

FACTION

The Newsletter of FACT: Falsely Accused Carers & Teachers *and other professionals*

AGM and Autumn Conference Issue

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Operation Pallial:
one Guilty verdict and
30 Not Guilty's
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Autumn, 2016

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Court Expenses and Legal Costs for the Falsely Accused

The English Language and the Law

The Case for Change



FACTion is published roughly four times a year and is freely available to online readers. Paper copies are available to order for which we suggest a donation towards printing & postage of around £12.00 per annum. Copies are available free-of-charge to serving and former falsely accused prisoners. Please contact the Secretary to order a copy.

We welcome enquiries from any member of the public interested in and supportive of FACT's work, including academics, lawyers, politicians, journalists, students and any involved in the care of children and vulnerable adults, in either a professional or voluntary capacity.

We invite articles, poetry, cartoons, photos, letters, obituaries, &c. for publication. Items must be copyright-free or have the owner's *written permission* to publish. Submissions are included at the sole discretion of the Editor. Copyright remains the property of the author(s). Contact details must be provided but names may be changed upon request. Articles published in FACTion do not necessarily reflect the views or policy of the Editor or of FACT as an organisation.

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Confidential FACT Help Line 0843 289 2016

Whilst we are unable to give legal advice we do offer support to professionals in positions of trust facing false allegations, charges and/or convictions, or those found innocent but suffering problems resulting from any associated public hysteria & rumour. We also offer support to family members and friends. Calls cost around 5p per minute from a BT landline, but may vary on other networks and could be much higher from a mobile phone.

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FACTion

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AGM AND CONFERENCE SUMMARY 2016

The annual AGM and Conference was this year held at the Blue Orange Theatre in Birmingham. This proved to be an interesting choice of venue, having auditorium seating with a meeting room and refreshment area attached. This provided members and guests with a reasonable facility to share and network. Time for this was short however due to the full programme and once again we could be criticised for not factoring in good periods for interaction and private discussion.

The AGM commenced at 11.50 am and followed the standard procedure of reports from the National Committee plus the election of committee members with two items of AOB. The secretary Brian Hudson chaired the meeting, in the absence of our retiring chairman Nicholas Griffin, with support from Horatio Goodden (Helpline and Media) and Anne MacMahon (Treasurer). The reports from the AGM are available in the Autumn 16 edition of FACTion and on the on the website. All the reports were warmly accepted and approved by the whole meeting.

Committee:

Committee was elected as follows.

Chairman: remains vacant,

Secretary: Brian Hudson (second term),

Treasurer: Anne MacMahon (third term),

Helpline and Media: Horatio Goodden (second term),

Membership Sec: Pat Spence,

Comm: Linda Clark (newly elected),

Comm: Simon Warr (newly elected, media spokesperson including publicity for FACT).

Resolutions:

That FACT adopt the suggested constitution offered by the Charity Commission with the insertion of FACT's mission and objectives (previously approved in 2015, but it was felt that it required a second approval due to slow progress attributed to the CC).

It was also proposed that the AGM and conference be held at a slightly later date next year due to the fact that so many members could not attend due to holidays.

Both resolutions was correctly proposed, seconded and accepted by those present.

Conference.

The conference was opened by Sister Frances Dominica (FACT's President) who reminded members of her role in the organisation and how she came to be here following a false allegation against herself dating back many years. Sister Frances gave a potted history of her past service and positions including the setting up of the first children's, and then young persons' hospices. This opening talk was followed by a short presentation by Jessie Kyd outlining her experience as a victim of a false allegation 23 years ago. The effects of this allegation have never left her and still affect Jessie today. She eventually put pen to paper in a bid to help both her and her family to understand the devastating effects of a false allegation. The book is entitled 'The Perfect Scapegoat' and is available through FACT direct from Jessie, or at Amazon.

Dr Jeremy Dunning Davies then gave his talk which is summarised from his own notes in Faction and on the website, entitled 'The English Language and the Law'. Dr Jeremy's involvement in this arises from accusations made against his son in 2003 which were so outrageous that he felt compelled to investigate and pursue the system which had magnified this spurious allegation into a dreadful plot to secure a wrongful conviction. At court it took the jury only 20 minutes to acquit his son and expose the perjury which had been committed. The point he made is that the person who made the accusation walked away without any rebuke for making this allegation but instead profited from the Criminal Compensation Authority. From investigations Dr. Jeremy subsequently made, it transpired that compensation is often paid out before any trial and that the recipients are guaranteed anonymity for life. Dr Jeremy's talk was warmly received.

Following the first speaker, members heard a heart-wrenching account from Stuart and Katy Kerner who relayed the full impact that a false allegation had upon their family and how their lives became so destroyed that it drove them to the edge. Their story highlighted the many implications which arise from a false allegation and the way these find their way into court. Although acquitted, the effects continue and work is impossible to find. They endured humiliation, fear, anger and a complete loss of faith in the police and CPS. Their story is captivating and should be read. It

is available on the website via a link. We hope to have a summary printed in FACTion this autumn.

Following a refreshment break, a panel was assembled from the speakers to take questions and points from the floor. Vicky Cooper gave a short presentation highlighting the need for a campaigning group to move forward the plight of the falsely accused. FACT and other organisations, she explained, whilst doing a great job in supporting people and highlighting the flaws in the system are not able to concentrate on hard campaigning to make the public aware of all what is going wrong and to pressure Parliament to bring changes to the law which will protect innocent victims of false allegations. There was a fairly lively discussion covering this point including the resurrection of the All Party Group of MP's who were about at the time of the Home Affairs Select Committee Inquiry into this matter. The discussion also included the following points:

A church service for victims, supporters and families of those suffering from false allegations is still on the agenda. The service is planned for central London at St James Piccadilly, Sister Frances is trying to progress this.

The compensation culture still exists and is fuelling the flames of false allegations in much the same way that whiplash created a plethora of false claims from motoring accidents.

Finally it is clear that the conference does provide a useful platform for shared opinion and views; it gives members and guests an opportunity to learn from each other and the speakers as well as helping to prevent the feeling of isolation which living with a false accusation can bring. It was acknowledged once again that we still do not leave enough time for people to share with each other and that it may be an idea to bring back the Christmas vigil which contributed to meeting this need. Perhaps, however, the best policy is to cut back on speakers and give more group discussion and social time at future meetings.

Letters and comments to FACTion or the Secretary would be most welcome.

Brian Hudson
Nat Sec

Chairman's Annual Report 2015 – 2016

I happened to be browsing through a copy of Country Life magazine, as you do, when a title in the book review section caught my attention: The Allegations, by author Mark Lawson. I must say I was a little surprised, and pleasantly so (as far as you can be), to come across the dreaded word, allegations, and in what is a magazine said to be the bastion of the traditional British way of life and one that has survived the ravages of time and social change over its long history going back some 119 years.

The review opens:

'Is the accuser always holy now? That stark quote from The Crucible, appears before this excellent, horrifying novel by Mark Lawson. In the world that the novel evokes – not an imaginary dystopia, but Great Britain today, where anyone can be arrested under a claim of 'historic' sexual abuse...'

and ends:

'The loss of health of the accused – the insomnia, the sweating, the wrecked digestion – is forensically described. The crackling brilliance of the prose and

minute observations about contemporary Britain are shot through with disgust at the self-righteousness of today's accusing mobs. The accuser is always holy and mud (now that everything can be 'Googled till doomsday') has an alarming tendency to stick'.

This is but one example of how the last twelve months have undoubtedly seen a very much needed raising of awareness in the public arena of the subjects of false allegation, the dysfunctional (and unprepared) justice system and the hugely devastating effect this is having on both individual human lives and British society as a whole. We are slowly but surely seeing more people prepared to openly admit a problem exists. We are so grateful to all those who have worked tirelessly, either inside FACT, as individuals or through other organisations to achieve this year's progress. Adding to this growing voice the year has seen a number of very high profile cases such as that of Sir Cliff Richard who spoke on TV about how he cried and was literally

The Chairman's Report *continued....*

brought to his knees by the horror of being falsely accused, as well as the publishing of the University of Oxford study report: 'The impact of being wrongly accused of abuse in occupations of trust: victims' voices'. This is an incredible piece of factual work focusing in great detail on the horrors of what happens to an individual and their family following a false allegation – the victims. It was notable that within days of being released it was quoted in a lengthy House of Lords debate. Many thanks to the team at the University of Oxford for all their hard work in making it happen, to the FACT members who participated and for the financial donations which made it possible.

It is a sad but inevitable fact that it is generally only after you have become a victim of a false allegation that you truly understand what it does to people and brings you to want to help others who are facing the same problem. So it was with a mixture of both sadness and joy that we heard about what had happened to Sister Frances Dominica OBE, DL, FRCN (Officer of the British Empire, Deputy Lieutenant, Fellow of the Royal College of Nursing) when after being falsely accused she was forced to step down from the hospices she founded and ran. It was a great honour to have her attend and speak at FACT's 2016 Spring conference and an even greater honour when she agreed to become FACT's first President. Sister Frances is widely acknowledged as a pioneer and founder of the international children's hospice movement and she brings with her a huge compassion and understanding of suffering. She is warmly welcomed and we are very grateful for all her help.

