

Summer Project Report 2019

'Dismantling an indispensable divide: the worrying repercussions of Worboys'

My project was to research and write an article for the Oxford University Undergraduate Law Journal on a recent decision of the UK Supreme Court: *Commissioner of Police of the Metropolis v DSD (Worboys)* [2018] UKSC 11. My research was centred on investigating the significance of this case for the law of negligence going forward, whether any potential developments arising from the case would be a welcome direction for the law to take and what alternatives (if any) to such developments the courts ought to develop.

The case was brought by victims of John Worboys, the driver of a black cab in London, who had attacked numerous women between 2003 and 2008. The victims' claim was that numerous operational and systemic police failings over those years had amounted to a failure by the police to uphold their Human Right to be protected from inhuman and degrading treatment. This was a case I had come across in my administrative law reading and one I found particularly interesting given the finding of the majority that the police could be held liable under the Human Rights Act 1998 for their *operational* – and not only their *systemic* – failings. Such a finding would mean that a police force's liability under the HRA imposes very similar liability as a finding at common law that the police were negligent in carrying out their investigative duties – something which has been hitherto rejected by English law.

In terms of my research experience, I found the initial stages the most challenging. While the thorough reading of the case law and the reading of secondary literature was very enjoyable, bringing all the strands of my reading together to detail a research question and essay plan proved tough and very time consuming. I eventually decided to proceed to the writing stage before I felt quite ready, as I hoped that by putting things down it would focus my ideas – luckily, this proved true.

As for the most rewarding elements of the project, two experiences stand out. The first was a result of undertaking the summer project in residence at Merton over the summer break. This meant that I often attended 'joint dining' in the SCR, with other graduate students and fellows of the college. On these occasions, conversation frequently turned to the topic of my own research, and I would have to explain my project to someone unfamiliar not only with that area of law, but also with law as an academic subject. In one of these conversations, a fellow in a different field spoke of an experience he had where the careless actions of police had caused great distress to his own family. His reflections on his expectations or wishes as a victim helped shape my thinking on appropriate remedies for those affected by police errors.

The second experience was the feedback I received on my written work from Roderick Bagshaw, with whom I was put in touch by my Merton tutor, Mindy Chen-Wishart. Professor Bagshaw read through a draft of my work and responded with three points that he would flag if he were asked to review the essay for a journal with a view to advising on publication. These points were all very detailed and highlighted areas where I had drawn comparisons which might not be apt for various reasons, had appeared to suggest one thing though it would seem meant another, and areas where my interpretation of the case law could be challenged. This feedback was invaluable not only to this project but to my own academic writing going forward.

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