

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 (AS AMENDED)

AND IN THE MATTER OF:

Police Constable 1673 Cai SCIVYER

REGULATION 43 OUTCOME REPORT

Introduction

1. This report is issued pursuant to Regulation 43 of the Police (Conduct) Regulations 2020 (“the Regulations”) following the conclusion of misconduct proceedings concerning Police Constable 1673 Cai Scivyer (“PC Scivyer”). PC Scivyer is a serving Officer at Northamptonshire Police.
2. The purpose of this report is to set out:
 - a) the findings of the panel in respect of the allegations
 - b) the evidential basis for those findings
 - c) the panel’s assessment of seriousness
 - d) the outcome; and
 - e) the statutory and regulatory guidance applied in reaching the decision.
3. The Northamptonshire Police Misconduct hearing has been held in public at Northamptonshire Police Headquarters from 11 to 14 May 2026 and a Public Notice was published to that effect.
4. The Panel comprised the Chair, Temporary Assistant Chief Constable Adam Ward and Independent Panel Members, Melissa West and Sam Wade. Karen Park was the Legally Qualified Person (“LQP”) to the Panel.
5. The Appropriate Authority (“the AA”) was represented by Counsel, Mr Ian Mullarkey.
6. The Officer was represented by Counsel, Ms Fiona Clancy. Also in attendance was the Officers Police Federation Representative, Alan McMahon.

7. The Regulation 30 Notice was served pursuant to the Regulations where it was alleged that PC Scivyer had behaved in a manner which breached the Standards of Professional Behaviour relating to ‘Orders and Instructions’, ‘Honesty and Integrity’ and ‘Discreditable Conduct’, and which collectively or individually, amounted to Gross Misconduct.

The Allegations

8. The details of the conduct as set out in the Regulation 30 notice alleges that:

1.1	At all material times, you were employed by Northamptonshire Police as a police constable having commenced employment on 27th August 2019.
1.2	At all material times you were subject to Northamptonshire Police’s Management of Occupational Road Risk Policy and in particular Page 10 which states that:
1.2.1	<i>A police driver is deemed to be in pursuit when a driver/motorcyclist indicates by their actions or continuance of their manner of driving/riding that: • they have no intention of stopping for the police, and • the police driver believes that the driver of the subject vehicle is aware of the requirement to stop and decides to continue behind the subject vehicle with a view to either reporting its progress or stopping it.</i>
1.2.2	<i>When a situation falls within the definition of a pursuit, officers need to decide whether a pursuit is justified, proportionate and conforms to the principle of least intrusion.</i>
1.3	At all material times, you were held a standard response driving authority. You were not trained in either Initial Phase Pursuit Driving and/ or Tactical Pursuit and Containment.
1.4	On 4 December 2024, you were rostered to work between 19:00 and 07:00.
1.5	During your tour of duty, you received a verbal intelligence briefing from PCSO B regarding a male, Person A, who was suspected of the distribution of drugs when riding an electric scooter. You were provided with the male’s description.
1.6	At approximately 14:20 hrs, you were the driver of a marked police vehicle, in company with PC S, on Wordsworth Road, Daventry. You remained in the vehicle whilst PC S was on foot, when an individual rode past on an electric scooter.
1.7	PC S got into the police vehicle and you immediately followed the individual on the electric scooter, when you:
1.7.1	Activated your blue lights and siren.

1.7.2	Accelerated past the individual and mounted the pavement on Tennyson Road. This was in front of the individual.
1.7.3	Drove in excess of the speed limit.
1.7.4	You dismounted the kerb and followed the individual as the individual rode past you and continued to follow the individual.
1.7.5	Drove past the individual and mounted the kerb and drove on the pavement.
1.7.6	Dismounted the kerb and continued to pursue the individual who was riding on the road
1.7.7	Clipped the kerb with your left hand front wheel.
1.7.8	Collided with the individual and/ or the individual's electric scooter.
1.8	You knew and/ or ought to have known and/ or believed that the individual had no intention of stopping for the police.
1.9	You engaged in a pursuit of the individual as noted at paragraph 1.7 above which you were not authorised to do so and/ or were not trained to do so.
1.10	Following the collision, you spoke with T/PS E and provided information which was false and/ or deliberately misleading when you
1.10.1	stated that PCSO B had informed you that the individual <i>regularly has ear phones on and/ or</i>
1.10.2	Failed to provide an accurate account as to the incident, intending to minimise your actions and/ or place blame on the individual.
1.11	Thereafter on 12 April 2024, you completed a Form 711 Police Vehicle Incident within which you provided false and/ or deliberately misleading information when
1.11.1	you failed to provide information namely that you had followed and/ or pursued the individual and/ or
1.11.2	you stated that the individual you had been provided was that Intelligence from local PCSO is that he wears head/ earphones whilst riding around and dealing drugs
1.12	Thereafter you were summonsed to attend Court having been charged with an offence of driving without due care and attention, contrary to section 3 of Road Traffic Act 1988 and Schedule 2 to Road Traffic Offenders Act 1988, arising from the incident on 12 April 2024.

