

Never Give Up

The news this month of two major breakthroughs in the fight for justice will have heartened everyone seeking justice for themselves, or a loved one.

Eddie Gilfoyle, was jailed in 1993 for the murder of his pregnant wife who was found in her garage, having apparently hung herself.

Eddie has always maintained that she took her own life and that he was at work when the tragedy took place. Despite this he was convicted. Since then he has twice appealed against his conviction, once in 1995 and again in December 2000. Both times he was turned down.

Like most people who are falsely accused he resolutely believed that there *must* be evidence 'out there' to establish his innocence. He very much hoped that the report of the police surgeon who attended the scene would establish the facts and prove his innocence. Despite repeated requests for a copy of the report he was told it no longer existed.

The Times newspaper, who have campaigned on his behalf for many years, also repeatedly asked the police for a copy of the report under data protection legislation and were told that it no longer existed.

Then out of the blue a leaked copy of the long-missing notes was sent to the Times. It indicated that the police surgeon who examined Mrs Gilfoyle estimated that she had died six hours earlier than had previously been suggested. As Eddie was at work at this time he could not have killed her. He is now awaiting the outcome of a further appeal.

Sean Hodgson spent 27 years in prison for a murder he did not commit. His conviction was overturned after new DNA evidence (which was not available at the time of his conviction) established his innocence. Incredibly, it appears that the DNA test in question could however have been carried out 11 years ago.

In 1982 Sean was found guilty of killing a Southampton barmaid. He admitted to killing her but was known to be a pathological liar who had previously 'admitted' to hundreds of crimes that he did not commit.

In March 2008, after years of mental anguish, he decided to contact a London firm of solicitors whose advert he saw in a prison newspaper. They agreed to act for him pro bono and, eventually, were able to organise DNA tests which proved his innocence.

Sean's case was fast tracked to the Court of Appeal by the Criminal Cases Review Commission. At the appeal Sarah Whitehouse, for the prosecution, told the court that his earlier solicitors had in 1998 asked for DNA tests to be carried out but had been told by the Forensic Science Service (FSS) that no DNA material had been kept. This was not correct. Some body samples had been retained.

What is disturbing about these cases is the reluctance of the police, prison staff and the judiciary to contemplate any possibility that both Eddie and Sean are indeed innocent. The lesson for all of us in this - is never, never give up.

Polygraph Testing To Be Extended

The Government has announced that later this month sex offenders released on licence in the West and East Midlands National Offender Management Service (NOMS) areas, will be required to undergo a polygraph examination within three months of release, and then at six week intervals until their probation is served.

Offenders who refuse to submit to the programme will violate their licence conditions and be sent back to prison.

Newcastle University's Professor Don Grubin, who will run the three-year experiment for the Ministry of Justice, said that at the end of the trial the Government will have to decide whether to use polygraph testing nationally, and whether to extend it to other crimes.

According to the Polygraph Rules 2009, the statutory instrument recently approved to govern the new trial, "a polygraph examination must include... at least one, but not more than four, relevant questions."

The laws to allow compulsory polygraph testing by probation services, brought in during 2007, do not limit the technology to sex crimes.

A Ministry of Justice spokeswoman has said the Government was not currently considering polygraph testing for non-sexual offences and couldn't say whether it will be considered in future.

"We'd have to analyse the outcome of the trial before we'd look at that."

Based on an article in the Register 25th March 2009

We are grateful to our anonymous sponsor for this FACTION

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.

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FACTion

FACTion is produced at approximately bi-monthly 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 do not necessarily represent those of F.A.C.T., or its national committee.

Contributors are reminded that FACTion is also published on the internet and therefore is, potentially, available for everyone to read.

Editorial

Welcome to the second edition of FACTion in 2009.

In this edition we have highlighted some articles about the grave injustices that can occur when people are blind to the truth. We have also drawn attention to some of the progress that is being made behind the scenes to make politicians throughout the UK more aware of the issues which affect carers and teachers daily.

I know many of you have made your own Members of Parliament in England and in Scotland, and Assembly Members in Wales and Northern Ireland aware of your own concerns and cases. What F.A.C.T. can do is to take your concerns a level further and approach the Chairmen and women who run the select committees.

I was delighted to hear of David Bell's success in Northern Ireland and of F.A.C.T.'s recent contact with the Justice Select Committee and Children and the Children Families and Schools Select Committees. We will keep you informed of progress.

I am also looking forward to meeting many of you again at the Spring Conference when we will be considering barriers to just solutions. We have two excellent speakers from whom we can learn a great deal. Mark Barlow, a barrister and good friend of F.A.C.T., and John Pinnington, who showed great courage in publicly challenging adverse comments on an enhanced certificate of disclosure issued by the Criminal Records Bureau. Although John did not win his case the positive publicity it attracted clearly demonstrated that he had won the argument as far as justice was concerned.

I look forward to hearing them both speak and assure you all of a warm welcome. If you have not been to a F.A.C.T. conference before you would be especially welcome. All you have to do is turn up!

