



## Perspectives on False Allegations of Historical Abuse

Special issue of FACTION incorporating proceedings of the Spring Conference 2013

Guest Editor: Dr Ros Burnett, University of Oxford

FACT is concerned with *recent* cases as well as false allegations of long-ago abuse, but when the organisation was set up over a decade ago, it was in response to such so-called 'historical' allegations. It is fitting therefore that *Perspectives on False Allegations of Historical Abuse* was the theme of FACT's Spring Conference this year, held on 18th May 2013 in Birmingham; and this issue of FACTION is largely devoted to sharing the proceedings.

This focus has never been more appropriate now that there has been the 'Savile-effect' of encouraging people to come forward to claim they were victims of sexual abuse several decades ago; and following a year in which the Home Secretary ordered new investigations into allegations of abuse in residential care institutions which had already been the subject of extensive investigation.

FACT was very fortunate to gain David Rose and Ben Gunn as keynote speakers and then Mark Smith to act as a respondent and add his own perspective. They have each kindly given permission for their talks to be

reproduced here. A selection of some questions and observations made by audience members is also included (consent was given for those names included). Two other articles, in keeping with this 'historical theme', are by individuals who are living through the aftermath of untrue claims either as a spouse or as the accused, and describe experiences and feelings that will be all too familiar to many FACT members. These papers individually and collectively are striking for the injustices they reveal.

As a researcher on the issues surrounding false allegations of interpersonal abuse, I have been pleased to serve on FACT's national committee this year and to help convene the conference – which is why I now find myself as guest editor for this issue of FACTION. To save money at a time when FACT is more under-resourced than ever and is struggling to find volunteers with time to help its cause, the present issue is being produced as an electronic PDF issue, though 'hard copies' can be desk-top printed for those who require them in that form. [Editorial continued next page...]

## Falsely Accused Carers and Teachers

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### Submissions to FACTion

Articles of between 150 and 1500 words will be considered for publication, depending on relevance and standard. These should be sent in electronic form to Mark Parry by email to:

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The Editor reserves the right to edit any article or letter sent for publication.

All submissions must be accompanied by the author's name and address which, on request, may be withheld from publication. Contributors are reminded that FACTion is also published on the internet and thereby is potentially available for everyone to see and read.

**The views contained in FACTion are not necessarily those of FACT nor its national committee.**

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Your response to any of the articles published here would be very welcome.

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### **Editorial** (continued from front page)

In the last few years, members have enjoyed a high quality printed production of FACTion, and much gratitude is extended to Michael for achieving this standard and for all the time and dedication he has given as FACTion's Editor over the last 6+ years. He has now withdrawn from that role; though fortunately this is not goodbye, as he is remaining with us as Webmaster. From the next issue, Mark Parry will take over the editorship of FACTion.

FACT now invites Associate Membership by people not directly affected by a false allegations but who care about these injustices and perhaps want to offer moral support or even get involved in some way. One colleague on the committee said 'Those falsely accused of abuse are the new lepers'. What is it about innocence that people don't want to touch? Just because an allegation is made doesn't make it true. This is a particularly cruel variety of injustice, and like all injustices it deserves support. We hope newcomers reading this issue will consider joining FACT as Members or Associate Members to show their compassion and concern for this serious matter.

# In the Name of the Children Revisited: Institutional Amnesia

Speech to FACT conference, 18th May 2013

by David Rose



David Rose is special investigations writer for the *Mail on Sunday* and a contributing editor with *Vanity Fair*. As crime correspondent he did groundbreaking investigative work on the Guilford Four, Birmingham Six and Tottenham Three miscarriage of justice cases. Later he was on the staff of *The Observer* and the BBC, where he made several documentary series, including *The Spying Game* (1999). **He researched and presented *In the Name of the Children*, a 2000 Panorama about false allegations of historical abuse.** His many awards include the One World–European Union human rights journalism prize. He is the author of six books, including *Guantánamo: The War on Human Rights* and *Violation*, an investigation into a wrongful capital conviction in a notorious Deep South serial murder case. His first novel, *Taking Morgan*, is forthcoming.

Unlike most journalists who have written or made programmes about false allegations I can remember very clearly exactly the day that this issue first entered my consciousness, because it was actually the day of my wedding to Ros Burnett's colleague, Carolyn [Hoyle], who is the Director and Professor at the Centre for Criminology at the University of Oxford. We got married on the 1<sup>st</sup> July 2000 and at the wedding a good friend of mine, Andy Hall, a defence QC said to me 'You've got to read this book' and into my hands he thrust a copy of Richard Webster's book '*The Great Children's Home Panic*'.<sup>1</sup> And it was as a result of that that I made the Panorama programme 'In the Name of the Children' a few months later.

I am sure that like me you have felt over the last few months that we are reliving the famous Hollywood movie 'Groundhog Day'. Here it comes all over again. And it is not just the issue, but Bryn Estyn and North Wales and some very familiar characters who I'm going to talk about in a few minutes. So, as this has unfolded since the Jimmy Savile affair I have often found myself saying 'If only Richard was still with us'. And I am sure we all feel very moved... and... He was a good friend, and he was a grand colleague for me. And we miss him very much.

So, in looking at this extraordinary resurgence of this old issue in the way that it has, I'm very struck by the

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<sup>1</sup> Webster, Richard (1998) *The Great Children's Home Panic*. Oxford: The Orwell Press.

way it began, not just with Savile, but in the way it got shifted from celebrities to care homes, children's homes, approved schools. And that of *all* people, Steven Messham should have been the vehicle for the resuscitation of North Wales and Bryn Estyn.<sup>2</sup> It is so staggering, which is why I have entitled my talk 'Institutional Amnesia'. Of all the people who could have been chosen! To my great regret, as indeed Richard made clear in his book '*The Secret of Bryn Estyn*',<sup>3</sup> in my very first journalistic foray into this area I was on the wrong side; and it was largely due to Mr Messham. I was co-author of an article published in *The Observer* in 1993 which made untrue allegations about abuse supposedly committed by Gordon Anglesea, a senior police officer in North Wales at Bryn Estyn, and Messham, of course, was one of the two principal witnesses. What then happened was that Gordon Anglesea sued the Observer and several other newspapers for libel.

It became quite apparent when this case went to trial – I think Gordon Anglesea was paid £350,000 damages in the end – that Messham was a fantasist; and not only a fantasist but an extremely aggressive and dangerous fantasist who, when challenged, would do

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<sup>2</sup> A previously held inquiry at the end of the 1990s, chaired by Sir Ronald Waterhouse, led to the report *Lost in Care: Report of the Waterhouse Tribunal*, published 2000, The Stationery Office.

<sup>3</sup> Webster, Richard (2005) *The Secret of Bryn Estyn: the Making of a Modern Witch Hunt*. Oxford: The Orwell Press.

almost anything rather than confront the reality of his lies. In fact, what happened when he was being cross-examined during the libel case, was that while giving evidence he took an overdose of tranquillisers, collapsed in the witness box saying that it was all too much for him and was because he couldn't actually face up to these traumas, when he had actually taken a self-induced overdose. But to his great credit, the Judge insisted that he come back to court the following day, when his story further collapsed.

He also, of course, is unique, in that he actually, physically attacked a QC at the Waterhouse Inquiry. One of the most bizarre things about the farrago of nonsense that Newsnight put out last autumn, was the suggestion that the name McAlpine had always been hitherto suppressed; and this was one of the dark secrets of Bryn Estyn that everyone knew there was this top Tory and no-one would dare to name him. Actually, if you look at the transcript of the Waterhouse Inquiry and put the name McAlpine into the search function, when I did it I found dozens and dozens of mentions of McAlpine's name, most of them during the evidence of one Steven Messham.

But just as he had come apart in the witness box during the libel case, so his story didn't hold up too well when he was being cross-examined at the Waterhouse Inquiry. I'm just going to read you the relevant bit of the transcript; I hope none of you mind a bit of bad language, but it's not mine, it's Steven Messham's. Anyway, he was cross-examined by Anthony Jennings QC, who sadly has also passed away. But he was being cross-examined by Tony in 1997 and he started to press him about the fact that he had just admitted that parts of an interview given in the *Independent on Sunday* weren't true. The Waterhouse Inquiry transcript records that, having got out of the witness box, he moved towards Mr Jennings, yelling:

"Excuse me, I will not have it from you ever, Jennings right! Because one thing I don't like is a little bastard, right! You don't push it, right! You are sick, just like your client. Don't push me! Don't fucking push me, you little... I'll tell you now, you bastard."

He then began throwing punches at the QC. A security officer finally intervened, but, according to the witnesses who were there, not before Messham had landed several blows. Tony would have been able to handle himself but was very much a man of peace. Anyhow, Waterhouse adjourned for the day and when Messham reappeared the following week Waterhouse

delivered a stern warning, saying that, what happened of course was disgraceful: it amounted to a blatant contempt of court. It also amounted to a criminal offence. And he warned that any repeat would lead to Mr Messham going to prison.

And, as I said, he did name McAlpine, repeatedly, but he couldn't remember which McAlpine it was; he couldn't give any details of what McAlpine was supposed to have done, and he also started talking about various gold-plated Rolls Royces and stuff that quite clearly came from the fantasy imagination of somebody who'd just imagined what a top Tory would be driving; and clearly no value could be placed on his evidence at all.

It is *incredible* – and I really mean incredible in the most literal sense – that Angus Stickler, the so-called reporter (Stickler, odd name that: not for the facts it would seem) could have made the film for Newsnight based on Steven Messham, because Stickler had actually covered most of these events before. He knew what was on record about Messham, the libel case, the Waterhouse Inquiry, and so on. And I suppose he just thought: well, more than thirteen years have gone by since Waterhouse now, perhaps people will have forgotten; and it will be a nice easy story for me on Newsnight; and what's to lose?

Well, of course, we've been hearing in the High Court only this week what's to lose, with Sally Bercow, the wife of the Speaker in the House of Commons, now facing a libel action for her tweet which followed the broadcast. And, as we all know, this led directly to the resignation of the BBC's Director General; and pretty much the collapse of what actually was in other respects a very good institution, the Bureau of Investigative Journalism, an institution that actually we need in this country, but Mr Stickler has pretty much finished it off. It certainly hasn't had any articles published in any major national newspapers since this happened nor has it had any broadcasts, and its future funding, its future as a whole, as you would expect, is in grave doubt.

So that's part one of the *déjà vu*. I think, looking a little bit on the bright side, the climate of wider opinion is not **as** credulous as it was when all this circulated fifteen, twenty years ago, the first time round. I noticed in the wake of, not only the Savile case but the North Wales stuff too, that a number of newspapers columnists and commentators have been a lot more sceptical. David Aaronovitch in the *Times*, I would single out as being

particularly sensible; Camilla Cavendish in the *Sunday Times* – they've pointed out that it is very easy for false allegations to start to take root and for juries and other people in authority to start to believe the so-called 'victims' without really subjecting what they say to any kind of quality control.

However, while that is, I think, a bit of a ray of light, it is only a ray, and I think that certainly the police force and people in the CPS, and others, remain amazingly credulous. Now, in that, they may have been assisted by our prime minister, David Cameron, whose reaction to the Messham farrago on Newsnight, instead of checking his memory and checking his facts, was to announce two inquiries into North Wales all over again. And as a result we've seen the launch of Operation Pallial and the Macur Review, the renewed investigations looking at all of this stuff all over again.

