follows:

Inspector Robson

(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.

CI Huddleston

(a) Victimised 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.

My opinion is there is no case to answer. In respect of Inspector Robson, there is no cogent evidence he was involved in the selection process for the motorcycle unit or that he influenced CI Huddleston's decision that motorcycle officers could not retain AFO status.

In respect of CI Huddleston, the evidence that he put pressure on PC Saddique comes from PC Saddique's statements only. The assertion that a decision had been made regarding AFO status before PC Saddique transfer to the motorcycle section is supported by the case of PC Ward, who was told he would lose his AFO status four months before PC Saddique's application to join the motorcycle section. The retention of AFO status by PC Pickering was operationally justified due to the subsequent

staffing shortfalls. The evidence of PS Hatton establishes PC Saddique was mistaken about the two other officers he believed had been allowed to retain AFO status.

Allegation 3: Inspector Robson and Subject Officer A prevented PC Saddique from undertaking a VIP qualification shoot in January 2012

This allegation refers to Inspector Robson and Subject Officer A. The alleged breaches would likely be particularised as follows:

Inspector Robson

(a) Directly discriminated against and victimised PC Saddique by preventing him from undertaking a VIP qualification shoot in January 2012.

Officer A

(a) Victimised PC Saddique by preventing him from undertaking a VIP qualification shoot in January 2012.

My opinion is there is no case to answer. The evidence of Mr Nicholson, not available to the ET, establishes that there were issues with PC Saddique's firearms competence. The evidence is that PC Saddique's VIP status was removed because of inconsistent performance. The agreement he reached with the appropriate authority following the first ET claim (COT3) did not direct PC Saddique should proceed immediately to a VIP qualification shoot.

As to Subject Officer A, no VIP shoot had been scheduled for PC Saddique, which obviates the possibility that he prevented PC Saddique from taking part. There is no evidence to gainsay what Subject Officer A says about him not being made aware of any arrangements for a VIP shoot for PC Saddique and there being nothing in PC Saddique's training to suggest such training had been arranged. If Inspector Little did tell PC Saddique he would be able to do a VIP qualification shoot there is no evidence Inspector Little discussed this with anyone else or that he had any say in such matters anyway.

As to Inspector Robson, there is no evidence he was involved in the discussions surrounding what training PC Saddique would receive upon his return to work or evidence that he was involved in preventing PC Saddique from doing any VIP qualification shoot.

Allegation 4: Inspector Robson failed to put in place a Personal Development Plan to demonstrate PC Saddique's aptitude for VIP work

This allegation refers to Inspector Robson. The alleged breach would likely be particularised as follows:

Inspector Robson

(a) 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.

My opinion is there is no case to answer. There is no evidence to suggest Inspector Robson was aware of the COT3 before 16 January 2012. There is evidence in the form

of emails from CI Stephenson indicating that Inspector Little and CI Huddleston would be responsible for delivering PC Saddique's development plan. It was Inspector Little, not Inspector Robson, who was PC Saddique's manager. There is also evidence from Inspector Robson's emails to CI Stephenson that he was actively promoting opportunities for PC Saddique, for example, as Bronze Commander. The ET relied on the fact PC Saddique did not want to be a 'Bronze' although there is evidence he had previously been interested (see investigation report paragraph 309).

Allegation 5: an authorised firearms officer (AFO) displayed an English Defence League (EDL) sticker on his holster

This allegation refers to PC Roberts and Inspector Robson. The alleged breaches would likely be particularised as follows:

Inspector Robson

(a) Failed to correctly investigate an alleged English Defence League sticker on an AFO's gun holster and destroyed the evidence.

PC Roberts

(a) 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".

(b) When questioned by line management about the sticker, PC Roberts responded that he "was on a crusade and wanted to be challenged."

My opinion is there is no case to answer. There is no evidence upon which a tribunal could safely conclude that the alleged words appeared on the sticker. PC Saddique did not see the sticker himself and none of the officers who did see the sticker report these words being present. PC Coates, who was put forward years later by PC Saddique as a witness to the incident, denies having seen such a sticker. Further, there is evidence that the badge was placed on his holster by PC Roberts as part of an attempt to antagonise one of his superiors. There is no contemporaneous evidence that PC Roberts' decision to do so had any racial element.

As to Inspector Robson, the badge was brought to his attention by a different officer on grounds he was concerned about PC Roberts' welfare/mental state. Inspector Robson investigated the badge, and the complaint from PC Saddique about racial connotation did not come until about four weeks after Inspector Robson was first made aware of the sticker. Thus, when Inspector Robson was investigating – and made the decision to dispose of the badge – he was doing so in relation to an incident that had given rise to concern about PC Roberts' welfare and without any evidence or complaint the sticker had any racial connotation.