Gail Saunders

New Parliamentary Inquiry Into Allegations Against Teachers

The UK Parliamentary Children, Schools and Families Committee is to undertake a short inquiry into allegations against school staff.

The Committee has invited written submissions on:

The scale and nature of allegations of improper conduct made against school staff;

Whether staff subject to allegations should remain anonymous while the case is investigated;

Whether the guidance available to head teachers, school governors, police and others on how to handle claims of improper conduct by school staff should be revised, with particular reference to:

- a) the procedures to be followed by disciplinary panels;
- b) when suspension of the staff member concerned is appropriate;
- c) when arrest of the staff member concerned is appropriate; and
- d) the retention of records of allegations found to be false.

The Committee asks for written submissions in accordance with the guidelines by noon on Monday 18 May 2009.

F.A.C.T. will be making a submission to the Committee. Individuals are also welcome to make their own submissions.

If you wish to do so, by all means make it clear that you are a member of F.A.C.T. and you support the work that we do.

Chris Saltrese Solicitors

www.chrissaltrese.co.uk/

Chris Saltrese Solicitors is a law firm providing a premium service in representing clients accused of sexual offences and domestic violence, in criminal proceedings.

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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

Rachel Langdale

We are pleased to report that Rachel Langdale has been appointed a QC. Rachel, who works from 7 Bedford Row and specialises in family law, was junior counsel to Anna Paulfry QC at the North Wales inquiry into allegations of abuse in North Wales Childrens' homes. Anna and Rachel represented the vast majority of staff accused of abuse and were highly praised for their work. Anna Paulfry has since been appointed a judge. We congratulate Rachel on her richly deserved appointment as Q.C. And wish her well in the future.

John Hughes

We were very sorry to learn that John Hughes, the Coroner for North East Wales, has been seriously ill. We wish him a full and speedy recovery. John, in his role as a solicitor, represented many people accused of abuse at the North Wales Inquiry chaired by Sir Ronald Waterhouse.

Email Support For Prisoners

Did you know that several prisons now provide a facility where you can email prisoners via a dedicated website [www.emailprisoner.com] It is hoped that this will be extended to personal email systems in the future. You have to buy "credit" in advance (£5 minimum - and very easy via PayPal or similar) and each email costs just 25p, which is cheaper than a first class stamp.

Once you send it, the web site processes it and forwards it to the relevant prison, where it is received in the mail room in the same way as other incoming mail, printed off and put in an envelope and passed to the prisoner in the same way as ordinary mail.

Prisoners do not have direct access to computers and so can't email back. The scheme is available at 40 prisons with 23 planned to follow suit.

I Beg To Move

The case of David Bell which we have reported on in previous editions has moved to the Northern Ireland Assembly.

Tuesday, 10 March 2009

Private Members' Business

Violence Against Teachers

Dominic Bradley (Social Democratic and Labour Party) I beg to move.

"That this Assembly notes the increasing reports of violence towards school principals and teachers; and calls on the Minister of Education to address this matter urgently, by establishing a joint working party with the recognised teachers' unions, statutory agencies and other stakeholders, to ensure that uniform recording and reporting mechanisms are in place for all schools, that a training and awareness programme is developed for all teachers, and that principals and governors are provided with appropriate advice and guidance on dealing with violence against staff in schools."

Trevor Lunn (Alliance)

"No teacher should have to work in fear, or under threat, of violence from pupils or parents; neither should they be subjected to abuse. If a teacher lays a hand on a pupil in this country, his or her job is on the line — unjustifiably so in many cases. One particular case in my constituency involved Mr David Bell, who, after touching a pupil's chin, has been unable to work for seven or eight years. That seems ridiculous, and I suggest that a balanced approach to such cases would be no bad thing. Notwithstanding that point, the Alliance Party supports the motion".

Ed note:

We congratulate David Bell on keeping this issue on the political agenda. We know that others have mounted similar campaigns in England, Wales and in Scotland. There is now a momentum building up for change and we would urge you to keep writing to your local MP or the relevant Minister or Secretary of State, and change should come.

In my Opinion

by George Jensen

I have been struck by two fairly recent items of opinion which have appeared in the media. The first was published in The Independent (the sister publication to that illustrious Sunday newspaper which falsified evidence in the North Wales abuse investigations and paid dearly in the civil court via the inventiveness of Dean Nelson). The item to which I refer was dated September 27th 2008 and was a report of an interview with Professor Zellick, the outgoing chairman of the Criminal Cases Review Commission (CCRC); the second was taken from the BBC News Channel on February 10th of this year and was a report based upon the observations of the incoming chairman of the CCRC, Richard Foster, who was to replace Professor Zellick.

Dealing with Professor Zellick's comments first, one must question why it took him until he had retired before he gained courage to speak of the apparent failure of the CCRC to properly carry out its remit.

