

FACT, INFORMATION, OPINION and NEWS

Jersey - Who's Pulling the Wool Over Our Eyes?

A great deal has been written in recent weeks about the Haut de la Garenne children's home where it is alleged children were repeatedly and systematically abused over a long period of time. Press coverage of this revelation has varied from the informed to the hysterical.

The recent briefing by the Police that the remains of a child were discovered by a police sniffer dog was perhaps designed to ensure that Press interest would be sustained, and that the police inquiry would move up a gear. Perhaps to make sure this was the case Deputy Chief Police Officer Lenny Harper was immediately quoted as saying that detectives 'think there is the possibility they may find more remains - possibly six or more bodies. The news spread fast. Both the print and broadcasting media reported stories of paedophile rings, systematic abuse of orphans, and by implication, of child murder on a grand scale. Where have we heard that before?

According to Richard Webster, a social historian who spent 10 years researching child abuse in children's homes in North Wales and parts of England, practically every element of the initial story, as relayed by the media, was untrue. All that had been found was a small piece of bone which was later said to be a 'skull fragment'.

For various reasons, mainly due to the absence of collagen in the sample the police were unable to age the fragment, or indeed confirm exactly what it was. However the police made it clear that it could not have been placed where it was before the 1920's, and therefore must have been placed there whilst Haut de la Garenne functioned as a children's home.

According to Webster leading scientists dispute this view and say that the bone, if that is what it is, could

be thousands of years old. This is not a far fetched theory as Haut de la Garenne is just a few hundred yards away from a neolithic burial site where numerous bone fragments have been found.

More recently it has been reported in the *Mail on Sunday* (18th May 2008) that the "remains of a child discovered by police investigating allegations of abuse at a former children's home on Jersey is really a small piece of wood or broken coconut shell." According to the Sunday Mail the police have known this for several weeks but insist that it is bone.

A F.A.C.T. spokesman said we must be careful not to believe things simply because they appear in the Press or indeed on a website. What these accounts demonstrate however is that the police should not release information to the press and media for its speculative value, and that if they issue information which is later found to be unreliable they should correct it immediately."

"Speculative briefings do a great deal of damage not only to the police's credibility but also to the press and media. It also confuses the public in that they no longer know who to believe. It is also very damaging to all those who *have* been abused at Haute de la Garenne, and in the long term undermines efforts to protect children and the vulnerable"

As Richard Webster so eloquently describes it also creates a climate in which false allegations flourish and individuals are wrongly labelled as abusers. This does a disservice to all those who have been labelled by such disclosures or are innocent of allegations made against them.

For further information on Haute de la Garenne and the press see www.richardwebster.net.

FACTION is in need of sponsors - can you help ?

Falsely Accused Carers and Teachers

F.A.C.T. is a voluntary organisation which supports carers and teachers who have been falsely accused and/or wrongly convicted of child abuse, and campaigns on their behalf for changes in investigative practice, and for reform of the criminal justice system.

Committee and Editorial Team

F.A.C.T. is managed by a national committee who can be contacted as follows:

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The committee are also supported by one other member, and up to three co-opted members and representatives from the regions, who can be contacted via the national secretary.

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FACTion

FACTion is produced at approximately 6-8 week intervals at the national committee's discretion, and is provided free of charge to F.A.C.T. members.

The editorial team welcome articles for publication, of between 150 and 1,500 words, and letters of not more than 200 words

These should be sent, preferably by email, to faction@factuk.org or by post to FACTion, P.O. Box 3074, Cardiff, CF3 3WZ.

The editorial team reserve the right to edit any article or letter sent for publication. All submissions must be accompanied by your name and address which, on request, will be withheld from publication.

The views contained in FACTion are not necessarily those of F.A.C.T., or its national committee.

Contributors should be aware that FACTion also appears on www.factuk.org/faction and therefore is, potentially, accessible to everyone.

Editorial

Firstly, an apology. For reasons beyond our control FACTion was late going to the Press. We apologise for this and hope that the wait has been worthwhile.

It was good to see so many of you at our Spring conference. Numbers were slightly up on last year which is always reassuring. As usual Gail, Joy and her team put together an excellent day. A lot of work goes into planning and organising our conferences and I am very grateful for all the work they do, and of course for your support.

Our conferences also serve to remind us that as an organisation we need to listen to and engage with Government bodies and those on the 'other side of the fence'. We all also need to learn from successful campaigners.

The presentation by Sir Roger Singleton was not only informative but also encouraging in that it is clear that the I.S.A. are not blind to the issues of false allegations. Over the years we have had some excellent conference talks by seasoned campaigners but the talk given by Iain Henderson concerning his wife's imprisonment must rank as one of the most disturbing we have heard to date. We wish Iain, his family and supporters every success in their campaign to overturn Keran's conviction.

It might be tempting to think of our speakers as being on opposite sides but on closer examination they have more in common than might be realised. Sir Roger announced that during his early career he worked in a secure unit for adolescent boys. He appreciated how difficult a task this was and how vulnerable staff were. Likewise Iain was, until recently, a serving police officer. Whilst this may have given him an edge in that he would know how police investigations should be conducted it also means that from time to time he came into contact with people who *had* abused or seriously neglected their children.

It is very easy to be critical of the police, prosecution authorities and safeguarding bodies for the stance they take in protecting children and vulnerable adults. To us their actions may seem extreme and unnecessary because we know we *are* innocent but we should also remember that their actions are, more often than not, perfectly reasonable in cases where abuse *has* occurred. Would we, for example, not condemn an early dawn police raid if it established beyond any doubt that children had been, or were being, abused. Would we condemn social workers for restricting or preventing perpetrators access to children in cases where abuse *had* occurred? Of course not.

What matters to us is that the investigative and safeguarding processes are sufficiently robust so as to ensure that the risk of being found guilty, when in fact you are innocent, no longer exists.

With my best wishes,
Rory.

Do you live in Ireland?

F.A.C.T. has been approached by a member in Ireland who is keen to establish an Irish extension of F.A.C.T. The F.A.C.T. national committee has always valued its connections with Ireland - north and south of the border - and would be very keen to establish a presence in Ireland. What we now need is a few people who would be willing to form the nucleus of a new group. The group could either be an extension of an individual campaign, or linked to a specific (past or present) inquiry by the Garda, or be an occupational group, or a combination of all three. F.A.C.T. would provide some initial finance to get the group started but we would hope that in time that the group would become self supporting. The important thing is to establish a group that is in sympathy with what we do and what we believe in. If you are interested or would like to know more please contact the secretary 44 (0) 2920 777 499 or email sec@factuk.org for

Atonement

The issue of false allegations is now firmly embedded in popular culture and increasingly the subject of docu-drama, novels, and films. Whether this is a good thing or not may depend on your point of view, and possibly which side of the fence you sit on. What this shows however is that popular culture provides some balance to the sometimes dismissive and at times hysterical response of professionals (and others) to any suggestion that, sometimes, young people do make false allegations of sexual misconduct.

So it is particularly refreshing to see this subject covered so intelligently and sensitively in the much acclaimed film *Atonement*. The film is based on Ian McEwan's prize winning novel and was recently awarded an Oscar and judged to be the best British film by BAFTA. It is about a young lady, a teenager, who falsely accuses a young man of committing an indecent act. Her actions subsequently changed the life of the young man. Later, the young lady became a well-known author. To atone for her actions she writes a novel that tries to explain what happened.

This very sensitive and well constructed film is essentially about perception of events, how stories develop over time, and self-preservation. Those who have been falsely accused will identify with the story line and in particular the way in which vulnerable and indeed intelligent young people can be victims of their own imagination.

Chris Saltrese

Solicitors

Chris Saltrese Solicitors is a law firm providing a premium service in representing clients accused of sexual offences and domestic violence, in criminal proceedings. We have unrivalled expertise in these areas, both regionally and nationally.

Many of our clients face allegations as a result of

- domestic or relationship disputes
- contact disputes
- mental health problems
- financial incentives

and have no prior experience of the criminal justice system. Often these allegations involve uncorroborated, historic allegations.

In this complex arena specialist legal advice and representation is vital especially as recent changes in the law, designed to convict genuine offenders, also put the innocent at greater risk of injustice.