Allegation 6: the incident at the gym involving Subject Officer A's wife and her subsequent complaint against PC Saddique

This allegation refers to Subject Officer A and Supt Green. The alleged breaches would likely be particularised as follows:

Subject Officer A

- (a) Victimised PC Saddique by instructing his wife to pretend to film him at the gym.
- (b) Victimised PC Saddique by instructing, encouraging or inducing his wife to make a false complaint against PC Saddique.

Supt Green

- (a) Directly discriminated against and victimised PC Saddique by serving a Regulation 16 notice on him in relation to the complaint by Subject Officer A's wife.

My opinion is there is no case to answer. In regard to Subject Officer A instructing his wife to film PC Saddique, I recognise that Mr Collin, a friend of PC Saddique, gave evidence to the ET of a woman filming, or pretending to film, PC Saddique at the gym. I recognise a tribunal could find on the evidence that Subject Officer A's wife filmed or pretended to film PC Saddique at the gym. However, the investigation has not been able to establish any evidence that Subject Officer A instructed his wife to act in such a way. I am not satisfied there is sufficient evidence upon which a reasonable tribunal could find Subject Officer A's wife was acting under her husband's instruction.

In reaching my opinion on this matter I have considered why Subject Officer A's wife might have acted in such a manner. In January 2013, PC Saddique was on sick leave with a back injury. Superintendent (Supt) Campbell, then head of PSD, was informed on 8 January 2013 that PC Saddique had been training in the gym while off sick. The source of the information is disputed. Subject Officer A denies it was him or his wife who informed PSD; the ET found it was them. Subject Officer A again denied it was him in a statement to the IOPC dated 10 May 2019. Subsequently, the investigator was provided with an email sent by Supt Campbell in July 2015 saying it was Subject Officer A who told him PC Saddique was in the gym while off sick.

I have considered whether this evidence, which at face value indicates Subject Officer A was the source, lends support to a case that he also instructed his wife to film PC Saddique. The IOPC has attempted to seek further clarification from Supt Campbell. He has not been forthcoming². Further enquiries with the Appropriate Authority have led to no additional material. The email alone therefore falls to be considered. I have had regard to the fact that, when Supt Campbell wrote his email, he would have been attempting to recall a probably brief conversation of some 2.5 years earlier. It is my opinion that the email alone would not be sufficient for a tribunal to find Subject Officer A instructed his wife to film PC Saddique.

The investigator's report raises a question mark over the evidential value/admissibility of Subject Officer A's denial to the IOPC because he was not under caution and the

² New information – November 2019

The IOPC received an email from former Supt Campbell with additional information on 14 November 2019 – after completion of the investigation report and following determinations made by the IOPC and the Appropriate Authority.

As mentioned above, Supt Campbell had previously not provided a statement or agreed to be interviewed by the IOPC on this matter.

In his email of 14 November 2019, Supt Campbell said that his source of information was not Subject Officer A and, furthermore, that he had not spoken to the officer about PC Saddique being at the gym while sick. He accepted that in 2015 he had told CP legal services it was Subject Officer A but said he had since reflected on this and realised he was mistaken. He is unable to say who the source was but believes it might have been the wife of Subject Officer A or an unnamed member of staff at the police firing range. He is unable to offer any evidence in support of this.

As this information was not received until the determination process had been completed, it was not possible for the decision maker to have regard to it when making her determinations.

email from Supt Campbell had not come to light. When reaching my view on case to answer I have had no regard to issues about admissibility of evidence, which would properly be matters for a competent tribunal to determine.

I now consider whether there is a case to answer that Subject Officer A instructed, encouraged or induced his wife to make a false complaint against PC Saddique. There is evidence that Subject Officer A's wife had considered making a complaint nearer in time to January 2013. There is no direct evidence Subject Officer A encouraged his wife to make the complaint at the time she did, namely around the time PC Saddique made his second employment tribunal claim. My view is that no reasonable tribunal could conclude otherwise than that the reason for the timing of the complaint was her discovery that the allegations against her were to be repeated at a forthcoming tribunal.

With regards to Supt Green, the severity assessment carried out in light of Subject Officer A's wife's complaint was plainly justified, having regard to the low threshold set out in paragraph 19B of Schedule 3. Supt Green was therefore bound to serve a Regulation 16 notice on PC Saddique. His assessment shows he took a balanced view within the wider factual context, recognising both parties may have a wider 'agenda'. He also considered the legality of serving a notice and sought legal advice. While the advice did not specify he must serve a notice, that is the effect of the regulatory framework once the severity assessment has been made. The allegation originally made by PC Saddique was against Subject Officer A's wife only and at a time when Supt Green was not working in PSD. He would therefore have had no involvement in whether or not to also serve a Regulation 16 notice on Subject Officer A back in 2013. There is no issue of lack of consistency. There is no evidence Supt Green sought to 'solicit' a complaint. My view is no case to answer.