FACT has also been welcomed as a new member of the Council for Voluntary Organisations (NCVO) standing alongside many of the household names national charities and not-for-profits who are also members.

Whilst it's important to identify and acknowledge progress is happening we must not underestimate the scale of the challenge which lies ahead of us. The effects on the victim are such that they will last a lifetime, they never go away so FACT must work hard to make sure it is there to continue helping people by making itself sustainable for the long term. To quote the Oxford study report:

The majority [participants] reported high anxiety levels, severe depression, ill health and associated symptoms of trauma, with short and longer-term symptoms, with some experiencing permanent

behavioural and personality changes. The effects of false allegations were felt by their partners and children too, with anxiety and depression experienced by many family members, in addition to consequential financial burdens. The stigma of a false allegation is felt by the whole family and can lead to family breakdown, or permanently damage the relationship.

If asked what is FACT's greatest weakness I would say without hesitation, lack of resources i.e. low income, few volunteers and no staff. All of these are key to ensuring the long term sustainability of the organisation and thereby ensuring it can provide the care and support to victims for years to come. It is quite extraordinary that for a national and indeed international organisation we have less help than a small local club! Sometimes it is like playing football and when you pass the ball you don't know if someone will be there to take it. We desperately need more players. In the recent House of Lords debate it was stated that the Chief constable of Norfolk, Simon Bailey, the National Police Chiefs' Council's lead for child protection, reported there had been an 80% rise in child sex offence allegations in the three years to 2015 and that there were 70,000 investigations in just the past year alone! Most alarmingly he said to the Times newspaper that if that rate of increase continues they could be investigating 200,000 cases by 2020! Of course what is not recorded or made available to the public is how many innocent people are included in those figures and what lasting effect that has on them and their family. The numbers of innocent people being effected and in need of help must be huge.

For more than twelve months FACT has been exploring the possibility of becoming a registered charity and has submitted an application to the Charity Commission. Much work still needs to be done to make this a reality but it is hoped once this is achieved it will ensure FACT's future and open the door to stronger financing enabling us to employ staff and develop our services. However, this will not happen on its own and I can't stress enough that we need more help to get there.

Finally, may I thank all those who have worked on the committee this last year and everyone who has contributed to the success of FACT both in time and financial donations.

Thank you.
Nicholas Griffin

FACT Secretary's Report to AGM 2016

I start my report this year with some sadness at the departure of Nicholas Griffin as our Chairman. Although I knew it was coming it is still a shock and a loss at the time. Nicholas had extended his term of office longer than he had originally signed up for and for that we are very grateful. I am sure I speak for the rest of the committee when I say we are sorry to see him go and do thank him wholeheartedly for his help, support and leadership over the past 3 years. I would also like to commend his report to you and especially his call for more front line volunteers who can offer particular skills, direction and enthusiasm for the uphill ongoing battle we face.

Throughout the last year since our previous AGM, FACT has continued to receive telephone calls to the helpline and requests for email support from those falsely accused. There has been no let up in the volume of enquiries and we have experienced a steady flow of new members. Each case brings with it the same awful devastation, anger and fear which we now associate with each new false allegation. We still see no evidence that the government is set to review the law or procedure to limit the opportunities for spurious allegations. The police continue to conspire to bring convictions without thorough investigation and, together with the CPS, appear happy and adamant to proceed with prosecutions no matter how outrageous and unlikely the accusers' stories may be. In a recent article to the Inside Time newspaper, which is distributed throughout UK prisons, Paul Gambaccini stated that he lay the blame for his own nightmare clearly with the police and CPS. It is his plan, together with Sir Cliff Richard and Nigel Evans MP, to set up the campaign for a change in the law seeking anonymity for those accused of a sex offence until they are proven guilty. This however, in my view, is not enough as it will not stop false accusations happening with or without publicity; much more is needed. The burden of proof needs to be increased, the police should be made to carry out impartial, objective investigations instead of taking as true the statements of fantasists, lunatics, revenge-seeking and compensation-hunting individuals. There also needs to be a Statute of Limitation applied to these historical claims unless they are on a massive scale or there are other exceptional circumstances. There is no defence for anyone accused of misconduct in private over 30 or 40 years ago. This we have known for many years now

and yet the stampede to accuse both public and private individuals continues.

This last year I have again seen at close quarters the continuing need for organisations such as FACT to be there for people falsely accused. In the last two weeks alone I have received requests from people for help. In one case the individual explained how it had taken her some time to pluck up the courage to make contact and how our response is helping her to manage. She has been left to bring up 4 children whilst her husband serves time in prison for 2 counts of historical abuse allegations dating back to 1993 which he totally denies. Her case represents the many who approached the matter with a confessed naivety, trusting that the justice system would see the truth and that their legal support would be sufficient. I have also recently heard again from the parents of a young teacher who took his own life some years ago now after being approached by the police following a false allegation and how the school he taught at was very condemnatory in the way they treated him. This tragic circumstance was referred to in the submissions to the Home Affairs Select Committee on which sat David Cameron. They explain how they see the whole thing still carrying on whilst watching from afar and still feeling their loss each and every day.

I am also mindful of the many people who have been treated with contempt and hostility from their respective churches, whose policies appear to be stricter than the law and those imposed by the SOR. The treatment many receive strikes right at the heart and can destroy what little dignity they have left. I am often given the thought of how far the church has moved from the ministry of its Leader Jesus Christ who condemned those judgmental individuals whose self-righteousness did not reflect his teachings or attract His Father's blessing. All this adds to the lifetime burden of shame and those who suffer on this level simply exist without purpose or real life.

To bring some balance, FACT has written extensively to the Child Abuse Inquiry as have individual members but as yet we have not been asked to give any oral evidence. Over 18 million pounds has so far been spent on this Inquiry; it has reportedly 13 separate investigations ongoing, one of which was the Dolphin Square fiasco now accepted as fantasy by police and

CPS. We were, however, invited to attend a meeting with the Scottish Child Abuse Inquiry in January this year which Nicholas and I took up. We met in Edinburgh with three QCs, a solicitor and secretary, all of whom were senior members of the Inquiry Team. We were able to advise them of our organisation, the people we support and the many wrongful convictions which had happened to both private individuals and prominent people. The team asked a lot of very pertinent questions and seemed genuinely interested and concerned about the situations we presented to them. We have since written to them and sent the Oxford Study Report. It was also of note that Nottingham University has run a voluntary module alongside its criminology degree course entitled Miscarriages of Justice. About 30 students had signed up for this and Nicholas and I were invited along to inform them of the specific role of FACT and offer them some cases to reflect on.

Our spring conference in Birmingham Carrs Lane Church was a very powerful event with some strong presentations, not least of which was the summary of the Oxford Research Project "Victims' Voices". We were very pleased to have Naomi Speechley with us, together with Dr Ros Burnett, who were able to formally divulge some pre-launch details in respect of this study. We were also privileged to have amongst our speakers Sister Frances Dominica who had recently received much national publicity in connection with her false allegation experience and her statement explaining that she intended to be a voice for the voiceless. The conference was opened by our past Chairman Nicholas Griffin who spoke about the more positive media interest there now is in false allegations and the number of requests which FACT receives from journalists on this matter. The opening address was followed by a very emotional and powerful talk by a member who has recently seen her husband convicted and incarcerated for a false allegation which she is more than certain he could not have committed. Her delivery was powerful and reflected the feelings and anger which must be for all those women who have lost loved ones to this epidemic of sexual abuse lies. The content of Vicky's case reflected that of many others: defence witnesses not believed, no hard evidence, no history of questionable behaviour whilst the accusers often do have a questionable history of behaviour and of course there is always the common factor of being lured by solicitors to make a claim for substantial financial gain.

We are delighted that following the conference Sister Frances agreed to become President of FACT.

The Oxford Research Project 'The Impact of Being Wrongly Accused of Abuse in Occupations of Trust: Victims' Voices' was finally launched in early summer and has by now been widely read. FACT had contributed to this research and we have since benefited by donations which have enabled us to print 400 copies and circulate a number of these. I have personally sent out 140 to some MPs, Lords and all Police and Crime Commissioners, plus some to the clergy in the Church of England. I am happy to distribute more when given some more useful contacts. This document is set to make a supportive impact to the whole debate of false accusations and we hope that as time goes on more momentum will be given to this once-hidden matter which has devastated so many lives.

I should also mention Faction or perhaps the lack of it. Unfortunately this year we lost our Faction Editor Mark due to illness; he is recovering gradually but not enough for him to take this task on again. In-between time another member of the committee stepped in to take this up but then due to other demands on his time was unable to do so. I then put together an edition which, although late, did bring things up-to-date. We are therefore still short of an editor and as Nicholas, our outgoing chairman, has stated more than once we desperately need some more volunteers for this task. On that note some good news is that I have had two applications for committee and we have a new Webmaster, Robert Chatwin, who is working closely with John Potter (New Zealand) to update and refresh the website.

