

Coping with a false allegation of historic abuse in care or teaching: what you can do towards your own defence.

Initially, the shock of being falsely accused and arrested can be such that the person accused does not know where to turn or what to do, so these are some suggestions of what could be done to prepare for trial. It is based on our own experience of being arrested for allegations that were meant to have occurred over 40 years previously. While every case is different, we hope these may help.

1. Join a support group such as FACT: and FACT have a list of other support groups on their website. PAFAA is also a good group for practical and emotional support though not specifically for teachers and carers.
2. Find a specialist solicitor to act for you. You do not have to have the duty solicitor that you probably had in the police station. This area is so specialist that you need the best defence possible. FACT or PAFAA can point you towards those who have a great reputation for acting for the falsely accused, both on a fee basis and on legal aid.
3. You can still do lots of research yourself. Especially if you have been suspended from your job, it is a good way of using up the time you now have spare. However, do not spend any money on research: your accusers and accusations are quite likely to change over the next few months, and you could end up wasting money (such as private detectives) on accusers who cease to be part of your final charges. However, also remember that any research you do must be for you to give to your solicitor and for them to decide what to use.
4. In many case, one of the best things to do is to start to create a 'Timeline'. If you have EXCEL skills this may be a good thing to do, but if not a simple WORD table, with 3 columns (date, detail, and comments) will be enough. You then just keep inserting new rows as more information becomes available.

5. Enter any dates you have already got, with the source of the info: these might be from your CV, or from the information given to you by the police. However, don't get excited if this shows that you were not working at the place, or with the accuser, at the time the allegations are supposed to occur. In law, this is not relevant, as accusers are allowed to forget dates (but you are not: can you remember what you had for dinner on a particular day in 1975? If not, this must indicate you are lying!). We were charged with offences that the accuser insisted (27 times) occurred in 1973; we did not go there until 1975; the charge sheet read 'from 1975 – 1980'.
6. If descriptions of you and what you allegedly wore at the time have been given, and they are inaccurate, then gather photos from that time. If the police have taken photos from your house, then see if friends can supply you with them. Date them on the back.
7. If appropriate, write some short briefing notes for your defence team about the place you worked, what it was like, the age group and type of children there, which will help them to understand the situation.
8. If you are re-arrested or re-interviewed, consider (with legal advice) making a 'no comment' interview, especially if you have provided lots of information at your first set of interviews and no interest has been shown in this.
9. Consider asking friends to search the social media pages of your accusers. (Best not to do this on your own site). Some of the support groups can advise re this.
10. Unless you have a bail condition preventing this, get in touch with former colleagues who you think may be able to help you and/or even be a defence witness for you. Be careful with former children at the place you worked: the lure of financial compensation could encourage more false accusations. BUT if you know that there are former residents/pupils that are 100% reliable then they make powerful witnesses

11. Do not provide any information to the police that you think might persuade them to drop the allegation: they may actually use it to get the accuser to change the details of the allegation. (Jim Davidson was accused of abusing someone in his dressing room at the London Palladium. He provided information to the police showing that the description given by the accuser was inaccurate and not feasible, so the police went back to the accuser who changed the venue to another one 50 miles away).

If you are charged

12. Once you appear in court the prosecution (CPS) have to start to disclose material to you. The first thing you will get should be transcripts of your own interviews and copies of the statements of your accuser/s. Go through these very carefully. Identify anything that you wish to comment on in your own statements and anything from the accusers' statements and make detailed notes, referring to page numbers etc. Add anything relevant here to your timeline, such as dates of the interviews with the accuser.

13. You will also get copies of a 'Police schedule of relevant non-sensitive unused material', containing all actions etc. carried out in your case. In the right-hand-column the prosecution add notes:

D = Disclose to defence

I: Disclosable to defence and defence can inspect

ND: Not Disclosable

CND: Clearly not Disclosable

D&C: Disclosable and copied (to you)

E= Evidence

'May assist the defence'.

14. You and your defence team need to go through this carefully. You are entitled to 'request' anything that they have said is not disclosable, and your solicitor will put together a Defence Case Statement" (DCS). In this, you point out why something should be disclosed. (If they still refuse to disclose it you can submit more detailed reasons why you should see it, and if they still refuse then an application can eventually be made to the

judge). *We continually requested a document that they were refusing to disclose until the last minute, which proved crucial.*

15. If you find that there are things in your accusers statements that seem odd, your defence team can seek clarification (*we discovered that there had clearly been meetings between the police and our accusers which were not recorded, as information in the statements of our accusers could only have been given to them by the police but there was no record of this on the transcript*). Your defence team can request a copy of the 'contact log' between the police and your accuser. If you get this, add dates to the Timeline.
16. If relevant, you can request child care files, school records, counselling records, medical records etc. of your accuser. When these are provided, make sure they come from the correct source. (In our case, the police went to the selected bits of his care file that our accuser had read and copied and given to his counselling project, and then said that material that we wanted was not there, and we had to insist they went to the local authority source). Keep adding any dates to the timeline.
17. If relevant, you can request a print out from the DVLC of your driving record, when you first learned to drive, and the cars you have owned (One of us was accused of driving a boy to hospital (and abusing him there) 10 years before passing the driving test; in another case we know of a person has been accused of driving someone to a site where he was abused when the person he accuses was aged 15; in another case a member of care staff accused of participating in abuse was aged 13 at the time). Keep adding any dates to the timeline.
18. If there is any media coverage of your arrest, keep copies. If a newspaper allows comments about you on their website (as happened to us on day 1 of the trial) your solicitor can stop this (it is illegal).
19. You should receive a copy of the criminal record of your accuser/s, if they have one. If you have multiple accusers, check to see if they could have been in prison together at any stage (two of our accusers were convicted murderers who almost certainly would have come across each

other during their sentences, and this explained the corroboration of lies and false descriptions).

20. Some accusers are multiple complainants and may have claimed or are claiming compensation in your case (claims can be made against your employer; the employer's liability insurer and the Criminal Injuries Compensation Authority. You can ask for disclosure of any claims they have made. They are also likely to have signed a standard prosecution statement on disclosure, so check if there are inconsistencies here.

Preparing for trial

21. There is likely to be a long gap between your first arrest, you being charged, and your trial (32 months in our case!), so try and keep on top of the paperwork and updating your timeline. If things are found on the internet/social media that are relevant, print them off or take screenshots and print them off, in case they get removed.
22. Your solicitor may ask you to write, or to help with, your Defence Case Statement, and then preparation for trial, including briefing for barristers etc. if you have them. Try and focus on the key (killer) points that the defence team can build your case around. Even if they are unable to use them all, it helps to put things into context for them.*