



Neutral Citation Number: [2025] EWHC 2214 (Admin)

Case No: AC-2024-BHM-000205

**IN THE HIGH COURT OF JUSTICE**  
**KING'S BENCH DIVISION**  
**ADMINISTRATIVE COURT**

Birmingham Civil & Family Justice Centre  
33 Bull Street, Birmingham, B4 6DS

Date: 22 August 2025

**Before :**

**THE HONOURABLE MR JUSTICE PEPPERALL**

**Between :**

**REX**  
**on the application of**  
**LYNSAY WATSON**

**Claimant**

**- and -**

**POLICE APPEALS TRIBUNAL**

**Defendant**

**- and -**

**THE CHIEF CONSTABLE**  
**OF LEICESTERSHIRE POLICE**

**Interested Party**

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The **Claimant** appeared **in person**  
There was **no appearance** by the **Defendant** or the **Interested Party**

Hearing date: 23 May 2025

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**Approved Judgment**

This judgment was handed down remotely at 3.30pm on 22 August 2025  
by circulation to the parties by email and by release to the National Archives.

**THE HONOURABLE MR JUSTICE PEPPERALL:**

1. This judgment concerns a renewed application for permission to apply for judicial review. The case is not especially complex but unfortunately it was necessary to reserve judgment both because of the weight of my list on the day of the hearing and the volume of papers before the court.

2. Lynsay Watson was a police constable employed by Leicestershire Police until her dismissal for gross misconduct on 27 October 2023. Ms Watson appealed unsuccessfully against her dismissal to the Police Appeals Tribunal. By this claim for judicial review, Ms Watson seeks to challenge the lawfulness of the appeal tribunal's decision dismissing her appeal.
3. Ms Watson's application for permission to apply for judicial review was rejected on the papers by Ritchie J on 30 January 2025. She now renews her application before me.

## **BACKGROUND**

4. Ms Watson is a trans woman. She joined Leicestershire Police in November 2020 following many years' service in other forces. In June 2021, she sustained a serious eye injury while on duty which resulted in long-term disability and sickness absence. During her absence, Ms Watson was active on the platform then known as Twitter in respect of the issue of transgender rights. She alleges that she was subjected to targeted harassment by a former police officer and his associates who she describes as anti-trans and politically motivated.
5. Ms Watson complained to Lincolnshire Police about the former officer's conduct. She alleged that she was the victim of harassment and hate speech. Those complaints were not upheld. In turn, the former officer submitted complaints to Leicestershire Police on 25 February 2022 about Ms Watson's own tweets, which he alleged were abusive and defamatory. On 5 April 2022, Ms Watson was advised to desist from posting messages online that identified her as a police officer and to maintain professional boundaries.
6. Notwithstanding that warning, Ms Watson continued to tweet under various pseudonyms. Her tweeting was prolific. Having reviewed a selection of tweets from these accounts, they are obsessive, abusive and defamatory. The tweeting still continued despite a warning letter from Professional Standards dated 3 May 2022, notice of a misconduct investigation on 1 June 2022 and notice of a gross misconduct investigation on 15 August 2022.
7. The misconduct hearing was chaired by Chief Constable Kate Meynell. Ms Watson was represented by a Police Federation representative. The Chief Constable concluded that Ms Watson had made derogatory and abusive tweets about the former officer and his colleague and their gender-critical campaign group which lacked respect and courtesy. Further, she found that Ms Watson was identifiable from her tweets as a police officer. When challenged as to her identity, she had variously and falsely stated that she was not Ms Watson; that she was not an employee of Leicestershire Police; that she was a retired officer who had been employed by Greater Manchester Police; that she was Paula and had a MA in Legal Studies. The Chief Constable also found that by her tweets, Ms Watson had alleged that the former officer was a Nazi and fascist; that he was violent towards women; that he and his group were terrorists; that he was "God's Cop"; and that he was a bigot, a narcissist and a "wingnut". Further, she found that Ms Watson had referred to his female colleague as an "ultra-sensitive snowflake", right wing, and a TERF (a trans-exclusionary radical feminist). Chief Constable Meynell found that Ms Watson had acted dishonestly; that her tweets lacked respect and courtesy; that such conduct was persisted in despite earlier advice; that her conduct had the potential to undermine public confidence in the police; and that she had breached Leicestershire Police's policies for the use of social networking platforms. Further, she concluded that Ms Watson's conduct was deliberate, repeated and sustained; that it continued despite earlier advice and notices of investigation; and that it seriously undermined the reputation of the police service. On 27 October 2023, Ms Watson was dismissed without notice for gross misconduct.