Allegation 7: Supt Green failed to investigate PC Saddique's complaint regarding 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

This allegation refers to Supt Green. The alleged breaches would likely be particularised as follows:

Supt Green

(a) 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.

(b) Directly discriminated against and victimised PC Saddique by informing Supt Thornton that PC Saddique had a history of domestic violence to influence the decision to withdraw his AFO status in June 2014.

My opinion is there is no case to answer. The evidence PC Saddique gave to the ET about the phone call with Inspector Kappel on 8 May contains details not included in his contemporaneous report to Supt Green. The email complaint sent by PC Saddique to Supt Green on 8 May 2014 does not contain reference to Inspector Kappel's alleged comment to "f***ing have it out with him", although it does say Inspector Kappel was "shouting and ranting". There is no other evidence of these words being reported to Supt Green at the time and the "f***ing have it out" comment is omitted from other

contemporaneous reports by PC Saddique dated 13 and 20 May. I do, however, note PC Saddique's report to Supt Green sent on 20 May refers to Inspector Kappel threatening to "come and see me" [i.e. PC Saddique], but this was after Supt Green had already tasked Inspector Robson to take management action against Inspector Kappel.

Supt Green had been tasked by the Chief Constable to investigate a serious allegation of corruption made by PC Saddique. After that tasking, evidence indicates, Supt Green learnt of PC Saddique's complaint against Inspector Kappel. Supt Green provided a rationale for dealing with the complaint against Inspector Kappel by way of management action. The complaint was not ignored; it was dealt with by management action. Supt Green set out what action he expected Inspector Robson to take and that Inspector Robson had a sufficient degree of experience over Inspector Kappel to undertake that action. I do not consider a reasonable tribunal could conclude that Supt Green's decision was not made in good faith or was not an appropriate means of resolving the complaint.

I have, however, noted that no evidence has been provided of what management action was undertaken and if this was documented on either officer's personal file following Supt Green's request for Inspector Robson to speak to PC Saddique and Inspector Kappel. I am satisfied that Supt Green's assessment that management action was appropriate is in alignment with The Home Office Guidance, in that he has sought to deal with the allegations in a timely, proportionate and effective way, to ensure considerations have been given to welfare and to prevent a similar situation happening in the future.

However, given the content of the issues involved and the backdrop of previous concerns raised amongst these parties, it is my view that there may have been some minor failings on Supt Green's part. Home Office Guidance indicates that 'management action' should be undertaken by the officer's line manager and that any required improvement action should be placed on the officer's PDR or equivalent. It is clear that Inspector Robson was not the line manager for either PC Saddique or Inspector Kappel and no written note of the discussion appears to have been shared with either party or recorded on their personal records. I do not believe either element amounts to a breach of the standards of professional behaviour but would in my view be an area for discussion in future line management and as an aspect or organisational learning.

I turn to the allegation that Supt Green told Supt Thornton about PC Saddique's history of domestic violence in bad faith. My view is that no reasonable tribunal would conclude that Supt Green's actions were not reasonable. Supt Green notifying Supt Thornton about PC Saddique's entirely out of context reference to a historical domestic violence allegation was reasonable in the context of providing Supt Thornton with the information necessary to determine whether PC Saddique should continue to be permitted to carry a firearm. I recognise the wording of entry in Supt Thornton's notebook, quoted by the ET, that "Green indicated PC Saddique may have been previously involved in D/V issues" perhaps reads differently to how Supt Green says he explained PC Saddique's comment to Supt Thornton, but the evidence indicates the discussion Supt Green had with Supt Thornton as a whole was focused on PC Saddique's welfare.

Allegation 8: Supt Green failed to investigate PC Saddique’s complaint that an officer talked about shooting “P* kids”**

This relates to Supt Green. The alleged breaches would likely be particularised as follows:

Supt Green

(a) Directly discriminated against and victimised PC Saddique by failing to investigate the allegation made in PC Saddique’s report of 7 May 2014 that officers never confronted an armed officer who said they wanted to shoot “P*** kids”.