1.13	On 20 November 2024, you attended Loughborough Magistrates Court and pleaded guilty the offence of driving without due care and attention. You received 3 penalty points on your driving record and were ordered to pay a fine of £110, victim surcharge of £44 and costs to Crown Prosecution Service of £85.
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9. Prior to the hearing, the date of the incident and shift pattern for PC Scivyer, at Paragraph 1.4, were amended by agreement to 12 April 2024 and 10am to 6pm respectively.
10. Similarly, the time of the incident, at Paragraph 1.6, was amended to 15:20.
11. The Particulars of the Misconduct are that:

2.1	The conduct at paragraphs 1.7, 1.8 and / or 1.9. was
2.1.1	Otherwise in accordance with force policy.
2.1.2	Amounted to the commission of a road traffic offence.
2.1.3	Would undermine public confidence in the police.
2.2	The conduct at paragraphs 1.10 and/ or 1.11 was
2.2.1	Dishonest and/ or deliberately misleading in an attempt to minimise your culpability.
2.2.2	Would undermine public confidence in the police.
2.3	Your conduct at paragraph 1.13 would undermine public confidence in the police.
3	The conduct if proved amounts to Gross Misconduct for the following reasons:
3.1	The conduct was dishonest.
3.2	The conduct amounted to the commission of a road traffic offence for which you were convicted.

Standards of Professional Behaviour

12. It is alleged that the conduct outlined at 1.7, 1.8 and/or 1.9 of the above table breaches the following Standards of Professional Behaviour and individually and/or cumulatively amount to gross misconduct:
 - *Orders and Instructions*
Police Officers only give and carry out lawful orders and instructions. Police Officers abide by police regulations, force policies and lawful orders.
 - *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.

13. It is alleged that the conduct outlined at 1.10.and 1.11 of the above table breaches the following Standards of Professional Behaviour and individually and/or cumulatively amounts to gross misconduct:

- *Honesty and Integrity*

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

- *Discreditable Conduct*

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

14. It is alleged that the conduct outlined at 1.13 of the above table breaches the following Standards of Professional Behaviour and individually and/or cumulatively amounts to gross misconduct:

- *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.

The Regulation 31 Response

15. The Regulation 31 Response sets out that PC Scivyer admitted the conduct as alleged, with the exception of:

- Paragraph 1.7.6 – PC Scivyer denied he was in pursuit;
- Paragraphs 1.7.7 and 1.7.8 – admitted but the order of events alleged to have occurred is uncertain. It was PC Scivyer’s case that the individual deliberately swerved onto the path of the police vehicle, forcing the officer to take evasive action, and that the collision occurred as a result of the actions of the individual;
- Paragraphs 1.8 and 1.9 are denied;
- Paragraph 1.10 admitted but only to the extent PC Scivyer spoke to T/PS E. It is denied that PC Scivyer provided information that was either false or deliberately misleading as alleged at Paragraphs 1.10.1 and 1.10.2;
- Paragraph 1.11 - PC Scivyer denied that the content was deliberately false or misleading, as alleged at Paragraphs 1.11.1 and 1.11.2.

16. PC Scivyer admitted that the particulars of the conduct amounted to the commission of a road traffic offence, but limited to the basis of the plea and mitigation offered before the Loughbrough Magistrates Court.
17. PC Scivyer admitted that a conviction for a criminal offence may amount to misconduct.

Preliminary Issues

Legal Argument - Admissibility of Form 711

18. Prior to considering the substantive allegations, the Panel was required to determine an application by PC Scivyer to exclude from the evidence in these proceedings, Form 711, completed by him on 12 April 2024.
19. It was submitted that admission of the Form 711 would cause unfair material prejudice.
20. The AA opposed the application.
21. PC Scivyer and the AA provided written submissions and additional oral submissions.
22. In summary, PC Scivyer submitted the Form 711 should be excluded because:
 - a) It contained an express assurance that information supplied *“cannot be used for any future discipline or criminal procedures without your consent”* and he did not provide his consent;
 - b) The Form was completed for administrative insurance and driving authority purposes;
 - c) He was not cautioned and was not told the contents of the Form could be used against him;
 - d) The Form’s structure, i.e. its word limit, tick boxes and absence of a statement of truth, restricted his ability to provide a full account;
 - e) Its admission would be highly prejudicial, particularly given the seriousness of the dishonesty allegations;
23. In response, and in summary, the AA submitted the Form 711 should be admitted because:
 - a) The assurance cannot reasonably be interpreted as a licence to provide a false or misleading account;

- b) The purpose of the assurance is to encourage frankness, and is not an immunity to dishonesty;
- c) Officers are expected to act with honesty and integrity when completing all police documents in the course of their duty;
- d) No caution was required because no investigation was underway, nor was the Officer being questioned;
- e) Any limitations of the Form can be explored in evidence;
- f) The Form is highly probative and is the Officers contemporaneous account of events.