It is particularly surprising that David Cameron, of all people, should have done this, because here is a press release dated 30 October 2002 from the Home Affairs Select Committee, on which he served. This was when the Committee brought out its excellent report on historic abuse in children's homes and similar institutions, and David Cameron, Conservative MP said:

'This was difficult inquiry into a very delicate subject, All allegations of child abuse must be investigated but guidance is needed to make sure that we avoid miscarriages of justice. I believe that we have struck the right balance, and I hope the Government will respond positively.'<sup>4</sup>

Remarkable really; and of course this inquiry – which I actually do claim credit for triggering because, having made that Panorama, I wrote to Chris Mullen the day after the 2001 election (he had just been reappointed, as head of the Select Committee) and I said, 'You've got to do something on this issue. It's absolutely monstrous what is happening'. And he responded very warmly, and within a few weeks the Committee had started its investigation. But there we are: that was David Cameron then, putting his name to a report which made some very sensible recommendations for *not* creating miscarriages of justice in these kinds of cases. But he seems to have forgotten all about it now, and I'm sure we can all draw the right conclusions as to

why he might have done that. It looked, in the wake of the Newsnight programme before it collapsed, politically sensible to do so.

Now North Wales is not the only area where old allegations are being recycled; where cases which have already received, you might think, the *most* exhaustive investigation are once again in the spotlight, and yet again the same old supposed victims and the same old supposed perpetrators are coming under the spotlight and lives being ruined in the wake of it. I recently have written a long article<sup>5</sup> – I hope to return to it – about the case of St Williams School in the East Riding of Yorkshire, on Humberside. For those of you that aren't familiar with this case, and I dare say most of you are not, St Williams was an approved school which was run by the De La Salle Brotherhood, a Catholic order, and, like many of the places which have come under the spotlight, was held to be in many ways a model institution in the time it was operating (I think it shut in 1994). And, as is so often the case in these cause célèbre and these witch hunts, there was a kernel of truth in the original allegations; namely that a man called James Carragher, who was in fact the Principal of the approved school, was an abuser. And he eventually pleaded guilty, on two separate occasions – there were two separate trials – I suspect he is about to face a third, and, at this point, remains in prison serving a 14 year sentence. But I feel fairly confident in stating that none of his colleagues ever were abusers as well. And up until now that remains the position taken by the criminal courts.

There was a massive police inquiry in the early 2000s, known as Operation Aldgate, one of the last of the old-fashioned classic trawls before the ACPO guidelines issued in the wake of the Select Committee Report came into force. It eventually led to, besides Carragher, five other people facing serious charges, some of sexual, some of physical, some of both types of abuse. When these cases did come to trial in 2003, judges and juries found the defendants 'not guilty' on each and every occasion. And, not only that, but the prosecution evidence was challenged so effectively that in several cases, the judge said that the accused men left the court as 'innocent' defendants, not people who had simply been found 'not guilty' but as people who left

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<sup>4</sup> Press Release accompanying publication of: House of Commons Affairs Select Committee (2002) *The Conduct of Investigations into Past Cases of Abuse in Children's Homes*. London: HMSO.

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<sup>5</sup> David Rose 'The deputy head teacher falsely accused of child abuse and the ambulance-chasing lawyer who advertises for 'victims'', Mail-on-Sunday, 1 Dec 2012 <http://www.dailymail.co.uk/news/article-2241628/The-deputy-head-teacher-falsely-accused-child-abuse-ambulance-chasing-lawyer-advertises-victims-prisons.html>

'without a stain on their character'. Now in fact, even Operation Aldgate was not the first investigation into St Williams but it was by far the largest. There had been a previous one on a rather smaller scale, when someone spontaneously came forward to complain about Carragher.

In the wake of the collapse of the criminal proceedings arising from St Williams, a civil solicitor named David Greenwood wrote to the police and said that he wished to mount a civil action on behalf of victims of abuse at St Williams School. He actually did this in the middle of these trials, after the first and before the last. In any event, he began assembling clients for a class action. He also placed an advertisement, on several occasions, in *Inside Time* the newspaper distributed to each prison. Now *Inside Time* in many ways is an excellent publication, but I regret to say that I think its role in these cases has been very negative because it has repeatedly run advertisements from solicitors, trawling for clients who want to claim damages from so-called abusers. David Greenwood of Jordans<sup>6</sup> in West Yorkshire, is one of the most prolific of these advertisers. And sometimes he has run generic advertisements just appealing for anyone who had been at any school or home to get in touch. Sometimes he has specifically appealed for victims from specific institutions, and he certainly did that in respect of St Williams, on at least three occasions between 2004 and I think 2007.

Anyhow, gradually, people started to respond to him. By the way, I should say that, according to the Jordans' website, Mr Greenwood, who last year was voted Personal Injury Solicitor of the Year, represents so-called abuse victims from I believe 81 separate institutions, including all the ones you are familiar with in North Wales and many other places. Anyhow, he eventually had well over 100 clients, and some of these people were making allegations against people who had already been found 'not guilty' in Operation Aldgate. Some of them were making allegations against Carragher who of course had pleaded guilty. Some of them were making allegations against completely different individuals.

At this point, in 2008, he contacted the Humberside Police and said: 'I now have a comprehensive dossier of material which I believe is grounds for a renewed criminal inquiry'. Now I speculate here, but I think that what he wanted to do was to get some criminal

convictions under his belt to make it more likely that the defendants, the De La Salle Brotherhood and the Roman Catholic Diocese in Middlesborough, would roll over and settle. On Jordans' website there is actually a 'frequently asked questions' section for supposed victims of abuse, and it says: 'Will I have to go to Court?' and the good news is 'No you won't – 98% of our cases are settled out of court without you having to give evidence'. No-one's going to force you to thump a QC like Steven Messham did.

So as a result of this, the police launched Operation Reno which is now well into its third year. It is an extremely expensive inquiry. It had involved, full-time, more than 20 detectives, and it must have cost a great deal of money.

By the way, I have a theory about this. I think that one reason why the police are currently so keen to operate these inquiries, and I think this applies to Operation Pallial in North Wales as well, is that, as you may know, the crime rate in this country has been falling steeply for more than ten years. We've actually seen a 40% fall in crime as measured by the British Crime Survey, the most authoritative of its nature, in all kinds including violent crime, and a massive fall in the murder rate. There are now only roughly 350 murders a years in England and Wales, compared to 600-700 ten, fifteen years ago, and of course murder inquiries are very resource intensive. And recorded crime is also showing big falls. As I don't have to tell you, this is a tough economic climate for the public sector. The police haven't got enough to do; I'm actually completely serious. If they can show that they are taking very, very seriously allegations of abuse, even if they've already been investigated, you might think exhaustively, twenty years ago – well, it keeps them busy. Excuse me if it sounds cynical but the credulity with which some police forces are treating these allegations requires some explanation because, frankly, as I said, it shows institutional amnesia. They have all the evidence at their disposal to know better.

Back to St Williams. So Operation Reno progressed; and it has been the usual story of dawn arrests, sometimes flagged up by the media; people who thought they were living quietly in retirement, having their lives turned upside down, and so on. And one might have expected it would end with Mr Greenwood's clients collecting large sums of money, Mr Greenwood's firm getting even more money than he'd already made, and perhaps some people getting wrongly convicted for offences which almost certainly never took place.

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<sup>6</sup> In no way connected with Mark Newby's independent firm Jordans in Doncaster defending the falsely accused.

***But it hasn't! And why it hasn't is an extraordinary story which I think is the most important pointer to how to deal with these issues in the future.***

The reason it hasn't, and why it seems to be unravelling in a very dramatic way, is basically down to one man, who unfortunately can't be here today because he is in fact quite ill. This man is Noel Hartnett, who was the Deputy Principal at St Williams – and a real fighter. When this all began to mount up, the renewed criminal inquiry and the burgeoning criminal investigation, Hartnett decided that the way to deal with it was to fight fire with fire.

What he did is he went to the solicitors representing the De La Salle Brotherhood. He'd had nothing to do with them for a long time. He had been a member of the order, then he married and had children. He was in fact not religious any longer. But he wrote to the solicitors, made contact with the Brotherhood and said: 'Look, these people are lying. You are not a rich solicitor, you will be ruined if these cases proceed. Let me try to deconstruct them'. Both the Brotherhood and the lawyers representing them agreed. And what happened was that he was therefore given copies of all the documentation which they were sent by Jordans Solicitors when the claims were filed. And of course what Greenwood was doing was making regular television appearances on local media in Yorkshire, and he would talk about these monstrous paedophiles who he was determined to expose, and each time he went on telly there would be another 20 clients. At one stage there were almost 200.

Meanwhile, Noel has been very canny. When he was facing criminal charges, which of course he was acquitted of back in 2003, he had kept all the documentation that he was given through the process of disclosure, including crucially important documents – documents that actually were basic. For example, Operation Aldgate previous to this inquiry had assembled a detailed register of all staff who had worked at St Williams from the time it opened in 1971 or whenever it was until it closed, what they did, and *crucially* the dates when they were there. He also assembled a complete register of all pupils. What Noel had now was: all the allegations coming in from Jordans, against whom they were being made, and the names of the people making them. So he was able to show straight away that some of those who were making these allegations were not at St Williams at the same times as the people who they were making the allegations against.

He also had most of the prosecution statements that had been taken during Operation Aldgate and the previous criminal trial. That meant that he was able to compare the stories the complainants were telling now with what they had said ten or fifteen years ago. And it may possibly not astonish you to learn that there were *fantastic* differences. In fact, what was happening in many, many cases was that people who had originally described physical assaults, ranging from a cuff on the ear to a beating, were now describing incredible, lurid sexual assaults involving multiple buggeries and group sex and goodness knows what. And because he now had these records, it became possible to show how people who had already been shown to be demonstrably lying back in 2003, were now again rehashing their allegations.

The other thing of course was that because he had access to all these records, he could show also how stories were being embroidered. So the police would come and arrest somebody and interview them, and they would say, you know, on March 15<sup>th</sup> 1993 you buggered this boy in the shower. And what Noel could show was that originally, the complainant had said, well, you know, he touched me inappropriately in the chapel. Then six months later it had become full-on buggery in the showers or whatever. So he was able to trace the evolution of allegations in numerous cases, and thereby discredit them.

He did something else very smart. He made a complaint to the Legal Aid Agency, the body which administers legal aid. Jordans are like a number of other firms that were involved in these cases, for example Pannone's in Manchester, and Peter Garsden, also in Manchester, the man who boasts that he became a millionaire from these cases in Cheshire and North Wales. Like them, Jordans had a block contract for legal aid, which basically means that when they are mounting one of these class actions they don't have to make a separate application for legal aid each and every time. David Greenwood could just basically say, I'm adding, you know, Scroggins to my class action in respect of St Williams.

