

# Can You Prove It?

*By Simon House*



This is Nick.

Nick is a junior level manager in an organisation and is completing an apprenticeship which requires a portfolio of evidence to be generated for his final assessment.

He is struggling with knowing what to do or how to get that evidence. He's probably in his mid-30s, married, good at what he does but struggling to maintain a good work/life balance with the additional work the portfolio is causing.



This is Nick's business coach - Simon.

Simon has been helping people develop their skills and knowledge for a long time and loves to see them grow and challenge themselves.

He asks lots of questions, helps his coachees identify possible solutions for themselves and loves to use storytelling to make his point.





## Introduction

“I hate having to do an evidence portfolio” an apprentice named Nick recently complained to me over a cup of coffee.

“I’ve already spent over a year doing tons of assignments for the qualification that proves what I can do. Why do I have to just double up the work?”

“Well” I replied, “what do you think the purpose of the portfolio is?”

“To make me jump through some unnecessary hoops!” Nick grumbled.

This wasn’t the first time someone had complained about having to complete a portfolio of evidence for their apprenticeship – and it likely won’t be the last either – however it often comes down to a common misunderstanding. That is, what is evidence?

So, I told him a short story.

“My brother’s a Police Officer but he got into some real trouble when he first started because he didn’t appreciate what evidence actually was. He assumed that his 16 weeks of training had taught him everything he needed to know. How wrong he was!”

“How come?” asked Nick.

“He had to attend Court to give evidence in a case where he had arrested a young woman and almost ended up in contempt of Court and slapped with a fine himself!”

“Really, what did he do wrong? Swear at the Judge?” Nick asked.

I laughed “No, nothing that bad, but he was totally unprepared and the Judge didn’t take kindly to having her time wasted when my brother was called to the stand to provide evidence of what he witnessed at the time of the arrest a few weeks earlier.”

Nick looked thoughtful, “How did he do that? That doesn’t sound too hard”

“It doesn’t, does it” I responded, “but then that’s what he thought too! The prosecutor called my brother to the stand asked him to recount the incident, which he thought he did very well from memory. The prosecutor then asked him if he could prove any of what he had just said, and my brother replied that he didn’t need to since he had been there and his word as a Police Officer under oath should be enough.”

“That seems pretty reasonable I guess” stated Nick, “why was that a problem?”



“Because his word was NOT enough. The prosecutor suggested that his memory could be faulty and started questioning the details of what he had said and done, asking for specific words and actions from both him and the woman he arrested. He couldn’t do it and got a bit flustered and embarrassed. It was looking like the suspect might get let off because of my brother! The Judge interrupted and asked my brother to produce his pocket notebook, which all Officers are issued with and form part of the legal evidence.

*“It’s in the car, Your Honour” my brother admitted.*

*“What about your written statement from the night in question?” asked the Judge.*

*“Um, what about it Your Honour?” asked my brother, wishing he could be anywhere else right then.*

*“Where is it?” the Judge demanded, getting rather red-faced about now.*

*“On the computer at work, Your Honour” he stammered in reply*

*The now purple-faced Judge glared down at him and shouted “Right. So you mean to tell me you have rocked up at my Court without any evidence to support the charges, for an arrest you made, and didn’t even bring along the witness statements or your personal pocket notebook to refer to, expecting me to take your word for everything? Have I got that right, Officer?”*

*“Err, I guess so” my brother agreed, hanging his head*

*“I can see this is your first appearance in Court and so I am going to give you one opportunity to make good and learn from this. This session is adjourned for one week so you can learn how to do your job, get prepared and then let me do mine. Be back here in seven days, and if you aren’t prepared to my satisfaction at that time, you and I are going to have a very unpleasant chat and you will quite possibly get a fine!”*







“The Judge banged her gavel on the bench to make her point, and my brother escaped the Court as quickly as possible”

Nick was nodding in agreement, “I bet he did. I would have done too! What did your brother do next?”

