In the matter of the British Transport Police (Conduct) Regulations 2020;

APPROPRIATE AUTHORITY FOR
THE BRITISH TRANSPORT POLICE

V

PC John McGuire [4398]

[CASE REF CM/72/26]

Regulation 63 Outcome Report

Location: PSD Offices, Ivason House, 8A London Bridge Street, London

Date: 22nd October 2026

Chair: Chief Constable Lucy D'Orsi

Outcome: Gross Misconduct

Sanction: Final Written Warning 5 years

Introduction

Attendees

The AA was represented by Sam Thomas (SGTS Inn).

PC McGuire attended.

PC McGuire was represented by Paul Kavanagh. (KM Law)

They were also joined by their Police Friend Gordon Wason.

Also attending were: Lauren Hulett (Proceedings Lead), Zoe Sands (Proceedings Officer), DC Kat Faine

Prior Decisions

Prior to the hearing I was not required to determine preliminary matters.

IN THE MATTER OF THE POLICE (CONDUCT) REGULATIONS 2020 ("the Regulations")

Case Number CM/72/26

FORMER PC 4398 JOHN McGUIRE

Officer Concerned ("the Officer")

CHAIR'S DETERMINATION

Regulation 63(3) states that the officer must be informed of the finding of the Accelerated Case Hearing and any disciplinary action imposed under Regulation 62(1) or any action taken under Regulation 62(8) as soon as practicable after receiving a report from the Chair. In any event the Chair should provide the Appropriate Authority with the report within 5 working days (beginning with the first working day after the completion of the Accelerated Case Hearing).

Finding

I have read the bundle provided to myself and listened carefully to all the evidence presented in the hearing. I am satisfied that this matter has met the criteria to be presented to me as an Accelerated Conduct Hearing.

In making my determinations I have had due regard to the following documents and referred to these as necessary:

1. The British Transport Police (Conduct) Regulations (2020) (Statutory) which also set out the Standards of Professional Behaviour
2. College of Policing Guidance on Outcomes in Police Misconduct Proceedings (2023) (Statutory)
3. Home Office Guidance Conduct, Efficiency and Effectiveness: Statutory Guidance on Professional Standards, Performance and Integrity in Policing (2020)

I have listened to the case presented on behalf of the Appropriate Authority by Mr Sam Thomas. I am grateful to the Officer's solicitor Mr Paul Kavanagh who confirmed that the Officer had no representations and did not wish to give evidence at the finding stage.

The three allegations are that on 8th March 2026, 12th March 2026 and between 3rd February and 18th February 2026 the Officer drove a BTP vehicle whilst exceeding the applicable speed limits and activated and used emergency warning equipment,

including blue lights and sirens, when there was no lawful purpose or operational necessity to do so.

In the circumstances, the Appropriate Authority contends that PC McGuire's actions breached the Standards of Professional Behaviour as set out in Schedule 2 of the British Transport Police (Conduct) Regulations 2020, namely:

- 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;
- Duties and Responsibilities: Police officers must be diligent in exercising their duties and cooperate fully with formal investigations;
- 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.

If proved, it is alleged that PC McGuire's conduct amounts to gross misconduct and his dismissal may be justified.

Facts

Regulation 61(16) provides that the person conducting or chairing the accelerated misconduct hearing must not find that the conduct of the officer concerned amounts to gross misconduct unless:

> (a) they are satisfied on the balance of probabilities that this is the case, or
>
> (b) the officer admits it is the case.

I note the entirety of the Officer's Regulation 54 response and the documents referred to therein. I also note that the Officer accepts the allegations as pleaded, accepts the three alleged breaches of the standards of professional behaviour and accepts that his conduct should be assessed as Gross Misconduct.

I accept, and make findings of fact, that on the dates identified in the allegations the Officer drove a BTP vehicle whilst exceeding the applicable speed limits and activated and used emergency warning equipment, including blue lights and sirens when there was no lawful purposes or operational necessity to do so. He did this on multiple occasions during those journeys.

I also find that the telemetry shows that the Officer's speed reached the maximum speed of the vehicle and that he travelled at speeds exceeding the speed limit for extended periods.

Having considered all the evidence and in light of the Officer's admissions, and in light of Regulation 61(16), I find Allegations 1-3 proven and find that they breach Orders and Instructions, Duties and Responsibilities and Discreditable Conduct.