24. The Panel received legal advice from the LQP in relation to the following:

- a) The strict criminal rules of evidence do not apply to misconduct proceedings. Any evidence may be admitted if it is considered fair and relevant. Evidence may also be excluded where its admission would have an adverse effect on the fairness of the proceedings;
- b) The decision of the House of Lords in the civil case of *O'Brien v Chief Constable of South Wales Police [2005] UKHL 26* is applicable, where it was held that the test for admissibility is based on relevance: *for evidence to be admissible, it must be relevant and evidence is relevant if it is logically probative or disprobative of some matter which requires proof.*”
- c) The applicable test under Paragraph 11.51 of the Home Office Guidance on Police Misconduct Proceedings;
- d) The Panel must have regard to the threefold statutory purpose of misconduct proceedings, as those considerations may weight in favour of admitting probative evidence where dishonesty is being alleged.

25. The Panel determined that the Form 711 should be admitted into evidence in the proceedings and gave the following reasons:

- a) The assurance wording is clearly expressed and is a relevant factor in the assessment of fairness, however the Panel also considered the broader context, including the Standards of Professional Behaviour, which apply to the completion of all documents. The Panel did not accept that the assurance can reasonably be interpreted as permitting PC Scivyer to provide a false or misleading account, and cannot override the fundamental standard of honesty;

- b) At the time the Form was completed no investigation had commenced and PC Scivyer was not being questioned. There was therefore no requirement for a caution;
- c) The structure and purpose of the Form are relevant as to weight but do not prevent its admission;
- d) The Form is the contemporaneous account and is relevant to the issues the Panel must determine. Any potential prejudice can be addressed through PC Scivyer's evidence;
- e) Admission of the Form would not have such an adverse effect on the fairness of the proceedings, or cause PC Scivyer unfair material prejudice, that it ought to be excluded.

Background

- 26. PC Scivyer joined Northamptonshire Police in 2019, prior to which he was employed by the British Army in 2015 as an Ammunition Technician, before joining the Met Police where he commenced his police training.
- 27. At the time of the incident, PC Scivyer was attached to Operation Reassure, which the Panel heard, is a Home Office nationwide funded operation to actively help or support forces to combat anti-social behaviour.
- 28. PC Scivyer had attained Standard Response driving authority, which authorises an officer to respond safely to incidents using response performance vehicles and the use of emergency equipment, for example blue lights and sirens. Standard response drivers are authorised to apply certain exemptions where there is a lawful policing purpose, this can include exceeding the speed limit. It does not include Initial Phase Pursuit Driving or Tactical Pursuit and Containment.
- 29. As a serving constable, PC Scivyer was fully aware that his training did not authorise him in police pursuit.
- 30. On 12 April 2024 PC Scivyer was on shift with PC S ("PC S"), driving a marked vehicle, registration KX72 CVL, when he received a verbal intelligence briefing from PCSO B ("PCSO B") regarding an IC3 male suspected of drug dealing in the vicinity using an e-scooter. A description of the male was given.
- 31. PCSO B subsequently sent a point to point to PC Scivyer that the male had sped past her onto Tennyson Road.
- 32. Whilst on Wordsworth Road, a male matching the description was identified, and an unsuccessful attempt was made to engage with the individual on foot. PC Scivyer then activated the blue lights and siren, but the individual made off.

33. In-car dashcam footage of approximately one-minute in its duration captures what occurred and ends when a collision occurred between the police vehicle and the e-scooter, when the male dismounted and fled the scene, followed on foot by PC S.
34. PS E (“PS E”) attended the scene and took an initial account from PC Scivyer. A Form 711 was subsequently completed and on 16 April 2024, PC S provided a witness statement.
35. PC Scivyer subsequently pleaded guilty to an offence of driving without due care and attention and on 20 November 2024 was sentenced at Loughborough Magistrates Court.
36. The AA’s case is as set out in the allegations and Opening Note and can be summarised that at the material time, PC Scivyer engaged in a police pursuit when not authorised nor trained to do so, during which he caused a collision with the e-scooter which contravened the Northamptonshire Police Management of Occupational Road Risk Policy and breached the Standards of Professional Behaviour in respect of Orders and Instructions and Discreditable Conduct.
37. Secondly, the conduct amounted to a road traffic offence which also breached the Standards of Professional Behaviour in respect of Discreditable Conduct.
38. Thirdly, PC Scivyer gave a dishonest account of his conduct immediately prior to the collision both to PS E and in the Form 711 and in the subsequent witness statement. This conduct breached the Standards of Professional Behaviour in respect of Honesty and Integrity and Discreditable Conduct.
39. The AA thereby submit that by engaging in an unauthorised police pursuit, engaging in criminal misconduct and by providing a dishonest account of his actions, PC Scivyer has engaged in misconduct which is so serious that it amounts to Gross Misconduct and only dismissal would be justified.