We particularly welcome carers, teachers, and health care professionals who have been accused of abuse and are likely to be subject to a criminal investigation. Where allegations have been made we would be happy to advise, whether or not criminal investigations are underway.

For further information please contact

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Know the feeling

“It's a terrible thing to be falsely accused, and wrongly convicted, even of a fraction of the original charges, and unjustly incarcerated. For persisting in seeking the recognition of my innocence of these charges, I have been portrayed as defiant, or at least in denial. I defy and deny unjust charges, not the practical difficulties I have faced for the last four years and am facing now.”

Conrad Black, Prisoner No. 18330-424 USA , March 2008

If only we had the courage....

Fed up with being sued by parents demanding that their children's failing grades changed to passing grades - even though those children were absent 15-30 times during the semester and did not complete enough school work to pass their classes, the Pacific Palisades High School in California staff voted unanimously to record this message on their telephone answering machine.

The outgoing message:

Hello! In order to assist you in connecting to the right staff member, please listen to all the options before making a selection:

To lie about why your child is absent - Press 1

To make excuses for why your child did not do his work - Press 2

To complain about what we do - Press 3

To swear at staff members - Press 4

To ask why you didn't get information that was already enclosed in your newsletter and several flyers mailed to you - Press 5

If you want us to raise your child - Press 6

If you want to reach out and touch, slap or hit someone - Press 7

To request another teacher, for the third time this year - Press 8

To complain about bus transportation - Press 9

To complain about school lunches - Press 0

If you realize this is the real world and that your child must be accountable and responsible for his/her own behaviour, class work, homework, and that it's not the teachers' fault for your child's lack of effort: Hang up and have a nice day!

If you want this in another language, move to a country that speaks it.

Can you help?

Dear FACT,

I hope you don't mind me contacting you.

I am in the development team here at North One Television. We make factual programmes for channels such as Channel 4, ITV, Channel 5 and Sky. We are currently developing a documentary on families in Britain that are targeted and abused by their local community. We are looking at all types of families that are vilified by their neighbours, from immigrant families to relatives of prolific criminals.

Our company specializes in sensitive documentaries that allow their subjects to have their side of the story aired, in many cases for the first time.

North One is a BAFTA winning production company who specialise in intelligent, innovative and compelling documentaries. For example we recently made *Blind Young Things* for the Cutting Edge strand for Channel Four which explored the world of partially sighted and blind young people and we have just been commissioned to make a landmark series for Channel 4 about young people and the NHS.

We feel our background, experience and most important of all, our team are ideally suited to helping ostracized or targeted members of the public tell their story.

I wanted to get in touch to see if in F.A.C.T.'s work against discrimination you had come into contact with any carers or teachers and their families that have been falsely accused and want to tell their story.

We'd be interested to hear of any families that have come under community abuse and attack from their neighbours due to a false accusation.

If you are interested please contact the F.A.C.T secretary 023920 777 499 or Harriet Manby, Assistant Producer, North One Television, 46 – 52 Pentonville Road, London, N1 9HF Tel: +44 207 502 5794. Alternatively email harriet.manby@northonetv.com

What is the Church of England playing at?

I am a F.A.C.T. member because I was charged and found guilty of an historic case of abuse which I, as a school teacher, was meant to have carried out many years ago. Like others I am innocent and still trying to clear my name. I have been blessed by the support of numerous friends and colleagues, as well as my family. I have found it impossible over the four years or so since my release from prison to find any employment – I cannot even fill shelves in my local supermarket.

As a musician I circulated my musical C.V. to local clergy and made myself available to play the organ for funerals and weddings. It was not long before one priest, the incumbent of a small group of rural parishes, approached me to see if I would consider becoming the organist at the main church in his group. This was about 10 miles from where I currently live. I arranged to talk with him and I “laid my cards” on the table about the case against me. We agreed that he would talk with his two churchwardens, and together they offered me the job of playing the organ. After a few months I managed to form a small choir of nearly ten ladies (the gentlemen seem unable to sing!); I had made it clear that children in the choir was a non-starter, but this problem never arose. Less than a year later the parish priest retired and we entered an interregnum. The area Archdeacon, who had known me for 25 years as we once lived in neighbouring parishes, asked that the parish set up a “support group”; six people, including the two churchwardens (and a retired bishop) were approved by me. We met every few months to consider whether there had been, or could potentially be, problems for me. There never were. On the rare occasions there were children in the church I was chaperoned discretely by a member of the support group. There was never a problem. They were wonderful folk and very discreet. In May 2007 the Archbishop of Canterbury was given a rough ride by John Humphries on the BBC Radio 4 “Today” programme concerning the recent case of a known child abuser who had not been dealt with by the church some 30 years ago, and had re-emerged as

a potential offender again. At a meeting of my support group a few days later, and attended by the Diocesan Child Protection Advisor, I was instantly dismissed by him with “the authority of the Diocesan Bishop”. The support group were horrified.

I challenged the Diocesan Bishop in a letter. Forgetting the fact that I still plead my innocence (and the Christian church is based on the work of a god-made-man who was falsely convicted of a crime he had not committed) it appears that those convicted of sex offences are being singled out as a criminal class of their own. I raised the case of a Licensed Lay Reader in this Diocese who is a convicted embezzler, spending time in HMP. I was told that it was alright for him to hold office in the church “without making him

a PCC Treasurer again” (although the Bishop seems unconcerned that man is handling public money for a parish outing!). But sex offenders can hold *no* post of responsibility in the church – not just those involving youngsters (as for me, not only does my license forbid such contact with youngsters, but after my experience I wouldn’t

want anything to do with any child again).

I have accused the Diocesan Bishop of being “an unreasoned thinker” and questioned his misuse and abuse of Holy Scriptures in that he misquoted the Parable of the Prodigal Son. I have accused him of being philosophically unsound and charged him with not living the gospel of love which he preaches. He has failed to respond to my accusations. This may be an indication that he actually knows that I am right; perhaps his strings are being pulled from Church House, Westminster and Lambeth Palace.

Now there were you, thinking that the days of witch-hunts, bigotry, discrimination and ex-communication were all in the past.

What is the Church of England playing at?

Name of author withheld

“After my experience I wouldn’t want anything to do with any child again”

ACCESS TO CHILDREN

Human Rights and the Law

Article by George Jensen

It has recently come to my notice that the Appeal Court Criminal Division made a judgement on Monday January 23rd 2006 which may have considerable implications for many men who are either serving or have served a sentence for alleged sexual abuse of children. The judgement has special significance for those who were convicted of alleged offences of this nature which were purported to have been committed many years previously whilst working in children's homes and the old approved school service.

Many of those who were convicted had what are referred to as Sexual Offences Prevention Orders attached to their sentence, or were granted parole which had conditions attached, under section 104 of the Sexual Offences Act 2003. I am also aware that men who are at present serving sentences are also subjected to rulings by MAPPA or Social Services regarding contact with their children. In most instances contact in any form is disallowed or severely restricted, often resulting in a total ban on letters, birthday cards, phone calls etc. The final category which this judgement might have considerable implications for are those men who are or have been on parole and are not allowed either to have contact with their children or to move back to their matrimonial home.

On January 23rd 2006 an appeal was heard before Lord Justice Latham – Mr Justice Burton – and The Recorder of London (Sitting as a Judge of the Court of Appeal Criminal Division) Case No; 2005/05513/A2 – Listed as Regina V Shiers. Mr B N O'Brien appeared on behalf of the defendant.

The defendant had appealed on two counts (1) Appeal against sentence (2) Appeal against the imposition of the terms of an indefinite Sexual Offences Prevention Order. The terms of the order being;

- 1) Not to reside in any household with a child or young person whom he reasonably believes to be under the age of 16 years.
- 2) Not to have any unsupervised contact with any young person whom he reasonably believes to be under the age of 16 years, in public or private, except within the line of sight and range of hearing of that child's parents or legal guardian (save for any inadvertent or unavoidable contact with a child whom he reasonably believes to be under the age of 16 years).
- 3) Not to engage in any employment or other activity with a child or young person whom he reasonable believes to be

under the age of 16 years, either on a professional or voluntary basis.

