

## LISTENING: LIABILITY IN TORT

- **Area of law:** In this listening a lawyer gives a lecture to a group of law students. The subject of the lecture is **the limits of liability in tort**.
- **Listening task:** There are 10 key words missing from the text below. **Fill in the gaps** in the answer table on the opposite page.
- **Timing:** This listening is **5 minutes and 11 seconds** long.

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**Lawyer:** Good afternoon, everyone. Today we're going to examine the limits the law places upon liability in the Law of Tort. In particular, we're going to look at the question of the limits placed upon the liability of a UK government department, the Home Office, for claims its employees may bring against it on the grounds of having suffered psychological damage in the course of their employment.

As you all know, the Home Office employs a wide range of public sector workers, such as police officers, fire fighters, doctors and nurses. All of these professions are likely to witness events that are much more traumatic than a normal person may be expected to experience in the normal course of things. The question is, how far is the Home Office expected to protect its employees from events which it may reasonably (1) ..... are likely to cause psychological damage?

A particularly interesting case is the one brought by Home Office employee Lynn Armstrong in 2001. Mrs Armstrong was employed by the Home Office as a prison officer and had spent 23 years in the army before joining the prison service. In 2001, Mrs Armstrong sued the Home Office for damages, claiming a total sum of over £50,000.

The claim (2) ..... from Mrs Armstrong's work in Holloway prison. While working in the prison, Mrs Armstrong had daily contact over a significant period of time with the notorious criminal Rose West. Mrs West was being held at the prison (3) ..... her trial at Winchester Crown Court. I'm sure you're all very familiar with the crimes of Rose West, as there have been several programmes on television about her crimes in addition to what you may have studied in your criminal law seminars. Rose West and her husband Fred West were accused of the torture and murder of several women in their home in Cromwell Street, Gloucester, including the murder of their own daughter, Heather West. While awaiting trial, Fred West committed suicide in prison and officials were afraid that Rose would do the same. They therefore placed her on 24-hour suicide watch, requiring two prison officers to be with her at all times of the day and night. It was during this time that Mrs Armstrong came into contact with Rose West. Mrs Armstrong's barrister argued that her bosses should have realised the close relationship with West left her psychologically vulnerable.

He told the court that prison officials had encouraged his client to befriend Mrs West and to notify the prison authorities immediately if the prisoner showed any signs of self-harm. However, during this time Mrs Armstrong formed the (4) ..... opinion that West was innocent, during more than 100 hours spent with the murderer, more than any other prison officer. When Rose West was found guilty of the murder of 10 women, it left Mrs Armstrong suffering from shock and depression, her barrister claimed. He argued very strongly that her employer, the Home Office, should have provided her with protection against the psychological damage such a relationship was likely to cause.

'It was experiencing Rose West's shock and reaction while at the same time experiencing her own personal shock and feelings which eventually led to her depression and resulted in her personality changing,' the

barrister said. 'There is no dispute that she was an ambitious and successful prison officer, who turned into a grumpy, argumentative, belligerent and disillusioned prison officer until she was medically (5) .....

So much for the barrister's argument. Now we come to the judgment (6) ..... down by the court. The judge, sitting in London, said Mrs Armstrong departed from the high standard of professional detachment that she normally set herself, and allowed herself to become emotionally involved with West. He said;

'As her (7) ..... put it in opening, she lost the impartiality and objectivity to be expected of a prison officer. But that was not the result of any acts or (8) ..... on the part of the defendants'.

He made a costs order in favour of the Home Office, which had denied liability. Mrs Armstrong, who was legally aided, was refused (9) ..... to appeal.

This case is highly persuasive in any claim against the Home Office made by an employee on the grounds of emotional distress and to bring a successful claim the claimant would without doubt have to (10) ..... the court that he or she had not contributed in any significant way to the distress suffered due to a lack of 'impartiality and objectivity'.

Please read this judgment in more detail before next week's test on liability in the Law of Tort. Thank you.

### **Your Answers**

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