What exactly did Professor Zellick say? He made observations on a number of aspects of the appeals procedure. He warned that top Appeal Judges are failing to correct miscarriages of justice where they suspect the jury has come to a wrong verdict; he went on to say, "the Court of Appeal should order re-trials in cases that have a 'lurking doubt' about the safety of the conviction". He also warned against 'very dubious' expert evidence, and slightly misquoting Sir William Blackstone (1773 – 1780) he said that, "It is far better that 10 guilty men go free than one innocent man is wrongly convicted". He claimed that when he had raised this argument with members of the judiciary he had been 'admonished' for asking judges to 'second guess' the jury. His response apparently was to the effect that we have a trial by judge and jury, not just a jury. Let us consider that observation by the Appeal Judges with the statement made by the Government on February 20th of this year:

"It should be noted that, in criminal proceedings, the prosecution must prove that the accused is guilty beyond reasonable doubt – a very high standard of proof. Additionally the Judge has the discretion, where the evidence is uncorroborated and there are concerns that it is unreliable, to warn the jury to exercise caution when considering it." Regrettably such warnings are seldom if ever delivered with sufficient authority to ensure that the jury are conscious of the sometimes obvious short-comings in the prosecution case. We have additional reason to question the Government's statement. It is a matter of popular belief that in any form of trial involving sexual abuse the attitude of the police, Crown Prosecution Service and the Courts is that you are guilty and must therefore prove your innocence!

The vast majority of the allegations which have brought men to trial in cases of an historic nature were uncorroborated but how often do you hear a judge advising a jury to take into consideration that the evidence is uncorroborated.

The Government view is that, "Where there is reason to believe that a jury has returned a guilty verdict in the face of contrary evidence, there is nothing to prevent the defendant from appealing against conviction in the normal way. Additionally it is not the case that the Court of Appeal Criminal Division requires fresh evidence to allow an appeal"

Several aspects of this statement will strike a familiar chord with many who have been convicted. There are, in fact, a number of things that preclude an appeal; the little matter of initially convincing a single judge of the rightness of one's case; the almost impossible task of convincing the CCRC of the merit of one's case, and the insistence that there must be new evidence. This latter requirement has been pursued by both the appeal court and by the CCRC in an apparent total contradiction of the Government's statement.

The final point that I would make regarding the opportunity for appeal is the delay which is experienced by men who have been convicted and imprisoned. It would appear that if an individual is subject to a lengthy prison sentence, it is the signal for delay, the apparent attitude being that he/she is not going anywhere for the next few years, so why hurry!

Let us now turn to the statement made by the new incoming head of the CCRC. Richard Foster, previously the Chief Executive of the Crown Prosecution Service. He claims that he wants to be 'bolder' about challenging cases, "we shall go as far as we properly can to refer cases to the Appeal Court". We shall see!

In the year 2007 – 2008, referrals were made to the CCRC in 1,087 cases. Of this number only 27 were referred to the Appeal Court. This was the lowest number since the CCRC was set up in 1997 - less than 3%!

If you are sitting in prison awaiting the CCRC to consider your case you may have to wait a very long time indeed, given that Richard Foster continues to quote the mantra: 'The CCRC has the power to refer cases to the Court of Appeal where there is a 'real possibility' that the conviction will be overturned or the sentence reduced'. In other words the CCRC takes upon itself to second guess the decision of the Appeal Court.

He continues by quoting some of the cases which have been referred which are, almost without exception, cases of universal publicity of which the entire country is probably aware.

Mr Foster goes on to state, "Might we be a bit more bolder still? Well I'm quite a bold person by nature and I will be talking to people and encouraging them to be as bold as we possibly can". Time will tell!

My advice to him would be to read two documents which might encourage him to be genuinely bolder; firstly the report of the Home Affairs Select Committee 2002, (HC836) into *The Conduct of Investigations into Past Cases of Abuse in Children's Homes* and; secondly, the excellent and extremely well researched book, *'The Secret of Bryn Estyn'* by Richard Webster.

I regret to say that in the offing is the possibility of media intrusion into the courts. Mr Foster is in favour of TV coverage whilst the new Director of Public Prosecutions, Kier Starmer Q.C. is in favour of broadcasts.

The possible saving grace is that the Justice Secretary, Jack Straw (at present) is not in favour of either.

Would TV coverage of trials re-inforce prejudice or expose the extent of injustice? Let's have your views.

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School Worker Reported For Alleged Misconduct Over Prayer Letter

A five year old girl from Devon was left in tears after her teacher allegedly reprimanded her for talking about Jesus in class. The girl's mother, who also works in the school, is being investigated by Governors for professional misconduct because she emailed friends at church asking them to pray about her daughters situation.

Foster Carer Struck Off

A Christian foster carer, who has cared for more than eighty children over the last ten years, has been struck off the fostering register because she allowed a Muslim child in her care to convert to Christianity. The girl in her late teens, was interested in exploring Christianity before she was placed with the foster carer but when she decided she wanted to be baptised Council officials said her carer had failed in her duty to preserve the girl's religion, and should have used her influence to prevent the baptism going ahead.

Cheaper Phone Calls for Prisoners

Payphone charges for prisoners in England and Wales have been cut after long-running campaigns by the Prison Reform Trust and the National Consumer Council.

Calls to landlines from English and Welsh prisons are now a penny cheaper at 10p per minute.

Mobile weekday rates see the biggest cut from 63p per minute to 37.5p per minute.