4) Paragraphs 1, 2, and 3 (which the court has rehearsed) are subject to paragraph 5.

5) Not to contact or meet his biological children save with the express permission of the social services.

(There was also the requirement for notification to the police under Part 2 of the Sexual Offences Act 2003. This last element we can dismiss as not being of relevance to the major impact of this particular judgement, and the appeal against length of sentence is irrelevant to our concerns).

The appeal contended that the prohibition (as listed above) offended Article 8(1) of the Convention on Human Rights and section 6(1) of the Human Rights Act 1998. The appellant contended that none of his offending had been committed against his own children. He stated that the prohibition in paragraph 5 of the order which governs the activities prohibited in the preceding paragraphs 1, 2, and 3 should simply read "save in the exception of his biological children".

The judgement reads; Insofar as the court accepts that the wording of the Sexual Offences Prevention Order, notwithstanding being the subject of discussion between the judge and counsel acting for the appellant on July 29th, was wrong; and that there are no biological children the subject of Social Services direction. The court allows the appeal in this regard to the extent of deleting the prohibition in paragraph 5 as it stands and substituting "The previous paragraphs shall not apply to any biological child unless a court so orders".

In order to explain and clarify the grounds for this appeal it is necessary to consider these facts.

Article 8 (1) of the European Convention on Human Rights secures the right to a family life for everyone, including the right to be with and raise their children.

Article 12 of the Convention secures the right for everyone to marry and have a family, including having children.

Article 14 of the Convention secures the rights laid down in the Convention for everyone to have the protection of the Convention without any form of discrimination on whatever grounds that may be presented. That is regardless of religion, ethnicity, crime etc they are entitled to their Human Rights.

Now it is essential that note is taken that this judgement was concerned with the requirements and instruction laid down in the Sexual Offences Prevention Order, but it is my contention that it would be equally applicable to other

forms of restriction on contact with biological children and family home, in that Section 6(1) of the Human Rights Act 1998 states; "It is unlawful for public authority to act in any way which is contrary to a Convention Right". Simply put that means that a public authority or any person acting on behalf of such a body is not permitted to act in any way which may restrict another person their Human Rights. Probation officers and local authority social workers fall into the category of public authority within the meaning of this Act. This ruling does not apply where the alleged offending is or has been carried out against any biological child.

The importance and precedence of the Human Rights Act may be found in the judgement by Lord Justice Scarman R V Home Secretary exp Phansopkar (1976) 606 where he stated "Problems of ambiguity or omission, if they arise under the language of the Act, should be resolved so as to give effect to or, at the very least, so as not to derogate from the rights recognised by the Magna Carta and the European Convention". Simply put – the rights under the convention have paramount status.

I would therefore urge any person who feels that they are the subject of a restriction of their rights to family life as I have set out above, to contact their solicitor as a matter of urgency and instruct the solicitor to bring to the notice of any public authority who are imposing such restriction that they are in breach of the Human Rights Convention as set out in the legislation.

George Jensen

Note: Law and practice in relation to offenders right to access to children is evolving and will depend on individual circumstances. As always it is best to consult a solicitor for up to date advice.



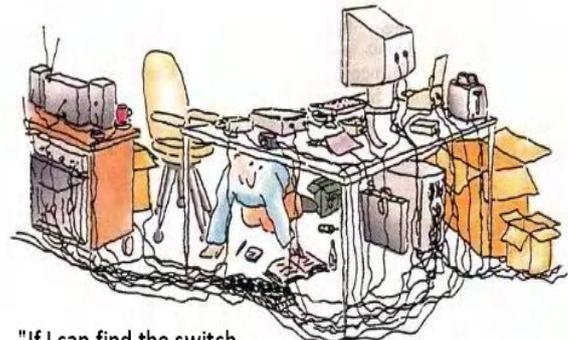
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John McCormick, Solicitor Advocate
McSparran McCormick
Waterloo Chambers, 19 Waterloo Street
Glasgow, G2 6AH
Tel: 0141 248 7962
Email: mail@mcsparanmccormick.co.uk
Website: www.mcsparanmccormick.co.uk

When choosing any Solicitor, always make that decision in the light of
the reputation of the Solicitor, his experience and qualifications.

Do not make that decision in haste - you may have to spend a long time regretting it!

In Our Opinion

A response to the national debate launched by Dr Michael Naughton at our Autumn Conference

The stimulation of rational debate in the context of Dr Naughton's views is always welcome when adopted in a spirit which is designed to assist the aims of the organisation to which it is addressed. He is undeniably correct that organisations lose a degree of credibility if they are hijacked by those wishing merely to find reinforcement for their own dishonest denial of guilt. Clearly, this is in the interests of no one.

As two individuals convicted after trial in the courts, we both believe that Dr Naughton's article approaches a thorny subject with a high level of sensitivity and that he holds a keenly felt desire to reduce the instances of wrongful accusation and conviction. His words are no attack on F.A.C.T. but must be seen in the wider context of a subject which arouses strong emotions amongst all who have dealings with it. An abused person who is not heard can have no belief in justice and neither can the man or woman who spends time in prison for a crime they did not commit. In both instances, lives are ruined. It is our hope that these thoughts may present themselves as a balanced response to Dr Naughton's words, especially given the fact that they are written from behind bars.

Dr Naughton begins with an analysis of F.A.C.T.'s statement of aims and objectives. He is correct to question the evidence upon which assertions are made by campaigning groups and that of F.A.C.T. in particular. Proven information and statistics which would certainly help achieve true objectivity in any discussion might be:

- 1) The number of false claims made year by year.
- 2) The number acquittals versus convictions in the courts; this must be easily available. It is important to remember that as we do not have a Scottish verdict of 'not proven' any acquittal must be taken as complete exoneration. To adopt any other view makes a mockery of the judicial process itself.
- 3) The number of claims actually dropped by accusers of their own volition before they even get to court and before any opinion has been expressed by either the police or the CPS as to the chances of obtaining a subsequent conviction.

The 'opposition' in any debate are happy to seize upon assertions of others which cannot be backed up with hard facts whilst often glossing over their own failings in this area. Any group campaigning on behalf of its 'members' and supporters needs to be clear about the need to be able to defend its corner. F.A.C.T. does of

course suffer as it is defending a highly unfashionable cause and collating information to substantiate its claims is not as easy as people may think. F.A.C.T. is a brave body of people. There are many other areas of information which would inform constructive debate and thereby long-term change for the better but, as we must rely upon evidence within a trial, so must we rely upon evidence rather than 'hearsay' within any public dialogue. Hearsay evidence is now a key tool in gaining a conviction at trial!

The polarity of the two camps of child protection and campaigners against false accusations is to an extent an inevitable one. We would suggest that the media has much to answer for on this point. Both camps feel the need to 'dig in' in defence of their positions given the almost paranoid and obsessive manner in which sexual abuse cases are reported, re-reported, and distorted in order to sell copy. No one would deny that the abuse of a child is a reprehensible crime but so are many others which have devastating long-term impacts upon the lives of innocent people. To stigmatise sexual offenders in the way so often seen in the press and on sensationalist news bulletins has helped neither camp who could so easily see their respective interests as no longer mutually exclusive but as sharing a common purpose to punish the guilty and exonerate the innocent.

Dr Naughton's comment that the "the child protection community does not need to acknowledge the possibility of false accusations because it is in the driving seat" is an important one. Ever since the Children Act of 1989, successive governments have been less than objective in handling public debate on this subject and convictions have been made ever easier to achieve, especially since the seven gateways for the adducing of hearsay, propensity, &c. evidence in the 2003 Criminal Justice Act. A lobby which does have the legislature and executive's combined ear will have an inbuilt ability to drive the agenda and that legal premise at trial of 'equality of arms' is undermined by the continuance of the political status quo in this area.

It is hard to disagree with the reasons cited by Dr Naughton in the section dealing with 'the typology of prisoners maintaining innocence'; human nature dictates that they must be so. What experience also teaches us is that some admit to their 'crime' in order to receive a shorter sentence (i.e. remission for an early plea of guilty) or an easier time through the penal system (e.g. earlier enhancement, parole etc.). Some -

perhaps many or most - child abusers also maintain their innocence, even after conviction.

