

# F.A.C.T. urge the Parliamentary Group on Abuse Investigations to consider 5 point plan

The All Party Group on Abuse Investigations is to consider a five point plan for addressing a range of issues affecting falsely accused carers and teachers.

A F.A.C.T. spokesman explains. "F.A.C.T. have kindly been invited to meet members of the All Party Group on Abuse Investigations later this month in the Parliamentary Offices at Portcullis House in London.

"The members of the group, which consists of MP's of all political persuasions, and members of the House of Lords are also very keen to hear of F.A.C.T.'s progress and development in recent years, and to discuss a number suggestions for improving investigative practice."

The five point plan includes issues to do with:-

- Investigative Practice
- Legal Barriers to Success in the Appeal Court
- The Compensation and Blame Culture
- Prison and Parole Issues
- CRB Issues

## Investigative Practice

F.A.C.T.'s overall message will be that whilst investigative practice by the Police and Crown Prosecution Service has improved in recent years there are variable standards within and between police force areas. We will however be raising some specific concerns regarding investigative practice in abuse cases handled by Children, Schools and Families Services, and in particular the NSPCC, and also employers.

The spokesman added, "We are particularly concerned that some of the advice and actions taken by social services and the NSPCC is alienating the public to such an extent that the general public is often not sure whether to support what they say - or believe them. This would be disastrous for children, if, as a result of crying wolf too often the public ignored genuine cases of child abuse"

"Child protection organisations need to understand that every time they falsely accuse someone their credibility goes out of the window. What is needed is an end to some of the politically correct nonsense we see in child protection and a return to common sense and fairness. We shall also be raising the question of the impact the fear of false allegations has on recruiting male teachers in primary schools, and male coaches and youth workers in sports, youth and community work.

## Legal Barriers

Among the issues on the agenda will be the Government's disappointing response to the Home Affairs Select Committee Report in 2002 regarding the conduct of investigations into past abuse in children's homes. F.A.C.T.'s report is also critical of the slowness of the appeal process and the difficulties of persuading the Criminal Cases Review Commission of the merit of cases.

*continued on page 3*

Parliamentary Offices, London



Photo courtesy of Galinsky

This FACTION is kindly sponsored by Barry, Doreen and family

## 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:

Chairman	Gail (gailsaunders@hotmail.co.uk) 02920513016
Secretary	Michael (sec@factuk.org) 02920 777499
Treasurer	Ian (treasurer@factuk.org) 01905 778170
Lobbying	Jim (james.hepburn@homecall.co.uk) 01873 830493
Membership	Joy & Ian (membership@factuk.org) 01594 529 237
Press	Gail (press@factuk.org) 02920 513016
Prison/Family Support	Joy (support@factuk.org) 01594 529 237
Parole Issues	George (jensenijensen@aol.com) 01633 815550

### Contact and Correspondence

All correspondence should be sent to: F.A.C.T.

P.O. Box 3074,  
Cardiff, CF3 3WZ

or by email to sec@factuk.org

F.A.C.T.'s two main regional groups can be contacted at:

F.A.C.T. North West,  
secretary.factnorthwest@googlemail.com  
(or by post via the national secretary)

F.A.C.T. North Wales  
P.O. Box 2161, Wrexham, LL13 9WQ  
factnorthwales@wrexham.net

#### 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, available to everyone to read.

## Editorial

For those who do not know me, may I introduce myself: I have been involved with F.A.C.T. for nine years. I have been a member of the National Committee since its inception, initially as the representative for South Wales and later as a full Committee Member. In recent years I have taken the lead in conference organising and press liaison.

Needless to say throughout this time I have been driven primarily by the sense of injustice that we all feel in relation to our cause. I have also been greatly inspired by the generosity of spirit of so many of the people I have been privileged to meet through my work with F.A.C.T., some of whom sadly are no longer with us.

Looking forward, the national committee has already held the first meeting of this campaign year. During the meeting we were very pleased to witness the signing of a new independent trust fund which has been established following a generous donation by a F.A.C.T. member.

The committee was also able to share in some very useful discussions as to how the trust fund, which has been named the *Contested Allegations Research Fund*, might develop over time.

Its aim is to support or commission research into any aspect of law or public policy which will increase understanding of the difficulties F.A.C.T. members face when contesting allegations of abuse or misconduct.

In time we hope the trust fund will commission research which demonstrates the failings of past abuse investigations.

The committee discussed a number of ways as to how this could be achieved. Our aim is firstly to get the trust fund registered as a charity, and then to look at ways of generating further income so that we can commission some research during the educational year commencing September 2009.

The trustees are keen to ensure progress is made and will meet again in December.

The meeting ended on a celebratory note with cake and candles in honour of George Jensen's 78th birthday. Well done, George.

Gail

F.A.C.T. also discusses Government policy on risk assessment and in particular the decision to use polygraph testing as an aid to risk assessing those convicted of sexual abuse. F.A.C.T. has no objection in principle to the use of polygraph testing - indeed it hopes that the use of polygraph testing might be extended in helping decide whether or not claims for compensation have any merit.

### Compensation and Blame Culture

F.A.C.T. makes the point that whilst the prospect of compensation is not the only factor in generating false allegations, tougher action is needed in sifting out genuine claims from fake ones, especially as two abuse survivor groups have warned that compensation schemes are being misused by those making fake allegations.

### Prison and Parole Issues

A number of prison and parole issues are identified in the report. These include the need to end discrimination in the parole process for those in prison who maintain their innocence by providing them with an accredited risk assessment course which acknowledges the fact they maintain their innocence. F.A.C.T. is also taking up the issue of the restrictions placed on those leaving prison associating with their own children.

### Priority Issues

- **CRB Disclosures:** the need for a fairer system concerning the inclusion of 'soft intelligence' and allegation histories on enhanced certificates of disclosure issued by the Criminal Records Bureau to prospective employers in respect of job applicants who have previously been found innocent and/or have no convictions.
- **Listing Reviews:** We are concerned that once listed as being unsuitable to work with children or vulnerable adults a person cannot ask to be de-listed until 10 years have passed. We believe it is unjust to treat everyone the same, and that a shorter period would be more just in less serious cases.
- **Sarah's Law:** We share the concern of Barnados (and other child care groups) that plans to introduce a *Sarah's law* into the UK will be counter-productive. Under the proposed scheme (which is now being piloted) parents can be told details of anyone who has a conviction for a sexual offence, and other relevant information about anyone who has direct access to their children. We agree that those who have convictions for sexually abusing children, guilty or not, will feel so insecure and unprotected that they will either go underground or, as has happened in other jurisdictions, snap, and in their anger commit an atrocious crime.
- **New Legislation:** the need for a **False Claims Act** making it a criminal offence for someone to knowingly falsely accuse a person of physical or sexual abuse, or of

## 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  
Chris Saltrese Solicitors  
13 Scarisbrick New Road,  
Southport, PR8 6PU  
Tel: 01704 535 512  
Fax: 01704 533056  
Email: mail@chrissaltrese.co.uk

## Happy Birthday Philip

Cakes and candles - well maybe not-  
perhaps next time

any action which would damage their reputation to such an extent that it would threaten their right to family life, their right to associate with others, and their prospects of employment. Whilst currently it is possible to prosecute people for wasting police time, and for perverting the course of justice these actions are rarely taken and do not assist those who have been falsely accused and whose alleged behaviour has never required investigation by the police, or has never been subject to Court proceedings.

Copies of the full report are available on the F.A.C.T. website or from the correspondence secretary.

# In My Opinion

## OASys - evidence based on fact or fiction ?

On prison notice boards around the country there should be a leaflet entitled OASys. The wording inside this little leaflet appears friendly and honest. It is stated that it is an evidence-based tool which enables them to reduce the risks of re-offending and of harm. It describes OASys as being an 'open process', enabling the offender to see, discuss, and comment on it. However, nothing could be further from the truth.

I would like to share with members of FACT our dealings with the probation service regarding this document, and issue a warning to all falsely accused men in prison, to be wary of trusting their probation officer no matter how pleasant they appear. That is not to say that all probation officers are alike, but even so, tread carefully.

Many men have not even met their external probation officer who is responsible for writing the document; it is simply completed based on court reports. Some men however have had a little 'chat' with their probation officer, from that the document is written, (often without their knowledge and with errors.)

We were told that the first OASys will always be very bad and damning, but as the 'offender' progresses through the system, the document will be altered. We suspect that probation and prison staff are under pressure to give an appearance of progress, thereby justifying the huge cost of their courses.

Throughout, we have tried our best, as a family, to show the probation service in our town that we are compliant, and can address the issues associated with being convicted. It was during a phone call to the prison's Offenders Management Unit (OMU) I was told about the existence of OASys and advised that my husband should request it. (The chap who told us added "but don't tell anyone I told you")  
- An open document?