So, given that there was little scrutiny being applied by the authorities on a case-by-case basis, the onus on a solicitor in such a position – to make sure that he applies the so-called merits test, which the LAA requires before paying legal aid to anybody – is considerable. And what the merits test requires, according to the Solicitors' Code of Conduct and the Legal Aid manual says, is that basically they should

take appropriate steps to ensure that there is a sound foundation to the allegations being made. Well, if actually the complainant, in respect of whom all this money was being paid, wasn't actually at St Williams at time when the person he alleges attacked him was there, or when, as in numerous cases, the person he says attacked him didn't actually ever even exist, then the merits test has not been applied very soundly. The Solicitors Regulation Authority, which is the other public body which is responsible for ensuring that these things are done properly and according to the ethics of the professional body, is another port of call. Noel has not himself made any complaint to the Solicitors Regulation Authority but another person, who lives nearby, Cedric Sander, a retired head teacher and senior Ofsted inspector, has handled that side of things. The Solicitors Regulation Authority is a remarkably secretive body, but it has received the complaint; and, well, one hopes they are investigating.

And the other thing that Noel did was he went to the police, the same police who had interviewed him as a criminal suspect; to the officers involved in Operation Reno. And he said he wanted to make criminal allegations of fraud, perjury and conspiracy to pervert the course of justice by certain individuals who were part of Operation Reno.'

The police have taken this seriously. So here is a cutting from last week's Hull Daily Mail: 'Government officials are investigating whether any people claiming compensation for being abused at St Williams have wrongly been given legal aid. Three of the people who were involved in a compensation claim have been arrested on suspicion of perverting the course of justice. The Mail understands the arrests relate to people making false claims that they were abused in order to claim compensation. Lawyers at the Crown Prosecution Service are now considering whether to bring charges against them, The police have also referred 17 cases to the Legal Services Commission, part of the Ministry of Justice.'

And I have confirmed that the police are actually now co-operating with the LAA to investigate these alleged cases of fraud.

So what of this solicitor, Mr David Greenwood, Personal Injury Solicitor of the Year? I published quite a lengthy story<sup>7</sup> setting out some of what I've just told you at the end of last year. A couple of months went by,

and then on a blog on the website of the Association of Child Abuse Lawyers website, Peter Garsden wrote a strange article complaining about how I was a dreadful person because I made that Panorama 'In the Name of the Children' all those years ago, and how the only thing that David Greenwood could do was sue for libel. Soon afterwards David Greenwood went to the lawyers who specialise in suing newspapers and said he wanted to sue for libel. But the interesting thing is, in making this threat, he didn't make any specific allegation about anything I had got wrong,. He just said this article is defamatory. We [my newspaper and I] are resisting him.

But the point of all this is that Noel Hartnett, by mounting this extraordinary investigation and getting into the nitty-gritty has turned things around. Many of the suspects have been informed that the police will take no further action, and the CPS have confirmed this. So criminal miscarriages of justice have been avoided, I think, so far.

So, I think this is the model. I think if you do tackle these issues head on, if you can get access to the information, the chances of success are considerable.

And as we enter this 'ground hog day' phase, I would suggest that the prospects of success should be greater than they were ten or fifteen years ago. This is partly because so many allegations are being rehashed; and partly because people who have already told their stories ad nauseam, such as Steven Messham, are again telling them and adding to them and embroidering them in a way which is simply incredible; and partly because in some of these cases there should be a body of evidence, as it were, on the other side collected when institutions were sued first time round back in the 1990s or the early 2000s.

What perhaps makes the St Williams case unusual is that the institution involved, the De La Salle Brotherhood, was prepared to disclose all that material to Noel Hartnett and engage him in this mission to try to deconstruct the allegations that had been made. It may be more difficult to do that in other cases. It may be that, especially when you are dealing with local authorities, that they will get much twitchier. But again, if it is on a lawyer to lawyer basis, if someone is criminally charged, I would say that the first port of call in trying to defend such charges should be to see whatever records are available from the investigations that have taken place in the past. If a defence lawyer writes to lawyers representing a local authority and

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<sup>7</sup> See footnote 5.

makes the case that certain documents are required in order to protect justice in criminal proceedings then, first of all it may well be that that would be the end of it and they will simply give the documents over. It would also be the case, I think, that if they didn't, a court order could quite easily be acquired to make that happen.

Now there are one or two other cases here. I don't know if any of you are familiar with the story of Kevin O'Grady versus Action for Children. This is a case from South Wales, which was decided on 31st January 2013. Kevin Michael O'Grady and Christopher Jenkins, former inmates at the Penarth approved school known as Headlands, claimed that they were sexually abused in the late 1970s. Here's the thing. They were responding to an advertisement in *Inside Time* placed by David Greenwood. As I told you, on Jordan's website it says, Don't worry 98% of cases don't go to court. This is what happens when they do go to court. What actually happens is that people may well be shown up as fantasists and liars. As the Judge put it in his ruling at the end of the case:

"Given the manifold deficiencies and grave inconsistencies in the evidence of each claimant, I do not find that either claimant provides reliable support for the allegations made by the other. I am driven to conclude that the claim has failed to satisfy me on the balance of probability that abuse occurred. In my judgement the evidence falls well short of that which is required to that standard."

They said the usual things: they had post-traumatic stress disorders; they had troubles in the bedroom with

their later wives – they couldn't get an erection because of what happened in the showers at Penarth thirty, forty years before. All very, very traumatic; but the Judge didn't believe a word of it and he threw the case out. Chalk one up for the taxpayer here because Jordans had to pay the costs.

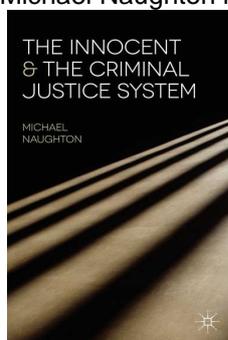
So, in conclusion, I think this is the way to go. It's not easy. And it is not everybody that has the patience and forensic mind of Noel Hartnett, without which the extraordinary progress with regard to St Williams would not have been made. But that is the way to go as we do enter this Groundhog Day phase and as Operation Pallial gathers pace.

And the other thing that I think you should also do is: **fight fire with fire**. I could not believe the BBC coverage of alleged historical abuse of North Wales, not only the time of the Messham allegations on Newsnight but when the North Wales Police made their statement in relation to Operation Pallial a few weeks ago. There was the respected BBC home editor Mark Easton, who I've always thought of as a pretty good reporter, completely swallowing the nonsense he was being told and presenting this as if it were fact. So where you know who the accusers are, who the people alleged to be abusers are, and where we can show that what is being said is not true, *tell the media*. There are more sympathetic journalists out there than you might think and it is not just me and the *Mail on Sunday* who will publish this material. And there may even be local journalists who will do the same thing.■

## **NEW BOOK**

### **The Innocent and the Criminal Justice System by Dr Michael Naughton**

*The Innocent and the Criminal Justice System, A Sociological Analysis of Miscarriages of Justice* by Michael Naughton is published by Palgrave Macmillan, priced at £23.99, ISBN-9780230216914



What happens when the criminal justice system convicts an innocent person? That's the central question posed by University of Bristol academic Michael Naughton in his new book, *The Innocent and the Criminal Justice System*. In this critical sociological examination of innocence and wrongful conviction, Naughton, a Reader in Sociology and Law, examines the competing perspectives on, and definitions of, miscarriages of justice to examine questions such as what might cause a wrongful conviction and what can be done to prevent their occurrence in the future.

# The Compensation Carrot and False Allegations of Abuse

Speech to FACT conference, 18<sup>th</sup> May 2013

## Ben Gunn

Ben Gunn is a Prisons and Criminal Justice Consultant, and a former lifer. He pleaded guilty to killing a friend when he was 14 years old. Since that act he has “renounced violence and fought for the recognition of the inherent dignity of all human beings”. **When in prison he made a false allegation of historic abuse which he later retracted.** He became known for his blog *Prisoner Ben*, now called *Lifer on the Loose*. He was released from prison on life licence in August 2012. He is currently doing work for The Howard League for Penal Reform, and for a miscarriages of justice investigative unit called Inside Justice.

His blog is: <http://prisonerben.blogspot.co.uk/>



I have rarely felt more horrible, sitting in front of a room full of people – for obvious reasons. I can almost *feel* the hurt. I'm here because I got roped into a trawling expedition. I can talk about this from my own side, but I can't be more specific about people and places. What I can bring is the experience, from the *inside* of the investigation, as to how it ended up the way it did. How a man I know to be completely innocent spent 12 years in prison – he's now released but the conviction still stands, and I think he's retired into private grief after that experience – and about the part I played in it, though fortunately not in his conviction. I think I was fifteen years into my sentence and I was really in a hole, psychologically. My parole recommendation was way overdue and I couldn't see any light whatsoever.

Then the police turn up and want to speak to me. I'm thinking, well I've been in prison all these years so I've got an alibi, whatever it was, it wasn't me; and I'll go anywhere for a free cup of tea. So I went along. It turned out to be a trawl of some Welsh care homes. Going back, I was in care for two or three years in the later 1970s; so by then they were going back some 30-35 years. All I knew was from press coverage. Everybody in this room has been inside the process. Can you imagine what it is like when people outside the process know nothing, just glimpses in the media, the odd article and odd TV bits? So I didn't think it was particularly unusual at that time. They said they had spoken to some of my peers when I'd been in care and my name had been put up as a possible victim. That was the first police visit, and I said no, nothing happened to me. They just asked me some basic outline information about which staff were there, the geography of that particular institution and so on. It was left at that.

Then they came *back*. And they said well we have a name to put to you. And they put the name to me, and I said, 'Ummm. Not so sure'. And they said, 'Look, we *know*. We have a group of other lads who have made the allegations'. And they gave me the broad outlines, and they were reasonably plausible, you know, I thought well it could have happened, there were semi-private places around the institution. But for the some of the stuff they mentioned I said clearly I'm not happy about that at all, that's just not plausible, and you'd know if you were there at the time. I don't care what the guys are saying, actually in those circumstances, no.

They went away, and they came back again. And then it was: 'Well, have you got anything to tell us? We know it is difficult after all these years, and you might not want to speak about these things, bad memories, and...'. You know, this actually trying to tease out something. They went away; came back again. This was all in the space of a couple of months. And that was when they said, well the investigation will carry on and remember we are certain about this man; and, of course, if there is a criminal conviction, then the local authority won't even contest any compensation claim. Yeah, that's when my ears pricked up.

I suppose you've all seen 'Porridge'. Prisons are a bit different to the way you see them in popular culture. Prisoners don't treat sex offenders well. So, I'm faced with: well I knew there's a fairly solid allegation because they've told me what other people said and pointed to particulars. Some of those are a bit tenuous around the edges but I could go along with the thrust of it – it's plausible. What's it to me if I put the boot in and claim a few quid off the local authority? So, I came out

with – not a horrific story – it was fairly tame going by comparison with some of the more bizarre allegations I'd heard. And my stuff just got fed into the process. And the man was charged (not with anything that I'd said).

And then, by sheer coincidence, I'm on my prison wing and I get talking about all this to some of the other guys I knew from that part of Wales who I often chat with. Turns out it was they who made all the allegations. This was during a trawl. Theirs weren't the allegations that began the trawl; this was during a trawl. So individually and separately, I spoke to these guys. They said, yeah, **it's just a compensation scam**. The police had done the same with them: lead them to the point of believing that there was overwhelming evidence against this guy, so what is it to you if you put the boot in, and claim a few quid of easy money?