“Well, he went back to the Station where his Sgt greeted him at the entrance with a grin on his face, having already heard all about it from a Court colleague. After a good deal of teasing, the Sgt confirmed he had a very lucky escape since that Judge was known for not taking any prisoners and offered to help my brother prepare properly for his next appearance, which didn’t actually take him too long and he wondered why he hadn’t done it in the first place”

“What did he do?”

“His Sgt told him that **the prosecutor had asked the best question: “Can you prove it?”** and that was what he needed to be able to do, clearly and logically. So he looked at the case details again and looked for evidence and not just a good story of what he remembered” I answered, “and so he found his pocket notebook with the notes he had made at the time of the incident, he retrieved three statements that had been written within 24hrs of the incident by him, the accused and an independent witness, the recordings of the suspect interview and obtained the CCTV that had caught part of the incident too and made sure he knew all of the evidence details that could be proved”

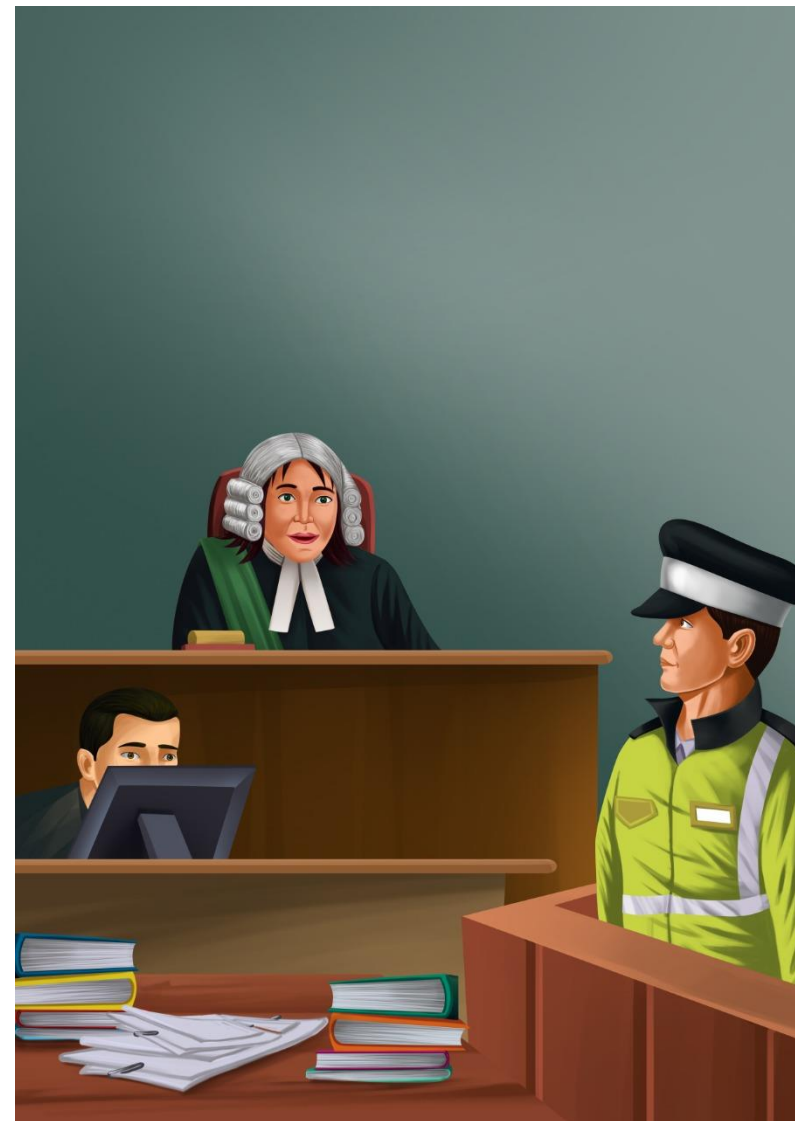
“Was that enough” asked Nick

“It was. He went back the following week, armed with all the evidence and knew what he had and hadn’t done at the time of the arrest. He was able to answer every question and back it up with relevant evidence that corroborated his account of the incident and the young woman was found guilty and given a suspended sentence. The Judge commended him for providing a good account and having the evidence to hand to refer to - but did add that it was a shame he hadn’t been that prepared the week before.”