Evening and weekend mobile calls stay the same at 37.5p and 19.5p.

The minimum charge for prison payphones is 10p rather than 40p for normal payphones.

A spokesman for BT said "the majority of calls from prison phones are cheaper on average than if made at a public payphone".

LGA in Recruitment Drive

News that the Local Government Association have launched a national campaign to recruit and retain child social workers will come as no surprise to F.A.C.T. members. In particular the Association hope that 5,000 professionals who have recently left the work can be tempted back.

This initiative comes on the back of research that shows one in ten child social work posts are vacant at any one time, that 89% of councils experience recruitment difficulties, and that over 5000 social workers are agency staff.

Twice as many councils have also reported problems recruiting children's social workers, compared with the recruitment of staff for adult social work posts.

Speaking at the launch of the campaign, the Chairman of the Local Government Association, Cllr Margaret Eaton said, "There are real difficulties for councils in recruiting and retaining high calibre child social worker staff. If lessons are to be learned, then we must look to the future and recruit and retain staff so that they can protect the most vulnerable children in society.

In the short term we must encourage up to 5,000 recently retired child social work professionals back to the front line to help keep children safe".

Isn't it astonishing that at a time when social workers in children's services regularly earn between £30,00 to £40,000 p.a. the nation should be facing a crisis in recruitment.

The truth is that social workers in children's services are being frightened away from what, at one time, was regarded as a very safe and rewarding job.

All the more surprising then that the LGA made no reference to the fact that the biggest deterrent to working with children is the fear of being falsely accused. Who is in denial?

Spring Conference - Barriers To Just Solutions

The F.A.C.T. Spring Conference will take place
on Saturday 25th April 2009
in the St. Chad's R.C. Cathedral meeting rooms

Programme: (Admission free)

- 11:00 am Tea/Coffee
11:30 Welcome
11:45 am John Pinnington: Challenging CRB Decisions -
John was responsible for a much publicised campaign when he unsuccessfully tried to challenge adverse comments on his enhanced crb
12:30 pm Lunch
2:00 pm Mark Barlow: Barrister and Legal Advisor to F.A.C.T.
Historic allegations and the right to a fair trial
2:45 pm Tea/Coffee
3:15 pm Open Forum
4:00 pm (prompt) Close

The conference will be chaired by Gail Saunders, Chairman of F.A.C.T.
Please do your best to attend and ensure our speakers receive a warm welcome.

For further details contact

Gail 02920 513 016 or email gailsaunders@hotmail.co.uk

Michael 02920 777 499 or email sec@factuk.org

The **Autumn** Conference will take place in Birmingham on **Saturday 5th September 2009** when we shall celebrate F.A.C.T.'s tenth anniversary

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

Quote of the Month

On Wednesday February 11th 2009, Ann Widdecombe former MP wrote in the Daily Express "There was a time, when British Justice was the envy of the world, when innocent until guilty meant just that If someone came to trial and was found not guilty he left court without a stain on his character. That is no longer the case, especially where sexual offences are concerned. Recently it has come to light that a television personality accused some poor chap of rape on 40 occasions. Eh? She didn't lock her door after the first one? The police found her evidence so inconsistent and lacking in credibility that no action was taken.

That should have been the end of the matter but instead, the man finds that he is on a police computer and for no reason other than being accused of something he did not do, he is restricted in the kind of jobs he can apply for. She of course, just carries on with her career, her anonymity intact..

Everyone knows that this is not remotely just but nobody seems inclined to do anything about it".

Blast From The Past

A likely story!

Often care home pupils would abscond from the premises, despite staff vigilance and security measures in place. On one such occasion a girl absconded in her nightdress and dressing gown. Having made her escape, she went to the houses across the road from the establishment, and knocked on a random door.

The lady of the house opened the door, and the girl told her she had been to a fancy dress party, but had lost her taxi fare back to the next nearest city.

The lady took her inside. She and her husband decided to give her some clothes AND the taxi fare back home. They then phoned a taxi, and off the girl went. About half an hour later they had second thoughts.

They phoned the 'Home' and explained what they had done, and how they now thought the tale told by the teenager was a bit strange. The Police returned the absconder a fortnight later.

Moral of this true story – it's no good shutting the stable door when the horse has bolted.

Easter Outing

'Twas the night of Good Friday. A few teenagers had lost their home leave for some serious misdemeanours. Nothing was stirring – not even a mouse. Or was it ?

From the 3rd storey of the building, three occupants somehow managed to get out of a window whilst all around them slept. They then shinned down the large cast-iron drainpipe to the floor of the car-park.

The costly mistake they made was having all three of them going down the drainpipe at once.

The first one made it to the bottom. Of the other two, one was nearly there, and the other was on the mid-section of the drainpipe, when suddenly the whole of the pipe broke from its brackets and fell to the ground.

Easter Saturday all three absconders were found by staff at a local beauty resort a mile away. They were paddling in the lake.

The teenager who fell embracing the drainpipe had a broken ankle. The cold water bathing was to reduce the swelling.

As one teacher later remarked, "Well at least they remembered the First Aid I taught them!"