Finally I feel I must apologise for the work I have not done and for the opportunities I feel I may have missed. The position I hold with FACT is an important one and worthy of someone who could give much more time to it. For most of the time I find I fit the task into my life which I feel is simply not good enough. It deserves a more full-on academic approach which I am unable to give due to my other commitments. I strive to do my best and have been willing and passionate in attitude to keep FACT functioning and active. It is a demanding role and is on my mind each and every day. I am still fighting my own battle against the injustice which befell me 21 years ago, this takes time and is draining on the

emotions as one relives the devastation it caused. It does mean that I can understand and empathise very easily with those who seek help today and who are going through the trauma of false allegations. Having been there and suffered the consequences of justice naivety, I am still sometimes shocked to read of the effects this moral crusade to clear the nation of suspected abuse perpetrators, without investigation or evidence, is still having on individuals and families.

FACT does need a full time crusader to apply continual pressure wherever it can and to liaise and support those who are still being wrongly accused. The country is in a state of panic and disruption, all over we hear of safeguarding measures and a level of suspicion towards any good work carried out with children. It is going to take years to bring back any kind of normality and trust and in the meantime organisations such as FACT will be needed even more.

STOP PRESS

At the next **FACT committee** it is proposed to launch an alliance group. Not another organisation but a representative group from made up from other organisations against false allegations. The purpose of this will be to concentrate on campaigning to have the law changed and greater PR.

FACT COMMITTEE AND CONFERENCE MEETINGS 16/17

12 November	Committee Room 3	11.00am
28 th January	Committee Room 3	11.00am
25 th March	Committee Room 3	11.00am
13th May	Conference Main Hall	10.30am
24 th June	Committee Room 3	11.00am
30 th September	AGM (to be confirmed)	

All the above will held at St Luke's Church & Conference Centre

SAD NEWS

At the time of formatting this Newsletter we are saddened to hear the news that a long time FACT member and campaigner has died. Jim Hepburn collapsed and died whilst attending a 'United Action Against Injustice Conference' in Liverpool on the 8th October. Jim will be missed by us all. Our thoughts and prayers go out to his family.

**The Deadline for the next issue of FACTion is
31st January, 2016.
Email: editor@faction.news**

Conference Address by Stuart and Katy Kerner.

Stuart and Katy Kerner gave a moving overview describing the torment they have both endured at the hands of a false accuser since January 2013. While they pointed out that this account was far from exhaustive, it nevertheless amply demonstrated just how easily false allegations can comprehensively destroy the lives of happy families.

Despite massive adverse media interest in the case, especially in January 2015 when it appeared on the front pages of half a dozen national newspapers and was discussed on numerous television and radio programmes, this was the first time Stuart and Katy had been given the opportunity to set the record straight and to tell the story from their point of view.

Stuart and Katy described how they had met while both at King's College London in 1992 studying Theology, before embarking on very successful careers in teaching - clocking up 40 years experience between them, with future success beckoning as school leaders. That was before Stuart was sent home on 'gardening leave' in January 2013.

Stuart was an assistant Headteacher at a large comprehensive school in Bexley, South London when he was falsely accused of Abuse of Trust for having an alleged long-term affair with a 16-year-old pupil. Despite a total lack of actual evidence Stuart was convicted of two counts, but acquitted on the remaining six.

These allegations emerged at the height of the moral panic and media hysteria surrounding Jimmy Savile; when Operation Yewtree was in full swing and the Jeremy Forrester affair still fresh in people's minds. The high watermark of Police and CPS enthusiasm for 'believing victims', when guidelines and policies were being revised to further erode the principles of evidence and the words of liars became sacrosanct - when the Police began in earnest to find 'evidence' to fit the 'crime'. As Katy noted "I knew they were not acting as impartial investigators of the facts, but rather as judge and jury and it was a conviction that was important to them, not the truth."

Stuart also pointed out: "It was clear there was no foundation to these allegations, no evidence of anything ever taking place and moreover, accusations were being made by a girl who was known to be a liar and a fantasist, and had already made various unfounded and malicious allegations about others before." However,

in spite of this, the Metropolitan Police perpetrated numerous falsehoods and fabrications in pursuit of a conviction. Proper investigations were never undertaken and important leads that might have cleared him were never followed up. The alleged importance of innocuous details were inflated and embroidered to fill the gaping void of real evidence.

In addition to the Police's own bad faith, they also connived with his employer in order to further advance their crusade: they wanted another notch of their truncheons; while the Academy wanted to get rid of a PR embarrassment. Consequently they employed various underhand tactics: they tried to suspend Stuart on no pay; they tried to 'frustrate' his contract; they began disciplinary 'investigations' to find any pretext to dismiss him – and all before he had even been charged with anything. He was damaged goods and they wanted rid of him as soon as possible. It was only through the sterling work of the NAHT that their plans were frustrated.

After spending eight months on bail, Stuart was charged in August 2013 – even to the apparent surprise of the Police officer in charge of the case. At this point the Police made a point of disseminating the story far and wide and Stuart and Katy's descent into a media frenzy began in earnest. They recounted how they were forced to flee with their seven-year-old son to relatives to avoid the glare of the press, how the local papers wildly misreported the facts of the case, painting Stuart in the worst possible light (libellously stating that he had been charged with 13 offences against 13 13-year-olds) and the resultant discrimination the family suffered at the hands of, among others, the Scouts Association, the Local Authority and parents at their son's school.

Stuart's trial was not held for another 15-months, during which time they described the further indignities, setbacks and obstacles they faced. Changes to Legal Aid meant the choice of representation was sorely restricted and yet they still had to pay £15,000 for the privilege; Stuart's original solicitor was closed down by the SRA the week before his original trial date in March 2014 resulting in a further agonising delay of eight months before the trial. They were especially critical of a justice system that favours the wealthy, but condemns ordinary people to second-rate

representation and leaves them at the mercy of the inefficient, inept and corrupt courts.

There were no actual witnesses at the trial, no one that had seen or heard anything that the Crown was alleging had happened. Almost without exception all the so-called witnesses – defence and prosecution - confirmed that Stuart's accuser was an habitual liar and blatant fantasist, with a troubled home life and narcissistic tendencies; all of them attested to his good character; none of the things they had been told by his accuser appeared to match and there were glaringly different accounts given which contradicted each other entirely.

During the course of the trial it emerged that Stuart's accuser had access to offices where he left his belongings, and it was patently obvious that all her supposed privileged knowledge of him could easily have been gleaned from illicitly trawling his possessions. She was clearly a stalker, who by her own admission was obsessed with Stuart.

She claimed she kept a diary and would put a smiley face on a day when she said she and Stuart had been intimate. She claimed it was contemporaneous, however, what she could not explain was why every entry was in exactly the same pen, why she kept two versions, or why some entries in one diary had been scrubbed out to match those in the other.

More outrageously she could also not explain why in the last week of the trial it suddenly emerged that on one of the days she cited she was actually in Spain – having been taken out of school dishonestly by her mother on the pretext of a fabricated illness. As a result, after both the Prosecution and Defence had closed their cases and before the Judge's summing up the accuser was sensationally recalled to explain this discrepancy. She had no answer and for a moment under cross-examination everyone thought she might actually confess to her duplicity.

In their speech, Stuart and Katy's disdain for the jury system was also evident when they described how seemingly everybody present in court, from the Judge, to the reporters, to even the Academy's own representative all appeared to expect a not guilty verdict on all counts. The case against Stuart had been largely

demolished and the Judge could not have made it any clearer by stating that the accuser was not a "credible witness". In her summing up she drew out the many discrepancies, errors and inconsistencies in the prosecution's case. The prosecution lawyer congratulated the defence on such a positive summing up. One of the journalists present said "well, that was a car crash – how long before this is thrown out?" Other waiting journalists, expecting an acquittal, had also asked him if Stuart and Katy would be making a statement when it was all over. The Academy's representative stated in a memo that he could not see how the jury could convict on the basis of the evidence he had witnessed and that to the outside world it would look like they had dismissed an innocent man.

The case against
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clearer

Of course, things did not go well. After previously saying she would not accept a majority verdict the Judge changed her mind at around 4pm on a Friday afternoon because it seemed she thought the two counts they couldn't decide on would be 'not guilty' so wanted to get the whole matter resolved quickly after three long weeks.

The jury returned a majority verdict of guilty.

With sentencing delayed until January 2015, Stuart and Katy described the agony of that Christmas with the future even less certain than before. How the probation service wrote a damning Pre-sentencing report based more on the prevailing zeitgeist than the case presented in court, leading the Judge to make her now infamous 'grooming' comment which sent Stuart and Katy hurtling into a major media storm of opprobrium, scorn and contempt.

The couple were the subject of discussion (mostly negative, often rabid) in most newspapers, as well as wall-to-wall coverage on television and radio all day: LBC, Radio 5Live, Radio 4, Radio 2, Loose Women, This Morning, Question Time, and just about every news programme.

They not only denounced Stuart and the Judge, but also turned their attention to Katy: typically Stuart's convictions coincided with the Department for Education's enforcement of the draconian disqualification by association ruling. The press

Conference Address by Stuart and Katy Kerner *continued*

decided to stake out their house in what had become a full-blown witch-hunt.