I then asked Nick, “How does your apprenticeship evidence fit in this story?”

Nick thought about it and answered “I guess I’ve been relying on my assignments to prove what I do at work, but they don’t really. They do prove what I have learned, but not that I am putting it into practice. It’s like your brother on the stand just telling the story?”

“Yes” I agreed, “go on.”





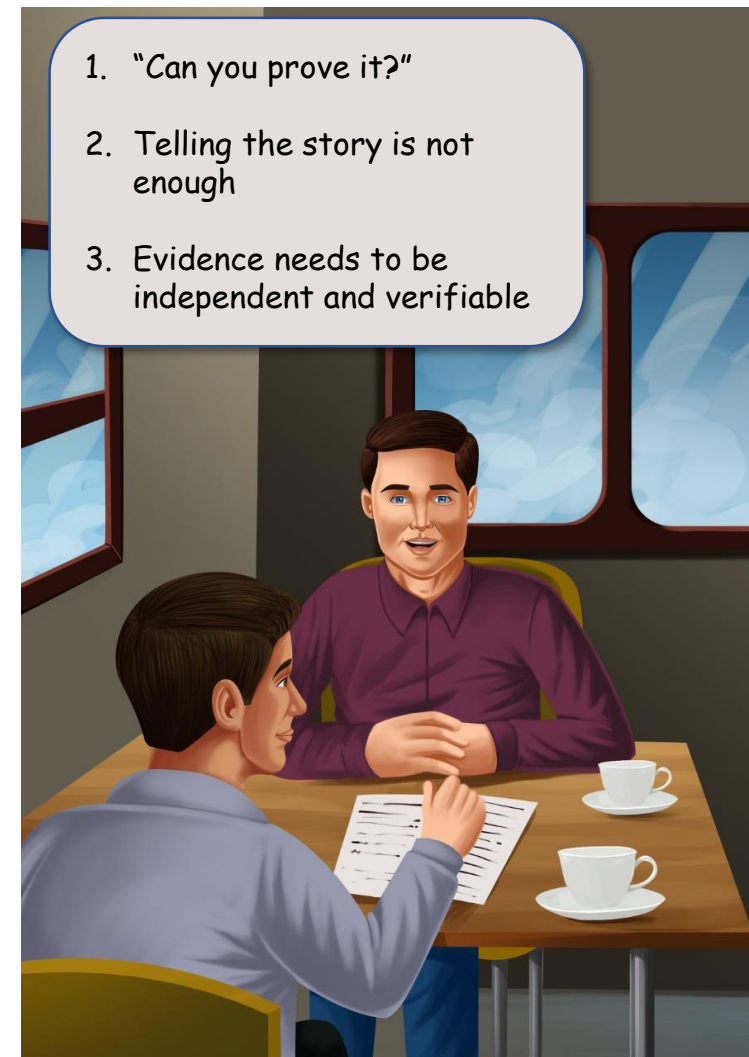
“So, I picked up three key points from that story:

1. I need to think about that question, “Can you prove it?”
2. Telling the story is not enough. It’s not evidence.
3. Evidence needs to be from a third-party source and should be able to be independently verified.

...but how do I do that?”

“You’re spot on, Nick, but the answer to that question will have to wait until our next coffee as I have another apprentice to speak to in 5 minutes. Keep thinking about it and tell me your ideas when we meet next week, okay?”

It appears Nick got the point and I’m really looking forward to hearing his suggestions.



Thanks for reading this short story and I hope you have found it useful.

If you can relate to Nick and would like to know how he overcomes his struggle with producing good evidence drop me a line and I'll send you the next chapter for free!

*Simon*