Happy Birthday

We apologise to Peter, Islyn, (and any others) for missing off their names on the previous birthday list.

Happy birthday also to

Martyn - 1st March

Steven - 15th March

Joe - 16th March

Dennis - 3rd April

Jimmy - 11th April

Michael - 16th April

Enjoy the day as best as you can.

A Note Of Caution

There has been quite a lot in the press recently about alleged police misuse of powers to caution offenders.

On the one hand there are those who argue that the police rarely make it clear that a caution is an admission of guilt, and is only issued when the police otherwise wouldn't have enough evidence to secure a conviction. On the other hand there are those- mostly police officers - who say that operational guidance is very clear that conditional cautions can only be administered for summary offences and a strictly limited range of triable offences.

Recently the law in relation to cautions has been clarified. Section 49 and Schedule 10 of the Criminal Justice and Immigration Act 2008 (which came into force on the 19th December 2008) made conditional cautions, reprimands and warnings all subject to the provisions of the Rehabilitation of Offenders Act 1974.

As a result ordinary cautions are now spent at the time they are given and conditional cautions spent three months after the date on which they were administered. It is no longer the case that cautions are never spent. Applicants for teaching, care work, nursing posts etc. will however still need to declare spent cautions to an employer as such posts are exempt from the requirements of the 1974 Rehabilitation of Offenders Act.

Turning Back The Pages

I am a 28 year old man. I was abused for many years as a child in Ireland. I was let down by the police and social services, although it was my mother and her boyfriend who abused me. As well as physical and emotional abuse, they made me accuse my father of sexually abusing me. I was forced, through coercive questioning, sleep deprivation and beatings, to invent a story about how he and other men had raped me for years. I was so young when this was happening – from age six – and I was so confused, that I almost came to believe it myself. I had to write it all out for them so that they could produce it in court as evidence against my father. Now, many years later, I have written out my full story in the form of a book.

I want to do anything I can to warn people of this type of abuse and hopefully prevent it happening to others. I hope professionals will find my book helpful. And I hope writing it will prove to be therapeutic for me.

I have posted my book on the Authonomy.com website

<http://www.authonomy.com/ReadBook.aspx?bookid=1648>

where it can be read free of charge.

I ask anyone who reads it and finds it helpful, to 'back' it (you will need to register, then click on the 'back the book' button), and to leave a comment on the site if you wish.

The publishers Harper Collins promise to consider for full publication those books that receive the most backing. If I can get them to publish my book in paper form and it became popular, I am hoping it will raise awareness in the general public of this type of abuse.

Other things you could do to help me in this campaign are to mention or review the book on your website, or forward this email on to anyone you think might be interested in reading the book.

Thank you, Eamonn Corr

Ed Note: It takes a lot of courage and emotional effort to write such a book and we would urge all readers to support this initiative. If anyone would like to write a book review please let us know.

In The Name Of Child Protection

The intolerant and authoritarian side in everyone when allied to a good cause, such as child protection, can lead to a situation where the individual's fear of being falsely accused of abuse presents risks for those espousing the cause of child protection.

For others, loudly supporting the cause of child protection provides material and political advantage, as well as a personal safeguard against false allegations. Thus, strident demands are made for child protection measures that are totally disproportionate to the contingent risk. These are listened to because illiberal attitudes and aversion to risk are widespread. The individual's internalised authoritarianism, by which society is generally regulated, reveals itself in the child protection activists' view of perfectly decent people (mostly men) as potential abusers for whom draconian measures must be put in place.

Their proposals for yet more unaccountable powers to address child abuse concerns, many of their own making, would undermine personal liberties; frighteningly justified because it is done 'for the protection of our children'. The hype surrounding child safety threatens the welfare of ordinary people with false allegations. The exaggeration of risk to children's well-being induces great anxiety and, at times, paranoia. Trust between people, which is absolutely essential to sustaining a fair-minded society and its freedoms, is being eroded in the name of 'child protection'.

Some of this is due to the changing role of women in work which is associated, often unfairly, with instability in marriage and the family. This induces real fear about what is happening to children when their care is provided by relative strangers or by separated partners, or even relatives.

The public's rightful expression of horror and revulsion at the vileness of paedophilia is not, however, matched by outrage at the marketing of children's sexuality. As the earlier and earlier sexualisation of children occurs, the distinctions between young and old in matters of sexual life are being clouded by the commercialisation of sexuality. Youth and adult sexuality is often promoted using ambiguous and interchangeable messages from the sexual imagery of pop culture and youth fashion.

The idea that a 'young', emotionally 'touchy-feely' society means older people are encouraged to think of themselves as socially and sexually 'in touch' with the modern world. But at the same time, by disparaging the sexuality of 'the old' in the youth media, and with puritan sexual attitudes regularly to the fore, it is not surprising that 'older people' become fair game for lascivious 'pervy' slander. In the sexualised world of the young and not-so-young, with its lax use of the words 'pervy' and 'pedo', everyone can easily be seen as a dirty old man - or woman!