Material considered

40. In advance of the hearing the Panel was supplied with the documents, which included a copy of the papers served on PC Scivyer in accordance with Regulation 30 and PC Scivyer’s response under Regulation 31. In determining the disputed facts the Panel had regard to the 96-page bundle of documents which comprised:
 - a) Investigators Report
 - b) In-car dashcam footage
 - c) Dashcam review
 - d) BWV of PS E
 - e) Report of incident dated 12 April 2024
 - f) Occurrence Log

- g) Form 711
- h) Postal Requisition
- i) Signed prepared statement of PC Scivyer
- j) Telematics Report
- k) Endorsement of driving licence
- l) Notice of Financial Penalty
- m) Compliant Stopping of Vehicles
- n) Driver Trainer Procedure
- o) Map showing direction of travel of PC Scivyer's vehicle
- p) Transcript of BWV
- q) HMCTS Common Platform Record of Hearing
- r) Regulation 30 Notice
- s) Regulation 31 Response
- t) Witness Statements of:

- PCSO B
- PC Cai Scivyer
- PC S
- PS E
- Mr TC
- PS PG

- 41. The Panel also considered the AA's Opening Note dated 8 May 2026.
- 42. The Panel considered the submissions made on behalf of the AA and PC Scivyer and the legal advice provided by Ms Park.
- 43. The Panel was also provided with a bundle of 15 character references for PC Scivyer, comprising 20 pages.
- 44. The evidence of PS E was no longer disputed and the Panel were content to dispense with his attendance and have the officers statement read.
- 45. The Panel assessed the evidence given by the live witnesses, namely PCSO B, PC S, Mr TC and PC Scivyer:

PCSO B

- 46. The Panel found the officer to be a credible witness who provided clear and cogent evidence about her involvement in the lead up to the incident and in particular, with regards to the headphones intelligence point. The Panel found that she was clear in her evidence that she told PC Scivyer the individual was known to wear distinctive headphones and the

Panel accepted PC Scivyer's account on this point. The Panel found PCSO B to be a reliable and honest witness.

PC Anna S

47. The witness is the partner of PC Scivyer and made her statement 7 months after the incident. The Panel found PC S's recollection unreliable in parts, particularly where it conflicted with the in-car dashcam footage. PC S made a concession that her own recollection was not accurate when compared with the footage. The Panel found that PC S's evidence as to key events was mistaken and affected by flawed memory. The Panels overall assessment of PC S's evidence was that she was trying to do her best, but was unreliable where her memory conflicted with the footage.

TC

48. The Panel found the witness to be a credible and reliable witness. The Panel accepted the witness was a qualified witness within limits, but carefully confined the scope of his evidence. Before the witness gave evidence the Panel had ruled that the witness could speak about training, pursuit and his observations of the video, but could not speak about the state of mind of the rider or the PC Scivyer. The Panel found him helpful as a witness, within his police driving expertise.

PC Cai Scivyer

49. The Panel found PC Scivyer to be a cooperative and engaged witness but rejected important parts of his evidence as implausible. The Panel found that PC Scivyer did not genuinely believe parts of the evidence he gave and that there was a deliberate attempt to minimise his own actions and place blame on the rider. Whilst the Panel found that PC Scivyer was a proactive officer who was clearly highly regarded by his colleagues and peers, he was not credible on the central disputed issues regarding the pursuit, the rider's awareness and his post incident accounts.

Findings of the Panel (Stage 1)

50. The Panel made findings in relation to the disputed facts at Paragraphs 1.7.6, 1.7.7, 1.7.8, 1.8, 1.9, 1.10 (which encompassed 1.10.1 and 1.10.2) and 1.11 (which encompassed 1.11.1 and 1.11.2).
51. In considering the facts the Panel reminded itself that the burden of proof is on the AA and that the standard of proof to be applied is to the civil standard, i.e. on the balance of probabilities. This means that the Panel must be satisfied that it is more likely than not that the conduct occurred before they can find the alleged conduct is proven.