With the embargo placed upon Stuart and Katy by the appeal that had been lodged straight after the verdict, they were forced to remain completely silent. So the Press simply made things up to suit their particular brand of outrage, bile and indignation.

Stuart and Katy had to wait a further 15 months for this appeal, and despite being led to believe the outcome might be positive and address the issues surrounding 'lurking doubt', it turned out to be a total charade designed to simply stress the Lord Chief Justice's unshakable faith in the jury system.

Stuart and Katy again alluded to the discrimination the criminal justice system shows towards those who, like them, cannot afford justice, when they described how they have new evidence and hope to apply to the CCRC, but simply cannot pay a lawyer, when they are struggling to keep a roof over their heads.

Stuart has been unable to secure even voluntary work as he is now, in his own words "a total pariah...(with) the modern mark of Cain..." Despite his extensive skills set developed over 20 years in education, he is now virtually unemployable due to the prejudice he now faces because of his criminal record. He discussed how when he applied to the Royal British Legion as a volunteer to conduct mock employment interviews with ex-soldiers he was quickly told that he could not as they were deemed to be 'vulnerable adults'. Similarly when he offered to run a 10K race in support of the Howard League for Penal Reform he was tartly informed that

they had 'googled' him and that 'his sort' might bring them into disrepute.

Stuart and Katy finished their speech by denouncing the current outlook of a society that is apparently content to simply dump talented people on the rubbish heap with no chance of rehabilitation; that pays thousands to false accusers, but leaves the falsely accused and their families in penury.

Stuart and Katy's speech clearly moved many in the audience, some of whom were reduced to tears as they connected their own terrible experiences with the story of this couple's nightmare at the hands of the current criminal justice system. They ended by exhorting all those affected by false allegations to unite in a concerted effort to advance the fundamental issues of justice and truth: putting them back onto the agenda against money-grabbing lawyers and sensation seeking newspapers, concluding with these words by William Faulkner:

"Never be afraid to raise your voice for honesty and truth and compassion against injustice and lying and greed. If people all over the world would do this, it would change the earth."

The full text of Stuart and Katy's speech can be downloaded at FACT website, www.factuk.org and follow the link on the front page.



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Members Account of Court Expenses and legal Costs for the Falsely Accused

Since our acquittal in March 2016 we have spent 4 months chasing the expenses that the judge ordered that we could claim, and our solicitors have applied for the equivalent of what legal aid costs would have been if they had been awarded. None of this information is easily available, so we think this short note may help people who are in the same situation as us. **Keep receipts for everything you spend.**

Since the abolition of the *Defendant's Cost Order* in 2012, there are new sets of rules about how privately paying acquitted defendants (who have been refused legal aid) can get some of their costs and expenses back. The most important thing is that **Immediately on being found not guilty your barrister applies to the judge for your expenses and costs to be awarded** (so the judge still makes a defendant's cost order), and should also ask for these **to cover your appearances in magistrates' court**. If the latter is not done, you will not get legal costs re this, but you can claim for expenses to the magistrates' court separately.

Expenses

Your out of pocket expenses can be reclaimed using an ordinary witness expenses claim form which you can get from the Crown Court office.

We claimed for a taxi back home from the custody suite as it was nowhere near any public transport, and we had no money with us (as advised on arrest at home). They paid this.

Mileage: mileage from home to court, to meetings with your solicitor and barrister, to police stations for bail surrender, can all be claimed. There are 2 rates: the basic one is 25p per mile, but if you have comprehensive car insurance it is 45p per mile (no one tells you this, so claim 45p and scan/copy a copy of your insurance and attach to the application).

Motorway tolls were paid

Subsistence is paid at £26 per person per day

Hotel expenses are paid to a maximum of £65 per person per night. Only one night is allowed for every day in court (so we were expected to drive 280 miles to court, book a hotel to be in court at 9 in the morning, and even if only released at 5, so then drive 280 miles home!)

2nd class Train fares are fully covered

The cost of evidence letters, such as a letter from the GP, are not covered.

Your Witnesses

Your witnesses **of fact** can claim expenses on the same rates as above, but **not** character witnesses.

Legal Costs



If you have been turned down for legal aid by both the magistrates' and crown courts, you seem to be able to claim a proportion of your legal costs, but these are paid at the equivalent of legal aid rates. There is a form 5911 which must be submitted by your solicitor within 3 months of the date that the court made the costs order (probably the date you were acquitted). (Link below)

I cannot work out how our barrister's costs were calculated, but the following rates apply to solicitors:

Reading disclosures: £48.36 per hour

Preparing bail applications: £48.36 per hour

Attendance at court

where a barrister is Instructed: £38.55 per hour

Travel: 45 p per mile

Travel time: £22.58 per hour

Waiting time in court: £22.58 per hour

Letters, faxes. E-mails etc: £3.15 per item

Parking: covered.

You can see why legal aid firms are disappearing!

AMQQ

<https://www.gov.uk/government/publications/apply-for-criminal-court-costs-from-central-funds-form-5911>

The English Language and the Law

Dr. Jeremy Dunning-Davies.

Introduction.

Every day seems to bring more stories and revelations which have, amongst others, the effect of weakening the confidence of the man in the street in our forces of law and order. By this I do not mean only the police but the entire justice system. One troubling aspect is that many of these problems arise because of either a lack of knowledge of, or a lack of understanding of, words in our own language. A typical example, encountered almost every day in advertisements, involves the word 'accident'. The word means 'an event that is without apparent cause, or is unexpected' or 'an unfortunate event, especially one causing physical harm or damage, brought about unintentionally'. In other words, a true accident is an occurrence which could not attract any compensation. However, how often is each and every one of us disturbed by a telephone call concerned with obtaining compensation for us for an accident of which no-one, except the caller, has heard. Even if such an event had happened, if it was a true accident, it could not by definition be liable for compensation. That would not seem, though, to be the interpretation imposed by some legal firms.

The word 'believe'.

In the issue of the Sunday Times for 22nd November 2015, a very interesting article by Mr. James Gillespie appeared under the heading '300 VIP's accused of child sex abuse'. Apparently, this figure was revealed by the police chief in charge of coordinating the relevant investigations. This senior figure was named as Mr Simon Bailey, the chief constable of Norfolk and commander of Operation Hydrant which is overseeing inquiries into the allegations of historical child abuse in various institutions or by prominent people. It emerged also that Mr Bailey is apparently compiling new guidelines to be issued to officers on how to handle witnesses and alleged offenders. Unfortunately, Mr Bailey, in referring to these proposed new guidelines, claimed that they would insist that, when alleged victims came forward, they should be believed. Here we meet for the first time one of the big problems facing some of our top officials – a lack of understanding of words in the English language. According to the Oxford English Dictionary, the word 'believe' as used in the present context means 'accept as true or as conveying the truth'. As such, no investigating officer should either

believe or disbelieve any allegation. The officer's duty is to listen to any allegation with an open mind, to record details and then investigate the situation to determine the validity of the original allegation. Any other course of action is, and should be, deemed unacceptable. It is unfortunate for our country and all who live in it if people in positions of influence such as Mr Bailey don't recognise and understand this.

Mr Bailey goes on to insist that the police are correct in believing witnesses, claiming that, if you are a victim of crime, you would expect to be believed. This could well contain an element of truth in some instances but again it must be emphasised that it is not the job of the police to believe or disbelieve. Their job is to assemble the actual facts and discover the whole truth. Again Mr Bailey has failed to understand the meaning of a fairly simple word in the English language. Moreover, he goes on to claim that believing an allegation doesn't mean there is then blind faith in the allegation and the police don't examine evidence and seek corroboration. Unfortunately, in too many cases, the follow-up to these believed allegations is to seek corroboration – not to examine everything with a truly open mind before reaching a conclusion. He further claimed the police fully understood the impact on people and their families who were accused. He admits such people should not be named but his whole attitude reveals that he has no idea of the impact on those falsely accused and hounded by intellectually challenged officers intent on gaining a conviction at all costs in order to advance their own career. This, of course, can go so far as to pressure people to plead guilty in order to receive a lesser sentence. Mr Bailey then proceeds to claim that 'it is on very, very rare occasions that it transpires a malicious complaint has been made'. One would be intrigued to hear his evidence for this very obviously fallacious claim. Certainly, in the cases of teachers being accused, his claim is incorrect and such allegations will continue, and will continue to dissuade people from entering the teaching profession, until those guilty of making false allegations are made fully aware of their actions and that such actions have consequences. At present, if you say anything along these lines to people in authority, they throw up their hands in horror and almost froth at the mouth at the very thought of reprimanding these young liars. One might wonder why this should be so because any

reasonably minded person would concede that perjury and wasting police time are two offences which cross most age barriers. It is not necessary to inflict serious punishment on offenders but they should be made aware in court that their actions were wrong and carry consequences

“Accusers will be believed”



In recent times we've heard the claim by senior police officers on more than one occasion that alleged victims should come forward because they will be believed. One occasion followed the emergence of allegations against the late Sir Edward Heath. In my view, the senior officer concerned there, together with Mr Bailey and others who have made similar claims in public, should be relieved of their duties immediately. If their understanding of such simple language is so appalling, they have no place in high public office, especially high-ranking police positions, in this country.