My husband requested the document, and after some considerable time, received his copy, what he read devastated him; he then posted it to me to look at and copy. The majority of the report was totally inaccurate, and contained many personal comments, flawed assumptions, and major errors, so that it was difficult to find one accurate sentence. None of the comments were based on fact. Here are some examples:-

- The name of a social worker had been mixed up with a police officer.
- The victims were said to be strangers – but our family knew them all. Left unchanged, this point alone could increase the risk scoring.
- The victims will be psychologically damaged, and may turn to drugs or alcohol, and may be unable to form relationships in the future - But one girl is 19 and has 3 children already, and another has made her fortune since the trial, by selling her many varied stories to the media. She has also been in various magistrates courts, convicted of stealing from shops in two towns.
- My husband supposedly agreed with the document - he did not know of the existence of the document, and therefore could not agree to it, nor sign it.
- **The worse thing was discovering that our daughter was erroneously described as being on the child protection register and/or a 'looked after' child . This was very upsetting.**

And it goes on and on .....

We also discovered that probation and prison OASys formats are different.

We contested the document; we called a meeting with the person who compiled it, and as we got neither an adequate apology, nor even an admission of any errors, we sent in a complaint to the area probation office, along with our findings. We also contacted our MP and George Jensen, from FACT who has specialist knowledge of this area. The result was that the probation officer refused to amend the document until after the next sentence planning meeting.

During my husband's first year of imprisonment he remained compliant in every aspect. He undertook suggested courses, he completed all tasks and assignments, and became a model prisoner with red band status, whilst maintaining his innocence.

Following the sentence planning meeting in March this year the external area probation officer had a meeting with my husband and presented him with a new OASys

**“We also discovered that probation and prison OASys formats are different”**

document, again written by the same person. It appeared that many of the mistakes had been amended.

My husband was said to have made good progress through the system and due to an apparent 'admission of a kiss' (another untruth) he was, apparently, a 'new man' and his risk score was reduced from 34 to 17. Probation had added points to the score because (as was stressed numerous times) our marriage will suffer because I didn't know about this 'supposed kiss,' which will cause him and I to have an unstable marriage, and my husband's emotional state will need close observation resulting in the need for therapy! What a joke! Our marriage is as solid as a rock, and I have been involved in every aspect of this horrendous situation. The most recent addition is a letter from the area external probation officer stating that he could not find any fault with the original OASys report. The officer concluded that it has been changed simply because, apparently, my husband has since admitted to some guilt! This is another error on the part of Probation. So, another letter will be winding its way to the probation service, but maybe this time we may need to take it to the next level.

Our advice then is always request to see your OASys document. As a result of my husband's experience many men on his wing have requested to see their OASys and some are in the process of contesting it. Hopefully, in the future, the document will actually become open and honest, and based on fact.

Sandra Edwards sandie\_edwards@hotmail.com  
*We are grateful to Sandra for submitting this article*

## Trust Fund Launched

F.A.C.T. has announced the setting up of a new independent trust fund aimed at promoting or supporting research into contested allegations of abuse. The trust will act independently but in partnership with F.A.C.T. Speaking after the launch of the trust Gail Saunders who is one of four trustees, and Chairman of F.A.C.T. said that the fund hopes to gain charity status and steadily build up its income so that it can commission research in the educational year commencing September 2009. "The idea of a research fund came from a F.A.C.T. member who very generously make a substantial contribution to get it started. We are very grateful to her".

The trustees have already discussed a number of ways in which the fund may operate. These include commissioning research into key areas of legislative practice and, possibly, awarding grants or prizes to students whose research make a substantial contribution towards addressing issues of concern to us. Whilst it is expected that the trust fund will be of particular interest to law students it may also be of interest to those studying social policy, sociology, journalism or personnel management. Details of how the trust can be accessed will be announced later in the year.

Speaking after the launch of the trust fund the secretary of F.A.C.T. said we very much hope that the fund will be used to challenge past and current standards of investigative practice and that it will help overturn some of the legal barriers faced by those who rightfully maintain their innocence. The initial priority however will be for the fund to secure charity status and to raise a minimum of £5,000 each year. If we can do both of these things we will make a difference.

Editorial note: This trust fund is separate to, and independent of, the HAAP research initiative which we have referred to in previous editions.

## McSparran

## McCormick

McSparran McCormick is a family firm of solicitors based in Glasgow with a well deserved reputation for its advocacy, and for its friendly, efficient and professional service.

We firmly believe that everyone has a right to justice.

We specialise in educational law, employment law, civil litigation and criminal law.

If you have been falsely or wrongly accused then contact:

John McCormick, Solicitor Advocate

McSparran McCormick

Waterloo Chambers, 19 Waterloo Street

Glasgow, G2 6AH

Tel: 0141 248 7962

Email: mail@mcsparranmccormick.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 !

# Autumn Conference

## “Examine the Evidence”

### Keynote speech by Stanley Best

Stanley began his talk by acknowledging that it was difficult but not impossible for falsely accused individuals to prove their innocence. The critical thing was to examine the evidence carefully, to look for new evidence and new witnesses. Quite often people who have not been identified as a witness hold real nuggets of information that can sometimes turn cases. However on a cautionary note one must be careful not to interview people indiscriminately or to contact those who have already given statements to the police, or agreed to appear as a witness for the Crown.

Using a hypothetical case Stanley illustrated some of the options available. A thirteen year old girl had been placed with experienced foster carers. She made good progress for two years. When she was 15 she found a boyfriend with whom she was often intimate. The foster father objected to her behaviour. One day he returned home from work to find the house deserted. A neighbour told him his wife and two children were at the police station. He thought nothing of it and contacted the police. On arrival he was arrested on suspicion of raping their foster child. He was subsequently prosecuted and eventually sentenced to 10 years in prison. What could he do?

He could for example have engaged an inquiry agent (private detective). Had he done so he might have discovered that the foster girl and her new boyfriend had now taken over the matrimonial bedroom. This and other instances relating to her past and present conduct need to be identified and explored.

Stanley acknowledged that difficult cases require competent lawyers and counsel and that sometimes juries were not always predictable. Despite this he felt that the jury system, although not perfect, served justice well. Jurors do sometimes speak out. For example Stanley has had experience of a case when a juror approached the defence solicitor. Stanley also recognised that not all police behave properly but set against this was the fact that not all alleged misconduct by the police or judiciary was true. When asked for his comments on the appeal process Stanley agreed that it moved slowly and was often exhausting. He suggested that by and large the appeal system worked and probably only 2-3% of people sentenced were innocent. Still an unacceptable figure. When asked if there was any way of ensuring that the genuinely innocent were weeded out from the guilty he said it was impossible to do this unless there was new evidence. Appeals require a great deal of work and painstaking research. “You can’t cut corners in researching a case or in preparing an appeal” Sometimes he found that solicitors only provided a judges summing up but this was often not good enough - full transcripts of the evidence are needed.

The question of possible juror prejudice was raised. Stanley acknowledged that everyone to an extent was prejudiced and it was difficult to identify let alone overcome. He suggested that Professor Meadows, for example, was a victim of a miscarriage of justice just as much as Sally Clarke - he was only doing his job and like all of us some times made mistakes. Stanley was however very critical of the increasing erosion of the principle of ‘innocent until proven guilty’, and was very critical, for example, of the police response in the Barry George case when the investigating officer publicly stated he was disappointed in the not guilty verdict. It was, he said, time we accepted that not guilty means just that ‘not guilty’.

Responding to questions after his talk Stanley was asked if jurors should be required to give reasons for their verdicts. Stanley said that he was not in favour of such a move, partly because it would prolong matters unnecessarily and partly because some members of the jury may not be articulate enough to express themselves with the necessary detail. Sometimes even judges in the civil courts have difficulties for giving reasons for a particular verdict! Another member of the audience raised the question of police pressurising witnesses to give details of a ‘crime’ when all the witness has is information to support the accused’s innocence. Stanley said this was totally unacceptable and should result in a formal complaint. Stanley was also asked about the role of the Criminal Cases Review Commission and in particular the requirement to produce new evidence in order to win a case. How can new evidence be produced when no such crime has occurred in the first place? Stanley agreed it was difficult but not impossible. Evidence of good character could be adduced in respect of the accused, and new evidence could be adduced in respect of the accuser.

Responding to a member’s criticism about solicitors giving the impression that are more experienced, or skilful, than they turn out to be, Stanley suggested that it was sometimes necessary to be wary of self advertisement, and necessary not always to believe what it said in the advert was necessarily true. This led someone to ask why isn’t action taken against false accusers? Stanley said that there have been cases where false accusers have been prosecuted and that it was the responsibility of the victim of a false accusation to prove their case. Somewhat wryly he pointed out that solicitors themselves were also vulnerable to false accusations as almost three quarters of those complained about or investigated by the relevant professional bodies were found to be innocent.

Stanley Best is a practising barrister (and former solicitor). Chairman of the British Legal Association who deals with crime, civil liberties, disciplinary tribunals etc and contributes to various publications. He is a critic of those who play politics with the law and with lawyers. His telephone/fax/answerphone is 01837 83763

## LOOKING BACK - LOOKING FORWARD

### A personal account

In a departure from usual practice much of the afternoon was given over to F.A.C.T. members to give an account of how they coped with being falsely accused and wrongly convicted. One F.A.C.T. member told of his experience.