52. The Panel considered all of the allegations against PC Scivyer, determining first whether the facts as alleged were admitted in whole or in part by PC Scivyer, or whether the AA had discharged the legal burden of proof.
53. The Panel then went on to determine whether any of the facts individually and/or collectively breached the Standards or Professional Behaviour as alleged, and subject to those findings, whether the breaches amount to misconduct, gross misconduct, or neither.
54. The Panel also reminded itself of the relevant guidance from the Home Office Guidance on Conduct, Efficiency and Effectiveness in respect of the balance of probabilities:
- “Conduct will be proved on the balance of probabilities if the persons conducting the meeting or hearing are satisfied by the evidence that it is more likely than not that the conduct occurred. The balance of probabilities is a single unvarying standard (i.e. there is no sliding scale). The seriousness of the allegation of misconduct and/or the seriousness of the consequences for the officer do not require a different standard of proof, merely appropriate careful consideration by the panel before it is satisfied of the matter which has to be established. The inherent probability or improbability of the conduct occurring is itself a matter to be taken into account when deciding whether, on the balance of probabilities, the conduct occurred.”*
55. The Panel reminded itself that it does not need to make a finding on every issue and need only make findings on those issues which it believes to be relevant and material to the allegations.
56. In making its findings of fact, the Panel had regard to Counsel for the AA’s summary of the evidence provided at the hearing, PC Scivyer’s response, the case papers provided and the legal advice from the LQP regarding the test for dishonesty [*Ivey v Genting Casinos* [2017] UKSC 67].
57. Having regard to the legal advice provided to the Panel regarding the legal test for dishonesty, the Panel discerned the following issues for determination:
- (i) What was PC Scivyer’s actual state of knowledge or belief as to the facts; and
 - (ii) Was PC Scivyer’s conduct dishonest by the standards of ordinary decent people.
58. The Panel also received legal advice pertaining to honesty and integrity (case of *Salter v Chief Constable of Dorset Police* [2012] EWCA Civ 1047).
59. The Panel received legal advice on good character, restricted to PC Scivyer’s credibility and propensity, given PC Scivyer has a previous finding against him arising from this incident.

Panel Decision on Findings of Fact

Conduct alleged at 1.7.6 - dismounted the kerb and continued to pursue the individual who was riding on the road; and

Conduct alleged at 1.9 - you engaged in a pursuit of the individual as described within Paragraph 1.7 of the allegations which you were not authorised to do so and/ or were not trained to do so.

60. The Panel's findings in respect of the conduct at 1.7.6 was dealt with when considering the overall pursuit conduct as alleged at 1.9.

61. The Panel reminded themselves of the definition of a police pursuit from the evidence and the Occupational Road Risk Policy, i.e.

'when a driver/motorcyclist indicates by their actions or continuance of their manner of driving/riding that:

- *they have no intention of stopping for the police, and*
- *the police driver believes that the driver of the subject vehicle is aware of the requirement to stop and decides to continue behind the subject vehicle with a view to either reporting its progress or stopping it'*

62. The Panel found both limbs of the definition proven and went on to find the fact proven that PC Scivyer continued to pursue the individual and that he engaged in a pursuit of the individual as alleged at Paragraph 1.9.

63. The facts at 1.7 were admitted by PC Scivyer, save for 1.7.6. The Panel found that the in-car dashcam footage, taken together with the experience of PC Scivyer as an experienced standard response officer conducting routine response policing, were such that he would have been obliged to carry out assessments at all times as to whether the circumstances he found himself, engaged a pursuit.

64. PC Scivyer maintained throughout his oral testimony that he did not believe he was engaged in a pursuit at the material time and did not think it met the definition. He went on to say he personally did not think the individual was fully aware of a request to stop and could not be sure in the moment.

65. The in-car dashcam footage showed the rider move onto the pavement at the moment the police vehicle reached the rider. The scooter could be seen on the road and as the police vehicle approached, the scooter goes onto the pavement.