And that is what they did. And as soon as I heard that, I knew. I'd thought this guy was guilty. But they said, no, that's a reasonable bloke, but money is money. And I thought no, no, no, no, no, I don't mind putting the boot in for someone who is guilty (that was then by the way, some fifteen or ten years ago. I don't hold that view now: I'm not the same now). So I immediately wrote to the police and withdrew. I found out who the man's solicitor was, actually Chris Saltrese, I wrote to him saying exactly what had happened, what I'd said, the circumstances and asked was there anything I could do. But because what I'd said didn't feed into the criminal charge, there was nothing I could do, it turns out. All too late. And these two guys sent our old headmaster down the river for 16 years. I was mortified.

I contacted him, told him exactly what I knew, and what I'd said, what they'd said, the whole process. He's taken it rather well. Course he knew he was innocent all along! But I've never been faced with the substance of what I did until I sat in this room today, and heard some of the things that I've heard. This is why this is the most difficult audience I've ever had to sit in front of. This is just an expanded *mea culpa* for the part I played in the horrible things that many of you have gone through.

But I wanted to tell you about the process. That I was a horrible human being for a few weeks, fifteen years ago is neither here nor there to some extent, it's just a personal side-note. But it was the process of that trawl that was important. I think **it followed the pattern of all trawls going on, not just in North Wales but all the other ruffling around into children's homes going back 20 or 30 years**. And they did find these particular two toe rags, one of whom later got convicted of - and I hope he appreciated the irony - of a murder he didn't commit. They did find a couple of people who were in particular dire circumstances, financially and personally, who were willing to just take the chance.

But as I spoke to them I did discover the insinuations that the police made in those interviews, those conversations. Just nudging you along: this guy is guilty, we know he's guilty. And persuading prisoners that somebody is guilty is actually not that difficult. But to actually believe the police's belief that this isn't your average burglary thing, you need to interview someone in prison who has buttons you can push. And if you can persuade the guys in front of you that the guy you are after is a sex offender, you are just playing to the gallery from that moment on. So they come in with overwhelming certainty saying they have overwhelming evidence, and that they have all these people willing to point the finger, and the stories that are just plausible enough to be plausible. You don't have to put compensation as the central point on the table. You know when you talk to people who are earning five, six, seven pounds a week in the prison workshops you don't have to push that issue too hard, you just have to nudge against it. Give it a fleeting acknowledgement. And you have all the elements there in place for someone to make a false claim.

I don't think it is as venal as some of the cases that David has spoken about and that you all know about, when people just turn up out of the blue who just want some money and are just willing to put the boot in against someone else. I believed the guy was guilty. The two people actually moved against him in the end, maybe having been persuaded by the police that he was guilty. But when everything had fallen away by the time of the trial and it was merely their accusations, they knew that they were lying, and they knew by that time that nothing else was against him. So the police had nudged all of us in some way. I had the sense to back away from it. And I've obviously regretted it ever since. Those two guys I think just got sucked so far into the process; how do you back out when you've got a weakness of character to get sucked into these things? At some point you've got to find the strength of character to walk away from it, and I think these two guys just didn't have that. Perhaps it was fear of what would accrue to them if they did just turn round and say, well we've been lying. I don't know if the police ever threatened them. And of course they had the twelve years when the man was in prison to come forward and see whether the court of appeal would have entertained it. But they've had all this time and they never have.

That's the inside of the process as I saw it, as I see it. Towards my latter years in prison I was seeing advertisements in *Inside Time* from various solicitors. *Inside Time* indirectly employ me because I work for *Inside Justice* dealing with miscarriages of justice, which is part of it. But whoever pays the piper doesn't call my tune and never has. I will be speaking to *Inside Time* and saying: Can we have a bit more of a moral compass here when it comes to advertising? – even though it is a commercial imperative to keep going. It is

a difficult balance, but I will speak to them. I'll probably write a slanderous piece about Jordans Solicitors on my blog.<sup>8</sup> Sue me, I've got nothing, so sue me. You have a position of power to some extent when you have got nothing.

As well as advertisements, I was never happy when I saw a poster on the prison notice board. Solicitors would just send these in and say will you put them on the notice boards. And sometimes it would be general, and sometimes it would be specific institutions for specific time periods. And the word compensation wasn't quite watermarked across the middle but we all knew why those posters were there. And I always used to say to the guys that I was never happy having been on the inside of the process. Occasionally when the screws turned their back I'd rip them down. As an outsider to these accusations, it is all too easy to think 'no smoke without fire'. Even for a man who has spent so much time in prison and having met so many people blatantly innocent, you can still fall into that – especially with a category of crime with which you are not familiar. But even so, prisoners should know better.

Once I'd been inside the process I was never, ever happy when anyone went anywhere near those posters or those adverts; and I was always banging the drum saying: If he's guilty, he's guilty, do your bit. But if he's not, then he's not, and how would you like it if someone just pointed the finger at you saying what were you doing at four o'clock on January 15<sup>th</sup>, 1984? Defend yourself against that one. Now prisoners are great complainers, really great complainers, and very attuned to justice and injustice – not so much about what they were doing back then but about what is being done to us as a group. And I'd always make the point: You were convicted on the fact that you were guilty, you wouldn't be so keen if you were here for something you didn't do. You cannot do that to other people, it is just not on. And you normally get through; people don't put up much resistance when you put it to them like that, they just need a nudge away from the lure of the money.

But it was a growing thing in my last few years. This just became more and more prevalent. And this became an issue with me. The police did suggest, could this sort of childhood trauma have had anything to do with your crime? And I'm thinking, hmm that's an idea to bring up when I go before the Parole Board. You know, as a lifer you don't get out unless you can persuade the Parole Board. It's not a case of just lie there until the tariff expires. As lifers you've got to work your way out. I was five years over my tariff by then. For a fleeting moment it did cross my mind: could I use this in my parole application? But I thought No. But for

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<sup>8</sup> Referring to the compensation solicitor Jordans. Not to be confused with QualitySolicitors Jordans-Doncaster, Mark Newby's practice defending the falsely accused.

someone in prison for an offence that might have a sexual overtone they might be able to tie it back to this abuse which didn't happen in the first place. So not only is there the lure of compensation, there is the lure of progress through the prison system, which for some people is a much more potent carrot.

But it is more prevalent. It could be called an industry, from what I've heard today, people being encouraged to make complaints, thinking at the end of the day I could be getting money from Jordans or wherever. Bearing in mind that a high percentage of prisoners have been in care at some point, if the police are still doing speculative trawling, you are going to get a lot of people going to a lot of interviews, and you are going to get a number of those who are going to think: okay I know he's innocent but I hated the guy so I'm going to screw him over and take some money. Or, as with me, the police will persuade you they have overwhelming evidence that this guy is guilty, so what the hell.

I was never challenged in anything I said. I think I gave a statement over two or three interviews. It wasn't particularly detailed, and it wasn't particularly long. I suppose it was plausible. It wasn't all lies, there was a kernel of truth in it. But they didn't challenge anything I said, not once. This is partly why I thought the guy was guilty. Even so, I still came away from those interviews thinking, they should be putting more effort into it than that. Someone who points the finger shouldn't just be unquestioningly believed; come on, you've got to challenge them. But I just wasn't.

I'm wondering whether that's common, where someone can just turn up, write a statement and then not have it put to the test. David has mentioned the other end of the process, where people going for the payout are called up in court and having to justify what they have said, where it may well unravel. But surely the police are supposed to investigate. That's what they are paid for, surely. They are not just stenographers. But in the case I was involved in, no; just sit there, write it down, thank you very much, that will do.

I really don't have much more to say. I just had to be here. I had to be here with you today. I've written about my experience in these trawling operations and about false allegations on two or three occasions in my blog.<sup>2</sup> And I'm going to write an awful lot more, now that I've actually looked you in the eye and got a greater sense of the humanity of the people involved. It is a lot easier to get passionate about something when there are people at the end of pen, so to speak. I'm willing to take any flack, or any questions. ■

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<sup>2</sup> Justice 3 12 February 2012

<http://prisonerben.blogspot.co.uk/2012/02/justice-3.html>

Daniel and Lion's Den, 18 May 2013

<http://prisonerben.blogspot.co.uk/2013/05/daniel-and-lions-den.html?m=1>

# Perspectives of a Researcher in Residential Child Care

Speech to FACT conference, 18th May 2013

Mark Smith

Dr Mark Smith is a Senior Lecturer in the School of Social and Political Science, University of Edinburgh. He is the foremost researcher in the UK on residential child care policy and practice, and the author of many papers plus two books on the subject: *Residential Child Care in Practice: Making a Difference* (Smith, M., Fulcher, L. and Doran, P. The Policy Press, 2013) and *Rethinking Residential Child Care* (Smith, M. The Policy Press, 2009). Before moving into academic teaching and research, he worked and managed in residential school and care settings and in secure accommodation over a period of almost 20 years. **His current research is around moral panics, with a focus on allegations of historical abuse in residential child care.**  
[http://www.socialwork.ed.ac.uk/staff\\_profiles/smith\\_mark](http://www.socialwork.ed.ac.uk/staff_profiles/smith_mark)



I'm a lecturer in social work. It is quite difficult to admit to this audience to being a lecturer in social work because I think social work is such a flawed profession actually, and part of that is to do with the way it deals with allegations of abuse. I was going to start by saying that usually I'm quite comfortable in front of an audience, but I find this difficult actually. I've been on the road for the last week, and then Ros Burnett contacted me to say the FACT conference is on. I was here back in 2006, I think, so I have been here before. So I said I would try to come along to attend the conference; and I have some sort of mixed feelings because when I come here it puts me in touch with some of my past because I worked in residential child care for twenty years and I got out of that about thirteen years ago to work in a university setting. And then I start to realise my vulnerability all over again when I come into to this kind of gathering and hear about the experiences of people here. I did some research with residential workers in Scotland, and almost all of them – these are key players who had been heads of residential schools and other services and facilities – and they had all been caught up in allegations of abuse, everyone of them at some level – and one of them said to me 'I'm just waiting on my turn, I'm just waiting for the knock on the door'. And that is the kind of pall that hangs over everybody who has worked in residential care.

So, I've also found a number of other things difficult. I find the dignity of people here difficult. I find the bravery of Ben difficult to actually handle. But the other thing that being here does is throw up some of my own ghosts. One in particular, called Brother Benedict – because I worked for the De La Salle Brothers for about nine years, and Brother Benedict was my shift partner for two of those years – and as a 70-year old brother I saw him convicted and sent down for allegedly electrocuting boys. Now he was actually an electronics wizard before the computer age. We had an electronics workshop and he used to take kids round. And he

found this device that he had restored, and it was essentially a Van der Graaf generator which you wound up and it created a small charge, and boys would put their hands on it and sometimes their hair would spring up. If only!<sup>8</sup> But he was actually sent down for two years for electrocuting kids. I've been involved in the Kerelaw case as well.

One of the things that struck home from David's talk was his point about the police not having enough to do; and some of the stories of police impropriety, to put it mildly, and this notion of policing infallibility as well. And I think it aligns with what Richard Webster called the 'pornography of righteousness' on the part of child protection professionals, those who want to protect children against demons, against evil monsters. This idea of evil is one that I think is central to this whole debate. David has told some brilliant stories. There are stories that I have to tell too and I don't get the opportunity very often to tell them to an audience where I'm confident that people won't walk out on me.