8. Ms Watson then appealed to the appeal tribunal. She argued multiple grounds including bias, procedural unfairness, and the exclusion of fresh evidence. The tribunal found that Ms Watson had failed to establish that the new evidence provided on appeal could not reasonably have been considered at the misconduct hearing. Accordingly, it determined that the appeal could not succeed under rule 4.4(b) of the Police Appeals Tribunal Rules 2020. Further, it found that it was not arguable that the disciplinary hearing was conducted unfairly or that the Chief Constable's finding of gross misconduct and the sanction of summary dismissal were unreasonable.
9. The appeal tribunal dismissed the appeal under rule 15 of the 2020 Rules on the basis that the appeal had no real prospect of success.
10. Ms Watson filed her judicial review claim on 9 August 2024. In a wide-ranging attack on the appeal tribunal's decision, Ms Watson argued eleven grounds of challenge:
  - 10.1 Prosecutorial misconduct
  - 10.2 Improper exclusion of evidence
  - 10.3 Ineffective representation
  - 10.4 Bias and misconduct by the misconduct hearing chair
  - 10.5 Bias and misconduct by the appeal tribunal chair
  - 10.6 Disclosure failures
  - 10.7 Breach of the Equality Act 2010
  - 10.8 Excessive sanction
  - 10.9 Whistleblowing
  - 10.10 Institutional bias
  - 10.11 Human rights violations
11. In refusing permission to apply for judicial review, Ritchie J provided a detailed analysis of the grounds but concluded that he could not discern any arguable ground for granting permission for judicial review. In the event that she sought to renew her application, the judge wisely encouraged Ms Watson to provide concise grounds that were not interlaced with submissions.

## **THE RENEWAL GROUNDS**

12. In her oral submissions, Ms Watson candidly acknowledged that she was now somewhat embarrassed by the verbose nature of her previous filings. She relied on the grounds set out in a written skeleton argument provided for this hearing. Not having prepared any alternative oral submissions, she then embarked on reading that skeleton argument to me. She ran out of time within the time allowed for this hearing but of course I had already read the skeleton argument before the hearing and I undertook to re-read the argument (as I have done together with the other case papers) before giving judgment on her application. She therefore used the last few minutes of the hearing to stress the principal points in her case.
13. Ms Watson told me that she had suffered transphobic abuse when employed in another police force twenty years earlier. She says that when she was off work following her eye injury she suffered significant distress when she became the subject of derogatory tweets. She says that this abuse adversely affected her mental health. She accepts that after being warned about her online conduct she posted intemperate tweets in which she accused the former officer of belonging to a "terrorist

organisation” and of being a “right-wing bigot”, a “homophobic, transphobic bigot”, a “narcissist” and an “evangelical wingnut”. One of her Twitter accounts posted images of Adolf Hitler and another Nazi and alluded to some connection between the Third Reich and a prominent gender critical group associated with the former officer.

14. Ms Watson rightly does not seek to excuse her online conduct. She is now embarrassed by her tweets and accepts that she committed misconduct that had to be punished. She maintains, however, that she was mentally ill and that Leicestershire Police did nothing to support her or provide her with the therapy that she needed.
15. An appeal against disciplinary action lies to the appeal tribunal. Rule 4(4) of the 2020 Rules provides:

“The grounds of appeal under this rule are—

  - (a) that the finding or decision to impose disciplinary action was unreasonable;
  - (b) that there is evidence that could not reasonably have been considered at the original hearing which could have materially affected the finding or decision on disciplinary action; or
  - (c) that there was a breach of the procedures set out in the Conduct Regulations, the Complaints and Misconduct Regulations or Part 2 of the 2002 Act or unfairness which could have materially affected the finding or decision on disciplinary action.”
16. A decision to dismiss will only be unreasonable if it does not fall within the range of reasonable outcomes at which the disciplinary panel could have arrived: Chief Constable of Derbyshire Constabulary v. Police Appeals Tribunal [2012] EWHC (Admin) 2280 (Admin), at [36]. See also R (Durham) v. Police Appeals Tribunal [2012] EWHC 2733 (Admin) and R (Wiltshire Police) v. Police Appeals Tribunal [2012] EWHC 3288 (Admin), at [32].
17. By rule 15(2), an appeal must be dismissed if the chair of the tribunal considers that the appeal has no real prospect of success, unless the chair considers that there is some other compelling reason why the appeal should proceed.

#### **PROSECUTORIAL MISCONDUCT**

18. Ms Watson’s first ground for renewal concerns the conduct of the investigating officer at Lincolnshire Police. Ms Watson had complained to the Independent Office for Police Conduct (the “IOPC”) about the force’s handling of her original complaint against the former officer. By a decision issued on 16 December 2024, the IOPC rejected Ms Watson’s complaints that there had been collusion between the investigating officer and the former officer against whom Ms Watson had complained; that Ms Watson’s own arrest had been malicious; and that the investigating officer had perverted the course of justice or committed misconduct in a public office. Further, the IOPC stressed the distinction between the criminal investigation undertaken by Lincolnshire Police and the disciplinary case heard by Leicestershire Police. It found no evidence that the Lincolnshire investigation impacted the Leicestershire disciplinary case.
19. Nevertheless, the IOPC concluded that the outcome of Lincolnshire Police’s investigation into Ms Watson’s complaint was neither reasonable nor proportionate. Her complaint was therefore upheld in part and the force was required to re-investigate two matters:

19.1 First, the IOPC decided that there was a need for greater clarity as to why Lincolnshire Police took over the investigation of Ms Watson's apparently unrelated complaint to another police force and as to the outcome of that further investigation.