66. PC Scivyer then drove onto the pavement directly ahead of the rider with lights and siren activated. The police vehicle overtakes and starts turning towards a junction to the right where it mounts the pavement.
67. The rider drove around the police vehicle to avoid it and on Tennyson Road looks behind twice as the rider can be seen to look over his left shoulder and behind him.
68. At Spenser Crescent PC Scivyer again positioned the vehicle on a footpath, directly in the rider's path.
69. The Panel found these actions demonstrated clear awareness by the rider of the police presence and an intention not to stop.
70. PC Scivyer accepted on viewing the in-car dashcam footage that the events as he genuinely believed them to be, did not match what happened and that having had time to reflect, did not make the best of, or correct decisions on the day. He recalled that the first time he watched the footage back, he *put his head in his hands* as it was not how he remembered it, and did not think it was as bad. He remained of the view, his recollection at the time was that he was not in an unauthorised pursuit at the time. He was aware of the definition of a police pursuit, and accepted he was not accredited to conduct them and that he would have had to cease the vehicle if it turned into a pursuit.
71. PC Scivyer accepted that serious harm could come to the rider if it was an unauthorised pursuit and was aware of the standards of professional behaviour in relation to orders and instructions and the obligation to abide by those standards, but maintained at the material time, the incident did not meet the criteria of a pursuit.
72. The Panel found the evidence of ex Police Officer TC to be reliable when considering whether the footage fell within a police pursuit. The witness who is now a Deputy Chief Driver Instructor and has been involved in police driver training since 2002, confirmed he had viewed the footage and asserted that in his experience the driving fell within the definition of a pursuit.

Conduct alleged at 1.7.7 and 1.7.8 - clipped the kerb with your left hand front wheel and collided with the individual and/or the individual's electric scooter

73. In so far as the sequencing of events and how the collision occurred, the Panel found that PC Scivyer's vehicle made contact with the scooter, causing the collision.
74. The in-car dashcam footage showed the police vehicle closing distance on the scooter, mounting pavements, positioning itself ahead of the rider's path and ultimately making contact with the scooter.

75. PC Scivyer's statement stated "*the black male has then ridden off of the right side pavement and directly into our path*". The Panel found this was contradicted by the footage, which showed the police vehicle closing in on the scooter from behind and the rider veering left as the police vehicle approached.
76. PC S accepted in her evidence that "*the dashcam tells something different*" ...and that her recollection was "*not an accurate reflection.*"
77. PC Scivyer, accepted by virtue of his conviction that he was driving without due and care and attention and whilst his basis was based on kerb mounting, the Panel found that the factual matrix from the footage supported that the driving caused the collision.

Conduct alleged at Paragraph 1.8 - you knew and/ or ought to have known and/ or believed that the individual had no intention of stopping for the police.

78. The Panel found the fact proven.
79. The Panel found that PC Scivyer's contention that he did know or believe the rider was aware of the requirement to stop was not plausible. From the in-car dashcam footage it showed the scooter rider reacting to the presence of the police vehicle on more than one occasion; the rider moved onto the pavement as the police vehicle reached them and the rider then drove around the police vehicle when it is positioned directly in their path which caused the rider to change its course. The Panel found that the rider would have been aware of the police vehicle and at the point he changed course was showing no signs of stopping. The rider was then seen to look back on two occasions.
80. The Panel found that the only plausible explanation why the rider looked back was due to his awareness of the police vehicle and was consistent with the lights and siren activated as the car approached.
81. The Panel also based their finding on the weight attached to the initial account PC Scivyer provided to PS E immediately after the collision, when he stated that he had not yet had the chance to radio in that the rider had failed to stop. The Panel found that contemporaneous account was inconsistent with PC Scivyer's later assertion that he had not formed that view.
82. PC Scivyer was also asked by PS E whether the rider would have been able to see him and he replied "*probably would have been*" but then went on to rely on intelligence from PCSO B that the rider wore headphones.
83. Based on the Panels viewing of the footage they found as a fact that the rider was not wearing headphones and that PC Scivyer and PC S formed that assessment based on the local intelligence provided by PCSO B. In forming that assessment they noted that all other

factors describing the male were present, but that the assessment about the headphones was in fact a mistaken belief.

84. PCSO B had also confirmed in her evidence that she had told PC Scivyer that the individual was known to wear distinctive headphones. The Panel accepted PC Scivyer's account on that point.
85. The Panel found that on the balance of probabilities the rider indicated by his actions that he did not intend to stop, and that PC Scivyer would have known he was aware of the requirement to stop. PC Scivyer then continued behind him with a view to stopping him.

Conduct alleged at Paragraph 1.10 - following the collision, you spoke with T/PS E and provided information which was false and/or deliberately misleading when you:

- **1.10.1 stated that PCSO B had informed you that the individual regularly has ear phones on and/ or**
- **1.10.2 failed to provide an accurate account as to the incident, intending to minimise your actions and/ or place blame on the individual.**

86. The Panel did not find the conduct at 1.10.1 proven.
87. They found that PCSO B was clear in her evidence about the intelligence of headphones and concluded it was reasonable for PC Scivyer to make that assessment, albeit mistakenly. In reaching that conclusion the Panel did not find the assessment to be false, nor deliberately misleading.
88. The Panel found the conduct at 1.10.2 proven.
89. The Panel found there was a deliberate attempt by PC Scivyer to minimise his own actions and place blame on the individual.
90. The Panel reminded themselves of the account given by PC Scivyer where he told PS E that the rider had '*hopped*' the scooter into the middle of the road. The footage did not support that description. The Panel found that the rider did not hop into the road as the footage showed the police vehicle close in on him.
91. The Panel found no credible explanation for such a significant misdescription, particularly given the short time between the incident and the account, PC Scivyer's experience and the description to the cause of the collision from the footage.
92. PC S accepted in evidence that her own recollection was not accurate when compared to the footage.