It is also true that accused/convicted victims of false allegations are said to be 'in denial'. The penal system which then has to deal with them has no effective mechanism for coping with the difference between 'denial' and the 'maintenance of innocence' (why should it? – we are convicted) so doubly punishes those in such a position. If it did not do so, unfairly, more is the point, the Prison Law Reports would not be so full of accounts of cases of Judicial Review succeeding in the Administrative and Divisional Courts.

Dr Naughton's subsequent paragraph in defence of those genuinely convicted in error is a more than ample resume of the flip side of the coin. The criminal justice system is a human creation; since human nature is flawed, it is not a big step to accepting that so must be the way in which justice is sometimes administered. Unfortunately, in 2008 public opinion is not behind the notion of it being better to see a guilty man walk free than an innocent one imprisoned. Moreover, the public is happy to turn a blind eye to the opposite dictum.

The question of being 'taken on trust' which then follows in Dr Naughton's argument is an important one and given the balanced manner in which he presents his points, little need be added here. Perhaps the key point however, which is not covered is the fact that there is an initial presumption towards assuming the veracity of the accuser's complaints and we return once again to the 1989 Children Act. Even if a carer or teacher is never prosecuted, their reputation is tarnished with immediate effect and, once suspended, they are as good as scuppered for life in their chosen career and the knock-on effect upon their families is huge. In many instances it is the case that 'adult civil rights' are now subservient to 'child civil rights' in this area. Children are believed: adults are not.

F.A.C.T. is one of the only groups working in this problematic area. The work it does in supporting the families of those wrongly accused and/or convicted is impressive and invaluable. Following the article the response by the national committee usefully points out that allegations of a sexual nature are but only one aspect of the accusations faced by F.A.C.T. members. Any organisation will fall victim to dishonesty at various points and it is the unfortunate by-product of the nature of the work they undertake.

As two people with a combined experience of nearly 50 years in their chosen fields can attest, people often lie. They lie for all sorts of reasons, some understandable, others not. Anyone can lie and they do. The levels of vulnerability faced by those who work in the caring and

teaching professions have undoubtedly increased in past years and the litigious culture in which we live has done little to abate this. For as long as there are carers there will be false allegations. For as long as there are teachers there will be false allegations.

Yes, let us have an open and considered debate and let us work hard to achieve a fairer and more just process for establishing the rights and wrongs of these most difficult and sensitive situations. Let us be open to positive engagement with those seen as being 'in the other camp' and let us move forward to reduce the number of lives and futures devastated forever by the blight of false and malicious accusations. But let us also never ever forget the fact that there has been a witch-hunt mentality; there has been a total unwillingness to engage on the part of certain elements in all of this. It is because of these facts that this F.A.C.T. has to exist at all. We forget that at our peril.

David and Darren

We are grateful to Darren and David for their response to Dr Naughton's article which we published in November 2007. We are sorry that we were unable to publish it sooner. We are also grateful to several others who have responded to this debate.

Dr. Naughton has raised an interesting point; how can any organisation whose prime function is to support falsely accused or wrongly convicted be sure that those who seek its support are indeed innocent.

The truth is that, generally speaking, we can be no more sure that those who seek our support and maintain their innocence are telling the truth than victim groups can be in believing that the complainant has told the truth.

*Both of us make our judgements on the basis of the evidence we have been given, due diligence, and on trust. Our position is no different to that of professionals (whether they be counsellors, social workers or lawyers) when faced with the question "is my client telling me the truth?" They may **believe** them to be truthful but they cannot know this for sure. We certainly agree that the question of truth and ethics in the helping professions (paid or voluntary) requires more attention than it currently receives.*

*For us the 'truth' requires us **all** to acknowledge that **sometimes** investigative practice and the justice system fails to live up to required standards. Such failures lead to errors of fact and errors of process. As a result people are falsely accused and well as wrongly convicted.*

If we can accept that children and adults have been, and will be, abused by their carers or teachers (or other professionals) is too much to ask that victim support groups, safeguarding and investigative bodies also accept that some times, the allegations they are dealing with may not be true?

Spring Conference Report

This year the annual F.A.C.T. Spring Conference was themed "Who Safeguards the Carers?" The conference opened with a talk by Iain Henderson regarding the campaign for justice for his wife Keran who had recently been convicted of the manslaughter of a baby she was child minding. The keynote speaker in the afternoon was Sir Roger Singleton, Chairman of the Independent Safeguarding Authority who was assisted by Adrian McAllister its Chief Executive. The conference, which was chaired by Rory O'Brien, finished the day with a lively question and answer forum.

The Independent Safeguarding Authority (ISA)

The I.S.A. was set up following recommendations made by the Bichard Inquiry into the murders of Jessica Chapman and Holly Wells in 2002 by Ian Huntley - a school caretaker.

The Bichard Report recommended that a single agency vet all individuals who work with children or vulnerable people. This led to the Safeguarding and Vulnerable Groups Act 2006 and to the formation of the I.S.A. The I.S.A. will be made up of experts led by a Chair, Chief Executive and the I.S.A. Board whose task will be to make legally binding decisions on whether individuals can or cannot work with children and vulnerable adults.

The scheme comes into operation in October 2009 and will (on a phased basis) establish a single vetting authority which will incorporate all existing barring lists. It will not replace the General Teaching or Social Care Councils

Who Safeguards the Carers?

who will continue to examine cases of alleged professional unsuitability and misconduct. The ISA will provide a constantly updated list of people who are not allowed to work with children or vulnerable adults, and will work closely with the Criminal Records Bureau who will continue to issue criminal records disclosures to help employers make recruitment decisions.

The Keran Henderson Campaign

Keran Henderson, was, and is, a devoted mother. In March 2005 a little baby she was child minding was taken ill whilst in her care. She called an ambulance and the baby was taken to hospital. She told the operator that the baby had suffered a seizure, was limp and had sunken eyes.

A hospital examination found that the child was suffering from bilateral retinal haemorrhaging — bleeding behind both eyes. The baby's parents were told there was no hope of a recovery and they had her christened in hospital hours before they agreed to her life support machine being switched off.

Shortly afterwards Keran was to discover that she was suspected of shaking the baby so violently that she was blinded and suffered terminal brain damage.

A police investigation began and she was arrested. Her friends, neighbours and family could not believe what was happening. To them Keran was a devoted mother - a person who cares. They knew

her as the local beaver scout leader, drama group organiser and fund raiser. Their immediate response was to show their support for Keran. They set up a website www.carers4carers.co.uk which is full of messages of support from children she has looked after and their parents, and developed campaign strategy.

Her husband, a former police officer said of Keran, "Keran's life over the past 12 years has been focused all around children. She is such a caring, loving person, and that love is shared around with friends and family, her precious children, and those in her care. He added that he and his wife were deeply concerned about the "rash and ill-advised" prosecutions of people caring for children and intend to campaign to raise awareness of the plight of those falsely accused." "

During Keran's trial the prosecution admitted that she was "good with children". As far as they were concerned this was a clear case of shaking baby syndrome. They were supported in this view by an array of experts - not all of whom agreed with each other. After a harrowing trial for all concerned she was convicted of manslaughter at Reading Crown Court on a 10-2 majority verdict, and was given a three-year jail term.

The campaign to free Keran and overturn her conviction has as its motto FIAT JUSTICIA – Let Justice Be Done. Keran remains in prison and has instructed solicitors to appeal against her conviction.

The Work of the ISA

Safeguarding Children and the Vulnerable

Sir Roger began his talk by thanking F.A.C.T. for the invitation to speak. We were told that since its formation the I.S.A. had made strenuous efforts to listen to all stakeholders. It was actively consulting with a wide range of bodies and had held numerous roadshows throughout England and Wales. This process will continue until the scheme becomes live.

Sir Roger then gave a brief outline of his work. "Whilst I am probably better known for my work at Barnado's where I eventually became its Chief Executive my early work was in residential child care working with difficult adolescents."

"Inevitably there were occasions when allegations were made against staff. Looking back I think it would be fair to say that some were true but some were not. Some may have been exaggerated or under reported. Some will simply have been the result of misunderstanding, and others possibly malicious in character".