So, in the febrile world of abuse awareness and lost trust, it is to be expected that ordinary men and women will be subjected to damaging and threatening innuendos from the young. Ironically, in today's world the 'touchy-feely' way is a disaster, as the instinctive reaction to hug children or youngsters, when they require comfort, is thwarted by the fear, sometimes even terror, of untrue abuse accusations.

The gender vendetta

Many of those who organise the campaigns against abuse of children, vulnerable adults or domestic violence are involved in the politics of children's, women's and vulnerable people's rights. In order to sustain the idea of a pervasive, mainly male, threat to women and children, there is a steady drip of publicity on two themes intent on undermining men; the first,

that there are not enough rape convictions; and the second, that there is a much higher level of domestic violence and child abuse than is being acknowledged.

It is inferred that rape conviction statistics are low only because of a failure to bring alleged perpetrators to trial and achieve convictions where there are trials, while resolutely refusing to concede that there could be considerable, even huge, numbers of false allegations among the claims of rape.

Recently, the number of unreported rapes was put at 50,000 by one source. Yet by its very nature, being unreported means no one can know the true figure. But by dissembling the facts and dominating the arguments, anti-rape campaigners have their distorted and dubious statistics accepted.

It is fair to say that, in the past, considerable numbers of complaints of domestic violence and child abuse were ignored and went unreported because of fear of reprisal and other factors. However, it does not follow that today's levels of complainants prove there were unimaginable levels of hidden abuse in the past, and therefore all accusers should now be believed to be telling the truth.

The structure of necessary support and justified concern for those making allegations of abuse offers no robust means by which false claims can be recognised. This is exploited by those who, in their venal self-interest, promulgate the idea of abuse of epidemic proportions by men.

The jailing of innocent men for alleged child abuse or rape is sometimes dismissed as 'payback' for past and present suffering of women in patriarchal society. From this extreme viewpoint all relationships between men and women and their children are seen as inherently abusive and coercive. There are certainly justifiable matters that the women's and children's campaigners are right to confront, such as those religious beliefs that claim the basic scriptural texts justify male dominance, and even violence against women, and the views of cultish churches who imagine women and children are easily possessed by the devil and evil spirits.

It is therefore necessary to campaign to be rid of male-generated, theologically justified oppression and punishment of women in male-controlled religious cultures, and for an end to the sex trafficking of women and children and to

continued on page 11

McSparran McCormick

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

Independent Safeguarding Review

F.A.C.T. recently contributed to the independent review of safeguarding arrangements in independent schools, non-maintained special schools and boarding schools in England conducted by Sir Roger Singleton, Chairman of the Independent Safe-guarding Authority. The report of the review was published this week, and is available on the teachernet website.

Justice Select Committee

F.A.C.T. has written to the UK Parliamentary Justice Select Committee in support of the Select Committee's intention to review the report of the work of the Criminal Cases Review Commission in relation to cases of alleged historical child abuse following the Home Affairs Select Committee's Report "The Conduct of Investigations Into Past Cases of Abuse in Children's Homes" [HC 836-1 2002.] We have also used the occasion to highlight some other areas of concern including the injustice which results from delay of hearings and CRB issues.

Note: F.A.C.T. are hoping to establish a special interest group to tackle CRB issues. Further details will be announced at the Spring Conference on the 25th April.

Thinking of You

A belated happy 60th birthday to Brian. A special occasion not only because he was gifted with Fulham beating Manchester United but also because earlier in the year it looked for a while that Brian might not make it into 2009!

Also very best wishes to Mark from North Wales who is in hospital. Get well soon.

A Reminder

We welcome letters of between 20 and 200 words for publication in FACTion. The more we receive and publish the more interesting it is for all our readers.

Celebrate Success

Lawyers often come in for a lot of criticism - especially when verdicts go against them! The truth is that there are many more good lawyers than bad, and that we do not celebrate their success often enough.

Take for example Joel Donovan, a barrister at Cloisters, who acted for Erica Connor, a head teacher who was recently awarded more than £400,000 in damages from Surrey County Council after suffering a career-ending nervous breakdown caused by persistent false allegations of Islamophobia and racism by one of the school's governors. The court ruled that her employer, the county's local education authority (LEA), had failed in its duty of care towards her by not intervening.

In many ways this was a unique case raised fundamental issues of school governance but also the duty of care owed to employees who ask for support in difficult circumstances.

Take Rag Chand, the solicitor who represented Sean Hodgson who was recently freed after spending 27 years in prison for a crime he did not commit. He picked up the case very late in the process, worked pro bono and spent months re-investigating the case. When it came to seeking the exhibits which the legal team wanted to submit for DNA testing, he was repeatedly told - as others had been before him - that they no longer existed. "The search was the most difficult thing I have encountered in my personal and professional life," he said. "It was like finding a needle in a haystack. But I persevered because I had a gut feeling that something was wrong."

Nearer to home we have Mark Barlow, who has agreed to speak at our Spring conference. His list of successful outcomes is equally impressive - yet few if any of these barristers will get the recognition they deserve.

Yes they may be well paid - although not as much as their colleagues in the commercial sector - but so too are bankers and financiers who seem to dominate listing when Honours are announced. Will Joel, Rag or Mark get a knighthood? I doubt it!

