

THE LEGAL APPRENTICE
MASTER CLASS – TASK 1 (REGULATORY)

Factual background

On 10 August 2020, the Health and Care Professions Council ('HCPC') received a referral from John Smith's employer, the London Ambulance Service ('LAS'), regarding accusations of sexual misconduct in the workplace.

The main complaint comes from Student Paramedic, Sally Jones, who was shadowing John Smith, a Senior Paramedic, on a number of shifts during October 2019. Sally Jones says that during the first couple of shifts John Smith was nice and friendly to her and took time to help her improve her clinical skills. As time passed she noticed he started to make a number of lewd comments towards her, such as telling her she had '*a nice bottom*' and that he was '*glad he was teaching a pretty young thing*' as she was the '*best looking girl at the station*'. Sally Jones didn't report his behaviour at first because she just wanted to pass her course without causing any trouble or creating a fuss. Although she was uncomfortable about the comments John Smith was making, she was worried that no one would believe her because John Smith was an experienced and popular Paramedic.

However, during a night shift on 31 October 2019, Sally Jones says she was driving the ambulance to a call out, when John Smith put his hand on the top part of her thigh, squeezing it and telling her she was '*hot stuff*'. Sally Jones says she pushed his hand off but did not say anything to him. She was deeply shocked but was also trying to focus on driving the ambulance to this emergency situation. Sally Jones states that she telephoned her University mentor, Trevor Chalk, the following month to request a transfer to another team of paramedics because of John Smith's behaviour. Sally Jones also told Trevor Chalk that she

had concerns about the way John Smith had dealt with an elderly patient that same evening; he was rude to her when she described her symptoms and didn't bother completing a Patient Report Form at the end of the job. Sally Jones thinks this was a potential breach of Record Keeping guidelines but she is only a Student so is not entirely sure. Trevor Chalk was the first person Sally Jones told about John Smith's behaviour.

Although you have been given limited information in the referral, Sally Jones makes reference to John Smith's antics as being '*well known*' amongst the female student paramedics. Sally Jones says she knows of at least two other female student paramedics who have told her about their similar experiences of John Smith. She knows at least one of them would provide a witness statement but would not be willing to attend a hearing to give evidence.

Sally Jones has confirmed she is willing to assist the HCPC in its investigation.

The referral is signed by Thomas Moore, who conducted an internal investigation at LAS. You are advised that John Smith's employment with LAS has been terminated.

Instructions

You have been instructed by HCPC to prepare a case plan on its behalf in the matter of John Smith.

The case plan is the formal document which sets out an overview of how you plan to conduct your investigation and the case plan needs to highlight any evidential difficulties which may arise during the course of your investigation. In particular, you may want to consider the following points as a starting point:

- i. What allegations would you look to draft to capture the complaints made by Sally Jones? Please note, you do not need to draft the allegations in full, but summarise what they might entail.
- ii. What areas of investigation do you need to look into to support your allegations?
- iii. What documents would you want to obtain?
- iv. What further information would you need and from whom?
- v. Who would you call to give live evidence at a hearing?
- vi. Do you anticipate any evidential difficulties and if so, how would you deal with them?
- vii. If Sally Jones or any other potential witness expresses any reservations about having to give evidence face-to-face with John Smith how would you deal with this?
- viii. Is there further information you may need in respect of John Smith and can you foresee any applications the HCPC might need to consider making pending a final hearing?

In your groups, discuss how best to construct your case plan, taking into consideration the points we have set out above.

You will be assessed on your final presentation of this advice, not on the actual writing of the case plan. Imagine that you are discussing your case plan with your supervising solicitor before it is submitted to the HCPC.