"From a personal point of view and from the ISA's point of view I want to make it clear that the ISA does recognise the reality of false allegations. Our primary task however is to protect children and vulnerable members of society from the risk of being harmed or abused by those who look after them whether in a paid job or in during voluntary work."

Scope of the Scheme

Sir Roger introduced Adrian McAllister, Chief Executive of I.S.A. Adrian also thanked F.A.C.T. for the invitation to speak and his delight at being back in Birmingham close to

where he was brought up and where he had worked as police officer in the West Midlands police force. More recently he worked for the Merseyside Police and the Lancashire Constabulary where he became Assistant Chief Constable. Prior to his retirement Adrian was also the A.C.P.O. spokesperson on disclosure and criminal records. Adrian also acknowledged that as a former police officer he was aware that individuals sometimes made false allegations and/or reported false crimes. Likewise he was also very aware that some children and other groups were very vulnerable to being abused by those entrusted to look after or work with them.

He explained that when the scheme gets underway any person (paid or volunteer) who wishes to work in a school, further education college, childrens' home or care establishment, or in day care, foster care, youth and community work will have to be registered with the I.S.A. In time the scheme will also be extended to cover all NHS staff and other occupational groups. In terms of scale it is expected that some 11 million people will be covered by the scheme [this represents about one third of the workforce]. Sir Roger said it was important to keep a sense of perspective about this number as only a very small proportion would subsequently give rise to any concerns.

When the scheme becomes operational it will be a criminal offence for employers to take on individuals in designated positions if they fail to check the status of the applicant, employee or volunteer, or

employ a barred person. [Note: the scheme itself makes a distinction between individuals engaged in *regulated activity* and individuals engaged in controlled activity.] As with current arrangements employers will, broadly speaking, be under a strict legal duty to refer information to the I.S.A. where there is a concern that an individual has, or may, pose a risk of harm to children or vulnerable people.

Sir Roger made it clear that the I.S.A. had to act within the law and in a reasonable and proportionate manner, and that the scheme included a number of safeguards for those referred to it. This included the right to see all the information relied upon by the employer, an opportunity to make early representations as to why they should not be listed, and an appeal process. Appeals would normally be heard by the Care Standards Tribunal [POCAT and POVA would no longer exist in name]. Depending on the circumstances individuals might be asked to undergo a risk assessment and to attend a face to face interview with I.S.A. staff. In considering whether or not a person posed a risk, any cautions or convictions would be regarded as fact. Sir Roger also acknowledged that this posed particular difficulties for those who maintained their innocence or those who accepted a police caution, not realising that it was an admission of guilt. Adrian also confirmed that listed persons could, on request, have their cases reviewed from time to time in accordance with the relevant statutory time frame. Depending on the person's age when referred, the reviews would be after 12 months

Continued from page 11

for those listed when under 18 years, after 5 years for those listed under 25 years of age, and every 10 years for those listed when over 25 years of age.

Details were also given of the transfer arrangements for those currently listed by POCA and POVA, and List 99. The I.S.A. will write to everyone on these lists and invite them to make representations as to why their name should not be transferred to the I.S.A. list. Those currently barred from working by the General Teaching Council and the General Social Care Council would not necessarily be transferred to the I.S.A. list unless they met the I.S.A.'s more strict listing criteria.

In concluding their talks, both Sir Roger and Adrian McAllister stressed the importance of the I.S.A. acting independently of Ministers and of the need to recognize society's need to safeguard all children and vulnerable people from some of the appalling abuse that some had experienced, as well as respecting the freedoms and rights of those accused.

There followed a very lively question and answer session in which a number of issues were raised about the quality of investigative practice, the role and impact of CRB disclosures on those cleared by the Courts and by employers of allegations made against them, and the presumption of guilt which many felt accompanied the allegations made.

AGM and AUTUMN CONFERENCE

Our AGM will take place on Saturday 6th of September, commencing at 11:00am.

Elections will also take place for a Chairman, Secretary and other Committee posts.

This will be followed by our Conference which this year will incorporate the George Williamson Memorial talk. Speakers will be announced later in the year.

Please note that there is a **current** vacancy for a co-opted member. If you would like more details please contact any committee member.

Who Cares?

Iain Henderson is a father of two children and husband of Keran Henderson. Until quite recently he was a police officer serving in the Royal Parks. In November 2007 his and his family's life was turned upside down when Keran was sentenced to 3 years imprisonment for killing a baby she was child minding. This is his story.

Ian met Keran in the early 1980's when at college. They married in 1992 and were blissfully happy. They had two children, both boys, one now 14 the other 9. Life it seemed could not be better. They were settled in the community and had a wide circle of friends. When her children were old enough Keran became a registered child-minder. Her caring manner, bubbly personality meant that she was a popular choice. She ran two packs of the beaver scouts, and whole heartedly committed herself to community work and fundraising for local charities. She was in every way the the lynchpin of the local community - caring, committed and competent in all that she did. Neighbourhood mums looked up to her and local kids became part of 'the family'.

The Nightmare Begins.

In 1995 she began to look after a little baby, particularly when the baby's mother was unwell. She was a delightful little thing - a real treasure. She was about nine months old and Keran was worried about her from the start. She seemed to be a sickly child and was lethargic. It was difficult to stimulate her. She didn't pick up toys, she just sat around and watched the other children.

Before the day itself, there were

two disturbing incidents. The first was on February 15 2007. The baby had vomited and Keran sat her on the floor while she fetched a bag for the soiled clothes. When she came back, the baby had toppled over.

Keran was concerned in case she had banged her head and immediately took her to the doctor who said she should go to hospital. Keran called the parents and they met her there.

The second incident occurred on February 24 while I was at home. The little baby became floppy and Keran called out to me: "She's gone again." We thought she was dehydrated and after checking all her airways we gave her some liquid and she recovered after about 15 minutes. Her mother took her to hospital where a viral infection was diagnosed.

The baby then suffered a third collapse when I was at work. Keran was changing the baby's nappy when she appeared to go rigid and have a seizure. Keran's immediate response was to call the ambulance. Meanwhile her other children were happily playing in the background. The baby was taken first to Wexham Park Hospital in Slough and then transferred to the John Radcliffe Hospital in Oxford. The baby's parents were told there was no hope of a recovery. After arranging for her Christening they agreed to her life support machine being switched off. A post mortem followed.

The Police, Social Services and Ofsted (who are responsible for inspecting child-minders) were all informed. As far as the police were concerned they were dealing with

the matter as an 'unexplained death.' Keran was keen to assist with the inquiries as she had nothing to hide. She also agreed voluntarily to suspend child-minding for six weeks. She contacted the National Child Minding Association for support and provided them with a statement of what took place.

In time Keran sensed that she was suspected of harming the baby but when the police confirmed that, unbeknown to both Keran and Iain, the baby had previously been hospitalised on several occasions, it was not possible to ask for a second post mortem as the baby had been cremated.

The police investigation dragged on for several months, partly because according to them they were unable to obtain expert opinion as to the cause of death.

Keran was eventually arrested and interviewed by the Police and accused of SIDS (Sudden Infant Death Syndrome) and specifically of having lost her temper with the baby over a soiled nappy and shaking her so hard that she banged her head on a soft surface. Those who know Keran are astounded by this accusation. Soiled nappy - how ludicrous! As for losing her temper no one can ever recall an occasion when she even got angry let alone lose her temper. This is simply Not Keran's way.

The Search for Justice

In May 2006 Keran was formerly charged with manslaughter and assault. She was bailed on condition that she did not have contact with other people's children and reported regularly to the police. A planned holiday had to be abandoned.

Social Services became involved and at this point I contacted F.A.C.T. who gave valuable advice as to what social services could and could not do. A series of child protection strategy meetings followed. Keran was able to attend with a legal representative. Keran was heartened by some of the positive things said about her by some of the twenty four people present. Those who knew her could only report the facts. Keran was a devoted mother, a valued child minder, a child centred neighbour and friend to so many people in her community. Children adored her.

Trial

I could not be present during the hearing as I was a witness. This was both an advantage and a disadvantage. On the other hand I could not see at first hand what was going but on the other I could provide Keran with extra support and keep an eye on things outside of the hearing.