Following on from this, it must be remembered that most of us have been brought up in the belief that, under British law, a person is innocent until proven guilty and then he must be proven guilty beyond reasonable doubt. It seems that is becoming less so and, if the recently retired Director of Public Prosecutions, Mr Keir Starmer, has his way this latter restriction will be watered down to 'on the balance of probabilities', but what does this mean? I suppose the most high profile recent case concerns Jimmy Savile and, even there, whatever has been claimed in the media, not even one allegation has been tested in a Court of Law and so, there has actually been no judicial conviction. However, we are led to believe there have been several hundred allegations and so, one assumes that, according to Mr Starmer, Jimmy Savile must be guilty on the balance of probabilities. Would the same conclusion be reached if there had been just one hundred allegations?... or fifty?...or 10? What is the break-even point because there must be one? No; this is a very dangerous suggestion which, I fear, has not been thought through properly, if at all. Be that as it may, it is a suggestion which should be consigned to the dustbin immediately.

Accusers are being paid compensation before their claims are tested in court.

The word 'bribe'.

It is fairly easy to remember situations in the past where criminal trials have been either adjourned or, in extreme cases, abandoned due to witnesses or jury members being bribed with money or otherwise intimidated. It is also clearly within living memory to recall situations where the testimony of potential witnesses has been excluded because the said witness was found to either have been paid before the trial, or due to be paid after the trial, largish sums of money to give their story to the press. Few can doubt the legitimacy of these actions if we are to have any sort of true justice in our legal system. However, is this still the case today? Before answering this question, recall that in the recent case of the prosecution of a very well-known celebrity for sexual indiscretions, one major witness, whose testimony was allowed, admitted long before the trial that she was due to be paid a very large sum of money for her story once the trial was concluded. This alone must raise the question of whether or not that particular celebrity received a fair trial. This is not to even contemplate whether or not the said celebrity was guilty as charged but merely to comment on an unsavoury aspect of the trial where a major witness could be said to have, in a sense, accepted a bribe. Hence, the answer to the above question would appear to be 'No'.

Possibly even more disturbing is the fact that the Criminal Injuries Compensation Authority (CICA) admits to paying compensation in some cases of sexual assault before the trial of the alleged assailant has taken place. Furthermore, the said authority guarantees the recipient lifetime anonymity, regardless of the eventual outcome of the trial. Surely this might be viewed as a government body 'bribing' a witness to testify in a criminal trial? It is also important to realise that, because of the guarantee of anonymity, the defence in any trial would be unaware of this payment. This is all particularly pertinent in cases where under-age girls make accusations against teachers. Often these allegations are made to remove a good teacher, who believes in discipline, from the classroom of those who do not wish to work. On the other hand, it may simply be

because the girl in question feels the teacher wasn't paying her enough attention. The reasons are often trivial and there is little doubt that, in some cases, the girls concerned would draw back when it comes to appearing in court and making the allegations officially but, if 'compensation' has been received, the chances of the accuser retracting her malicious statement must be reduced. Of course, these girls are allowed to give their evidence via a camera link to the court while they sit in comfort being coaxed by 'concerned' officials. It must be asked if these allegations would ever even get to court if the 'compensation' hadn't been paid in advance. It is also worrying that, when these cases are concluded and the teacher acquitted, as so many are because the allegations were always known to be untrue, these accusers walk away without a word of reprimand. At the end of the day, these people have committed perjury and have wasted police time. They should be made aware that they have violated these two laws even if they are not punished any further, although any compensation paid in advance should be recovered. Also, they should be forced to appear in person in court to receive this admonishment from the judge in front of the acquitted teacher whose life and probably career will have been ruined. It might be noted that officialdom views this latter point with horror. Why? Have these officials no notion of justice? The accepted line is that such action might put others off reporting incidents but surely that is partly the point; true allegations would receive no comeback but would appear more credible to all – especially juries – if these teenage liars were made truly aware of the fact that it is they who have broken the law, not the poor unfortunate accused whose life has been ruined.

Many of the above points are valid for rape cases as well. The current view being promoted by various people that there are not enough convictions for rape in this country is extremely dangerous. If rape is proved, the perpetrator should be punished appropriately but only after rape has been proved beyond reasonable doubt. Note that the proof should be beyond reasonable doubt *not* on the balance of probabilities. The present view being put forward by such as Directors of Public Prosecutions must be resisted in the interests of justice and again it must be recognised that false allegations actually reduce the chances of a successful prosecution in genuine cases. Liars do no-one any good ever.

Cases of historical abuse.

These days, much of the media coverage seems to be concerned with cases of so-called historical abuse; that is, with cases occurring as early as the 60's and 70's of the last century. For most of the cases it is undoubtedly true that, if the allegations are valid, crimes have been committed but is it all as simple as that? The short answer to that question is quite definitely 'No'. This is because of the accepted attitude of society as a whole at the time of the alleged offences. It always was illegal to have sexual relations with under-age girls but, back in the 60's in the age of flower power and 'free love', that law was conveniently ignored by both society and, possibly more importantly, by those in positions of authority. That was the age when young girls did follow pop stars and swoon over them if not actually offer themselves to them. Was this right? No; it certainly wasn't but anyone who questioned such actions was regarded as an unmitigated prude who was backward thinking and not up to really enjoying life. This period was also that of the so-called 'director's couch' when rumour had it that some attractive young women gained acting roles for services rendered on the director's couch. How true this was is immaterial. The fact is that it was the attitude of society at the time that this was an acceptable form of behaviour.

It seems totally hypocritical, therefore, for that same

pursuing elderly men
with a fervour reminiscent of
the witch hunters of yesteryear

establishment which condoned these actions at the time they occurred to be now pursuing elderly men with a fervour reminiscent of the witch hunters of yesteryear for actions deemed acceptable when they occurred. That is, of course, if they did occur. If the accused does not plead guilty to any of these charges of historical abuse, it is difficult to see how that person can be found guilty beyond reasonable doubt. In fact, the real truth is that such a verdict would be impossible to reach. This allegation is supported not just by common sense but also by reviewing some verdicts in such cases. Verdicts of guilty have been brought in when the accuser failed to remember even the year in which the alleged offence took place, only being able to recall that it was between two actual years and

occurred in a particular place. The fact that it was shown that the accused had not even been in that place in the time interval specified carried no weight, although it seems impossible to see why this should be the case. In recent years, we've also witnessed a successful prosecution which to the outside observer looked suspiciously like a case of a 'director's couch' situation where the young lady concerned didn't achieve what she'd hoped for by her actions. As with the cases alluded to above, I'm one of those fuddy-duddies who never condoned such behaviour but, remembering the actual time well, I also remember that my views were totally contrary to those of society at the time. Let us remember again that by 'society at the time' is meant all levels of that society so that many of the people then in the elevated positions of those carrying out the present day witch hunts were also condoning the behaviour. It is not difficult to remember the abuse levelled at the Yorkshire judge, Judge Pickles, concerning remarks he made about the provocative behaviour of some young people appearing before him. Basically, he too was in the eyes of some an old fuddy-duddy and that view was seemingly echoed by at least some of his fellow judges who, if memory serves me correctly, failed to support their outspoken colleague. But rather castigated him for his outspoken language.

Cases such as those alluded to only serve to lessen the public's faith in all aspects of our legal system. Were there cases of genuine sexual abuse committed in the middle years of the last century? I'm sure there were. Were there many such cases? Possibly. However, personally I'm equally certain there were nowhere near as many cases as some would have us believe but the fact is that our legal establishment which includes police, lawyers and judges must reform itself and quickly if the country is to retain, or possibly even regain, any faith in our once envied legal system. At present, partially due to this lack of precision when using the English language – the *first* language of those concerned – many members of the public are losing their faith in British justice, if they still have any!

Some concluding thoughts.

In conclusion, it might be noted that many of these remarks attract an added degree of relevance in view of the present judicial review into so-called cases of historical sex abuse. It is to be hoped the said investigation will be conducted with truly open minds and not

be fooled into believing all stories told purely because all 'alleged victims must be believed'. It should be remembered that it is never acceptable to satisfy the baying hounds demanding a pre-conceived outcome to any investigation simply because their latest cause is currently in vogue. It is to be hoped also that, whatever the outcome, this enquiry will see the end of the affair. This mustn't be yet another case where the published findings attract protest because they aren't what some vociferous people desire. Neither must there be even the slightest hint that the views of those vociferous few have influenced the results of the enquiry in any way. Preliminary comments suggest that some of those under investigation are already dead. Hence, such people will not be able to present any defence. As such, it is difficult to see how any such person can be found guilty *beyond reasonable doubt* of anything. It is to be hoped, therefore, that such persons will be afforded the same degree of anonymity as CICA now affords people who have been proved liars in a court. This will be an extremely difficult task for the chairman of the enquiry, Justice Lowell Goddard*, but it is one which must be faced and achieved.

*N.B. The above article was written before Justice Lowell Goddard resigned on 4th August, 2016.