Back in the Saddle

A Champion Performance

It may be 45 years since he last rode a bicycle but that wasn't going to stop one 78-year-old Newport ex-international cyclist from taking to the track again at the Wales National Velodrome.

George Jensen, (yes our very own George) set the ride at the velodrome as a target when he underwent a triple heart bypass two years ago.

He finally saw this ambition achieved after his local health board organised for Mr Jensen to cycle the couple of laps.

The ride not only marked his first cycle ride after 45 years but his first experience of cycling on an indoor track too.

Grandfather of four, George first came up with the idea after being referred to a pulmonary rehabilitation course following a triple heart bypass which left him with chronic obstructive pulmonary disease. This narrows the airways in his lungs.

The former cycling champion said: "At the start of the course I gave two targets which I wanted to achieve. One was that I would be able to walk to my local church without having to gasp for breath while the other was to be able to return to my bicycle and ride a couple of laps at the velodrome.

"I wanted to do it purely for the novelty if nothing else and had an amazing time."

At the peak of his career George, who worked as a butcher at the old James Street in Cardiff while cycling, enjoyed much success representing Wales in the sport during the 1950s. His titles included Match Sprint Champion in 1952 and 1953 and he was also named as one of the fastest cyclists in the UK in 1952 by the National Cyclists' Union.

In addition to this, in 1954, he was selected to represent Wales in the England-Wales International 1000m sprint, coming in second place.

After last competing in 1954 Mr Jensen then retired from the sport and last rode a bicycle in 1964 on a camping trip.

He added: "It felt absolutely exhilarating to be back on a bicycle again after so many years away from it."

Career Profile

1947 Joined the Cyclist Touring Club based in Cardiff. Entered a 10-mile time trial at Cardiff achieving a time of 33 minutes.

1952 At the peak of his career, he entered the 10 mile time trial again, cutting his time by one third and completing the race in 22 minutes. He is named by the National Cyclist Union as one of the fastest cyclists in the UK.

1952 He also entered a 12-hour distance trial achieving 217.5 miles which places him in the winning team.

1952/3 Named as Match Sprint Champion for two years running at Maindy track, Cardiff.

1954 Selected to represent Wales in the England-Wales International 1000m sprint and gained second place.

Also picked to represent Wales in the British Empire and Commonwealth Games in Vancouver, but had to pull out due to leg injuries.

1954 Competed for the final time with more than 40 other cyclists in the Madison competition at Maindy track, Cardiff.

Congratulations George - next time we will sponsor you!

'honour ' killings of women, as well as to promote female equity and opportunity, free of unacceptable sexism, in secular society. However, it is important to differentiate between these and the malevolent agenda of sectarian gender warriors intent on demonising and wreaking revenge on any and every man.

This article was submitted by George Jensen and is based on an article by the late George Williamson

YOUR LETTERS

DEAR FACT

Thank you for sending me FACTion. I appreciate your commitment to victims of miscarriages of justice.

I have recently sent a letter to various miscarriage of justice organisations concerning my case and to encourage them to consider the need for a UK based Fair Trials movement similar to the Fair Trials Abroad Organisation.

I believe that the current practice of conviction for convictions sake will not be altered until public consciousness, knowledge and understanding are raised and engaged. Perhaps then the outrage felt by victims of miscarriage of justice, their families, and friends, will be replicated on the scale necessary to effect meaningful change.

I doubt individuals can comprehend this onerous task. Indeed the energy of the many individuals struggling to expose injustice is often dissipated through want of organised support, the indifference of the news media, and the disregard of our political masters.

If you do not do so already, I beg you to consider the value of observing and reporting the scores of trials which inevitably increase the likelihood of a miscarriage of justice. In the long term this might prove as beneficial as campaigning for individual cases.

Yours sincerely,

J.B.

(Due to limitations of space we regret this letter has been shortened)

Former Nurse Wins Listing Case

A former nurse cleared on appeal of harming a patient has won her case against the Nursing and Midwifery Council's finding that she was guilty of misconduct - more than a decade since she was struck off the nursing register. Mr Justice Cranston quashed the Nursing and Midwifery Council's finding that she was guilty of misconduct. The judge said, "When the Court of Appeal rules a conviction is unsafe, not only is the conviction substituted by an acquittal, but any further decisions consequential or parasitic on that conviction should, have no effect.

In my view, the conviction having been quashed, this Court exercising its powers should quash the decision of the Council". The High Court heard that Miss Jenkinson has no intention of returning to a nursing career but felt strongly that the "misconduct" finding against her should be expunged from the record.

Contested Allegations Research Fund

The Trustees of the Contested Allegations Research Fund have recently announced that they intend to award two cash prizes to students who have made a substantial contribution to a better understanding of issues relating to the difficulties of contesting allegations in abuse cases.

This initiative is essentially a pilot project for a more ambitious programme next academic year.

The idea is to invite students from selected colleges or universities in the UK to participate this year so that the Trustees can learn from the experience and develop a more ambitious plan for the future.