Part of me, he said, wants to draw a line under recent events and part of me still wants to fight on and clear my name, not just for my sake but also for my family and my grandchildren.

Life now is very much a case of coping with conflicting and contrasting emotions, and of trying to reconcile the tension that exists between the need to speak out and the need to let matters lie. Everyone in this situation will appreciate how difficult it is to remain objective without the anger or bitterness shining through; anger is positive - bitterness is always negative. I try not to be bitter. Sometimes I look back on my experience and contrast my misfortune with the fortunes of past colleagues, many of whom came through the same era unscathed - not because they were guilty but because their practice was no different from mine.

By the time my case came to trial 44 allegations were made against me by 27 individuals. It lasted 8 weeks. Many of the Court documents contained errors of fact. There was no corroboration but I was found guilty and sentenced to a long term of imprisonment which was reduced on appeal by 2 years. In prison all I could think of was the impact this must have had on my children and family. Each person has their own way of coping. Never the less I tried to use the experience as positively as I could and was fortunate to get parole at the first time of asking. I survived by being myself and by study. I was fortified by the support I got from my wife, my family, from neighbours and from F.A.C.T.

During my time away I received in excess of 3,000 letters, not to mention dozens of birthday and Christmas cards each year. You should never underestimate how important cards are - especially to those without family support. During the last 3 or so years I have been on parole.

These days I struggle with different emotions and tensions. Why should I feel self conscious when faced with the prospect of being in children's company? Why was I scared to hold my new-born grand-daughter? Why should I fear conventional family life and contact with neighbours? Why should I be scared of making journeys? Nowadays I realise that many of you have the same experience. We and our families have become victims.

I have been on extended license for some time now. My probation officer has not been unhelpful but in truth we have very little to talk about. We have both exhausted the agenda. I also have to register with the police annually - each year the questions get more bizarre. I was once asked if I had any pets. I told them some goldfish! "What sex are they and what are their names?"

I am still struggling with the possibility of making a referral to the Criminal Cases Review Commission - part of me wants to clear my name but I am not sure I have got the energy left to prepare my case and mount a further challenge. Sometimes I just wish it would all go away but I try to face the future with

confidence. It's vitally important F.A.C.T. supports those in prison, and those recently released from prison, who have been wrongly convicted, and I urge you all to do so. Things are changing and in some ways they are more hopeful than they have been previously. There are still legal barriers to obtaining justice which need pulling down and more research is needed. F.A.C.T. can help lead the way.

### AGM

The following were appointed to the national committee

Chairman	Gail (gailsaunders@hotmail.co.uk) 02920513016
Secretary	Michael (sec@factuk.org) 02920 777499
Treasurer	Ian (treasurer@factuk.org) 01905 778170
Committee 1	Roger rog1938@googlemail.com 01978721172
Committee 2	Joy (joy-iangower@stroat.fsnet.co.uk) 01594529237
Committee 3	George (jensenijensen@aol.com) 01633 815550

In addition the following resolutions were tabled.

#### Resolution 1.

For sometime now the national committee has been looking at ways to ease the burden on its key members. With this in mind Iris Jensen has been acting as correspondence secretary. The present constitution allows for 3 Officers (Chairman, National Secretary and Treasurer) and 3 ordinary members. The Committee are however empowered to appoint 3 co-opted members and to make any rules they deem necessary for the proper conduct and management of the organisation. Members were asked to note the action taken and to agree in principle to the appointment of a correspondence secretary to serve on the committee until the next Spring Conference when a resolution will be tabled to formalise this arrangement and, if necessary, create additional positions.

#### Outcome

Passed. Iris Jensen has been formally appointed correspondence secretary. In future all F.A.C.T. correspondence should be addressed to her - see page 2 for address.

#### Resolution 2

The North Wales Branch is rather concerned that there seems to be no progress with the Cambridge Research project and asked to be updated.

#### Outcome

Update provided.

# Chairman's Address

Last year I began my annual report with the sad news that Laurie Sutcliffe, the Chairman of F.A.C.T. Northwest, had recently died. This year I begin with the sad news that, during the last year, F.A.C.T. has lost three valued members: George Williamson, Harry Dickson and Norman Owen. Each of them in their different ways represented all that F.A.C.T. stands for. George, the doughty and courageous campaigner; Harry, an innocent victim of a false allegation, and Norman, the Good Samaritan who could not walk by when his friend Dennis Eagles was sent to prison for 12 years. Each of them was denied justice. Today we remember them with affection, and also their families as they come to terms with their loss, and thank them for all they did to enrich our lives and the work we do.

## New Blood

Last year I also announced I would stand down as Chairman of F.A.C.T. at the next AGM. The year has now passed. As I said at the time this was not an easy decision to make. During my life I have been involved in many organisations and sat on many committees. The ones that endure and have most success are those that change with the times, attract and develop new personnel, and recognize the dangers of becoming stale. From time to time every organisation needs new blood, new ideas and fresh leadership. I hope that my standing down will provide the necessary impetus.

## Looking Back

Looking back, F.A.C.T. has come a long way in its nine years. Today, I want to pay tribute to all those who, initially, had the foresight and courage to start on this journey. I think especially of those in the North West who did so much to launch F.A.C.T., to those in North and South Wales, and those in Yorkshire and in the North East. I think it is fair to say that few of us at that time expected that F.A.C.T. would be needed a decade later. We all hoped that that we would be vindicated and that the State and society's preoccupation with alleged child abuse would pass by. How wrong we were.

## Progress has been made

But we have made progress. There are signs that we are being listened to and that there is no real disagreement that teachers in particular are vulnerable to false allegations. We still have some way to go to convince the State and society in general that carers and other occupational groups are just as vulnerable to false allegations as teachers.

## Crime - Team

Specialists in all aspects of Criminal Defence work including, Magistrates Court, Crown Court Advocacy, High Courts including the Court of Appeal, and C.C.R.C. applications.

We also offer help UK wide on Prison Law including:

- Prison Adjudications
- Sentence Planning
- Re Categorisation
- Tariff Representation
- Lifer Panels
- Human Rights Issues

We are also the managing firm of the Historical Abuse Appeal Panel (HAAP) and have an unrivalled reputation for dealing with abuse allegations of a historical nature especially those in which it is alleged multiple or serious sexual offences took place.

Crime-Team is a division of Jordan's LLP  
4, Priory Place, Doncaster, DN1 1BP  
01302 365 374

There is still much to do. The new policies on public protection inevitably mean that systems of child protection will be replicated in occupations with adults – vulnerable or not. The screw will be tightened not loosened. F.A.C.T., however, has an important role to play in helping ensure that some of the mistakes that occur in child protection do not occur in other fields. This, though, is for the future.

## Thank you, friends of F.A.C.T.

Today I want to reflect on the past and to use this opportunity to thank all those who have contributed to F.A.C.T.'s success and who have made my years as Chairman a pleasant and exceedingly rewarding experience – well most of the time!

I have already mentioned the pioneers from the Northwest and from North Wales and those that followed them. Whilst many, understandably, were preoccupied with their own cases, they nevertheless saw the value in banding together and supporting each other. It is unlikely that they would have done so without the support of their own solicitors and barristers, many of whom have become good friends of F.A.C.T. In particular, Chris Saltrese, Dave Woods, Mark Newby and his colleagues at HAAP, Mark Barlow, the late Rani Kaur, Gill Rutherford and Karen Booth. We owe them, and many others who have since come to value our work, a huge debt. Thank you.

In those early days F.A.C.T. was largely unknown. The Press were mostly hostile so, not surprisingly, individuals looked to their own MPs for support. Whilst this was not

always forthcoming some politicians stood out like a beacon of hope. The names of Claire Curtis Thomas (and the Hamptons); Baroness Williams; and Lord Howe will be very familiar to most of you. We owe them a huge debt, and also the All Party Group on Abuse Investigations whom, incidentally, we have been invited to address next month. The Home Affairs Select Committee also showed considerable understanding and insight. It is, I feel, a measure of F.A.C.T.'s success that it is now not uncommon for MPs or their researchers to approach *us*, and ask for information or support.

Similarly, there has been a transformation in the way the Press view us and view the subjects which concern us. This is partly because F.A.C.T. saw the need to establish its own press officer and partly because we have benefited from the consistent support of leading figures in the Press; people like David Rose, Bob Woffinden, Rosie Waterhouse, Simon Caldwell and Greg Lewis. They have been hugely supportive, and their efforts have encouraged a new generation of journalists ready to speak up for falsely accused carers and teachers, and to challenge injustice in the child protection system or in our Courts.

## **Great Debt**

We also owe a great debt to an increasing number of authors, many of whom have devoted years of their work to our cause. In particular, I think of Melanie Metcalfe, Herman Kelly and, of course, Richard Webster, to whom we owe a huge personal debt. I hope we have helped and encouraged them as much as they have encouraged us. F.A.C.T. has not been alone in fighting injustice in alleged child abuse cases. There have been others, some of which have not lasted the test of time. Those that have, have always been most encouraging. In particular, I would like to mention the BFMS; FASO, run by Margaret Gardener; SAFARI; the Innocence Project; and LOVE (Let Our Voice Emerge) who, I understand, are trying to reconstitute themselves. I pay tribute to the work they do and thank them on your behalf for their constant support. All these people and organisations are part of the history of F.A.C.T. and it has been a great privilege to work with them. It has also been a privilege to lead F.A.C.T. and to see it grow and develop.