About the author.

Dr. Jeremy Dunning-Davies was born in 1941 in Glamorgan, the son of a primary school headmaster. He was appointed to the Applied Mathematics Department of Hull University in 1966, becoming a senior lecturer in 1981. In 2002, he transferred to the Physics Department at Hull before retiring in 2008.

Works include: *Mathematical Methods for Mathematicians, Physical Scientists and Engineers* (Ellis Horwood, 1982); *Concise Thermodynamics* (Albion Publishing, 1996,2007); *Exploding a Myth* (Horwood Publishing, 2007); and about 200 articles mainly on thermodynamics and its applications, particularly in astrophysics but including previous articles that appeared in issues of *The Individual*.

The Bryn Alyn Seven and Operation Pallial: one Guilty verdict and 30 Not Guilty's

Disclaimer: The following account is from an insider in connection with Operation Pallial who wishes to remain anonymous. We are obligated to protect our source of information and the views expressed and details given are those obtained by FACT and reflect the general opinion that in this case as in many others important documents which could establish fact from fiction are often never disclosed.

Seven former care staff at the Bryn Alyn Community Home with Education faced allegations from the former children they had worked with going back over 40 years, and have been tried over the past 2 years. In addition to the 31 counts of child cruelty that they went to court for, in 5 separate trials, many of them were initially arrested for other accusations, usually much more serious, including gross sexual allegations, which were subsequently dropped. They all spent over a year on uncharged bail (18 months in 2 cases), and then around another year before their case came to court. Those in work were suspended, and in some cases lost their jobs as time went on, taking massive hits on future planned lifetime savings and pensions. Several were denied legal aid, running up costs of up to £50,000 each.

But for the fact that, between them, they were represented by just 2 firms of solicitors (Chris Saltrese and Mark Newby), and shared the same barristers, much of the information that was crucial to their defence would not have been known, as it only came out in the earlier trials. This included

- The possession by the police and the CPS of over 2700 documents from the Bryn Alyn archive, which the prosecution claimed had been destroyed in a fire at a Pickford's warehouse. It was only, in the second trial, when the then company secretary gave evidence on oath that he had provided the police with many boxes of archive material before the fire, that the police and prosecution admitted they held it and reluctantly had to disclose some of this (including staff records, internal inquiry documents, internal policy documents, medical records etc).
- The existence of a secret Facebook site set up by accusers in the same week that David Cameron set up Operation Pallial, on which over 90 former residents shared accusations, asked for help from each other, sought descriptions of staff they were accusing etc. it was only when one of the accusers disclosed during his evidence in the third trial that he had

set this up that the police/prosecution had to disclose material from the site. They had previously claimed that they had no knowledge of any social media contact between accusers, but material on the site showed that the police were providing advice to the controllers of the site and using it to elicit trawling allegations and advice people to be careful what they said on the site.

In all the cases, disclosure was a major issue, with the CPS often disclosing masses of material just a few days before the trial started, or even *during* the trial. Police officers complained when giving evidence about having to follow up requests from the defence for disclosure. In one case, where material was sought by the defence from the former residents care file (held by the local authority), the police went to a local counselling project to view the selected bits of his care file that the accuser had given to them, and said the requested material did not exist, and it was only a further demand that they went to the source of the file that produced the material that did exist.

**Police showed no interest
in investigating information
given to them by those accused.**

In all the cases, the police showed no interest in investigating information given to them by those accused, so key former colleagues and other witnesses who would have disproved the accusations were not contacted, having to be called by the defence at trial. Likely links between accusers were ignored, such as contact with each other in prison or on social media or at meetings of former residents. Previous compensation payments to the accusers were also ignored, including published Court of Appeal decisions. Several defendants were contacted by the national and local media **before** they were charged, leaving them feeling unsafe in their homes.

Some of the cases got to court despite, in one case, the accuser not being able to describe or name the person the police had arrested and charged (so thrown out on day 2 by the judge after 18 months on bail); or the accusation being made 2 years before the staff members even went to work there or live in the area. The one guilty verdict seems bizarre: the person faced 8 very similar charges, and was found not guilty on the other 7. Needless to say, this has had more impact on him than all the not guiltys. One person was arrested for an almost identical allegation for which he had been found not guilty a decade earlier, but in this case the accuser was a different gender and knew the other accuser. Thankfully, some honest former residents came forward as witnesses to challenge the image of Bryn Alyn being portrayed by the accusers, instead describing the community and staff as supportive, caring and helpful, providing continuing support for them ever since.

In court, when giving evidence in one of the trials, the Senior Investigating Officer for Operation Pallial admitted that he had not read the Waterhouse report, was unfamiliar with the IPCC Gullane report (into very similar allegations at St Williams Community Home with Education), which set out 400 recommendations on how historic abuse allegations in care homes should be conducted, and was unaware of the House of Commons Home Affairs Committee 2002 report into false accusations against care staff.

The consequences for those falsely accused, and their families and friends, has been enormous, in addition to the financial issues mentioned above. Many have had anxiety-related health problems and had issues with their nerves. For many, sleeping was only possible with prescribed medication. One partner gave up her job. Several have been shunned by friends and former colleagues who they only got to know years after they had left Bryn Alyn, though others have found current employers really supportive. It certainly helps you realise who your true friends are.

Member

FACT UK



Justice Perverted

Guilty the word rang out
The jury had no doubt
Belief in all the lies
Not one met my eyes
Having heard my proof
No one discerned the truth
Now sent down for time
To do for an absent crime
To me justice denied
Unjust reward for those who lied
So in this cell
I now dwell
Justice inverted, now perverted
Truth resides in me
Yet failed to keep me free.

Written recently by
a wrongly convicted victim

The Case for Change

For some years the fact that innocent people are routinely convicted of an abuse offence they did not commit has in many ways been tolerated by society and the courts. This travesty of justice which ruins the lives of not just the individual but also their families needs much more consideration than has ever been given before. There is now sufficient evidence from several case history's and research show that serious miscarriages of justice have taken place and that in some cases the results have as well as being very tragic have been life ending.

In the past it has been stated by professionals involved, both the police and the prosecution service that while it is sad that the innocent get caught up in the trawling net which has been cast to scoop up offenders, overall the ends do justify the means and we need to live with the fact that there will be innocent casualties. It has also been pointed out that everyone has the right to appeal and that our justice system is such that no one who is innocent will be wrongly punished. This is not the case however and still year after year innocent people are being targeted by those seeking to profit or gain revenge by pointing the finger of abuse at a vulnerable adult from their past. There are several motives for this some of which were published in a 2012 paper by Jessica Engle and William O'Donoghue and mentioned in Barbara Hewsons Justice Gap article. They suggested 11 pathways to false allegations of sexual assault. These are:

- Lying;
- Implied consent;
- False memories;
- Intoxication;
- Antisocial personality disorder;
- Borderline personality disorder;
- Histrionic personality disorder;
- Delirium;
- Psychotic disorders;
- Dissociation; and
- Intellectual disability.

Not to mention the biggest lure of all the openly flaunted compensation which is advertised monthly by some solicitors in Prison times.

The police do not investigate complaints other than to take what is said to them as truth and then go on to seek more evidence to support their suspicions. As Sir Cliff Richard recently put it " they hung me out as live

bait" . This of course encourages other spurious allegations from which the police can choose the more plausible ones. Those who make them being protected by the laws of anonymity In the nineties the practice of trawling was in full swing. Institutions of all kinds though care homes were the favourite were targeted with litigation solicitors who would offer the lure of big amounts of compensation to those who could come with a feasible story which could be manufactured into an abuse allegation. This worked so well that it was run throughout the country and as well as securing convictions for the guilty the innocent were also accused and taken through the system. This has still not ended. Solicitors are still trawling for potential victims and offering compensation to potential complainants. One only has to get a copy of the national prison newspaper to see the large advertisements published and paid for by experienced legal firms offering financial payouts to those who may be able to claim abuse many years ago. This works and those solicitors who have been doing this for some time now have reaped the benefits in their own financial rewards when they take their percentage of the payouts. They are not motivated by good will or helping victims emotionally their sole aim is to make money at whatever costs. There are now many old people in the twilight of their years suffering and indeed dying in prison as a result of this practice.

Such is the epidemic and lure for financial gain that false accusations are becoming the norm and it only needs one to recall the recent celebrity which hunt and the one amongst MP's which have been highly publicised to realise that this practice must finish. The recent media coverage of the cases where no prosecution has been brought or the judge has thrown the case out of court should raise alarms that an immediate change in the law is required to filter out fictitious claims and cease the devastation caused to innocent individuals and their families. Does anyone ever realise the real consequences of a false allegation, more to the point does anyone care? We are creating more victims when his happens? Children are being taken into care and separated from their families, in many cases it can be their grandparent who becomes a needless victim who finds themselves in court trusting in a courtroom justice system which is no longer fit for purpose in these cases.