93. The footage showed the police vehicle closing distance on the scooter, mounting pavements and positioning itself ahead of the riders path. The Panel found that the emergency stop took place on the corner junction, which was prior to the collision occurring when the police vehicle made contact with the scooter.
94. The Panel found the account at 1.10.2 was false and misleading.

Conduct alleged at 1.11 - thereafter on 12 April 2024, you completed a Form 711 Police Vehicle Incident within which you provided false and/ or deliberately misleading information when you:

- **1.11.1 failed to provide information namely that you had followed and/ or pursued the individual**
- **1.11.2 and/ or you stated that the individual you had been provided was that Intelligence from local PCSO is that he wears head/ earphones whilst riding around and dealing drugs**

95. The Panel found the conduct at 1.11.1 proven and the conduct at 1.11.2 not proven.
96. The Form 711 stated “*e-scooter rider pulled off of right hand pavement and collided with police vehicle*”. The Panel found this was inconsistent with the footage and with PC Scivyer’s later acceptance that “*that is clearly not what happens*”.
97. The Panel found the Form 711 repeated the same inaccurate account of the collision. The Panel did not accept that the word limit explained such an inaccuracy, particularly as the same account was repeated in PC Scivyer’s witness statement, which had no word limitation.
98. The Panel found the Form 711 contained false and misleading information in accordance with the conduct at 1.11.1.
99. Applying the legal test for dishonesty as outlined by the LQP, the Panel were satisfied that PC Scivyer did not genuinely believe the account he gave regarding the rider’s awareness to stop, or that the scooter hopped into the path of the police vehicle.
100. The Panel considered the uncontrolled manner in which the pursuit took place and how the manner of driving may have impacted PC Scivyer’s mindset and the honest belief that he held at the time. But the Panel placed significant weight on PC Scivyer’s omission relating to his own actions and the contemporaneous comments made to PS E, which the Panel found contradicted his later position.

101. The Panel found that in applying the standards of ordinary decent people, they would consider the conduct to be dishonest to misdescribe the cause of a collision; deliberately misrepresent an awareness of a fail to stop; and provide an account that exculpates oneself in the face of contradictory footage.

102. The Panel found PC Scivyer had a clear motive to minimise his responsibility.

103. The Panel went on to find that the dishonesty occurred within an operational context.

104. The Panel concluded that the admitted and proven facts breached the Standards of Professional Behaviour as outlined, and that the conduct demonstrating dishonesty within an operational context, aggravated the seriousness of the overall case.

Misconduct and Gross Misconduct

105. Having found that PC Scivyer's conduct breached the Standards of Orders and Instructions, Honesty and Integrity and Discreditable Conduct, the Panel carefully considered whether on the balance of probabilities, the breaches individually and/or collectively amounted to misconduct, gross misconduct, or neither.

106. Regulation 2 defines Misconduct and Gross Misconduct as follows:

- Misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify disciplinary action.
- Gross Misconduct means a breach of the Standards of Professional Behaviour that is so serious as to justify dismissal.

107. The Panel reminded itself of the need to maintain public confidence and the reputation of the police service; the need to uphold high standards in policing and deter misconduct and the need to protect the public.

108. The Panel reminded itself of the need to assess the seriousness of the misconduct by considering the stages set out in the College of Policing Guidance on Outcomes in Police Misconduct Proceedings, namely:

- a) The Officers culpability for the misconduct
- b) The harm caused by the misconduct
- c) The existence of any aggravating factors
- d) The existence of any mitigating factors

109. Culpability is defined as the blameworthiness or responsibility of the Officer for their actions. The Panel determined that PC Scivyer's culpability for the conduct which caused subsequent harm to the force, colleagues and public confidence, was high.

110. The Panel found that the risk arising from the incident was foreseeable and that PC Scivyer engaged in a pursuit when neither trained nor authorised to do so. The tactics deployed were disproportionate to the risk, they caused a collision with a rider who was not wearing protective clothing and whilst not premeditated, PC Scivyer then went on to be deliberately misled in an attempt to minimise his own responsibility.

111. The Panel had further regard to the criminal conviction arising from the incident and noted the associated guidance that officers who enforce the law, should not break it.