But this whole stuff is sustained at all different levels. And it is sustained at the highest level of government. What the Scottish Government did in response to allegations of abuse was – Jack McConnell, First Minister at the time, gave an apology in 2004 for all those who had been abused in care. And it was based on petitions that were presented to the Scottish Parliament, which allows anybody to petition to parliament. You hear the term 'petition' and you think well there must be a whole load of people attached to that. One of those petitions contained one signature, the other four. This was not a mass movement, and yet it was described as mass historic abuse in the newspaper the next day.

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<sup>8</sup> It is a device still used in school physics practical classes to demonstrate static electricity.

<http://www.nuffieldfoundation.org/practical-physics/van-de-graaff-generator-safety>

So what the Scottish Government did in the wake of this apology was that it set up what they called a Systemic Review to look at the systems in place at the time of these alleged abuses. The clue is in the title; it was meant to be a systemic review, meant to be looking at systems – but Tom Shaw, who was a Northern Irish civil servant who was commissioned to do this review, couldn't resist actually talking to 'victims'. So he identified some of the 'victims' who told him all sorts of stories. And he justified that in terms of listening to what the victims said in order to determine what to do next. And of course the victims wanted to go down the Irish route and set up a compensation scheme; and the Scottish Government, I suspect, tried to pull back a wee bit from that, and instead spoke about using some kind of reconciliation framework. But that changed the model to accountability: 'acknowledgement and accountability' - this notion that somebody has got to be held to account, somebody has got to be to blame. And this materialised in a process called 'Time to be Heard', where a number of people from Quarriers Homes, which is a 'children's village' near the outskirts of Glasgow, came together to be heard by Tom Shaw, again, and another couple of Commissioners.

The outcome was a very unsatisfactory document. I've written to that effect, regarding both the Systemic Review and the '*Time to be Heard*' document. Funnily enough I don't actually get invited to Scottish Government consultations on this matter. But among the kind of stories that I pointed out that emerged in the Scottish Government documentation – which were commissioned to inform policy – one that goes back to the 1930s is a woman talking about a housemother who used to beat the kids with wooden spoons and the wooden spoons used to break so often that she used to order them in batches from the local store. But the local store realised what she was doing with these wooden spoons so stopped selling them to her. Now in the thirties this may not be beyond the realms of belief that a housemother might use a wooden spoon on somebody as discipline. But the fact that so many of them broke with such regularity starts to push the bounds of bounds of credulity just that wee bit too far. But my favourite one is a wee excerpt in '*Time to be Heard*'

which says 'XXX is a holy man. He goes to church on Sunday. He prays to the Lord to give him strength to batter the weans on Monday'. And this was about a teacher who worked in Quarriers allegedly. But those of us who were brought up in Scotland know it's a skipping rhyme that we always used to sing in relation to *any* teacher, hypothetical or otherwise. But this document recorded this as an incident of abuse. That story doesn't always go down too well. But people here will understand it, and realise it is not one of the more extreme ones.

To end my piece with some sense of hope, I was involved in one of the hearings of 'Acknowledgement and Accountability Forum' as a representative of the Scottish Residential Workers Association. What was apparent to me, and it really should be apparent to most people, is that this is not a mass movement. There are one or two vociferous victim groups' representatives but I don't get a sense that there are a whole lot of people out there who really want to take part in this acknowledgement and accountability sort of exercise.

The other thing that I have touched upon is that in Scotland we have developed a Residential Workers Association, now over 500 members. Some of those are starting to get interested in this issue, and I think they will be intrigued to hear David's and Ben's presentations today. The other thing that I think is really hopeful is the fact that Ros is involved with FACT and that she has a proposal for a book on this issue, bringing together the work of experts and relevant research, which I think will set the cat among the pigeons on this issue. Because my view is that the issue is actually one that is sustained by intellectual laziness. When anybody looks behind the headline claims to the facts of the case then they can't actually sustain this notion of massive abuse and giving victims 'voice and closure' and some of the other psychobabble that surrounds this discourse (the words 'closure' and 'denial' being two of my pet hates). So thank you all for listening, thanks for inviting me and thanks to David and Ben for really powerful presentations. ■



## Conference Questions and Discussion Selected contributions

### Discussion following David Rose's talk

Audience: Can I just ask if you have a list of reporters who are sympathetic?

David Rose: Rosie Waterhouse, although she is no longer a journalist, she is now a lecturer in investigative journalism at the City University. She's very good. There's somebody in the BBC, Innes Bowen who is a senior producer and she edits the Radio 4 programmes called *The Report* and *Analysis* and I know that she is sympathetic to this. So she would be a good potential contact. There may be others, not too sure – I'll give it some thought.

Audience: From the minute you are in the system, if you've never been in it before, everybody tells you 'Don't talk to the press!' And we stupidly took that line. We did have a some bad examples in that they were shoving their cameras in my face and shouting I don't know what as I was going to court. But somehow, I don't know how it happened, but during the trial, which eventually ended in my husband and I unfortunately being sent to prison, I had decided that I *would* speak to the press. And I have to say, I wish I had done it right from the start. They were *totally* sympathetic. I made a mess up of one interview, just in front of the camera, which they did again – they were really helpful. And although she obviously had to report what happened in the sentencing by then, it couldn't have been more sympathetic. She printed the *whole* of my interview that I had given, that I had prepared so I wasn't going to say anything stupid, and I just wish now that I'd done it earlier. I think you have to be choosy who you speak to, but I wish I had. The thing that the police don't want, more than anything, is for you to be talking to somebody who might be able to help you.

David Rose: I think that is the completely right. This goes beyond this type of case. I was recently asked to comment on how I believe the media has a role in preventing miscarriages of justice, not just in this kind of case, but in general, and lamenting the fact that quite a lot of solicitors are *incredibly* cautious about the media, and will always advise clients to keep their mouths shut –and I think that's a very poor strategy. Yes you always have to be choosy, but, especially in cases involving allegations of child abuse, the whole strategy for the prosecution is to *dehumanise* the defendant, the suspect. You are monsters, you are the other, you are the dark underbelly of society that poses this threat with this evil desire for children. And if you actually appear in a newspaper and on television, as a defendant or a family member, and you are talking about an ordinary guy who has been caught up in a nightmare, it is a completely different narrative that runs counter to that strategy of dehumanisation.

David Rose (cont): I've just come from Glasgow where I've been researching and putting together a story on which I finished just as the train drew into New Street Station about a man called Colin Norris, who was the so-called Angel of Death, a nurse convicted of murdering four elderly women by injecting them with insulin. Now, there was direct evidence in his case, and there is now very good evidence to suggest that not only is he innocent but in fact the murders didn't take place at all. That the scientific evidence at the trial was bogus, just as it was in the case of Sally Clark the solicitor who was wrongly convicted of murdering her babies who died of cot deaths.

It's the same in these cases. The cases where egregiously evil crimes are put down to egregiously evil people are precisely the cases where you need to challenge that stereotypical view that is created by the police. Even in this post-Levenson climate they are still giving their off the record briefings and steers to the people they trust. And very often the police do this to cover the deficiencies in their case, of which they are only too well aware. Police officers, once they embark down a path, believe they are infallible. I once identified in a book as the 'police infallibility principle'. It is a very rare policeman who will admit that they got something badly wrong. So the media is a very effective way of challenging them.

Audience: I approached the media from the very beginning, and we had really bad reports. In fact there were lies put in the paper. Other people we've talked to have had the same problem. There's an awful lot of us have had very bad feedback from press reports. I had the cameras in my face, and my husband did, on our way to court. I went all the way through and made a formal complaint because the three allegations that they put in were totally unfactual.

David Rose: I think probably the local media is going to be worse in that sense. These local newspapers are very under-resourced, they're hit by the internet and their survival is in doubt, and they have fewer resources than just a few years ago. Indeed that is sometimes true of national papers. But local reports are generally inexperienced journalists; they are quite young and maybe scared of authority. Unless they are very brave and very talented, they don't want to get involved in controversy,. And it may be that you are better off with national media, especially if you make an approach to someone whose writing is more sympathetic and insightful, to produce a better result. Some columnists, like David Aaronovitch or Camilla Cavendish, even if they can't handle the story themselves might pass it on to someone else.

Susan Bennett: How open are the newspapers to actually printing these things. Because we had two Guardian articles printed, one when my husband first went to prison and then one just after his appeal. And the journalist rang me and he said 'For my sanity and my health, I can't go on any more'. And nobody would accept his story. Luckily that same day, he rang me back and he said the Guardian has accepted the article. Because they are sex offences, people don't want to touch it with a bargepole. I talk to everybody and anybody who will listen to me about the case and you can see from the way people talk to you that, because it concerns sex offences, they don't want to know about it. And yes, we can find journalists who are willing to listen but will their newspaper editors take on those stories?

David Rose: Some of them will....There's one of mine. [On the conference noticeboard]

### **Discussion following Ben Gunn's talk**

Susan Bennett: It is a bitter pill to swallow to be here in a room with somebody who has made false allegations. I admire you for sitting there, obviously I don't condone anything you've done. But aren't you still making false allegations by not saying where it was that you made the allegation?

Ben Gunn: I have said it to the man himself. I have said it to his solicitors and I have asked his permission could I campaign publicly, but it is something he doesn't want. But regarding the legal process, I have admitted it to the police, the CPS, that yes, what I have said was false and explained my part in it and everything else. I've even named the two guys who actually stuck with their accusations, you know, and have said what they told me about how false their accusations were. I did a radio programme not so long ago and someone did point out that I was putting my neck on the block for perjury. But if that is the penalty, then that's the penalty. In private, I was asked when I agreed to come here to please not name the individual. I'm not sure why – but the guy is retired and wants his name kept out of it, I understand, Otherwise I would, happily.

Ros Burnett: Are compensation scams often discussed among prisoners?

Ben Gunn: It's not a common topic of conversation but it does come up occasionally. You do sometimes bump into prisoners who seem to have significant amounts of money and you might wonder, but these are fiscal private matters in prison just as anywhere else. You can't just wander up to the guy and saying 'Were you molested and how much did you get?' But I think it is a case of see the poster, go back to your cell, spend 60p you don't have on a stamp and write a pack of lies to a solicitor you don't know. That's hard work. Prisoners are notoriously lazy people. Whereas if the police come and knock at your door as a random trawl and present you with everything you need to rehash back, that's

another matter. So I think it is more prevalent amongst those who are roped into a trawling expedition.

Ros Burnett: Whilst I've still got the microphone, another quick question. I'm reminded of the old joke about everybody in prison being innocent. It comes up in the film *The Shawshank Redemption* when the main character who is innocent arrives in prison and is told 'You'll fit right in. Everyone is innocent here'. In all your many years in prison did you develop a sense of those who really are innocent among those who are 'maintaining innocence'? Do you, so to speak, develop antennae to know the difference?

Ben Gunn: Oh I used to say I was the only guilty man in prison. But yes you do get a sense of who is and who isn't. It is a lot easier in my work on miscarriages of justice where you spend a lot of time with individuals and when there is paper work and you can go through the evidence. When you are dealing with the individual and you see their character, you can grill them everyday. I didn't deal with many sexual offenders – they were on their VPU wing – but there are some who come on a regular wing and who say: 'I'm not going on a sex offender wing, I'm innocent. No matter how many times I get a battering, I'm not going anywhere, I didn't do it'. If a man has been beaten to a pulp two or three times in the first week and he is still saying he is innocent, he is either crazy or he is innocent, or both.