What I discovered however, shocked me. This included police officers discussing the case with each other outside the Court, and some expert witnesses colluding with each other - all in contravention of existing Court procedures.

Throughout, the trial was attended by Keran's supporters who by now had become a positive force in terms of supporting Keran through her ordeal. They had worked tirelessly to support her and the whole community had united in their support for her. A web site had been created and dozens of imaginative schemes have developed drawing attention to Keran's plight and the injustice involved.

There was no doubt that the strength of this support caused the

police and prosecution service some embarrassment. One of the things the group did was to wear a small lapel badge in support of Keran and their campaign. It was very discrete. During the hearing an eagle eyed police officer who had to ask what the wording was on the badge, reported the matter to the judge who, somewhat reluctantly it seems, ordered that it could not be worn in Court.

The case itself was very traumatic for all concerned. A little baby had died, it was understandably a very emotional hearing. Never the less Keran gave a truthful and honest account of what took place.

For the jury it was an especially difficult trial. Much of the evidence hinged on expert opinion, some of which was very complicated and often contradictory. Expert witnesses for the defence claimed the injuries could have been days, weeks or even months old. The court heard that Keran must have shaken the baby for around 20 minutes to sustain such injuries.

Crucially an expert witness for the prosecution, said there was nothing to indicate the baby had died from "shaken-baby syndrome". All of it was very technical. If the experts could not agree on who, or what, was responsible for the baby's death, how could a jury.

After six hours the court officials said we could go home for the weekend.

We did our best to carry on as normal. It was Remembrance Sunday and we all went to church, which was packed to the rafters. People were seeking Keran out to wish her luck. We were all touched by these displays of support. That night she gave both the boys a kiss and warned them once again that she might not be coming home.

We waited all through Monday. They came back in on Tuesday morning. I immediately knew it was bad because they didn't look at Keran as they came into court.

When the verdict was announced it was like a bomb had gone off. Keran broke down and was hyperventilating. It was very distressful. The Judge kindly gave her time to compose herself. She was sentenced to three years imprisonment. The judge chose his words very carefully. "We do not know what really happened to make you snap in the way the jury found that you did. You will never be trusted as a child-minder again. You are going to have to live the rest of your life with the knowledge that Maeve died in your care."

I found some comfort in that Judge appeared to be distancing himself from the guilty verdict.

All of us were shell shocked. We not only felt shock and anger at the decision but also disgust that justice had eluded Keran. How could she be found guilty when we know her to be innocent. Why had the medical evidence failed to establish her innocence, and why had the expert's science let us down?

As you can imagine the next few days were as stressful as they ever could be. The news had to be broken to my children who could not be expected to understand failings of the justice system. But out of adversity comes strength. The support shown to us was magnificent. Neighbours, friends, strangers all came together. The carers4carers group was soon established, yellow ribbons decked almost every available neighbourhood tree. Fundraising was started and campaigns planned. But then something

extraordinary happened. The Press started taking a far more positive interest in the case and in the campaign. This led to numerous media interviews. The Press seemed to have identified with our message - that it was most unlikely that Keran would ever have responded in the way suggested, and that it was wrong that she was convicted when even the experts could not agree on what caused the baby's death. Like us they questioned whether this was another case of flawed science, hidden truths and rough justice, much as had occurred in the cases involving Sally Clark and Margaret Cannings, and other infant death cases.

As the campaign to free Keran moved up a gear events began to turn in our favour. We marched on London and went to the Ministry of Justice and spoke directly with Jack Straw's Personal Private Secretary.

A week before Christmas, two jurors broke with legal convention by openly criticising the verdict in the Press. One said the case should never have gone to court as the evidence was so weak, while the other questioned how the jury could be expected to decide the truth since the experts had disagreed among themselves. This was a brave and courageous thing to do as jurors are not allowed to comment on the deliberations in Court. The Attorney General, Baroness Scotland, has said she is reviewing the case.

Later Panorama took up the issue in a mostly balanced and helpful way. Soon the media and Press was moving in our favour.

Visiting Keran in prison has been very difficult. I took the boys to see her on our first visit but they were not allowed in. I took them back

home and returned to see Keran in the evening. As you know prison life is governed by rules and there have been many occasions when we have had to challenge in consistency in decision making - not always successfully. In the main the prison staff have been understanding.

We have also had to review our legal arrangements. Fortunately as many of you will know we have Bill Bache advising us. As a former policeman I thought I knew a lot about injustice but some of the things I have discovered have surprised me. Surely its not acceptable in a case to have barristers for the defence and for the prosecution coming from the from the same chambers?

Where Do We Go From Here?

This is a long journey and Keran's sentence is relatively short but we are determined to clear her name. We know we would not have made the progress we have made without the support of so many people. Some support we might have expected, like that of our local vicar who has been a tower of strength to us. Our MP Dominic Grieve, Shadow Attorney General has also been excellent. So too have been neighbours, family and friends. You will know what the effect is when people believe in you and in your innocence. Its very uplifting and restores your faith in human nature. This is why campaigns such as F.A.C.T's. are important. I pay tribute to the work you do and urge you to fight your cases with renewed vigour, and to embrace the Press and campaign vigorously. Thankyou for your invite - let justice be done.

Please note this is an abbreviated version of Iain's talk

News from Scotland

In our previous edition (Vol 3-12) we reported on a victim support group in Ireland who felt it necessary to warn their Government that victim groups were being infiltrated by false claimers.

Our attention has also been drawn to similar action taken by the Former Boys and Girls Abused (FBGA) at Quarriers Homes in Scotland. In a recent statement FBGA have made clear that:

- 1) FBGA's aim is equal "Justice" for all.
- 2) FBGA fully recognise that false allegations also damage the personal careers and lives of carers, teachers and families of those who have not committed the crime being alleged.
- 3) FBGA also accept that there will be those individuals who may falsely accuse (any such individual brought to our attention or we suspect). FBGA will have no compulsion but to report them to the proper authorities (Police) and expose them. There can be no excuses for those who may engage in such a practice.
- 4) The full force of the law should be brought upon the individual where it is proven that they have falsely accused another.
- 5) False allegations damage all genuine historical abuse victims (those are the victims we represent).

A F.A.C.T spokesman said whilst we do not agree with all FBGA's aims we welcome this development.

"If progress is to be made in eradicating abuse it is essential that both sides recognise each others position and show respect for their views".

"For far too long the position has become polarised between those who say young people do not make false claims or tell lies regarding their care experience and those who say that they do."

"The facts of the matter are that some children have been (and will be) abused by their carers, and that some children have (and will) falsely accuse their carers of abuse or mistreatment".

"We share FBGA's concern that false allegations damage those who have genuinely been abused".

"It is important everyone speaks out about false allegations when they occur as they undermine the public's confidence and trust in child/adult protection schemes and investigative practice.

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Canadian Care Worker Wins Battle Over False Allegations

Judge Rules Man's Rights Were Violated

One of the constant themes during our conference forum was the injustice caused by the fact that allegations made against someone were routinely recorded on enhanced certificates issued to employers by the Criminal Records Bureau - even though the person may not have been subject to any criminal proceedings and/or may have been cleared in a criminal trial of any wrong doing. It is interesting to note how other jurisdictions deal with this issue.

Recently (14th April 2008) the British Columbia Supreme Court came down heavily on the side of a former child-care worker who was fired from his job because an old, unproved allegation of child sexual abuse was passed on to his employers by the Ministry of Children and Family.

In that case the judge, Justice Ian Pitfield ruled that "justice cannot allow FIPPA [the Freedom of Information and Privacy Protection Act] to be used in a manner that accords rumours and unfounded allegations made to a public body about the character, reputation or behaviour of any individual undeserved legitimacy," Justice Pitfield recommended that the allegations made against Robert Glen Harrison, 49, be expunged from the records.

The case is expected to have major repercussions for the way in which the provincial government deals with privacy issues and the use made by government departments of unverified accusations against an individual.

The issue arose after Robert Glenn Harrison was hired in May 2006 as a one-on-one therapist at Burnaby's Access House to work with a troubled 13-year-old boy.