One prize of £300 will be for a completed piece of work and the other of £200 for a research outline.

If you would like to make a donation to the Trust Fund please contact Joy Gower.

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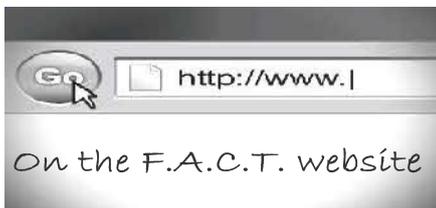
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We are the managing firm of the Historical Abuse Appeal Panel (HAAP) and have an unrivalled reputation for dealing with abuse allegations in a historical context, especially those where multiple or serious sexual offences are alleged to have taken place.

Crime-Team is a division of Jordans LLP

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Generally speaking the new website makeover has been well received. Some further improvements will be made in due course.

Our review of postings for February and March begins with the news that former residents of children's homes in the North West have launched a record compensation claim against Manchester City Council for alleged sexual and physical abuse stretching back over 30 years ago. The multi-million pound bid is being made by 150 former residents who claim they were abused in the 1970s and 1980s. This is in addition to the £2m already paid out.

This item is followed by news that the children's services trade union "Aspect" are calling for a new employment deal for frontline childcare workers, including, in particular, professional foster parents.

In mid February there was an article concerning the investigation of complaints by the police. According to the IPCC, 89 per cent of the 14,558 complaints that it investigated last year (less serious complaints are dealt with by individual constabularies), were rejected. Of 3,592 appeals, 72 per cent were not upheld. Fewer still lead to serious disciplinary action: across the 43 divisions of England and Wales, a total of 257 officers were disciplined as a result of a complaint; six were sacked, nine asked to resign, one demoted, 24 fined, 10 reprimanded, four were cautioned, 97 given a written warning; and for 106, no further action was taken. It is rare for an officer to face criminal prosecution.

February also brought news that a South Wales teacher accused of a string of sex assaults against children has been cleared. Six schoolboys had alleged that their teacher had secretly slipped his hands under their trousers and up their shirts, but a jury at Cardiff Crown Court rejected all of their claims.

Considerable attention was also given to the story that Merseyside police had launched a review into the conviction of Eddie Gilfoyle for the murder of his pregnant wife following the publication by The Times of new evidence that could help to clear him after 17 years in prison. Merseyside Police said that it had called in the Crown Prosecution Service with a view to referring Gilfoyle's conviction to the official body that investigates miscarriages of justice. The day before, The Times disclosed that it had received a copy of the long-lost notes of police interviews which suggested that Gilfoyle was at work at the time that his wife died. Two days later, the Crown Prosecution Service confirmed the authenticity of the notes which reveal a series of blunders by police at the scene, including the destruction of evidence.

The month ended with the news that the Church in Wales has commissioned a major child welfare review during which child protection workers will trawl files to see if any clergy currently pose a risk to children. A Church in Wales spokesman said an independent review would identify any past allegations or suspicions of child abuse which predate the Church's Child Protection Policy. The review is expected to take a year to complete. F.A.C.T. did write to the Church of Wales asking for an assurance that support would be given to those clergymen who might be falsely accused. No reply was received!

March also saw a number of trade unions highlighting issues to do with teachers being falsely accused. The NASUWT reported that they dealt with over 800 cases a year. This prompted Barrie Sheerman, Chairman of the Children, Schools and Families Select Committee to state that thousands of teachers were being affected by false complaints with their careers left in ruins. "You cannot suspend a teacher without damaging them as a professional."

In what is turning out to be a bad year for the police it was reported that fifteen people, including nine retired and three serving police officers, are to be charged with

perverting the course of justice and perjury in connection with the murder of a young woman more than 20 years ago found stabbed to death in a flat in Cardiff on Valentine's Day, 1988. Three men were sentenced to life for her murder in 1990 but their convictions were quashed by the Court of Appeal in 1992. The latest prosecution is believed to involve the biggest number of current and former members of the police force to be summonsed together.

Another interesting item posted on the site included an article in the Forensic Examiner (a specialist magazine for forensic scientists) concerning the incidence of false rape, and the reasons why people are sometimes falsely accused of rape. The issue is examined from an academic point of view.

Lord Laming's far reaching report, *The Protection of Children in England: A Progress Report*, which was commissioned by the Children, Schools and Families Secretary Ed Balls in November 2008 following the death of Baby P is also given a lot of attention. What Lord Laming seems not to have understood is that social workers would be able to do their job effectively and protect children if they did not spend as much time as they do chasing red herrings and false allegations.

Also posted in March is Claire Curtis Thomas' question to the Secretary of State for Justice asking how many (a) complaints and (b) items of correspondence have been received by the Criminal Cases Review Commission in relation to historical sex abuse investigations in the UK in each year since 2001. The answer given was that there had been just one complaint made to the Commission since 2001 in relation to a care home sexual abuse case. It was also revealed that the Commission has received 39 applications relating to historical sex abuse investigations since 2001, but none in 2008.

During this time the Commission estimated it had received approximately 1940 items of correspondence relating to the cases, an average of 50 per case.