Audience: It is very rarely when the police are investigating and trawling that the police are just after one person, because it is always like a ripple effect. One accusation leads to another and then another and another. Do you have the names of other people accused and the people who accused them and the police officers who came to interview you? If those same police officers were involved in other historical investigations that have led to other wrongful convictions and using the same interrogation techniques, it would be helpful to know who they are. My point is that you might not be able to help the person you involved directly, but you might be able to help somebody else. You could help their case based on your firsthand experience and your admission could help to exonerate someone else.

Ben Gunn: Yes, I understand. I don't know if those same police officers would still be involved or remember their names, it was 15 years ago, and I wasn't allowed to keep the paperwork, but Chris Saltrese might have it. I could reach out to Chris. One point, this took me by surprise. I found out that I had accidentally made an allegation against someone else at the same school. I got a letter saying well we are taking action against this other accusation you made. I'm thinking: what accusation? Well somewhere along the line, because they ask for a lot of information about various staff members, I probably said something about You have got to remember this was the late seventies. There was a member of staff who just used to grip you, just on the inside of your thigh, like that, as a

punishment. Nothing weird. When someone is grabbing your thigh in a weird way, you'd know it. I'd mentioned it. It wasn't a complaint, just saying. But next thing I get a letter saying your complaint about so and so. As you say they are not just after one bird (or fish), it's almost at random. That's why it's called trawling. You can get roped into things just because of a remark like that, which didn't occur to me was an accusation. But to answer your question, yes I can get in touch with Chris Saltrese and if those police are involved in other cases look into that. But yes, I'm not just here to say 'terribly sorry', I'm ready to pitch in if I can be of any use.

Margaret (FASO): Both speakers have mentioned Jordan's Solicitors. Can I just make sure that when you talk about Jordans that you ensure that you distinguish Doncaster Jordans where Mark Newby is [who acts for the falsely accused] from David Greenwood's Jordans. [Editor's note: Quality Solicitors Jordan's – Doncaster, where Mark Newby is based, is entirely committed to the plight of the falsely accused and will never entertain acting for anybody making claims of sexual or physical abuse. It is wholly independent with absolutely no connection to the Jordans Solicitors in West Yorkshire and David Greenwood, discussed by David Rose.]

Geoff: I'd like to thank Ben for saying what he has said today. It has been absolutely brilliant to hear it from someone who can explain things from your side.

Ben Gunn: It has probably been the most horrible two hours of my life. But if there is anything I can do, my email address is out there and all the rest of it. Just throw me any scandalous stuff I'll weave it into my blog and what the hell. You'll find my blog if you just google Prisoner Ben: <http://prisonerben.blogspot.co.uk/>

## Speakers Panel, Questions and Discussion

Margaret (FASO): I run FASO (Falsely Accused Support Organisation). We get a lot of Scottish individuals wanting support. How does one get Solicitors that are raring to go to support those that claim they are falsely accused? And how do you get social services records overturned that are totally inaccurate?

Mark Smith: I think I'd be happy to speak to you on solicitors [in Scotland] because I know one or two who I think are very good and would be willing to get involved in this kind of issue. Some don't want to get caught up in this kind of issue.

Ben Gunn: Regarding records, can I pitch in on that? I found that whenever I was in fights with the Prison Service, which is just about the worst bureaucracy you could ever come across. It involves psychologists, probation staff as well as prison service staff. I'd always go to the fundamental Code of Conduct first and try and find a flaw with that. Then there is the Information Commissioner. And there are all these professional

bodies - that cover psychologists and probation and so forth – and you can have a hell of a fight. But you have got to fight. One thing I've learned in my few months doing miscarriages of justice research, and that is that so many solicitors and barristers will do *half* the job in court, not through ill intent, but they won't use half the material they've got because they don't want to hammer victims and look bad, and they also don't want to baffle the jury. The trouble is that if you don't use that material and you lose, that material was available, it is not there to be used on appeal. And whenever I went up against any of these big bureaucracies it was a case of: you are getting the lot, both barrels, every bloody time. I've not left anything in reserve. As the months and years trickle on, the more you throw the more is going to stick. That's it for what it is worth, and I'd say, use every possible avenue. Don't sit back and hope to God it is going to work out, because we all know it probably won't.

Colin Ward: Question to David really. I like to pick up on your point about the police and do they have enough work to do. Do you know of any examples of journalistic investigation into ... what bothers me is this huge grandstanding we have about 20, 30, 50, 100 detectives all investigating historical abuse cases most of which probably didn't even happen. Whereas police officers really should be investigating child abuse that is happening now. The statistics being that one child a week in this country dies at the hands of an abuser and none of those children are being protected whilst hundreds of detectives are chasing a dead man. Do you know of any examples of journalists asking those kinds of questions? Because if the police are short of work then there is a lot of work out there for people being abused or at threat of actual abuse that is, ironically, rarely perpetrated by carers and teachers because it happens in the home

David Rose: And of course we can also look at these cases that are just coming to light very recently of real paedophile rings. We've heard of all these fictitious paedophile rings that happened supposedly in care homes, 20, 30, 40 years ago. Meanwhile on the streets of many cities, gangs of so-called street grooming abusers, who it would appear are mainly of Asian descent, who really are acting like paedophile rings. The case just heard in Oxford last week is a horrifying example. And it does seem that for years police have held back from investigating these cases because they are afraid of being accused of being politically incorrect. It is a very topsy-turvy world. When I got started as a journalist more than thirty years ago, the opposite was true, because the police would say, oh great, people of colour, let's put the boot in. The police were not the most politically correct of institutions.

As we've been talking today, a thought has occurred to me. I wrote this book about Guantánamo Bay and have had a great deal to do with covering cases from Guantánamo over the eleven years that it has been open now. In fact I've been there once and am going back there in a few weeks time. And the two most

horrifying crimes today are paedophilia and terrorism. And what it seems to me that many of these abuse cases have in common with Guantánamo is that lots of people get rounded up for crimes that never took place. Most of the people in Guantánamo are people who were denounced or sold for bounties without any evidence at all. There are still around 120 of them there, treated virtually with no legal process at all. At least there is some sort of legal process here. But to answer your [Colin's] question, I think this is a worthy subject of more journalistic extension. The other example of course, is of hacking cases. There are colossal police resources now going into investigating whether or not the *News of the World* tapped or listened in to voice mail of some greedy celebrity ten years ago. Is this really the most pressing penal issue facing our society? I don't think it is.

One of the things I have noticed also, and this is purely impressionistic, you know I think we have seen a rise in, and then again a fall, in the quality of police leadership in the last 32 years that I've been journalist. As I was saying just now, in the early eighties the police were pretty racist, they were pretty brutal, people were let down. There was a great improvement which coincided with having many more graduates and very determined efforts to make police more responsive to the society they served. Some noted individuals particularly people like Peter Imbert the Metropolitan Police Commissioner. And I think there has been a slump again in the quality of police leadership, and we've seen some really poor police leadership. But I don't know if you are aware of this: this Operation Pallial, the Groundhog Day version of Bryn Estyn in North Wales, is actually being headed by the Serious and Organised Crime Agency (SOCA). *What is* an organisation, that is supposed to be combating drug mafias, doing investigating 40-year old allegations of child abuse that have already been picked over with fine tooth combs decades ago? We're in a very strange situation. So actually yes, just sitting here, talking it through in my head I'm going to look at this more carefully myself.

Mark P: A number of things came to mind as I have been listening to all three of you. When my trial came up one of my key witnesses had actually made four distinct and *conflicting* statements to the police and I couldn't quite understand why, reading the first statement which said something and the second statement which said something else, and then a third statement and then a killer, the fourth statement, which was the basis for the charges brought against me. Whilst the fact that he made four different statements was brought to the attention of the jury, the bulk of the cross-examination rested on the fourth statement.

Ben Gunn: In my experience there were particular themes that came up during the interviews, such as a focus on particular parts of the school, and so on. You know what buttons to press to get the police interested. You know they are focussing on this particular scenario: give them that, they are going to take it. You

can build up a pack of lies. And as more interviews take place the more it is developed. You start off with a fairly basic lie, statement one. By the time you get to statement four, the interview between you and the police has gone on for so long, they've got the script for you, whether it is inadvertent or not. If they give you that information you can play into that scenario that they're already working with.

Mark P: The other thing David mentioned about the police not having enough to do - that's backed up because there's this other thing called LADO, which I think is the Local Authority Designated Officer. I came across a LADO as a result of the fact that a very dear friend of mine, who was the headmaster at a school where I once taught many years ago, a Roman Catholic priest, came under a LADO investigation. As far as I could see, a LADO is just like any of these other officers, and she trawled into his background. His great sin, and it's not only a 'sin' seen through the eyes of the law, but in terms of his church, was that he maintained contact with me - a convicted child abuser. He did not follow the commandment: 1) you must break off contact and 2) you must not do the job which you are ordained to do. Because of this he became under a veil of suspicion. And so a LADO officer was sent in. It so happened that fifteen years ago he was a parish priest in Lancashire and he'd dealt with a drug addict. One day the drug addict had asked him for money. He knew that this guy would spend it on drugs so refused; and the addict went straight back to his hostel and said he'd been abused. Within an hour this guy (the accuser) admitted making the story up because he was overwrought but by that time it had got into the hands of the Social Services and had been put on my friend's 'church records.

Fifteen years later, the LADO officer went and saw this guy, who was a weak personality, and she brought it all up again. My friend's legal representative warned that this was so dangerous. Yet in all this my friend had *never been charged, arrested or interviewed by the police* - the police weren't interested in him at all. But it led to my friend losing his job and being barred from celebrating Mass in public. He is not even supposed to attend a church service (even funerals of friends) without agreeing to certain written conditions. It occurs to me now that we are living in a society where politicians, church leaders and so many other institutions are so *frightened* of this issue, that rather than face it they will roll over. And so in the cause of justice for children other injustices are being carried out.

Guy: To David. When you were talking about the St Williams case, you said there was a collapse of the evidence and that they were not only found 'not guilty', they were found innocent and that they should 'leave the court without a stain on their character', and you said that that was a rare thing for judges to say and considerably stronger than just being found "not guilty". That resonated with me, because in my case I was convicted on a number of counts of assault on girls who

had been in my care as a teacher, I was sentenced to a period of time, and then won my case on appeal. And the judge at that appeal said that I 'should leave the court without a stain on my character'. Now I know that there are a number of people sitting around this room who might well be in the same situation as I am. That is, people for whom CRB and Barring is a major issue. Despite a judge having said 'You have not a stain on your character', in actual fact, this precludes you from doing useful employment, and, for me, in the job that I have always loved and always did to the best of my ability. Fortunately I have found an employer who was willing to take the risk of employing me because having an entry on your CRB check does not prevent them from engaging you. *But* (and it is an enormous but) most employers are unwilling to take on that risk. I have never abused anyone in my life. I'd just like you to comment on that CRB and barring situation.

David Rose: One comment I can make is that exactly the same thing happened to one of the people who was involved in St Williams. He had been suspended before the trial, and he was then sacked. And he appealed – it was in Liverpool – and the Social Service Tribunal didn't want to know. I think it is absolutely monstrous. It's totally unjust. It is an example of, as was said a moment ago, a society that is so completely terrified of this issue that it will not grant anybody, once accused, basic justice.