Notwithstanding the Officer's admission that his actions amount to Gross Misconduct, I adopt the four-stage approach to assess seriousness:

Seriousness

I have been invited to consider the four stage process set out in the Guidance, insofar as it assists me in deciding whether the matter amounts to gross misconduct or not, although the parties will have further opportunity to address me on the component parts of the four-stage process if my conclusion is that the conduct amounts to gross misconduct. My reasons in this regard will therefore be open to further refinement should I need to consider outcome.

In considering the Officer's **culpability** I find that the officer's conduct was deliberate and repeated. I find that the Officer held a position of responsibility – as a driver trainer and he should have been applying best practice and driving appropriately, but he did not. His actions were unlawful.

I find that the level of culpability was **high**.

In considering the **harm** of the Officer's actions I accept that there was no actual harm in this case. However, I find that the Officer's actions attracted considerable risk. It speaks for itself that driving at high speeds carries elevated risk and to do so for protracted periods only increases that risk further. On this occasion the risks were unwarranted as there was no requirement or justification for driving in this manner.

I am mindful of paragraph 4.66 of the Guidance on Outcomes which suggests that where an officer commits an act that would harm public confidence if they were known to the public then I should take this into account. The Guidance also reminds me that I should take misconduct seriously that undermines discipline and good order within the police service, even if it does not result in harm to individual victims.

I assess the aspect of harm as **high**.

In respect of **aggravating** factors, I am careful not to double count matters considered above. However, I do find that the Officer's actions were:

- Deliberate;
- Regular, repeated and sustained behaviour over a period of time;
- A significant deviation from instructions.

I also find that the Officer was not fully candid when he stated in interview that he had only acted in the way alleged on two occasions when, in actual fact, further investigations demonstrated that he acted in the way alleged on other occasions (i.e. those occasions identified in Allegation 3).

In relation to **mitigation**, I do accept that there is some evidence of remorse expressed by the Officer.

Taking everything into account, I find that the conduct in question was so serious that it could justify dismissal. I therefore find **gross misconduct** in this case in relation to all three standards of professional conduct.

Outcome

I am grateful for the submissions received from both the Authority and the Officer on outcome. I have considered them with care and have taken them into account when making my decision on outcome.

I note the Officer's evidence of his pride in being a police officer, his recognition that his actions were inappropriate and wrong and his assurances that he would not act in the same way again.

I take into account the Officer's record of police service and the character evidence from the Officer's colleagues. I note the multiple strong character references he provides. One of the references, which is consistent with several others, says "throughout the time I have known John, he has consistently demonstrated the highest standards of professionalism, integrity and commitment.". I am both disappointed and dismayed that the Officer's conduct, proven and accepted as gross misconduct, appears to totally contradict this.

In making my decision on outcome I adopt the three-stage process, as outlined in the College of Policing's Guidance on Outcomes in Police Misconduct Proceedings to determine the appropriate sanction.

The first stage is to assess the seriousness of the conduct. This is assessed by reference to:

i. The officer's culpability,
ii. The harm caused by the misconduct
iii. The existence of aggravating factors
iv. The existence of mitigating factors.

The second stage is to keep in mind the purpose of the police misconduct regime. I remind myself that this has three elements:

i. To maintain public confidence in and the reputation of the police service;
ii. To uphold high standards and deter misconduct; and
iii. To protect the public.

I further remind myself that the police misconduct regime is not designed to punish police officers – it is about the reputation and standing of the profession as a whole.

The third stage is to choose the outcome that most appropriately fulfils that purpose given the seriousness of the conduct in question.

Stage 1: the seriousness of the conduct

Culpability:

For the reasons I have already explained, I find that the Officer's conduct was deliberate and serious. I find that the Officer held a position of responsibility, as a driver trainer, and he should have been applying best practice and driving appropriately, but he did not. His actions were unlawful.

I again find that the level of culpability was **high**.

Harm:

I consider that the level of harm in this case is also **high.**

As previously stated, I find that the Officer's actions attracted considerable risk. On this occasion the risks were unwarranted as there was no requirement or justification for driving in this manner.

Aggravating Factors:

In relation to **aggravating** factors, I am careful not to double count matters considered above. However, I do find that the Officer's actions were:

- Deliberate;
- Regular, repeated and sustained behaviour over a period of time; and
- A significant deviation from instructions.

Mitigating Factors:

As I have already noted, the Officer showed remorse and I acknowledge that he has apologised for his actions in the hearing. I consider that the apology and remorse he has shown to be sincere.