During the first week of January 2016 the Daily Mail reported on the plight of service men and ex service men who are being taken to court and hounded over their role in recent conflicts. These soldiers are now at the mercy of similar litigation solicitors who trawled care intuitions in the nineties. These solicitors have been actively seeking victims of war who are being offered compensation. This action was seemingly ok with MOD who have been funding and investigations and then paying out compensation to claimants for Iraq and Afghanistan. The Mail commented on two days running that this was against the solicitors' code of conduct to actively seek, or encourage the making of victims. Ironically he same newspaper in the previous year was quick to condemn individuals who had been named as possible abusers by those who are lured into making a historical sexual abuse complaint and seeking the benefit of the substantial compensation. The then Prime Minister, David Cameron, made it clear he deplored this action upon our brave soldiers, what a pity he does not recall his time on the Home Affairs Select Committee when he also outlawed the practice of trawling and flawed investigations which led to the conviction of innocent victims of false allegations.

The word victim is quickly given to anyone making a complaint

The word victim is quickly given to anyone making a complaint albeit 30/40 years later. Another description used is 'survivor of abuse'. Both these terms so quickly given indicate immediately that they are fully believed and the person named by them is guilty long before any investigation and/or trial. This remember is often without evidence or corroboration. One major problem for those innocent of abuse is of course the fact that many may well trust our justice system. This is a wrong stance to take. The system is not fit to try these cases in the current climate and much more needs to be done to alert the public from were juries are selected that there are many innocent victims being accused and it is not always the complainant who is in the wrong. Things will not get any better until;

1. Police are compelled to investigate fully the complainant as well as the accused

2. There is anonymity for the accused until proved guilty
3. Financial compensation is removed and replaced with counselling and other therapy funding.
4. There is equality in the court room where defendants who claim innocence can have the facilities of specialist lawyers.
5. A statute of limitations is made law to bring us in line with other European Countries.
6. The reversal of the development in the law which took place in 1991 using the similar fact principle, which made it for the first time relatively easy to obtain convictions on the basis of multiple uncorroborated allegations, all of which might be false.

BH

WARNING

We have a member who is currently investigating a company which claims to take care and help those suffering from false allegations of abuse. This company advertises on the internet and FACT ask that you be cautious of any company who says that they specialise in false allegations and refer to themselves as a "legal enquiry agents" who state they have offices in London and Cardiff. We know of three families who have had serious complaints against these individuals and suspect there are other people out there with similar experiences.

People have had several thousands of pounds taken from them with little or no result.

FACT is happy to hear of any complaints to pass these on to the member who is building up an evidence base of this company. Please contact FACT by post or email.

Be prepared!

by Jenni Watson

Advocate for teachers and others facing allegations of misconduct.

For eighteen years I have been representing teachers, in particular, in Employment Tribunals in England and Wales, regularly dealing with the kinds of false allegations against them that can result in unfair dismissal. The anguish of isolation and perceived betrayal by the employer frequently makes these teachers very ill indeed. Even where teachers have been found not guilty or a criminal case has been dropped by CPS, for “*insufficient evidence*”, dismissal comes as a sickening second blow to those who, already traumatised but expecting a welcome return to work and professional esteem, find that their employer demands the impossible: *categorical proof of innocence*. [1]

This demand is attributable to several factors:

- ~ Erroneous belief that children alleging abuse never lie;
- ~ Perceived need to demonstrate revulsion at child abuse;
- ~ Naïve exaggeration of ‘safeguarding issues’;
- ~ Confusion among governing bodies about their disciplinary role;
- ~ Failure to follow guidance designed to protect employees during investigation;
- ~ ‘Moral panic’ driven by celebrity investigations.

These cause investigators to be less objective, leading often to unfairness, and unjust dismissal.

So what can be done?

The remedy provided by statute is the *Employment Tribunal* and the bringing of a case against the employer. It is cathartic to see such folk as investigators, local authority officers, governors and school leaders attempting to defend their behaviour to an incredulous judge for whom the concept of ‘natural justice’ is ingrained.

The problem with bringing a case is the *cost* of doing so. These cases are won on meticulous analysis of detail, taking many hours of professional time to prepare. This requires specialised knowledge of the law, both in education and in employment, as well as of the rapidly-developing laws and procedures for protecting children from abuse. Specialists don’t come cheap, and

a case might well cost over £20,000. Most folk don’t have £20,000 available to use, particularly at a time when, because of the sudden loss of regular income, what funds they have in the bank are needed to protect their family and for everyday living.

This impediment to bringing a case is compounded by the *recent costs* regime at Employment Tribunals. Fees are payable at two stages: that of lodging the case and again just before it goes to hearing. If you have anything in the bank at all it is difficult to obtain the remission of fees that, theoretically, is available. This extra financial burden discourages many from daring to apply to the Employment Tribunal.

The good news, however, and the reason for this article, is to spread the news that there is a low-cost expedient, namely *legal expenses insurance*.

The first question I ask when contacted by a teacher in distress is “*Do you have a ‘home contents’ insurance policy?*” The second is “*Have you checked whether it contains a section entitled ‘legal expenses?’*” So often the person has a policy but has not realised the presence in it of that section. Likewise, when talking to student teachers and the like I emphasise the necessity of having insurance in place for the eventuality that their personal apple goes pear-shaped and that their union chooses not to bring a case for them.

Prices for home contents insurance vary but the ‘add on’ of *legal expenses insurance* is usually only around £15 a year - a very small amount to pay for the benefit that may be derived from it. Of course, you cannot buy insurance after the relevant catastrophe has begun so, normally, it has to have been in place at least 90 days before a claim. (There are ‘after the event’ insurance policies, but these are much more expensive.)

Before accepting liability under the policy the insurer will need to be sure that your case has a 51% or more chance of success. Sometimes they have a barrister assess the case or, sometimes, their own staff will assess your papers. Either way your written case needs to be well presented and in chronological order. If this hurdle is overcome (and mostly it is, but sometimes after a protracted battle), then by way of a

Statutory Instrument [2] and a European Directive [3] the insurer is **obliged to appoint the person that you want to represent you**. Your case can then go ahead and the costs will be covered up to the limit of the indemnity (usually £50,000)

The benefits are incalculable for someone who has lost everything and can see no other way to obtain a fair remedy.

My message is this: **get insured and do it now!**

The process is not without occasional difficulties but an experienced representative will readily deal with these.

Jenni Watson, Advocate.

[1] This is a special case of the philosophical logic which says that, outside of mathematics-like systems, you *cannot prove a negative*.

[2] Optional: suggest you specify the Stat. Instr. in question.

[3] Ditto the EU directive.

Editorial note: FACT is offering no opinion about the writers services but would endorse the insurance encouragement

Wanted Wanted Wanted

Emma Burt of the University of Oxford is conducting doctoral research into the prison experience and coping mechanisms of those claiming wrongful conviction. She is looking for current prisoners who are seeking to overturn their conviction to take part in her study and has asked FACT whether any of our readers might be interested in becoming involved.

The research aims to understand the lives and experiences of prisoners claiming wrongful conviction and find out about the consequences that these claims can have. If you take part you will be asked to write an account of your experiences. A list of headings / questions will be provided to guide you, although there will be plenty of space for you to tell your own story in your own way. These questions will relate to attitudes, relationships, coping strategies and issues related to fairness and justice.

A stamped addressed envelope for you to send your accounts will also be provided. All information will be kept strictly confidential once it is received, although mail may be read when leaving the prison. Please remember that this is a research study and Emma will not be able to offer legal advice or represent participants in any way.

In order to take part, participants –

1. Must be current prisoners claiming wrongful conviction in England or Wales and
2. Must have applied, or be in the process of applying, to the Criminal Cases Review Commission (CCRC). This application must be for a review of the conviction you are currently imprisoned for, and not a review about the length of sentence.

If you would like to take part, or know of someone who may be interested in taking part, please contact Emma via post at

Emma Burt, Centre for Criminology,
Manor Road Building, Manor Road,
Oxford, OX1 3UQ

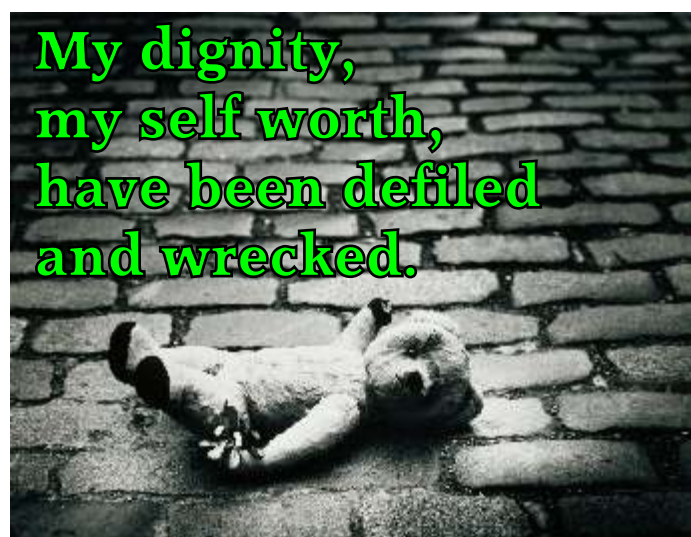
or via email at emma.burt@crim.ox.ac.uk

LIVING IN THE SHADOWS

Revisited in the wake of the Oxford Research 'Victims Voices' publication

On the 1st November 2016.