Mark Smith: If I could just add something here. I came up yesterday from a seminar at Bath University on 'Moral Panics'. One of the themes that has started to be picked up is the role of some major children's charities, such as the NSPCC, in driving this whole child protection discourse, and it is actually detracting against good work with children and gets in the way of normal touch. We were shown a wee video of how to correctly teach someone to play a violin without touching them: I kid you not. They are pernicious in some of the messages that they put over. But they are also powerful. They use those message to create panic, to create the kind of climate whereby they get donations and they use that money to create further panic. So it is a vicious circle I think. But they have the iron ear of government, and also of the media. And I think they drive this whole bit about – well this person's a risk, this person's dodgy – and it is for that kind of reason that somebody who is absolutely exonerated, who has won, is then still kept out by the system.

Helga (PAFAA): I work for a solicitor. I did the ground work for a successful appeal – I did a lot of digging. This was for someone whose partner, four years after the conviction had been quashed, applied for a job as a dinner lady. She was horrified to find the allegations listed in full on her ECRB. There had been 12 charges, only one led to a conviction and that had been quashed. And on her ECRB were the allegations, the conviction, the date of the appeal and the quashed conviction. She had never been accused of anything herself. I suppose it was because she supported him all the way through it, and maybe that made her a risk to

children. Some people might be horrified to find that although it was their loved one who was convicted, not them, they may find that conviction on their own ECRB check.

David Rose: Can I suggest that both of you who have just spoken about this experience, email me and let's see if we can do an article on it.

Ben Gunn: I just find this astonishing. I'm the one certain guilty person in this room, and I'm finding it easier to get work than some of you.

Audience: When I was convicted in North Wales, two or three years later it turned out there was a statement given to the police that was taken ten years before which cleared me completely in a previous investigation, and which has never been disclosed to us. We have now got copies of those statements, which were never put to the jury, never used in my defence because we didn't know they existed. The police did *not* disclose them to us. And that's one of the biggest handicaps that goes for a lot of people – the failure of the police to disclose the some vital evidence because the disclosing officer is always a policeman

Colin Ward: This goes further than the CRB, who are now the DBS. After my allegation went through – mine was a 'no further action' – I was working at Barnardo's at the time who backed me completely. They, out of kindness, said let's do a new CRB just so that you know what is written on it, and they said no matter what is written on it you can still work for us. Mine, very luckily for me, has always been blank. However, when applying to work as a supply teacher, one of the agencies, whom I won't name – Reed, one of the biggest agency in the country – actually do use on their application form the question: 'Have you ever been accused or investigated for child abuse?' Now I had to tick yes. And I disclosed all of the information to them, was told in July 09 'not a problem', and then three days before I was about to start a term of work (about £3000 worth of work) they pulled out and said 'We won't represent you'. And the impression I gave them, I've also given to other teaching agencies whose attitude has been, 'well if you were investigated and you were cleared, and the police and the CRB say you were innocent, then of course we'll work for you'. But it was the fact that Reed actually asked the question that I'm not entirely sure they are allowed to ask.

And really all it boiled down to is, it has got nothing to do with the protection of children. I have worked for years in child protection. What it is actually to do with is, who is most scared of getting sued if something goes wrong. And unfortunately we are in a society which, strangely, will absolutely trust someone if they have a CRB with nothing on it. And yet ironically the vast majority of people who do abuse children are in situations, where they don't need a CRB because they are close family or the parents. And yet we have trained the public into thinking that if that person has that bit of paper – that is actually only valid on the day it is printed – then, there you are: Safe! And yet we have lots of people all represented in this room, teachers,

carers, professionals who are excellent at their job, or shall I say their previous job, who can never do that work again, based on a prejudice that is based on nothing and often lies. And it is that kind of culture that in the end, ironically, is going to lead children to being abused, because all of us skilled people, who know how to spot the warning signs of abuse, are saying 'You know what, I don't want to take the risk of having a historical case in 20 years time'. And I think we have got a problem that we can only realise how bad it is in ten or fifteen years time, where the only people who are out there trying to protect children are the people who go on fast track graduate courses, do the job for a couple of years, then go into some corporate office. So we have got an endemic problem that is going out of control.

HG: I was asked by my daughter's school whether I would consider becoming a Governor, and I have got a

completely clean CRB, but when I viewed the application form online, it did ask that same question 'Have you ever faced an allegation?' and because of that I couldn't become a governor. And the other thing is that I have two children; both of them had gone to university with a view to going into teaching. Neither of them went on to become teachers since I faced that false allegation, and particularly in the light of how it was dealt with by my employers.

Ben Gunn: 'Have you been convicted?' That's a fair question. 'Have you been investigated?' That's Orwellian, that's just not on. ■

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### NEW BOOKS OF RELEVANCE

#### **Moral Crusades in an Age of Mistrust: The Jimmy Savile Scandal** by Frank Furedi, Emeritus Professor University of Kent

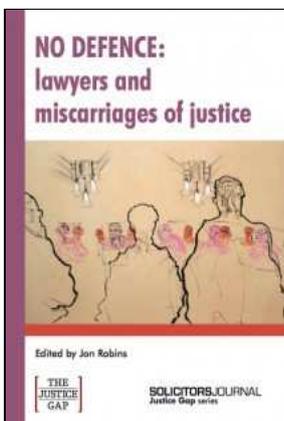
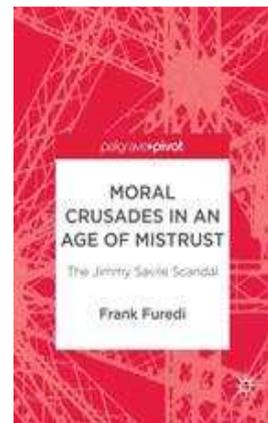
Palgrave Macmillan, 116pp, £22.50 Published 19 March 2013 ISBN 9781137338013

*From the publisher's blurb:*

The epidemic of scandals unleashed by the Savile Scandal highlights the precarious status of relations of trust. This is a work of public sociology that seeks to explore the social dimensions of a cultural drama as it unfolds. Through situating this scandal in a wider historical perspective this study outlines the distinctive features of a 21st century moral crusade.

*A reviewer on Amazon (J.M.Greer) says:*

Furedi dares to rile the cultural elite with this succinct and timely book which argues against the current witch hunt against aging celebrities arguing that basic principles such as presumption of innocence are being discarded in the pursuit of a media circus. A rather unpleasant review in the Guardian suggests that Furedi has little sympathy for victims. However, this merely proves Furedi's point that in the heat of a moral crusade anyone who questions it is portrayed as being callous or uncaring. The book is not primarily concerned with victims. It is about what turning the detection of child abuse into a form of celebrity entertainment does to the rest of society. Furedi looks critically at the portrayal of childhood as a time of risk and questions how someone can go from being thought of as a national hero to a monster in the space of a few weeks. If you have an open mind and approach topics from a reasoned and evidence based point of view you will find this book full of invaluable reflections.



**No Defence: Miscarriages of justice and lawyers** Edited by Jon Robins is that latest publication in **The Justice Gap** series. It is the follow-up to **Wrongly Accused: Who is Responsible for Investigating Miscarriages of Justice?** (to be published in association with Solicitors Journal and Wilmington shortly) number six in the Justice Gap series.

Contributors for No Defence include Eric Allison; Dr Ros Burnett; Prof Ed Cape; Dr Dennis Eady; Francis FitzGibbon QC; Mark George QC; Andrew Green; Campbell Malone; Michael Mansfield QC; Mark Newby; Daniel Newman; Paul May; Dr Angus Nurse; Correna Platt; Julie Price; Dr Hannah Quirk; David Rose; Adam Sampson; Satish Sekar; and Tom Wainwright. Download here: [http://www.solicitorsjournal.com/sites/default/files/SJ%20Justice%20Gap\\_No%20Defence\\_0.pdf](http://www.solicitorsjournal.com/sites/default/files/SJ%20Justice%20Gap_No%20Defence_0.pdf)

# It could happen to someone you know

by **Partner of an innocent prisoner**

My partner is serving a 15 year sentence for the rape of two adolescent girls and the indecent assault of four others. He did not commit these crimes. Now seven years since the trial and wrongful conviction, we (himself, me, his family) are all still locked in this nightmare.

Because he is a convicted child sex-offender, it took two months for our son and daughter to be granted permission to visit him (they were 17 and 14 at the time he was convicted) which was very hard for them as well as for him. As well as being deprived of her much-loved father our daughter in particular suffered through sensational publicity in the local paper, branding her father a monster and publishing his picture and address. She has been taunted by other teenagers in the street and on her personal website for having a 'paedo' for a father.

My partner has being paraded publicly as a pervert worthy of nothing but condemnation by all decent people. Yet family, friends, other parents and neighbours are wonderfully supportive of him. The simple reason is they all believe he is innocent, as do I. We have been together over 30 years and like all couples have been through good and bad times: as his long-term partner I think I would know he is not a sexual aggressor. He is a kind man who has spent all his life trying to help other people. He has never acted in an inappropriate manner to any female of any age and has spent most of his working life in the caring professions, mainly childcare.

The allegations which led to his conviction were so-called 'historical', or retrospective. He last saw his accusers over 30 years ago, when they were residents in a children's home for disturbed adolescents where he was principal.

Nearly eleven years ago he was suspended from work 'because of an investigation'. We were baffled and he racked his brains trying to work out what could be at the root of this. He was asked to recall names of staff and residents at the home, but they would not tell him the nature of the investigation. Eight years ago he was arrested. Eight officers and an information technology expert descended on our home and searched it while he was locked in a cell. They removed the computer, photographs, negatives and videos. I was shocked and deeply upset: I could not believe this was happening to us. We were an ordinary family muddling our way

through our lives like so many others. The invasion of our home was an added humiliation, especially the searching of the children's bedrooms and removal of their videos.

He was allowed home on bail and was questioned again the next day, then formally charged with a number of counts including four of rape of minors *dating back more than 25 years*. Formal court proceedings started and we were well and truly locked into our nightmare.

I was interviewed by the Child Protection Unit ostensibly in the interests of investigating my daughter's safety. I believe from the hostile attitude of the WPC that the motive was to persuade me to throw him out. Had the motive solely been to protect our daughter they should surely have made enquiries a year earlier. I was asked how I could think he could be innocent given the nature of the accusations, and why I thought his accusers would say such things were they untrue. I could only answer that I could not believe the allegations: I knew my partner could not and would not sexually abuse anyone, including children. I was told they would have to interview my daughter and I could not be present. This was meant to be intimidating, because as a social worker my partner knew that they could not insist on this when our daughter wanted me to be there. I was worried about taking her to see the WPC and social worker after the ordeal I had experienced, but they were kind to my daughter. Perhaps the WPC in particular was a bit too kind, because afterwards my daughter pronounced her to be a patronising cow.

We took the decision to tell family, friends, neighbours, the children's teachers and our employers about the charges at this point. I found this difficult at first, but looking back it was the best approach we could have made. People were horrified that such allegations could have been made. None of our family or friends believed he could be guilty and all were sympathetic and supportive. We both drew comfort and strength from this and felt reassured. We were surprised how many people knew of cases of false allegations against teachers, youth workers and other carers. **We thought the possibility that the allegations were false would be considered as seriously as the possibility of him being a secret sexual predator.** How wrong we were – so much for the 'presumption of innocence'.

