**Appendix 2**

**Scenario 2**

**Introduction**

Within this scenario, I would invite the Ethics Committee to consider the significance and severity of the alleged use of discriminatory (homophobic) language by a police officer.

The Committee are invited to consider whether or not the singular and derogatory use of a homophobic language by a police officer is to be assessed from the outset as Gross Misconduct or Misconduct.

**Legislation / Guidance**

**Police (Conduct) Regulations 2012 (Schedule 2)**

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

Equality and Diversity: Police officers act with fairness and impartiality. They do not discriminate unlawfully or unfairly.

Authority, Respect and Courtesy: Police officers act with self-control and tolerance, treating members of the public and colleagues with respect and courtesy.

**IPCC Guidelines for handling allegations of discrimination (2015) / Statutory Guidance**

The IPCC expects that conduct matters that involve allegations of discrimination which could have a significant impact on community cohesion or on community confidence in policing should be recorded and referred to the IPCC.

Recordable conduct – A criminal offence or behaviour which is liable to lead to misconduct proceedings and which in either case is aggravated by discriminatory behaviour on the grounds of a person’s race, sex, religion or other status.

**Circumstances**

With a view to furthering police community relations with specific groups and events, the police service arranged a football match with a local football team associated and comprised of members from the lesbian, gay, bisexual and transgender community.

Although conducted outside of regular policing duties, the police officers participating in the event were considered to be on duty and representing their police force. There is therefore an expectation that the officers remain bound by the Police Standards of Professional Behaviour. Any misconduct during the course of the event is therefore considered to be ‘on-duty’ conduct and both recordable and referable to the IPCC where appropriate.

At the closure of the football match, a member of the team playing in opposition to the police force, made a report that an officer had said to them, “*You’d better watch your back Faggot*”. The football player made a witness statement in which they considered the comment to be derogatory and homophobic and not the conduct expected of a police officer who was there with the purpose of furthering relations with the LGBT community.

On receipt of this report, the Professional Standards Department are obliged to consider whether or not if proved, the conduct would amount to gross misconduct, misconduct or neither.

An assessment was duly completed on the basis of the information provided by the witness.

Detective Chief Inspector Simon Hurst