112. The Panel determined that the harm risked was significantly high to members of the public, to public confidence, if the circumstances of the conduct was known to the public, and to the integrity of policing. PC Scivyer's driving created a risk of serious injury or death to the scooter rider, pedestrians in the vicinity, including a visible member of the public crossing the road and to PC S who was a passenger in the police vehicle.

113. The Panel found that unauthorised pursuits by untrained drivers are a matter of public concern. The public rightly expects that only trained and authorised officers will engage in such high-risk activity. The Panel concluded that PC Scivyer's conduct undermined confidence in the police service's ability to police safely and lawfully.

114. The Panel also concluded that the dishonest actions, particularly in an operational context, strike at the heart of policing and the provision of accurate accounts are essential for investigations and public accountability.

115. The Panel determined that the following aggravating factors existed in this case:

- PC Scivyer abused his position when neither trained nor with authority;
- The dishonesty was repeated across different formats;
- A criminal conviction arising from the incident;
- High-risk driving involving a physically vulnerable road user without protective clothing;
- Apportioned blame to another;
- Significant deviation from force policy and instruction

116. The Panel determined that the following mitigating factors existed in this case:

- The incident was a single episode of brief duration
- There was no provocation

- There was a genuine belief that there existed a legitimate purpose – but that PC Scivyer ‘got it wrong’
- There was genuine reflective remorse and PC Scivyer did not avoid the incident being reported

117. The Panel concluded that PC Scivyer’s cumulative actions amounted to gross misconduct.

Outcome (Stage 2)

118. In determining the appropriate sanction, the Panel re-assessed the seriousness of the gross misconduct it had found at Stage 1, after hearing submissions made by the AA and on behalf of PC Scivyer. The Panel had regard to PC Scivyer’s record of service, and the character references and noted that it was very clear to the Panel that PC Scivyer is a very proactive officer and highly regarded by his colleagues and peers.

119. Given the purpose of police misconduct meetings, the Panel kept in mind the fact that personal mitigation will carry limited weight and less than it might do in a different context [as explained by Holroyde J as he then was in *The Queen (on the application of Williams) v Police Appeals Tribunal [2016] EWHC 2708 (QB)*]: “*the importance of maintaining public confidence in and respect for the police service is constant, regardless of the nature of the gross misconduct under consideration. What may vary will be the extent to which the particular gross misconduct threatens the preservation of such confidence and respect. The more it does so, the less weight can be given to personal mitigation.*”

120. Notwithstanding, the Panel did take account of the following matters:

- (i) That PC Scivyer did not have any previous disciplinary matters recorded against him; and
- (ii) The bundle of character references submitted on PC Scivyer’s behalf (as referred to above).

121. The Panel carefully considered the personal mitigation but felt that it had limited weight and did not outweigh the need to set and maintain high standards in policing and to maintain public confidence in and the reputation of the police service. The primary consideration for the Panel was the seriousness of the misconduct which it had found to be high, and that personal mitigation would not justify a lesser sanction.

122. The Panel also considered the public interest in retaining officers who have demonstrated or developed particular skills and experience but did not find PC Scivyer’s skills or experience to be anything above and beyond what the public could expect from a police officer.

123. When considering the issue of operational dishonesty, the Panel could not find any exceptional circumstances pertaining to the actual misconduct.

124. The Panel kept in mind their purpose for imposing sanctions and that they must impose the sanction which most appropriately fulfils that purpose in light of the seriousness of the Officers conduct, having regard to considering the least severe outcomes before the more severe sanctions.

125. The Panel also considered that sanctions are not intended to be punitive in nature.

126. The Panel had regard to the three-fold purpose of the police misconduct regime, namely:

- 1) to maintain public confidence and the reputation of the police service;
- 2) to uphold high standards in policing and deter misconduct; and
- 3) to protect the public.

127. The Panel had regard to all of the circumstances, including the risk of undermining public confidence in the police service, and considered this to be a serious breach of the Standards or Professional Behaviour.

128. Based on the assessment of seriousness that had been carried out, the Panel concluded that imposing a final written warning would not be sufficient to uphold public confidence in and respect for the police service. The Panel determined that imposing a final written warning sanction would also not provide a clear message to serving police officers that this type of dishonest conduct is unacceptable.

129. This was not a case where reduction in rank was an available option.

130. The Panel, in following the three-fold statutory purpose of the proceedings, concluded the most appropriate and proportionate sanction is dismissal without notice.

Right of Appeal

131. PC Scivyer was notified that he has a right of appeal to the Police Appeals Tribunal. The AA will provide notice as to the procedure to be followed in that regard.

Publication of the Outcome Report

132. The Chair directed that any written representations be received within 7 days, prior to directing publication of the outcome decision, subject to the harm test pursuant to Regulation 43(6) of the Regulations.

Chair: ACC Adam Ward
21 May 2026