Eventually his trial took place in 2006 in the High Court. It lasted over five weeks. I had both been dreading this as an ordeal that might end in his conviction but also longing for it in the hope that justice would prevail, it would be the end of the nightmare and we could resume our ordinary lives.

Our QC demonstrated my partner's accusers to be unreliable, highlighting inconsistencies in their evidence. Two of them had criminal convictions, one for perjury and one for obtaining money by deception. Another of his accusers had won a substantial sum for accusing another man of abusing her when she was a child: she was paid without any investigation, criminal or civil, into her claim.

There was no evidence to back any of the allegations against my partner. After 25 years there was no possibility of there being any forensic evidence. Many potential witnesses could not be traced after such a long time, and some had died. More than 90% of the written records were lost or missing. Those that did exist pointed to my partner's innocence rather than his guilt. Nevertheless he was found guilty on a selection of the Counts and sentenced to 15 years. These were all majority verdicts showing that at least two of the jurors were not convinced by the women who made the allegations. I was baffled by the verdicts. The jury convicted him of at least one count against each of his accusers. I could have understood it more if they had found him guilty of everything although I was clearly hoping they would find him not guilty on all counts. It seemed to me that they were confused by a long and complex trial with no substantive evidence and found him 'guilty-ish' as a compromise.

The presumption throughout the trial was that he was guilty and he had to prove his innocence. How could he possibly do that after 25 years with most of the evidence missing?

I have no doubt that some children in care situations have been abused and quite rightly any allegations of abuse should be investigated. But I also have no doubt that some people make false allegations. I do not know why: they may have psychological problems or may be motivated by sheer greed for substantial compensation pay-outs. True paedophiles are a threat to children and commit offences throughout their lives unless they are caught and stopped. According to FACT there hundreds who, like my partner, whom we are asked to believe exhibited predatory and extreme paedophile behaviour for a couple of years when working at a particular institution, but have led exemplary lives for decades before and after this period. FACT is aware of

many whose partners also protest their innocence. We cannot all be deluded about our men. Although our family, friends and neighbours believe in his innocence and integrity I have no doubt that there are acquaintances who think he is guilty and that I am deluded for not accepting the verdicts of the court and therefore society. Nevertheless I continue to believe in my partner's innocence. I have never doubted him for an instant.

My confidence in his innocence is based on deep knowledge of him as a person; it's certainly not because I view our relationship through rose-tinted spectacles. I've known him for 31 years, 18 of those living together. Though we are very close, we are no longer 'in love' with each other and in the past there have been bad patches when we considered splitting up. He is a difficult person to live with being self-opinionated and he can be infuriating (although I am sure he would tell you I can also be difficult!). But while he asserts his opinions quite forcefully sometimes, I know that he would never force his body on anyone. Were he accused of anything of which I thought he could be guilty, although I can't imagine anything apart from speeding offences, I would probably stand by him but would accept his guilt. However, I simply cannot believe he is guilty of any indecency against any female. His ex-wife, and the woman who was his girlfriend at the time when he was principal at the residential home, are both of the same opinion.

If I had to use one word to summarise how I feel it would be bewildered. He has been in prison for seven years now – and I still struggle to accept the reality that anything so shockingly and cruelly unjust can have taken over our lives. I can only liken the anguish we have suffered as a family to that of bereavement. I often long to shout my belief in my partner's innocence from the rooftops, but I dare not invite any more unwelcome publicity in the local newspaper. This feels as though I am betraying him, as if by not openly defending him I am accepting he is guilty, but I have to try and protect our children, myself and our extended family from any further attention.

I wonder how I can carry on telling my kids that the best strategy for life is to tell the truth and everything will be fine, despite what happened to their father. At least I know neither of them will wish to become social workers and risk becoming victims of a modern witch hunt. If you are reading this as someone who has ever worked with children I can't give you the same reassurance. This could very easily happen to you. ■

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# Living in the Shadows

by Brian Hudson

Seventeen years, 11 months and 7 days have passed living in the shadows. What kind of life has it been, forced to live within the restrictions, barriers and constant persecution of the Sex Offender Register? How does one separate the self from their ambitions, dreams, hopes and natural intent? How can a person be true to oneself, when they have been forced to turn away from their previous life's work and to suppress their talents and aspirations? The key things which make a person and bring joy, contentment and happiness have been removed. Not by a scalpel taken to the heart but by the fear and rejection injected subliminally hour by hour, day by day. The continual process of this pressure takes its toll on mind and body.

The loneliness of dealing with it day by day; one does not share it for it would be a repetitive record, a whinging and admittance it had got the better of you. No we fight it, pretend we are fine and try to forget but at the end of each day the same fact remains: another day older with another dose of the poison which eats away the heart and mind. I strive to counteract this decline in various ways. I pray, I give to others, I now have my own business, but the fact still remains – tonight as in the past 6,552 days – my being, my identity, my dignity and self worth have been defiled and wrecked.

Sounds a bit exaggerated? Then consider who I was: a man who spent 25 years working for a youth organisation and 17 years for a children's charity caring for difficult adolescents. A man who was happy to preach the word of God and raise monies for both causes. A man who launched two successful caring charities and worked amongst thousands of local young people and adults. A regular church attendee and Methodist with an impeccable record of service. A man who was enthusiastic, vibrant and full of energetic power and goodwill.

Imagine now this well-regarded man, who in all those years had never heard of any criticism against him, suddenly, out of the blue, becoming the subject of accusations which bore no resemblance to himself. The claims came from adults who many years ago had been among the difficult adolescents he had cared for. Those accusations would eventually lead to his unjust incarceration following a trial where a jury would find

him half guilty because half the accusers were found to be lying. The devastation and the character assassination hit like an express train.

Released early from prison, a new more sinister wrongful punishment was heading my way: the Sex Offender Register. The curse and torment of this continual and prolonged scrutiny, having to report and be constantly reminded of those lewd, untrue allegations, was to go on forever. It has been a long haul these last 15 years, impossible to put the past behind because of the continued Sex Offender Register requirements, such an onerous burden on those of us falsely accused. It is a continual reminder that we are considered dangerous and of the lowest order so that we may never again feel ourselves to be a full UK citizen. Of course, as an innocent person, I know all of this to be entirely unwarranted and unnecessary.

The requirements of the 2003 amendments to the Sex Offenders Register brought me further despair when they arrived by registered post. I was sickened by the further restrictions placed upon myself and those in a similar situation. I cannot really find the words to fully describe how this has left me feeling. It is psychological torture. It sometimes seems to me that child protection groups strive to invent as many means as possible to cause lifelong mental pain, anguish and inconvenience for all those with a conviction for a sexual offence.

I agree entirely that known serious offenders need monitoring and, as much as anyone, I abhor offences against others of a sexual nature; and where there is a history of this then reasonable preventative supervision should be demanded. The problem I have is that in the cases of the falsely accused there is no objective evidence at all to show that this level of supervision is needed. Many of us falsely accused have no history at all of presenting any danger to the general public.

All those on the register are now required by law to report to a police station once a year to confirm their identity. It is not good enough to write; one has to be there in person. Apparently this is so the duty officer of the day can see that there have been no changes to the registered offender's appearance (this explanation comes direct from the Home Office). This annual trip to the police will serve to remind any falsely accused individual that their life is changed forever.

Not only must one go to the Police on an annual basis but also if one spends more than 7 days a year staying overnight with friends. A holiday away from home also requires notification, as does any trip abroad for more than 3 days. The police also have the right to hold the national insurance number of alleged offenders which must be declared on the initial notification. All these requirements are for the remainder of one's life unless one was fortunate enough to only incur a small sentence for their fairytale offence. This procedure of reporting ensures that none of us will ever be able to put the horrific experience and the dirty stain of abuse out of our lives. It is there whether we look forward or backwards. So much for rehabilitation.

A glimmer of hope came with the recent Supreme Court ruling that those on the SOR are now given the right to appeal against their life time sentence under Section 8 of European Convention on Human Rights. But now this is in force I see that several police authorities seem to be rejecting the initial applications. We read recently of a 71 year old individual who experienced this, then had their verdict overturned by a magistrates court following which he then had to suffer the exposure and ridicule of the press. This will have the desired effect of keeping those who are turned down very wary of taking matters further.

Two years ago I was made aware of another requirement the police want from me: that of informing them of those friends whose children have babies. In the last fifteen months one of those friends was sought out by my police supervising officer and asked if I had contact with her son and subsequently his newborn baby. This sounds incredible but yes it is true. In the past I have had solicitors writing to the police authority stating that they have over-stepped the mark on more than one occasion. An example would be when they commenced to telephone my lady friend enquiring about her son (whom I never see) who has a baby and warning her that I should not have access to this child and it could result in the child and its family being placed on the 'At Risk Register'. Since then I restricted my contact with my lady friend rather than take the risk of her family being harassed by the police.

The same has gone for my God-daughter who also has had a child. I have kept away for three years so as not to compromise her situation. She works in the care system at a high level and thus if it was known she had a relationship with a convicted sex offender then she would stand to lose her job and her private family life. The fact is she adores me, her God-father and it breaks her heart that I stay away.

I tell the police none of this for I know how they would twist it. I have never been able to work out the motivations and thinking behind their rules and suggestions. It appears they have extremely sordid, dirty and corrupt theories which stain everybody in their sights and will consequently lead to the downfall of many more upstanding individuals. The machine which has driven the scare-mongering has been very successful in changing our society for the worse. It has taken over common sense and made every adult a potential abuser. The basic premise now seems to be that all adults working with children and adults must have some form of ulterior motive, usually of a sexual nature. This has gradually crept into society until everyone is either suspicious or suspected.

To give but two examples of this horrible suspicion that seems to have taken over, I've been prevented from joining a rota to ferry old and infirm people to and from church; and I've been denied the opportunity to speak at the funeral of a friend. In the first example, it was a Christian minister who barred me. He said: "I cannot get involved in a game of innocent or guilty, that is not for me. What I have to tell you is that you are considered unsuitable to convey the elderly to church in case you have ulterior motives aimed at getting to their grandchildren in order to assault them". In the second example, I was told I was unfit to speak at the front of my local church. These rejections were confirmation of rock bottom self-esteem, like salt on an open flesh wound. The endless suspicion, rejection and one blow after another have penetrated and embedded into my psyche. There are many other examples I could give of the life-preventing happenings one has to endure. A wrongful accusation is a life long sentence.

My experience has had severe effects – many hidden or unseen, for I, like others who suffer this, will do my best to disguise the daily trauma. We learn to live with it, in the shadows. We no longer put ourselves forward and will shrink away from any responsibility which may make us stand out. Our whole psyche is damaged and the self-esteem once high and vibrant has gone forever. In my case, not only was it the police, media and social workers who did this but also the church to which I belonged. Like the tumour which killed my friend, one day the internal growth of this mental wound will do the same to my own being and that of many others. Living in the shadows of life can do this. It takes away all you once were. It is not possible to separate a person from the self which once drove their life force forward, but this is what we are asked to do, or pay the consequences.■

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Nicholas Griffin