## **Positive Action Over Many Years**

Over the years F.A.C.T. has rightly widened its membership base, taken on new challenges and steadily improved the service it offers to its members. Our priority has always been to support the wrongly convicted **and** the falsely accused, and to ensure that we maintain a proper balance between the need to provide direct support to individuals and the need to campaign for change. Sometimes it has been difficult to maintain this balance. I think it is fair to

say that in the early days of F.A.C.T. there was more enthusiasm for campaigning than is currently the case. Perhaps this is because when people were accused en masse from individual care homes, as they were in the 1990's, there is 'security in numbers' and it is easier to protest.

## **Adapting to Changing Circumstances**

Over the years, vigils have had a special place in our hearts. Literally hundreds of you have participated in them at various locations throughout the UK. I know they mean a great deal to the men and women we support in prison. Gradually, F.A.C.T. has moved away from having several vigils scattered throughout the UK to having a central Christmas vigil, enabling more people to attend. This is another example of how F.A.C.T. is constantly seeking to adapt to changing circumstances. Who would have thought nine years ago that one of the highlights – perhaps the highlight of the year - would have been our Christmas Gathering, beautifully organised by -appropriately - Joy. It is then that we remember all our members still in prison, by lighting individual candles.

I think we have every reason to be proud of the work that is done in our name to support those who are, or have been, imprisoned, and those who contact F.A.C.T. through the helpline. We are very fortunate to have Joy, Gail, George and Iris Jensen, Jim, Roger and Michael to undertake this work. I must also pay tribute to the regional reps and to all those who throughout the years have been co-opted onto the National Committee. I can assure you that our committee meetings have always been lively, vigorous, challenging and a pleasure to attend.

## **F.A.C.T. No Longer Seen in Negative Terms**

Perhaps the most significant change during the last nine years is that F.A.C.T. is no longer seen routinely in negative terms. Our strategy of trying to win over the public by rational argument and debate is beginning to pay off. There are, I believe, two reasons for this. Firstly, thanks to Gail's work, F.A.C.T. has been able to develop positive relationships with the press and the media; and, secondly, F.A.C.T.'s image has been enhanced by the quality of its own publication, through FACTion and through its website. Michael's work in both these fields has been absolutely outstanding.

The level of support we provide to members has steadily increased in volume and in quality over the past nine years. I know how important Joy has been to many of you, in and out of prison; and how valuable Michael's helpline advice has been to those who have been traumatised by false allegations and the appalling havoc in their lives. This quiet, supportive advice and belief in each individual is at the

heart of F.A.C.T. : not seen, but deeply appreciated by those who receive it.

## Year on Year Success

Each year we try and build on the previous years efforts – and most years we succeed. Thanks to your generosity, we are far more financially secure than we ever were in the early years of F.A.C.T. We have also benefited from sponsorship arrangements for FACTion, advertising revenue, and from the generosity of a number of individuals, including John Easling, as well as some bequests. In recent years, we have given more thought to income generation and have had two excellent treasurers to keep us on track. I am grateful to them both. Their work has taken a huge weight of my mind. It is, I think, a sign of F.A.C.T.'s maturity that this year we have been able to set up our own charitable trust research fund. This would not have been possible without the generosity of a member, who wishes to remain anonymous, who has made a substantial donation in order to launch the fund. Anonymity does not however stop us from saying thank you. We are so very grateful.

None of the work undertaken by F.A.C.T. would be possible without the help and support of the National Committee, some of whom I have already mentioned. Since F.A.C.T. was formed I have been very fortunate to lead a very enthusiastic, dedicated and hardworking team. I am very grateful to all of them including those no longer serving on the Committee: in particular Dave Sherwell, who was with F.A.C.T. from the early days; Kath Brizzalari, Gordon Rozario and Guy Perry.

## Engaging With Others

One of my duties I will miss is that of Conference Chair. Over the years we have had many excellent conferences. The conference committee try very hard not only to reflect F.A.C.T.'s position as a UK wide organization in its conference agendas but also to ensure that speakers provide a balance between providing information, general support and in campaigning for change. We have used conferences to engage with and respond to specific issues in England, Wales, Scotland, Northern Ireland, Eire and even Canada and Australia. On other occasions, we have used conferences to give a platform to, and to learn from, seasoned campaigners. We have been fired up by Bill Thompson, Margaret Doran, Florence Horseman Hogan and, more recently, by Iain Henderson. They have taught us a great deal. We have had eminent speakers from academia and the legal world, and have entered into serious dialogue with Government Agencies (CCRC and the Independent Safeguarding Authority) in a way that would not have been possible nine years ago. We like to think

that they learn a great deal from us, too, particularly when it comes to the question and answer sessions.

## Moved to Tears

We have been moved to tears by unexpected events. I will always remember the spontaneous applause Anver Sheikh received when he arrived at our conference shortly after winning his appeal. I will remember, too, Molly Gee giving a commissioner from the CCRC the Jeremy Paxman treatment at one of our conferences; and of her addressing another conference shortly after her son Daryll was posthumously cleared by the Court of Appeal. Neither shall I forget that heavy feeling of disappointment, when news is announced of someone's wrongful conviction or failed appeal. Nine years may seem a long time, but we must not forget that there are some people who first joined F.A.C.T. nine years ago and who are still in prison. I am thinking particularly of Mike, the two Keiths; and a few others, like Kevin D and Peter S, who more recently received very long prison sentences. For them, and for all falsely accused carers and teachers the fight must go on.

## ... and thank you for your support

None of F.A.C.T.'s progress would have been possible without your support and friendship. We exist to help you in your fight and struggle for justice, and that support and friendship means a great deal.

Thank you.

**Clarke & Hartland Solicitors**  
48 The Parade, Roath,  
Cardiff, CF24 3AB  
02920 483 181

Clarke and Hartland Solicitors are a well established firm of solicitors based in Cardiff with over 20 years legal experience. We provide a range of legal services and also specialise in **CRIMINAL DEFENCE** work.

- We have developed a reputation for excellence throughout Cardiff and the surrounding area.
- We offer personal attention with a professional, friendly, reliable and efficient service.
- We provide high quality legal services which you can rely on.
- We are trusted for our high standards of advocacy, knowledge and expertise.
- Our rates are very competitive.

**Clarke and Hartland have successfully defended a number of cases where allegations have been made against carers, teachers, and other professionals.**

# Secretary's Address

My task is to provide an over view of F.A.C.T.'s progress since our last AGM, but before I do I just want to pick up on a few things Rory has said in his report. As Rory has already mentioned, this past twelve months have seen the loss of George Williamson, Harry Dickson and Norman Owen – all good friends of F.A.C.T. Decent men highly committed to what we do. I shall miss them.

## Thank you Rory

Today, I think, sees the end of an era - well perhaps not the end of an era but the beginning of a new chapter in the history of F.A.C.T. It would not be an exaggeration to say that without Rory F.A.C.T. would not be in existence today. There were times in F.A.C.T.'s early history when the enthusiasm of some boiled over to such an extent that it threatened F.A.C.T.'s existence. At times it was difficult to reconcile competing claims and conflicting ideas. It was Rory who steered F.A.C.T. through these troubled waters. Like the captain of a ship he has moulded an often inexperienced and occasionally demanding crew into the professional organization it has now become. Like all good leaders he has consistently shown vision, exercised good judgment, and always with diplomacy, good manners and humour. Things are much more civilized now we have found calm waters.

Rory has often said that compared with others his role in F.A.C.T. is relatively easy. There is a temptation sometimes to just see his role as a figure head or as a 'meeting co-ordinator'. Well that's true, but those of us on the committee know that Rory's contribution has been far greater than that. Behind the scenes and in his quiet headmasterly way Rory has been a lifeline to many people. His connections have also been invaluable and his presence on occasion has been absolutely critical. For example, his contribution to the Home Affairs Select Committee was masterful, and he has done more than his fair share of press interviews – often the most difficult ones.

I personally would like to thank Rory for all that he has done but the best way of thanking him would be take note of his reasons for retiring. Typically, Rory's decision is not borne out of self interest but a decision made in F.A.C.T.'s best interest.

## Facing the Future

In many ways this is not unconnected with the fact that we have had several bereavements and a lot of illness this past 18 months. Such things inevitably sharpen your mind. The reality is that F.A.C.T. committee members are getting older, not by the day but by the minute! Most of the male members are in their 70's – some much older. I am lucky

at 60 to be one of the younger ones. It is unreasonable to expect any of us to go for ever. Whilst I can't envisage a time when I will not be heavily involved with F.A.C.T. I think it is only fair that I announce that should I be elected secretary I will looking to have a much reduced role in two years time. This will either mean me only doing routine administration or possibly just the web site and FACTion. Time will tell.