My opinion is there is no case to answer. Supt Green was tasked to investigate the alleged comment about shooting Pakistani children on 12 May 2014 following PC Saddique’s written complaint. It is evident the investigation into this alleged comment was impeded by PC Saddique’s unwillingness to identify those he alleged to be responsible or name any potential witnesses. This made the investigation by Supt Green difficult to carry out. ██████████ says he was not tasked to ask PC Saddique about the alleged comment, but that PC Saddique mentioned it to him during interview and when he reported this to Supt Green he was told it had been dealt with. ██████████ refused to provide the IOPC with a statement and did not record what was said in his contemporaneous report. While recognising that the documents do not show any progress on this particular investigation between 12 May 2014 and October 2014, Supt Green and PSD generally were engaged in investigating other, also serious, complaints made by PC Saddique at this time. I do not consider any reasonable tribunal could conclude anything other than oversight on the part of Supt Green.

Allegation 9: PSD failed to investigate PC Saddique’s complaint that Inspector Kappel followed him on 3 July 2014

This relates to Supt Green. The alleged breaches would likely be particularised as follows:

Supt Green

(a) Directly discriminated against and victimised PC Saddique by failing to investigate the allegation made in PC Saddique’s email of 3 July 2014 that Inspector Kappel had tried to intimidate him.

My opinion is there is no case to answer. The investigation into this allegation was carried out by CI Gill with Supt Green providing oversight. The account PC Saddique gave to the ET contains details not included in his contemporaneous complaint to PS Stokeld. The allegation against Inspector Kappel as set out in PC Saddique’s email of 3 July 2014 was unlikely to be sufficient to give rise to an indication of a criminal offence or justifying disciplinary proceedings. The complaint made by PC Saddique contains no mention of Inspector Kappel following PC Saddique in his car, which in the circumstances suggests the decision not to seize CCTV, which was agreed by Supt Green, was reasonable. Based on PC Saddique’s original account that Inspector Kappel was “hovering” nearby, the CCTV would have been unlikely to determine the truth either way. It was established during the investigation that Inspector Kappel had a legitimate reason to be at the gym.

Allegation 10: 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

This relates to Inspector Robson. The alleged breaches would likely be particularised as follows:

Inspector Robson

(a) Directly discriminated against and victimised PC Saddique by failing to refer him to the FME for advice on whether he was experiencing stress but referred PC Saddique about his back after he challenged the decision to continue his suspension from AFO duties.

My opinion is there is no case to answer. The email evidence gathered during the investigation supports Inspector Robson's assertion he referred PC Saddique to the FME for updated advice about his back so he could be allocated an appropriate police vehicle. The email evidence also indicates Robson referred PC Saddique for stress. Robson was told by HR that PC Saddique had not been referred for stress and, upon learning of this, he asked for PC Saddique to be referred for stress so his suitability for using firearms could be considered, as well as what could be offered for support. In light of these emails, a reasonable tribunal could not conclude Inspector Robson failed to refer PC Saddique to the FME for advice on stress, or that if he did so fail, it was on grounds of race.

Allegation 11: allegations arising from the firearms training course in June 2014

This relates to Inspector Robson and Subject Officer A. The alleged breaches would likely be particularised as follows:

Inspector Robson

(a) Directly discriminated against and victimised PC Saddique by preventing him from completing a firearms training course in June 2014.

Subject Officer A

(b) Victimised PC Saddique by preventing him from completing a firearms course on 9 June 2014.

(c) Victimised PC Saddique by humiliating him in front of the rest of the training course on 9 June 2014.

My opinion is there is no case to answer. In respect of Inspector Robson, no reasonable tribunal could find misconduct in light of the fact he initially told Subject Officer A that PC Saddique could take part in training. The evidence indicates that it was CI Jackson who directed that PC Saddique could not attend the training. There is no evidence from CI Jackson that her decision not to permit PC Saddique to train was influenced by Inspector Robson. The diary entries made by Supt Thornton are clear that the outcome of the risk assessment carried out two days prior to the training session on 7 June 2014 was that PC Saddique should be removed from training with live ammunition.

As to the allegation of humiliation of PC Saddique by Subject Officer A, the evidence is from PC Saddique only and is unsupported by any other material. The allegation is also undermined by the fact that PS Sutherland says the safety briefing had not taken place when PC Saddique was spoken to by Subject Officer A, which means he would not have been wearing his ballistic plates and so would be unlikely to have had to remove them in front of his colleagues. Witnesses say the conversation was handled discreetly and the CCTV footage does not suggest otherwise.

Allegation 12: Inspector Robson arranged the removal of PC Saddique's driving permits.

This relates to Inspector Robson. The alleged breaches would likely be particularised as follows:

Inspector Robson

(a) Directly discriminated against and victimised PC Saddique by arranging the removal of his driving permits.

My opinion is there is no case to answer. The email evidence indicates that the decision to remove PC Saddique's driving permit fell to CI Jackson rather than Inspector Robson. There is no evidence Inspector Robson tried to influence the decision making of Supt Thornton or CI Jackson.