Two weeks later he was fired after Ministry resource worker Joan Bischoff disclosed that the Ministry had a file on Harrison, and in her opinion he should not be allowed to work with the boy without being supervised.

Harrison, who is now employed as a limousine driver, said the Ministry's actions have ruined his chances of ever being employed again in child-care work. "Who's going to employ me now after what the Ministry's done?" he asked.

Since losing his job, Harrison admits to being consumed by the desire to clear his name. "That's all I want to do," he said. "But I'm also planning to sue the Ministry and Bischoff. No one should have been put through this.

He explained "In 1996, there was a report made

against me by someone who is mentally ill and the report was never investigated by the Ministry because they didn't believe there was anything to it - although when I found out, I asked them to do an investigation."

Harrison said he isn't mad at Access House and understands why he was fired. "You can't hire someone who's got a record of child abuse against them. I'm a child-care advocate; I fully understand why they fired me. I would do the same."

"My position is that they should not have heard about that record in the first place. I never knew until then there was a Ministry file. If the Ministry had a problem with me, they should have confronted me and investigated the allegation and said. 'We won't allow you to work with children until we get to the bottom of it.' And that's fine, it would be between me and them. But now the cat's out of the bag," he said.

At the time of the allegation against him, Harrison was working with his former wife running a licensed family child care facility in Sechelt. There was no investigation of the report and the Ministry's file says 'No case made,' said Harrison, who has since seen the file. Later, the couple would be approved as foster parents for two young girls after undergoing a rigorous background check by Ministry officials, said Harrison.

The Ministry also allowed him to be licensed to run an after-school daycare program in Sechelt, which he ran for four years.

"You can see I never had any problems with the Ministry until this," he said. But in 2005, after his marriage broke down, Harrison moved to Vancouver to get work. And it was then that the old file surfaced and Bischoff made her opinions known.

Harrison filed a complaint to the Office of the Information and Privacy Commissioner that his rights had been violated by Bischoff and the ministry, but after three reviews his complaint was dismissed when the commissioner found Bischoff acted in good faith when she disclosed personal information, "including her professional opinion about you to Access House without your consent."

Harrison sought a judicial review of the Commissioner's findings and Judge Pitfield found that there was nothing in Bischoff's explanation to suggest "she took any step, let alone any reasonable step, to confirm the reliability of the information in the file."

Continued on page 17.

Pitfield found that in communicating this information to Harrison's employer, Bischoff had breached the FIPPA, since a "public body must make every reasonable effort to ensure that personal information is accurate and complete." Pitfield then took aim at the commissioner's handling of the issue.

"The consequences of an incorrect decision may severely and inappropriately affect a complainant's career, as in this case. In light of such adverse consequences, the Commissioner's decision warrants little deference," said Pitfield, who ordered the decision quashed. Pitfield said the information in Harrison's assessment file should be expunged and he asked the commissioner to consider doing that.

In his final comments, Pitfield said he could not overlook the remarks a Ministry worker made to Harrison in 1996 after the allegations surfaced.

"I assured Robert that his daycare will be unaffected, that an investigation had not ever been undertaken and that I have considerable empathy for the situation that had occurred," Judge Pitfield quoted the Ministry worker as saying. "The future did not unfold in the manner anticipated,"

With acknowledgement to the Vancouver Sun.

Congratulations to all those born in 1940's, 50's, 60's and 70's

First, we survived being born to mothers who smoked and/or drank while they carried us. They took aspirin, ate blue cheese dressing and tuna from a tin. Then after that trauma, our baby cots were covered with bright coloured lead-based paints. We had no childproof lids on medicine bottles, doors or cabinets and when we rode our bikes, we had no helmets and took risks hitch hiking.

As children, we would ride in cars with no seatbelts or air bags. We would ride in the back of a van - loose - , which always exciting, and on tractors during haymaking.

We drank water from the garden hose or tap and not from a bottle. We shared one soft drink with four friends from a bottle which we returned so we could collect the deposit. We ate cakes, white bread and real butter and drank cordial with sugar in it, but we didn't get overweight because we were always outside playing.

We would spend hours building our go-carts out of scraps and then ride down the hill, only to find out we forgot the brakes. After running into the bushes a few times, we learned to solve the problem. We took on jobs delivering papers, milk, and worked in the fields and on the farms.

We listened with mother to the radio and to Uncle Mac. We didn't have Playstations, Nintendo's, X-boxes, no video

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games at all, no 99 channels, no PayTV, no cable, no DVD movies or surround sound. In fact we didn't all have TVs. We had no mobile phones, no text messaging, no personal computers, no internet or chat rooms.

Instead we had friends, we went outside and played with them. We had gangs but we didn't terrorise the neighbourhood. When we fell out of trees, got cut, broke bones and smashed our teeth there were no lawsuits because we knew it was our fault. We accepted the risk and learnt from our mistakes.

We played with worms and mud pies made from dirt, and strengthened our resistance to infection and disease. We made up games with sticks and tennis balls and although we were told it would happen, we didn't poke out anyone's eye.

We rode bikes or walked to a friend's house and knocked on the door or rang the bell - or just yelled for them. We respected our teachers and the police and welcomed their discipline. The idea of a parent bailing us out if we broke the law was unheard of. They rightly sided with the law.

This generation has produced some of the best risk-takers, problem solvers and inventors ever. The past 50 years have been an explosion of innovation and new ideas.

We had freedom, failure, success, responsibility, and we learned how to deal with it.

..... and you are one of them. Congratulations!



Dear Editor

Under our present legal system a person is considered innocent until proven guilty. Despite this there is no such verdict as 'innocent'. Being declared 'not guilty' is not the same thing. It is almost as though the legal system cannot bring itself to admit that people who progress through the criminal justice system might indeed be innocent.

In Scotland the position is worse in that a verdict of not proven can in certain circumstance be made. By definition this implies the person may well be guilty.

Isn't it time that the Courts opened up the possibility of there being a third verdict in England and Wales; that of being declared "Factually Innocent".

Despite being told I leave the Court without a stain on my character my "Not Guilty" verdict is still not seen as exonerating me from my alleged 'crimes'.

I am not alone in this. Isn't it time the Courts used more robust language and made it clear in cases where the evidence was unequivocal that the person is "*Factually Innocent*". Only then would I be able to counter the argument put up by social services that all the Court did was find me not guilty, not innocent.

Yours Sincerely

B. Finch

P.S. Thanks for all your support and hard work on behalf of the innocent.

Dear FACTion

Recently I was suspended from work following a "serious allegation of abuse". I looked to my trade union for support. Initially they were very sympathetic and promised to do all they could. My suspension has lasted almost two years and during that time we only met once. I don't think I would have

coped had it not been for F.A.C.T. The advice and support they have given me has been invaluable, and has been instrumental in clearing my name. I start back to work next week.

On behalf of myself and my wife can I say a big thank you for the work you do, the helpline, the conferences, and for FACTion.
Yours Sincerely, (name withheld)

Letter sent by FACT to State of Jersey Legislature, and Jersey Press.

Dear

I refer to Deputy Chief Officer's Harper's recent assertion that the States of Jersey police have not trawled for allegations of abuse in respect of their ongoing sea cadet and care home inquiry. Does DCO Harper honestly expect us to believe that over a 100 individuals spontaneously complained to the police about events which are said to have happened decades ago. Is it not the case that in November 2007 and again December 2007 Jersey police appealed for 'victims' to come forward and help with their investigation. Does he honestly believe that individuals will not jump on the bandwagon or make false claims in the hope they might gain compensation or some other advantage.

Investigations of this sort are complex and do sometimes require exceptional measures to be taken. This would be perfectly acceptable if the police acknowledged that whilst such measures are needed to trap the guilty, they also entrap the innocent.

It is no use DCO Harper relying on UK Government or Police

guidance to legitimise the action taken. Both have been severely criticised for causing injustice to the accused. Nor should the States of Jersey Parliament be complacent. The lesson in the UK is that police and prosecuting authorities often get it wrong when accusing people of child abuse. The same is true in other jurisdictions world wide. In 2006 France's President, Jacques Chirac issued a public apology to 13 people wrongly convicted of child abuse. More recently in Canada millions of dollars were paid out in compensation to falsely accused care staff and the State Parliament forced to issue them a public apology. In a recent case in Australia investigative practice modelled on that used by the UK, and now being used by the Jersey police, was severely criticised by the South Australian High Court.