## Looking Forward to the Next Decade

F.A.C.T. will only thrive if it can attract new and preferably younger activists. I know this is difficult because many of you are working or have family responsibilities but this is not true of all of you. I also know that many of you who have been falsely accused, convicted or not, need to draw a line under your experience.

Understandably, neither you nor your families, want to be permanently reminded of your own loss and pain. I know I don't. That is perfectly understandable. But there is something very cathartic and rehabilitating about committing a period of your life to ensuring that others do not have

to go through what you and your families have been through. Next year will be F.A.C.T.'s tenth anniversary. As Rory quite rightly says we will only meet the challenge of the next decade by sharing the burden more widely and by attracting some younger blood to positions of responsibility. Let's use this next year to start this process. If you would like to help or commit more time to F.A.C.T. please let me or any other committee member know.

## Review of Recent Progress

Let me now move on and review the year's progress. If I were a teacher I might report that we have made steady progress in most areas but need to do better in some areas. This year very few people turned up for the ACPO lobby. Lobbying in person or by correspondence is an essential part of what we do and it would be a shame if we no longer did so. We need to address this problem. Since the last AGM the National Committee have met on 4 occasions, early in January, in March, briefly in May at the conference, and in June. All meetings have been well attended and involved lively discussions. We use committee meetings to review developments throughout the UK and in the regions, and to update each other regarding our own roles and interests. In addition to normal routine matters some of the more important items discussed include F.A.C.T.'s response to Dr Naughton's conference challenge, F.A.C.T.'s future strategy, research issues, Jersey, HAAP and the Cambridge Research, Developments in Scotland, and the setting up of an independent Charitable Trust Fund.

Perhaps the most frustrating issue we have discussed concerns the delay and lack of explanation regarding the

**“ FACT will only thrive if it can attract new and preferably younger activists”**

completion of the Cambridge research which HAAP and F.A.C.T. jointly commissioned. Both Rory and myself have spent a great deal of effort trying to get a satisfactory explanation for the delay. All we can report is that for reasons which are not entirely clear and may not be the fault of HAAP, the research has not been completed. HAAP are awaiting the final draft and have assured us that when it is received we will be sent a copy. I know that several of you share our concern regarding this unacceptable delay. All I can say is that we have made your feelings known and that their failure to ensure the research was completed on time brings HAAP's good name into disrepute. I shall say no more about this at this stage.

### **Change in Administrative Arrangements**

In July a sub-committee also met to review workloads and administrative needs within F.A.C.T. One of the things recommended by this subgroup is that Iris Jensen should become correspondence secretary and have delegated responsibility for dealing with F.A.C.T.'s correspondence. The national committee have endorsed this recommendation and wish Iris to be formally appointed in accordance with its delegated powers as outlined in the Constitution. Iris's task will be to write letters on F.A.C.T.'s behalf and to respond to mail received through the PO Box. Letters addressed to specific individuals will continue to be routed to them. Please bear with us while this new arrangements take place. From time to time Iris will also respond to emails. I am very grateful to the sub-committee for making this suggestion and to Iris for agreeing to do so, and would welcome your support when the matters is discussed later.

### **Increased Workloads**

I now just briefly want to review the work undertaken by other members of the committee. Almost without exception each department has seen a steady increase in its workload. There has been an increase in the numbers of people Joy supports. This I think is inevitable as many of those in prison keep in touch with her when they are released. Prison after care is very important to all of us and is one of the reasons why Joy puts so much effort into our now annual Christmas Gathering.

Joy also has responsibility for membership issues. Membership has remained steady throughout the year. Joy also distributes FACTion. This year there has been some culling of the FACTion distribution list as it was felt that FACTion should not be sent to non-members on an indefinite basis. What we do now is allow non-members to receive a few complimentary copies and then invite them to join F.A.C.T. If they don't wish to do so then we take them off the FACTion distribution list. Due to a combination of timing difficulties and illness FACTion has only appeared five times since the last AGM – normally it would be six. Two more FACTions however will be issued

before Christmas. Thankfully we have been able to keep the cost of FACTion down as a result of sponsorship and by selling limited advertising space. On behalf of the committee can I thank all those who have responded to our call for sponsorship or who have bought advertising space. I would also like to thank everyone who has contributed to FACTion, especially George Jensen for his regular contributions and for all the work he does sifting Government papers and legal reports. George is going to give you an update later of his role as research officer.

### **Rich and Varied**

Our work with the press and media has been rich and varied, with peaks and troughs. Somewhat frustratingly we are still getting a number of requests from the media which we cannot meet, for individuals to share their personal stories with a wider audience. Whilst we understand people's reluctance to commit themselves to this - the climate has changed. Handled properly the press can be a powerful weapon as the coverage of John Pinnington's case concerning adverse comments on his crb shows. Although Mr Pinnington did not win his case the press were hugely sympathetic to his plight. Furthermore the initial story generated a number of spin offs in our favour. As I have said on previous occasions the fact that our name is not plastered on the front pages or flashed across screens does not mean we have been inactive. I think you would be surprised by the number of occasions we have been contacted by tv and film companies this year. Sometimes we can be more effective in raising awareness of the issues than in providing a direct input into stories or programmes.

In the past we have rightly been critical of the Press in its coverage of abuse issues and injustice. This year has been exceptional in that there has been major and sustained coverage of three issues which are important to us. Firstly there has been a steady stream of articles about the vulnerability of teachers in particular; then there has been series of articles about crb issues; and finally there has been a wide ranging debate about the injustice in the family Courts and in the child protection system. I would like to think that F.A.C.T. has had some influence in these matters. Indeed I know it has. Most of the work with the Press is undertaken by Gail, with Rory and myself as backup. On your behalf I thank her for her valuable contribution to what we do.

As I mentioned earlier we had a quiet year on the lobbying front. I think it is fair to say we have missed George Williamson, but as you know Jim Hepburn kindly agreed to step in the breach following George's death. If we are to regain our momentum it is important you give Jim all your support. We have very much appreciated having Jim on the Committee and hope to keep him busier in the future.

## Regional or Special Interest Groups Focus

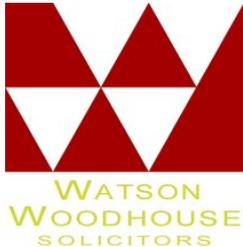
Another area where interest seems to have waned is in the regions. Understandably things have been a little quieter in both North Wales, and also in the Northwest, and we still need to break through in the Midlands region despite Tony's efforts. Personally I am very committed to the regions but I think we may soon be approaching the time when we need to give serious thought as to whether or not there is a better way to engage with individuals. One way to do this would be to create some special interest groups such as the Sex Offenders Register Group which was formed at our last Conference.

## Increasing Demands

I think that covers most of the activities that we are involved in except the helpline, the web site and the advice and representation service we currently provide. The helpline continues to be used extensively. Unfortunately there have been periods when I have not been well and delays in responding have occurred. Interestingly this year has seen far less use made of it by carers. For the first time I think the dominant group has been teachers, including a number of female teachers. There has also been a steady increase in the number of referrals we have had from people working in adult education and also those working with vulnerable adults, as well as those involved in sports and community work - especially scouting. This year I have personally made direct representations on behalf of well over 50 people. Some of these cases are quite complicated and have spread over a few years. This has involved me attending disciplinary hearings, making representations to POVA, POCAT, the Care Standards Tribunal and Employment Tribunals. This increase in work is not sustainable. For the first time ever I have had to turn down requests for support. Reluctantly I have decided that I will not take on any new cases for the remainder of this year. I have also had to postpone plans to upgrade the web site which continues to be well used here in the UK and abroad. It's important it retains a fresh look. There is nothing so unprofessional as an obsolete web site.

## Finance

One issue I have not mentioned is finance. I won't go into the details as that is the Treasurer's task. What I will say is this. Compared with previous years F.A.C.T. finances are in a healthy position. There are a number of reasons for this. Firstly I think it reflects Ian's stewardship of the finances generally. Secondly we have made some savings on F.A.C.T. Thirdly, because we have plans to apply for grant aid (more of this later) we will need to demonstrate financial credibility and a healthy reserve. We also want to ring fence some money to put in the Trust Fund. Perhaps I ought to explain that this trust will operate as Charity but independent of F.A.C.T. It will be known as the **Contested**

	<b>Watson Woodhouse Solicitors</b> 2 Norfolk Place Berwick Hills <b>Middlesbrough</b> TS3 7PB 01642 247656
<b>Ranked as a leading criminal solicitors in North East England</b> <b>Criminal Law</b> <b>Prison Law</b> <b>Actions Against the Police</b> <b>Personal Injury</b> <b>Family, Housing and Mental Health</b>	
<b>WATSON WOODHOUSE SOLICITORS</b> We also provide a 24 hour, 7 days a week response to any client arrested and seeking assistance in the Police Station.	

**Allegations Research Fund.** The four trustees will be Gail Saunders, Joy Gower, and Madeline Reeves who has been appointed because of her academic background, and myself. All the trustees are committed to ensuring the fund is used on issues of concern to F.A.C.T. members.