I also note that prior to a change in policy explained in an email from PS Ross on 20th June 2024, force driving instructors were permitted to undertake CPD that involved the use of police driving exemptions without another qualified driving instructor in the car and without advanced authorisation.

The Officer's actions would have been acceptable prior to this change in policy and the risks presented by his actions would also have been deemed acceptable.

Conclusion on seriousness:

Taking all of these matters into consideration, I assess the seriousness of the conduct as being so serious that dismissal would be justified.

Stage 2: the purpose of the misconduct regime

I have reminded myself that the primary purpose of imposing disciplinary sanctions is to maintain public confidence in and the reputation of the policing profession as a whole. This dual objective must take precedence over the specific impact that the sanction has on the individual whose misconduct is being sanctioned.

The Home Office guidance also notes that the proceedings must be a deterrent to other officers ensuring that they know that if they make serious breaches of the Standards, that they will face significant consequences.

This position is supported by the judgement in *Redgrave v Commissioner of Police of the Metropolis* [2003] 1 WLR 1136 at [33] that states, "*The purpose of disciplinary proceedings … is … to protect the public … and to maintain the high standards and good reputation of the honourable profession."* and Lord Collins's comments in *R (Coke-Wallis) v Institute of Chartered Accountants* [2011] UKSC at [60] where he reaffirmed the purpose of professional disciplinary proceedings to be *"…to protect the public, to maintain public confidence in the integrity of the profession, and to uphold proper standards of behaviour[…]".*

I do acknowledge the risk that the outcome imposed can have a punitive effect; accordingly, the outcome should be no more than is necessary to satisfy the purpose of the proceedings. Therefore, in deciding the appropriate outcome I shall consider less severe outcomes before more severe outcomes and shall impose the least severe outcome that in my view deals adequately with the issues identified, whilst protecting the public interest.

Stage 3: the appropriate outcome

I have considered the officer's record of service and the character evidence he provides.

I note that the officer previously served in the armed forces and during his service with the British Transport Police has been a tutor constable and he has had roles in PSU and as a Disaster Victim Identification Officer and as a Specialist Body Recovery officer.

I have also considered the Officer's considerable experience and the opportunity for him to support less experienced officers and pass on his experience if he remains in service with the British Transport Police.

I have to make clear my considerable disappointment with PC McGuire's actions. PC McGuire is an experienced officer and was entrusted by me to train BTP officers on safe police driving, compliance with the law and police driving policies and procedures. There is no doubt in my mind that the he fell well below the level I expect. He let me down, BTP and his colleagues. His conduct was, quite simply, unacceptable.

In my judgement, given all of the factors that I have set out and considered, I consider that a **five year Final Written Warning** is the appropriate disciplinary outcome.

I have heard evidence that the Officer accepts that, if he remains in service, it would no longer be appropriate for him to remain a police driving instructor. I agree and I will take action outside of these proceedings, and outside of the ambit of these regulations, to ensure that PC McGuire is redeployed to a suitable role in D division where he can still contribute to frontline policing to protect and serve the railway community that he is clearly very passionate about for the remainder of his service.

Outcome: My decision is a five-year final written warning.

Right of Appeal

The Officer has a right to appeal this decision in accordance with the Police Appeals Tribunal Rules 2020 and The British Transport Police (Police Appeals Tribunals) Regulations 2020. If the Officer wishes to appeal, he should provide notice of his intention to appeal to the Appropriate Authority within 10 working days of receipt of this written determination

Publication of Outcome

I must also, pursuant to Regulation 63(5), require the Authority to publish the Report, subject to the harm test in Regulation 6 and to Regulation 63(9).

Lucy D'Orsi
Chief Constable
British Transport Police

Appeal Notice

You have a right of appeal to the Appropriate Authority, but may only appeal on the following grounds:

- The finding or disciplinary sanction imposed was unreasonable;
- There is critical new evidence that could not have reasonably have been considered at the misconduct hearing; or
- There was a serious breach of the procedures set out in the British Transport Police (Conduct) Regulations 2020 or other unfairness which could have materially affected the finding or decision on disciplinary action.

You have 10 working days to appeal once you have received the Outcome Report.
If you wish to appeal, you must do so in writing to the British Transport Police Authority at btpa-enquiries@btp.police.uk.

You should state your grounds of appeal, whether you require a transcript of the hearing in whole or part, and whether or not you consent to the appeal being determined without a hearing.

[4] https://assets.college.police.uk/s3fs-public/Vetting-APP-2021.pdf