Like everyone else I do hope that the States of Jersey Police are successful in tracking down the guilty but not at the expense of the innocent. They deserve better and also have a right to justice.

Yours sincerely,
F.A.C.T. National Secretary.



Our web crawl begins with the news that Government intend to make it easier for victims of sexual assaults to claim compensation. There is also a report that men in Scotland (and no doubt elsewhere) are deterred from intervening to prevent anti social behaviour because they fear being falsely accused of threatening behaviour or assault - meanwhile young people butcher each other with abandon. Its been a bad time for the NSPCC. They have also come under fire for admitting that less than half its income is spent on direct services to children. Years ago the NSPCC boasted that well over three quarters of its income went directly on helping children. Earlier this year they were accused by the Advertising Standards Authority of faking stories in order to raise funds. More recently you might have noticed how silent they were in the debate about the need to protect unborn children. Strange that. Maybe it's because any criticism would mostly impact on women. Who said the NSPCC are gender neutral when it comes to protecting children?

There have also been a number of reports from the Courts of women accused of making allegations of assault. In one case a Manchester woman was told by the judge "The allegation that you made is of such a serious nature that any person — both women and men — must be deterred from making such an allegation. I have thought long and hard about giving you a suspended prison sentence but I can't do so and be consistent with my public duty." She was sentenced to four months. Had the her complaint been believed the accused would have received well over 4 years. On the other hand another woman who had falsely accused five men of rape escaped custody by "a hair's breadth".

On the back of the alleged scandal in Scottish Children's homes the Children's minister has announced that "None of us should forget the physical, emotional and sexual abuse that has taken place in Scotland's residential care homes - perpetrated by the very people who should have been providing support. The system let these young people down in the most terrible way and it would be inexcusable for us not to confront what happened." Scotland's answer it seems is to set up a *Truth and Reconciliation Forum*. Quite how this will work is unknown. Perhaps M.S.P's in Scotland should take note of a former high school teacher in USA who was awarded a \$320,000 settlement by the town and school district over false allegations accusing him of having a sexual relationship with a student. Besides the payout, the settlement includes an apology from the school principal who knew the allegations were false but failed to inform the teacher.

The Parole Board has also come under a lot of criticism recently. There are concerns that is not sufficiently independent of the Government and that it is too cautious when granting parole. Don't expect any significant change however. A recent article on the F.A.C.T. website concerns discrimination against prisoners in the insurance market. We hope to do an article on this in our next faction. Please let us know what your experience is.

Back to the USA, there is some remarkable film footage, which many people would argue is typical of investigative interviews in other jurisdictions, of how how a vulnerable child is coerced to admit to being sexually abused when no such abuse has taken place. It shows the police lying to the boy about the evidence they have obtained and coercing him to disclose.

Here in the UK, F.A.C.T. expresses its concern about the number of teachers in Durham who have been suspended from work in the past three years. Forty six were suspended, of whom seven were disciplined or lost their job, with three cases still ongoing. A F.A.C.T. spokesman is reported as saying "One of the main concerns is the length of time it takes to investigate a matter, during which time the teacher remains suspended. And, even if it is unproven, the allegation remains on a teacher's record, which is a huge bone of contention."

Perhaps then it is not so surprising that paediatricians and child protection officers say they feel increasingly vilified by a public which seems convinced that parents are often falsely accused of harming their children. Dr Danya Glaser, a consultant child and adolescent psychiatrist at Great Ormond Street Hospital said in response to an investigation by the BBC, "We have become impaled, hooked on a few cases which have been used by the media to cast doubt on the extent of child abuse. We need to start thinking the unthinkable." We'd agree with that. Perhaps the starting point should be that many of the accounts given by claimants are indeed false and that those who say they are innocent *are* innocent. Perhaps Dr Glaser should talk to the Association of Teachers and Lecturers who said that about 75% of allegations made against their members resulted in no action being taken against the teacher because of insufficient evidence. Their message is unequivocal. Pupils who invent claims that they have been attacked or sexually abused by teachers should be put on a blacklist and prosecuted. The following day it was reported that a headteacher in Hull, who ironically was in charge of child protection at his school, was cleared of sexual assaulting two pupils. The Recorder Anton Lodge QC, at Hull Crown Court, said he could leave with his good character intact. "You have been found not guilty of all the charges against you. That in my view is the correct version of events," What's the bet that won't appear on his next CRB form. Speaking after the case the headteacher said "This case would not have been brought if I was a woman. I would have been seen as caring and compassionate."

Personalia

We start our round up with some good news. As reported in our last edition George and Iris Jensen celebrated their Golden Wedding on the 22nd March. A tub of golden and white pansies, set in ivy and other greenery was presented to George and Iris on behalf of F.A.C.T. to mark this occasion.

Staying with good news, we can report that a teacher on the South coast had his case thrown out and that, in another case, the judge threw out the case because of an abuse of process. We are also pleased to report that a South Wales therapist has been told she will not face criminal charges after allegations were made against her by a young child who objected to being told off for making inappropriate sexual remarks at a her child's birthday party.

Elsewhere several F.A.C.T. members have made significant progress in challenging employment decisions. This includes one case where the employer made a substantial out of court settlement rather than risk the case proceeding to Tribunal. In another case a teacher was reinstated without the need for a planned disciplinary hearing, following representations from F.A.C.T.

All of the above have been provided with support by F.A.C.T. and have asked that their thanks be passed on to those concerned. Whilst these successes have been welcome there have also been some disappointments.

Now to the bad news. As many of you know Bob Douthwaite the secretary of F.A.C.T. North Wales has been very ill following surgery. He was admitted to hospital for planned knee surgery and although the operation was a success it appeared he suffered a stroke and a heart attack very soon after the operation. As a result he was in and out of a coma for several days and his family were told to expect the worse. However like so many of F.A.C.T. North Wales members Bob is a fighter and, I am pleased to say, has now been transferred to a rehab ward and is making good progress. Bob has asked his thanks be passed on to all those who have sent their best wishes to himself and to his wife Freda. We wish Bob a speedy recovery.

Talking of North Wales we have received notification from Pauline Evans that she wishes to resign her position as a

co-opted member of the national committee. Pauline has explained that shortly after agreeing to be co-opted her work commitments changed making it difficult for her to attend meetings. We are grateful for Pauline putting her name forward and wish her well in the future. If you have a particular skill or interest and would like to be co-opted to the national committee we would be pleased to hear from you.

Despite Bob's illness it's business as usual in North Wales. The North Wales group have made positive contact with the local Citizens Advice Bureau who have agreed to distribute F.A.C.T. literature nationwide. The group were also responsible for a leading article which was recently published in the Daily Post, and is grateful to all those who contributed ideas for publication. F.A.C.T. North Wales' next major project is to prepare a series of talks for students attending the local social work course at North East Wales Institute.

We would also like to pass on our very best wishes to Brian, a Hertfordshire member who was taken ill at our conference. It was feared that Brian had a stroke and although he remains unwell it appears that this is not the case. We hope Brian will be back on his feet soon and back to his usual self. We were also sorry to learn of Norman's illness and pass on very best wishes to him during this anxious time.

In the North West meetings continue to be regular and lively. Meetings are held every third Tuesday in the month - not Thursday as previously reported. For further details email secretary.factnorthwest@googlemail.com

We would also like to pass on our belated congratulations to Frank and Joan on *their* Golden Wedding. Joan also recently celebrated her birthday and, as she told me, she is as old (and sharp) as her tongue, and a bit older than her teeth.

Finally we are pleased to announce that Jim Hepburn has agreed to take on some of the lobbying work previously undertaken by George Williamson. We are still in need of some further assistance so if you would like to volunteer please let us know.

F.A.C.T. Helpline 02920 777 499

The F.A.C.T. helpline is normally open from 9:30am to 12:30pm and 7:30pm to 9:30pm Mondays to Fridays, and on occasional Saturday mornings. It is not open Bank Holidays.