## Income Generation

I said earlier that F.A.C.T. also had plans to apply for some grant aid for its own use. The Committee has agreed in principle to F.A.C.T. approaching the Esme Fairburn Foundation for a grant to consolidate its work or to set up a new project. Statistically we have about a 50% chance of success. One of the attractions of the Esme Fairburn Foundation is that they are keen to support projects that develop or strengthen good practice, challenge convention or take a risk in order to address difficult issues, and which set out to influence policy or change behaviour more widely. I think it fits our circumstances very well.

I know everyone on the Committee will have their own ideas as to what sort of project we should develop but I am going to stake my claim now. I think the time has come when we should consider paying some one – not me – to run the helpline and to undertake some development work within F.A.C.T. A £60,000 grant spread over three years would make a huge difference to what we do. Others, including yourselves, may have better ideas. This is your opportunity to indicate what new developments you would wish to see in place. Speak to us, drop us a line, send an email, scream at us if you have to. We need your views, your support and your encouragement.

Thank you.

September 2008

## Other Conference News

- The treasurer presented a financial report of income and expenditure during the past year\*. There was an operating surplus of £2,912 for the period. Income was up on last year due mainly to a bequest from George Williamson's estate. There was a modest fall in income from membership however this was offset by increased takings at the conferences. Expenditure on FACTION was also slightly down.  
*\* In order to have the accounts properly audited before the AGM the period was in fact only for 11 months.*
- The posies on the top table were kindly donated by Ray and Betty, having been used earlier in the week on the occasion of their diamond wedding anniversary. Both were delighted to receive a congratulatory telegram from the Queen. We extend our very best wishes and warmest congratulations to them both.
- Rose and Darren offered their apologies for not being able to attend as they were attending the Christening of their daughter. We hope they had a very memorable and happy day.
- Much to his amusement Rory, the outgoing Chairman, was presented with a caricature portrait of himself.
- A presentation was also made to Ian and Joy Gower who recently celebrated their silver wedding. Rather aptly they were presented with a conference pear tree. Joy and Ian have requested that their thanks be passed on. It was, they said "very much a surprise and has now been duly planted in our garden and will be treasured hopefully for many years".
- George and Iris were also presented with a gift from F.A.C.T. North Wales for all the work they had done prior to their move to South Wales.
- The date of next year's Spring conference will be the 25th April. This will be followed by our Autumn conference which will take place on the 5th September.
- We would particularly ask that you note both of these dates - especially the **5th September 2009** as we shall use this occasion to mark F.A.C.T.'s 10 year anniversary. The national committee would welcome suggestions as to how we can best mark this achievement.
- The Christmas Gathering for **2009** will take place on 12th December.

## Some Research Ideas

### A presentation by George Jensen

I have proposed to the national committee that F.A.C.T. should undertake a research project: I am pleased to say that the proposal was accepted by the committee with enthusiasm and without exception.

#### Areas of Research

I would suggest the research should initially focus on four main areas that I believe are the most damaging aspects of the prosecution proceedings. The four areas are; Failure to disclose – Malpractice in Investigations – Obvious Erroneous Evidence – Failure of the Judicial System.

#### Failure to Disclose

In numerous investigations the police have interviewed large numbers of ex-residents of residential schools and care homes. A very small percentage of those interviewed made allegations of abuse, whilst the vast majority made it clear that they had no complaints to make of the form that the police were seeking. The statements of those who did not make complaints were rarely released to the defence, the police claiming that they were irrelevant. Irrelevant to the prosecution, but certainly not irrelevant to the defence. Similarly, single, but extremely important documents were disclosed only after the trial had commenced and following very considerable pressure. I have evidence of one case where after firstly strenuously denying the existence of a document it was given to the defence in a box containing 1500 separate papers after the trial had been proceeding for four days. There are obviously many, many more instances of such conduct.

#### Malpractice in Investigations

There are many instances of 'evidence' which is fundamentally and most obviously incorrect being presented before the courts by the CPS at the behest of the police. Examples of such malpractice or error in the investigation are:

- the manner in which ex-residents have been approached by the police and told who they had arrested and why.
- numerous examples of leading questions being asked with the intention of obtaining the answers to suit the prosecution's case.
- 'off the record' casual conversation before the interview begins, which later becomes 'evidence' against the defendant.

In one case the police interviewed a complainant in prison on an attempted murder charge; he had been seen by a psychiatrist only days before the police interviewed him and was declared unfit to plead in his own defence. He was subsequently seen by the second

*continued on page 16*



Dear Editor

Thank you for your helpful article in the September edition, concerning Insurance. You asked for reader's experience. I own a property in Southern England which was insured with Lloyds TSB for some years. Upon my conviction my insurers gave my legal advisors 5 days to find alternative cover! Since then (May 2007) we have been unable to find another insurer, so my home remains uninsured. I have approached the brokers recommended by UNLOCK but to no avail. In the past week I have written a letter to Jack Straw pointing out the difficulties of a convicted sex offender being covered for insurance. The same may be true of any house which he lives or rents. In my case I am faced with selling my home (my family have lived there for over 60 years) and moving into Council accommodation upon release, and then emigrating! So much for rehabilitation.

David

HMP (with-held)

Editorial note: have you thought of writing to the The Financial Ombudsman Service to ask if they can advise of any insurance bodies that you can approach, and might be able to recommend an insurance company who specialise in providing cover for convicted persons. Their address is The Financial Ombudsman Service, South Quay Plaza, 183 Marsh Wall, London E14 9SR

You may have read in the Press that park wardens in Telford Town Park in Shropshire were ordered to stop and interrogate anyone visiting the parks who is not accompanied by children. The unaccompanied visitor was then quizzed and asked to explain their presence or risk being thrown out or reported to

police if their answers were not satisfactory. Telford and Wrekin council which manages the 420-acre area justified its action by saying it is a 'common sense approach' aimed at safeguarding children.

This prompted the following exchange of letters between F.A.C.T. and the Council.

Letter to Chief Executive (edited) of Telford and Wrekin Council  
Dear Chief Executive

I write on behalf of F.A.C.T. an organisation which campaigns on behalf of falsely accused and wrongly convicted carers and teachers, regarding the publicity surrounding your recent ruling which apparently instructs park wardens to stop and interrogate anyone who is not accompanied by children. ....

.....There is, at present, no law which prevents individuals, male or female from walking in a park, or any public place, whether alone, or accompanied by a child. Indeed, as I'm sure you will acknowledge, the majority of people who walk in parks, or anywhere else for that matter, do not do so with evil intent, but merely to enjoy the fresh air and the exercise which you, as a Council strongly advocate.

If your policy actually is the way it is presented in the press, please think again and rather than using the draconian measures reported, try to find a policy which provides an equitable balance between child safety and reasonable adult requirements.

Yours sincerely,  
Iris Jensen,  
Correspondence Secretary

Email reply from Council

Dear Mrs Jensen

Thank you for registering your concerns about the Town Park and the recent publicity about our child protection policy.

I would like to reassure you that there is absolutely no suggestion whatsoever that people who visit our park, with or without children, are routinely approached by our staff for no apparent reason.

Unfortunately a letter sent last month to a resident incorrectly stated the situation and has mistakenly led people to conclude that the Council stops adults in Telford Town Park. This is most certainly not the case.

The Town Park is an extremely popular destination for residents and visitors and we attract over 1 million visitors each year. We work hard to create a safe and enjoyable experience and as always everyone is most welcome.

We deeply regret any confusion that may have been caused, in particular to the many people who use and enjoy Telford Town Park.

**Ron Odunaiya**  
**Corporate Director**  
**Community Services**

*continued from page 14*

psychiatrist as is required in law and was again judged to be unfit to plead. Yet the police and prosecution called him as a witness of alleged sexual abuse.

## **Erroneous Evidence**

The government states that the Crown Prosecution Service hold a **robust review** of all evidence placed before it by the police. Let me give you just a few examples of such 'evidence'. It was claimed a boy was murdered by a member of staff, needless to say the police did not investigate the claim; but the allegation was used in evidence!

The 'victim' who claimed to have had a crowbar thrust up his anus, twisted and then removed, for which needless to say he did not require medical assistance; again it was used in evidence.

Another victim who was abused in a car belonging to the defender, the DVLA provided documentary evidence to state that the man did not become the owner of that particular vehicle until two years after the alleged offence.

Then there was the 'victim' who was abused in a public toilet – ten years before the toilets were built – evidenced by the local authority.

Finally the man who abused a girl whilst she sat on a table in his cellar – the cellar was only three feet high.

And the very many instances where the defendant and his accuser were not in the same establishment at the same time, in some instances there was a gap of several years. Factors which could have and should have been checked by police if they are conducting even a rudimentary investigation. Robust review - I think not.

## **Failure of the Judicial System**

There is research to demonstrate that police and juries have a 'natural' bias toward the prosecution where the allegation is of child abuse. The juries are seldom adequately warned regarding the acceptance of evidence in cases which were alleged to have occurred many years previously.

The CCRC and the Appeal Court both require *new* evidence in order to proceed. The question which has caused considerable anguish over the years; How do you gather new evidence in respect of an offence that had never taken place? In Ireland and the USA the appeal process takes the form of a review of all the evidence that was presented at the original trial.