19.2 Secondly, the IOPC concluded that greater clarity was needed as to whether the Crown Prosecution Service's decision not to bring a prosecution was based upon a proper understanding that Ms Watson had been the original complainant and not the suspect.

While not making any finding, it concluded that Ms Watson's complaints that she had been discriminated against and harassed by Lincolnshire Police should be considered further following the re-investigation.

20. The IOPC decision is of course new material since both the disciplinary hearing and the tribunal's decision. It calls into question the criminal investigation undertaken by Lincolnshire Police. There is, however, no evidence that any investigative failings or misconduct by Lincolnshire Police impacted upon the decision of Leicestershire Police that Ms Watson's proven and serious misconduct amounted to gross misconduct and that she should be dismissed. Accordingly, the IOPC decision and Ms Watson's criticisms of the Lincolnshire investigation do not, in my judgment, give rise to any ground for challenging the decision of the appeal tribunal that Ms Watson's appeal against her dismissal was not arguable.

#### **THE EXCLUSION OF NEW EVIDENCE**

21. Rule 4(4) strictly limits the circumstances in which the appeal tribunal can allow an appeal on the basis of fresh evidence that was not before the disciplinary hearing. The formulation is well known and effectively provides for a Ladd v. Marshall filter on new evidence.
22. I agree with Richie J, for the reasons that he gave, that it is not properly arguable that the appeal tribunal's decision not to allow Ms Watson to rely on Professor Whittle's report as fresh evidence was either irrational or unlawful. In any event, this was not a medical report providing expert opinion evidence on Ms Watson's mental health but rather a report from a Professor of Equalities Law giving general opinion evidence as to the impact of gender-critical online posts upon the trans community.
23. The subsequent attempts in these judicial review proceedings to introduce actual medical evidence were too late and do not provide any ground for establishing that the appeal tribunal's decision was either irrational or unlawful.

#### **INEFFECTIVE REPRESENTATION**

24. Ineffective representation is not of itself a ground of appeal. The question is whether the appeal tribunal acted irrationally or unlawfully in rejecting this ground of appeal which itself turns on whether the alleged ineffective representation led to any unfairness that could have materially affected the outcome of the disciplinary hearing. Ms Watson has failed to establish that such ground is properly arguable.
25. Likewise, her criticism of the solicitor who assisted her in the tribunal process does not give rise to an arguable ground for judicial review.

#### **BIAS AND MISCONDUCT BY THE CHIEF CONSTABLE**

26. Notwithstanding Ms Watson's criticisms of her conduct, Chief Constable Meynell was right not to engage in the often heated, and all too often toxic and personal, debate between the gender-critical

movement and the trans community. Her focus was rightly on Ms Watson's conduct as a serving police officer and upon determining whether her conduct amounted to gross misconduct. The appeal tribunal was entitled to reject the allegation of bias and it is not properly arguable that it acted either irrationally or unlawfully in so doing. Further, Ms Watson has wholly failed to explain why the Chief Constable's alleged membership of the Chief Police Officers' Staff Association or her alleged association with a King's Counsel who ultimately did not chair the appeal tribunal should give rise to an arguable ground for judicial review.

#### **BIAS AND MISCONDUCT BY THE TRIBUNAL CHAIR**

27. The tribunal provided detailed reasons for dismissing Ms Watson's appeal. Its reasoning discloses no arguable basis for alleging bias or misconduct by the tribunal chair.

#### **THE EQUALITY ACT ARGUMENTS**

28. In her appeal to the tribunal, Ms Watson complained of institutional discrimination by Lincolnshire Police. Such complaint remains live given the need for reinvestigation following the IOPC decision. The appeal was, however, from the decision of Leicestershire Police that Ms Watson should be dismissed for gross misconduct and not the investigatory decisions of another force.
29. Further, this disciplinary case was about Ms Watson's online conduct as a serving police officer and not about the rights and wrongs of gender-critical beliefs. There is no proper basis for arguing that there was a breach of the public sector equality duty under s.149 of the Equality Act 2010 or that Ms Watson was treated less favourably on the grounds of her status as a trans woman by the decision of the Chief Constable that her repeated and abusive tweets after earlier warnings amounted to gross misconduct for which she should be dismissed, or subsequently of the tribunal that Ms Watson's appeal against her dismissal was not arguable.

#### **OUTCOME**

30. For these reasons, I dismiss this renewed application for permission to apply for judicial review.