The crown has accepted without question, or so it would appear, the word of the accuser often without there being any forensic, pathological or corroborative evidence. The accusers are most frequently individuals whom the police would not entertain as witnesses under normal circumstances.

Trials have been justified on the basis of similar fact evidence – in the majority of cases there were no similar facts only similar *allegations*.

Trial by volume; bring forward a number of accusers, then place a number of defendants in the dock, cause an element of confusion for the jury by cross accusations, and you create a recipe for 'no smoke without fire'.

Finally in this section the concept of the lost or destroyed documentary evidence. Have you ever considered how it was that the school/home register was the only document rescued for the police to examine in their search for 'victims'?

## **What Can We Do In An Attempt To Make Known The Truth ?**

I referred earlier to a research project.

The research methodology I have in mind is what is known as **reflexive research**. In reflexive research the material available is refined as it becomes available and the research field is narrowed to provide the most powerful evidence.

What we need to gain ultimately is a very high correlation between the areas, or at least some of them, which I have outlined to you and the cases which the police and CPS have presented before the courts.

I would add here that it is in no way essential for any case to have been to court, in fact it may well prove to be of considerable importance, and advantage, to have the kind of information I have outlined, where the prosecution have dropped the case. It begs the question why? Was it that the evidence was so unreliable? If so it might be advantageous to the research.

We need the maximum amount of material but it is essential that the claim is able to be supported by documentary evidence. You do not need to have the documents to support your claim but the research would require to know where such documents are available. Remember if your solicitor is holding your case papers you are entitled to have them, they are your property not the solicitor's.

Having gathered the material and refined it, I hope that a leading academic or a university might be persuaded to endorse the final research document. If the research is as successful as we imagine it might be, it is intended that every member of the Houses of Parliament, Lords and Commons, and every member of the Welsh Assembly, and Scottish Parliament will receive a copy.

In addition copies will be made available to the press and the television companies. The aim is to make it impossible to ignore the fact that men have been wrongly sent to prison and they and their family's lives ruined by the failure of the British system of Justice.

Please send me details of what you think might be suitable, and most importantly, tell others about the research.

George Jensen

*Editorial Note: if you would like to support this initiative please contact George 01633 815550*

'

# It's better that 10 guilty men go free than one innocent man be wrongly convicted

This article by Robert Verkaik, Law Editor, appeared in the Independent on the 27th September 2008

It's better that 10 guilty men go free than one innocent man be wrongly convicted'. Judges should order more retrials over unsafe convictions, says criminal review chief.

The country's top appeal judges are failing to correct miscarriages of justice where they suspect the jury has come to a wrong verdict, the head of the body charged with investigating wrongful convictions has warned.

Professor Graham Zellick, the outgoing chairman of the Criminal Cases Review Commission (CCRC), said the Court of Appeal should order retrials in cases that have a "lurking doubt" about the safety of the conviction.

In an interview with The Independent, Professor Zellick also called on judges to prevent "very dubious" expert evidence, including lip-reading and ear-prints, being presented to the jury. He argued: "It is far better that 10 guilty men go free than one innocent man is wrongfully convicted ... We know from bitter experience that juries get things wrong. The Court of Appeal ought to be more active in quashing convictions even though there has not been any irregularity in the trial process."

He added that when he had raised this argument with members of the judiciary he had been "admonished" for asking judges to second-guess the jury. "They tell me that in this country we have trial by jury, so who are they to go behind the verdict of the jury which has seen all the evidence? Well, I say we have trial by judge and jury, not just jury."

Professor Zellick, who has been in charge of the commission's referrals to the Court of Appeal for the past five years, said a more interventionist approach would allow the court to order a retrial when judges were unhappy about the safety of a conviction. "The Court of Appeal is even more reluctant in 2008 than in the 1990s to quash convictions because they think they are unsafe. We are more deferential to a jury now than in the 1990s when things were going wrong," he said.

Professor Zellick, a professor of law at University College London, cited the wrongful conviction of the solicitor Sally Clark, 42, as an example of the consequences of judicial reluctance to free immediately an innocent victim of a miscarriage. Mrs Clark was jailed in 1999 for killing her 11-week-old son Christopher in December 1996, and eight-week-old Harry in January 1998. An appeal in 2000 failed, but she was freed in 2003 after a fresh appeal following a referral from the CCRC. She was found dead last year. "Sally Clark should never have been convicted," said Professor Zellick. "She should have succeeded at her first appeal. It should never have taken two years' work by us

[CCRC] and a referral before she was released, by which time she was broken in mind and body." The jury at her trial was told by an expert witness, Professor Sir Roy Meadow, that the probability of two natural unexplained cot deaths in a family was 73 million to one. Other experts said the odds were about 200 to one. Although not criticising the standing of the expert witnesses in the case, Professor Zellick said juries were not always capable of deciding between diverse expert opinions. "There have been miscarriages of justice caused by experts whose expertise is somewhat suspect. We are too casual about expert evidence in the criminal justice system." He said he was particularly concerned about lip-reading and ear-print evidence, which he described as "very dubious" for a jury.

## Case study: Sally Clark, Innocent mother spent years in jail

Expert evidence cause for concern.

The tragedy of the case of Sally Clark, who died last year after finally being cleared of killing her two baby sons, was exacerbated by the failings of the criminal appeals process. The 42-year-old solicitor spent nearly four years behind bars. By the time the Criminal Cases Review Commission had intervened and sent the case back to the Court of Appeal, Mrs Clark was already a broken woman. Her suffering, believes Professor Graham Zellick, the retiring head of the commission, could have been relieved earlier if the Court of Appeal had taken a more interventionist approach the first time around. Instead of waiting to see compelling new evidence, Professor Zellick argues that the Court of Appeal should quash convictions where they simply believe the prosecution's case has not been proved.

## Lip reading

In a case currently at the CCRC, prosecution evidence turned on the lip-reading testimony of an expert witness who interpreted what was being said in a silent video. During a review of the evidence, it was discovered the video had sound. An ensuing transcription of the conversation bore no resemblance to what the expert witness had claimed.

## Earprints

Mark Dallagher, 30, spent nearly seven years in jail protesting his innocence after an Old Bailey jury was told by an expert, a Dutch police inspector, that earprints found at a murder crime scene matched his exactly. After the Court of Appeal ordered a retrial, a DNA sample from the earprint proved it was not Mr Dallagher's!

Published in the Independent on 27th September 2008

## Case Referred Back to Court of Appeal

The Court of Appeal yesterday referred a conviction to the full court in the case of Ken MacKreth, who sadly died in 2006.

Ken MacKreth was originally convicted in June 2000 at Liverpool Crown Court for serious sexual assaults against former care home residents (investigated in the course of "Operation Care").

He served a 5 year sentence, but on 13th June 2006, submitted an application for leave to appeal the conviction. Sadly just over a week later, on 22nd June 2006, Ken died age 92.

With the approval of the court to act as personal representative for her father, Mrs Susan Bateman was authorised to proceed with the application.

The application first went before a single judge on 2nd May 2007 where it was refused leave. However the matter was renewed and heard before the court on 3rd July 2008 where Hooper L.J., Cox J. and Sir Christopher Holland granted leave and referred the case to the full court.

Mark Barlow represents Ken MacKreth, instructed by Mark Newby of Jordan's Solicitors , Doncaster.

Editorial Comment:

We do not know when this case will be heard

---

## Former Kerelaw Head wins maximum payout for unfair dismissal

Jim Hunter, 56, the former head of a special school has won the maximum award available (£62,680) for unfair dismissal after he was wrongly fired from his £40,000 a year post at Kerelaw School,

The Kerelaw Residential Unit in Stevenson, Ayrshire, was shut down in 2006 following a police investigation into child abuse. Hunter, who was in charge of both the secure and open units at the school for vulnerable youngsters, was dismissed after claims that youngsters were "turned upside down, held by five members of staff and dumped in a cell". The tribunal heard there was no evidence that Hunter had engaged in or witnessed the inappropriate restraint of young people.

He said: "I am naturally pleased with the decision. I look forward to the report of the independent inquiry on Kerelaw to provide insight into what really happened." Hunter's dismissal was automatically unfair, the tribunal added, as there was an unreasonable delay in conducting his appeal.

Earlier this year, another Glasgow tribunal ruled that Chris Johnson, 54, former deputy head of the school attached to the secure unit at Kerelaw, was unfairly dismissed, as Glasgow City Council had not investigated gross misconduct allegations sufficiently. A decision on his compensation has yet to be made.

## Granny Knows Best



In a trial in the USA a Southern small-town prosecuting attorney called his first witness, a grand-motherly, elderly woman to the stand. He approached her and asked, 'Mrs. Jones, do you know me?' She responded, 'Why, yes, I do know you, Mr. Williams. I've known you since you were a

boy, and frankly, you've been a big disappointment to me. You lie, you cheat on your wife, and you manipulate people and talk about them behind their backs. You think you're a big shot when you haven't the brains to realize you'll never amount to anything more than a two-bit paper pusher. Yes, I know you.'

The lawyer was stunned. Not knowing what else to do, he pointed across the room and asked, 'Mrs. Jones, do you know the defense attorney?'

She again replied, ' Why yes, I do. I've known Mr. Bradley since he was a youngster, too. He's lazy, bigoted, and he has a drinking problem. He can't build a normal relationship with anyone, and his law practice is one of the worst in the entire state. Not to mention he cheated on his wife with three different women. One of them was your wife. Yes, I know him.' The defense attorney nearly died.

The judge asked both counsellors to approach the bench and, in a very quiet voice, said, 'If either of you idiots asks her if she knows me, I'll send you both to the electric chair.'

---

## Things Could Be Worse

If you had purchased £1,000 of Northern Rock shares one year ago they would now be worth £4.95.

Invested with HBOS, earlier this week your £1,000 would have been worth £16.50, while £1,000 invested in XL Leisure would now be worth less than £5.

However, if you bought £1,000 worth of Tennent's Lager one year ago, drank it all, then took the empty cans to an aluminium recycling plant, you would get £214.

So, based on the above statistics the best current investment advice is to drink heavily and recycle!

---

## Thank You

From Rory

Please will you pass on my thanks to everyone for their best wishes and kind words on my retirement as Chairman of F.A.C.T.



Regulars readers of the F.A.C.T. website will have noted that the number of recent postings are somewhat down compared with previous months. This is because we are currently upgrading the site. We have plans to make the site more intuitive and more interactive. We are also using this opportunity to review the site's contents - especially the news items, as some of them have become dated and are no longer relevant. If you have any suggestions for improvement we would be very pleased to have them.

*Back to the news. In August we posted details of some research published by the Association of Teachers and Lecturers who found that 84% of schools had installed closed circuit television for various reasons including the monitoring of pupil behaviour.*

A 46 year old man also had his conviction for indecent assault on a 13 year old quashed by the Court of Appeal. The Appeal Court heard that the 13-year-old had made up false rape allegations before – one just months after those she made against the appellant.

There is also news that a social worker has been cleared of misconduct charges following a three-day hearing before the General Social Care Council. The social worker was accused of asking a six-year-old child to show her a scratch near her genital area during a child protection interview - a charge she denied.

There is also a posting concerning an interesting article in the Times which posed the question of how much compensation should be paid to someone whose life is blighted after being wrongly accused or even convicted and jailed for murder? Postings in September begin with the news that Kent police want to prevent false allegations of rape after

a 16 year old falsely accused a man of rape. Kent Police said this is one of a number of recent similar cases in Maidstone – and they want to make sure such incidents stop. "In these instances we will seek to prosecute those who make false claims, as these people undermine the courage of real victims who seek justice."

This item is followed by news published by the BBC that there has been an 86% increase in the number of teachers suspended on full pay in the UK over claims of pupil mistreatment. The Donal McIntyre programme on BBC Radio 5 Live obtained details from Freedom of Information requests to all 204 local authorities in the UK. Among the 40% of councils responding, the numbers suspensions rose from 168 in 2003-04 to 314 in 2007-08. Teachers' unions say there has been a rise in false allegations. The councils responding said almost £14.5 million was paid out in salaries for those suspended during the same period of time. In a case similar to that of John Pinnington's which we featured in the last edition of FAction a High Court judge has acknowledged that workers' careers can be ruined by unproven allegations kept on police files but he refused to allow a challenge to the rules.

Mr Justice Blake said he recognised the "difficult circumstances" a care worker had been left in after a claim of abuse was made against her six years ago but never tested in court. He agreed that Farida Manji was unable to get a job - even at a supermarket - simply because the allegation had been kept on file and could be seen by potential employers when they ran a background check on her. But the judge added that he was powerless to stop details of unproved accusations being passed to managers because the Government and police had clearly intended that they should be, in order to protect vulnerable groups. This case came to light just days after The Daily Telegraph disclosed that all adults who work or volunteer with

children must have abuse allegations made against them kept on file until they retire, even if they are totally groundless.

There is yet another case of a woman admitting perverting the course of justice when she falsely accused a man of rape. The woman who appeared at Durham Crown Court was jailed for three months.

Editorial Note: We are sorry to keep reporting cases of false and fake rape - but no else does.

The F.A.C.T. website also includes a posting on the study of memory which used news material of the 7/7 London bombings. Some of those interviewed claimed to have seen non-existent CCTV footage of the bus exploding in Tavistock Square in July 2005, while others gave detailed descriptions of footage which did not exist. The author of the report Dr James Ost, a psychologist at the University of Portsmouth, concludes that people are prone to "false memories", which the researchers say police and social workers must take into account when evaluating witness testimony or "recovered" memories of childhood abuse.

Finally, considerable attention is given to the news that park wardens employed by Telford and Wrekin Council were ordered to stop and interrogate anyone who is not accompanied by children. The policy came to light after two environmental campaigners dressed as penguins were thrown out of the park last month when caught handing out leaflets on climate change.

Telford and Wrekin Council said Rachel Whittaker and Neil Donaldson were ejected because they had not undergone Criminal Records Bureau checks or risk assessments before entering the park - a requirement *under the Child Protection Act\**. Former childcare social worker John Evans said: 'It is authoritarian madness which can only be based on ignorance. It is absurd.

*\*Editorial note: there is no requirement for visitors to parks to undergo crb checks - see letters page.*

### Personalalia

We have had a number of emails and letters from F.A.C.T. members recently, recommending particular books or films. David sent us an email concerning the BBC television mini-series entitled 'Criminal Justice' which stars Ben Whishaw and Pete Postlethwaite. This five part thriller, written by a barrister, begins with a young man looking into the mirror as he waits to go out on the town. Little does he know it will be the last time he is able to recognize the person who looks back at him. What follows is a roller-coaster ride through the criminal justice system, where the truth is optional and what counts is playing the game in order to come out on top. No-one wants to hear Ben's side of the story. Sounds familiar. The series is also available on video and is highly recommended. A F.A.C.T. supporter has also recommended a book "Mistakes Were Made But Not By Me - Why We Justify Foolish Beliefs, Bad Decisions, and Hurtful Acts". The book was written by two eminent social psychologists Carol Tarvis and Elliott Aronson. The book is essentially about how individuals rationalise decisions which are wrong and why, for example, many prosecutors will never back-off, continuing to declare innocent defendants guilty, despite evidence to the contrary. The book is very readable and provides valuable insight into an age when accountability and responsibility have lost their place in our society. Well worth reading. Talking of books we have also heard that Kathy O'Beirne Author of *Kathy's Story - Don't Ever Tell* is about to publish a follow up aimed at debunking the account given in Herman Kelly's book *The Kathy's Real Story*. It will be very interesting to see what she has to say.

Closer to home we have received news of Grace Brushett's death at 93, and also of Sheila's mother. Our thoughts go out to their families and friends. Some regional news now.

F.A.C.T. North Wales group have invited John Bell, Conservative Parliamentary Party Candidate for the South Clwyd Constituency to their next meeting. John is a teacher and has already expressed an interest in our campaign.

F.A.C.T. North West AGM will take place on Tuesday 18th November commencing 1:30 pm. Usual venue. A number of people have also written to us concerning Esther Rantzen's welcome criticism of the way in which child protection issues are being dominated by political correctness. We could not agree more!

We have also received a prayer letter from a prisoner in Albany who was found guilty of sexual assault but maintains his innocence. The letter is written on behalf of a group of prisoners in Albany in a similar position who feel they have been put away and forgotten. We know the feeling but hope that the fact we haven't forgotten them (and many others in their position) will bring them some comfort. We are asked to remember them in our prayers.

We have also received two letters in recent weeks asking for details about the wording to be used when bequeathing money to F.A.C.T. We suggest the following wording.

***I give to F.A.C.T. (Falsely Accused Carers and Teachers)***

- a. *A fixed sum (i.e. a fixed amount)*
- b. *A percentage of my estate (i.e. a proportion of the estate)*

- c. *The residue of my estate (i.e. that bit left over when all other all other bequests have been met). (include a) b) or c) as appropriate)*

As there are several organisations using the initials F.A.C.T. it is important that you specify that you mean *Falsely Accused Carers and Teachers*.

If you wish for your bequest to be used in a specific way you will need to make this clear. For example:

*I further direct that this bequest be used as e.g. support for its prison work*

or, alternatively you can say:

*I direct that this bequest be used at F.A.C.T.'s discretion to support its work with those who have been falsely accused or who have been wrongly convicted.*

If you wish to leave a bequest to the Contested Allegations Research Fund you must make this clear. For example

*I give to the **Contested Allegations Research Fund**, a charity which supports or promotes research into issues relating to contested allegations made against carers, teachers and other professionals.*

- d. *A fixed sum (i.e. a fixed amount)*

- e. *A percentage of my estate (i.e. a proportion of the estate)*

- f. *The residue of my estate (i.e. that bit left over when all other all mu other requests have been met) (include a) b) or c) as appropriate)*

**If you are thinking of leaving money in a will you are strongly advised to seek professional advice.**

## 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.