21 years, 3 months and 10 days have passed living in the shadows. What of life now that over 20 years of constant persecution have passed? How does one separate the self from one's ambitions, dreams, hopes and natural intent? How does one keep one's talents and gifts submerged, one's desires and aspiration controlled? 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 admission it had got the better of you. No we fight it, we pretend sometimes and try to forget, but at the end of each day the same fact remains, I am just another day older with another dose of the poison which eats away the heart and mind.



I have counteracted this decline in various ways. I have prayed, I give to others, I work, I have a business but the fact still remains that tonight, as in the past 7,774 days, my being, my self, my dignity and self worth have been defiled and wrecked.

Sounds a bit drastic? Then consider this 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 for both and raise monies to support the 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. A man who to this day has not one condemnatory, bad or evil word said against him by any of the thousands of young lives to whom he had access. Imagine now this man being accused of sexual misconduct by a handful of delinquent adults some years later. Being the subject of accusations which bore no resemblance to the person. Accusations which would eventually lead to his unjust incarceration following a trial where a jury would find him guilty of half the accusations because half the accusers were found to be lying and their word could not be believed. But like many juries they felt they had to bring something out of the trial, why else were they there amidst the plethora of media panic and hysteria to clear the country of these offenders? The devastation and the character assassination hit like an express train. Depression and great sadness hit deep, yet there was hope. The community supported him. No blemishes were uncovered, no skeletons in the cupboard: a clean bill of health, a whiter-than-white result from all investigations. Solicitors promised to clear his name, journalists gave their support; his neighbours, friends and several community citizens proclaimed his innocence and wrongful conviction. He had hope and support but the law, not justice, had the last word. Not only was there a prison sentence but a new more sinister wrongful punishment was heading his way. The Sex Offender Register. This continual and prolonged life commitment to scrutiny, reporting and the reminding of the lewd and false allegations was to go on forever. This was both unimaginable and unnecessary.

But a little more optimism seemed to be on the rise. An early release from his sentence provoked more hope. The Home Office had no cause to keep him incarcerated anymore. It appeared at last as though some justice was about to be administered. It would not be long now to the point where a solicitor could put together an appeal, the truth of his innocence would be known. In the meantime he was free to pick up the pieces of his shattered life, present himself back to his community, to his church, to his friends. What lay

ahead however was hidden; the curse of more torment was close at hand.

It has been a long haul these last 18 years, impossible to put the past behind because of the continued Sex Offenders Register requirements which are 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 feel like a full UK citizen ever again. The requirements of the 2003 amendments to the Sex Offenders Register brought further despair when they arrived by registered post. I was sickened by the further restrictions placed upon me and those in a similar situation; I cannot really find the words to fully describe how this has left me feeling. It is like a psychological torture, I have pictures and thoughts in my head of child protection groups inventing as many means as possible to cause lifelong mental pain, anguish and in-convenience for all those with a conviction for a sexual offence. I agree entirely that known serious offenders need monitoring and, like most others, 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 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 at least 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 that 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. There is no end to this, the younger you are the more visits you will make and future years will no doubt bring further restrictions and conditions. Not only must one go to the Police on an annual basis but also when 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 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 to incur a small sentence for the fairy tale 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 when the only release from the torment of the register and suspicion will be death. It is a life sentence in every sense of the word and one where life means life. There was going to be hope however. The Supreme Court ruled that those on the SOR can be given the right to appeal against their lifetime sentence under Section 8 of European Convention on Human Rights. This ruling however is subject to the approval of the Chief Constable of the applicant's area force and it is clear now that several police authorities seem to be rejecting the initial applications, mine included, even though I subjected myself to a £2,000.00 full psychological assessment and forensic psychiatric report neither of which reflected any risk greater than the average man in the street. The fact I had been assessed put me in a clearer situation than the average man who is not assessed, yet the force rejected the application without giving proper justified reason. I also know 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.


Five years ago I was made aware of another requirement the police want from me and others, that of informing them of those friends whose children have babies. In the last 3 years one of those friends was sought out by my police supervising officer and asked if I had contact with her son and subsequently his new-born 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. The same has happened for my Goddaughter who also has had a child. I have kept away for several 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 she would stand to lose her job and her private family life. The fact is she adores me, her Godfather, 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 am not prepared any longer to have cosy chats with the police liaisons about my lifestyle and friends simply because this new

initiative by them would probably at some stage include everyone I know.

I have never been able to work out the motivations and thinking which promotes 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 up-standing individuals. The machine which has driven the scare, claiming adults who have been marred with an assault charge whether true or false, has been very successful in changing our society for the worse. It has taken over common sense and made every adult a potential abuser. In fact the premise from which any investigation starts is that all adults working with children and adults must have some form of ulterior motive, usually of a sexual nature. It is from this standpoint that they start and thus they allow their deviant and brain-washed minds to come up with all manner of legislation and rules. This has gradually crept into society until everyone is either suspicious or suspected.

Accused of sexual offence

“It is hopeless
you are truly condemned....”



....it will stain
you for ever”

It is hopeless, you are truly condemned if you should unfortunately be accused of any sexual offence: it will stain you forever. My experience as ‘the man’ in this story has had severe effects. Many are not always obvious to others for I, like many others, will do my best to disguise the daily trauma. I am the Great Pretender. There is simply no way that one can come to terms with it. The damage this can do to one’s beliefs, to one’s self-confidence, and to one’s life in general is beyond reckoning. It is my belief that many of us falsely

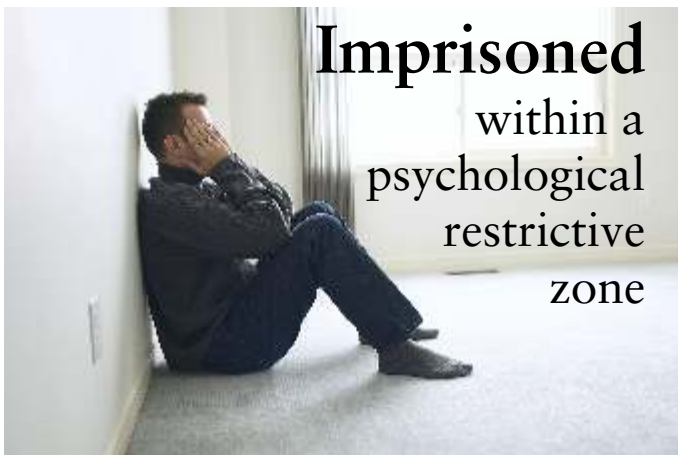
accused have had to become amateur thespians, I say this because we put on the performance of our lives in order to try to maintain some sane level of existing and not to burden others. Those who, like me, have been wrongly imprisoned will know precisely what I mean when I refer to the hidden damage which has been done to us. Damage which is done not just by wrongful imprisonment, after all anyone can make a mistake, but damage also done through the stain and stigma of sexual abuse, which permeates our body and mind like black dye dropped in a vessel of clean spring water. From the day this happens to us, we live as in a permanent eclipse. Hidden from us, for the rest of our lives, is the full light and warmth of the society and social system which was previously our living fuel.

Leaving prison through parole or completion of an unjust sentence is a great relief. All those months one has spent developing coping strategies, dreaming of the things one will do in the future and longing for the return to normality come to an end and the exit from the huge double doors should mark the beginning of freedom. This is what I thought the day my parole came through; at last I could begin to try to put together my broken life. I could start to shake off the label and stigma of being classed as a sex offender. Better still I could continue to work on securing an appeal and clearing my name. Those were some of my thoughts that glorious day in April 1998. Some 18 and half years later I still await the feeling that I have done just one of these things. Oh yes, I enjoyed the initial utopia – eating proper food again, having money in my pocket, clothes of my own, being able to make a choice, feeling the wind on my face, and just having access to all the things that one normally takes for granted. It was brilliant, I recall feeling that I will never take anything for granted again. I will value each day of freedom, each breath I take because to be deprived of them taught me a lesson. I learned to value all I had once taken as being my right. What I didn’t expect however was how I would feel 18 years on from that moment. I did not realise what living would be like with a conviction, I did not realise how much I was going to suffer.

Before the onset of my false allegation I was probably similar to several others who have suffered the same fate. I was self-confident, active, held down a responsible and rewarding job, was well-liked, well thought of and had a bright and optimistic outlook. I had friend-

ships and relationships which I valued and which I was sure would last for life. Health problems were few and far between, and I genuinely believed that because I lived an honest life I did not have anything to fear from the law of this country. Today the self-confidence is almost non-existent, I have experienced health problems, optimism is at an all-time low and I do a job which is not of my choosing. I am free from the hell of prison. However, the question I ask is 'have I freedom?' The answer, I think not.

now buried and 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. There is no escaping the net of unworthiness, we just hide it. Any outpouring would be considered self pity so it is hidden, 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. The end summing is up is simple to explain, one dies inside the minute an accusation is made and nothing and no one will ever bring that person back to full life again



A wrongly accused victim
September 2016

Freedom, you see, suggests the ability to make a choice, to be able to make a choice on an equal basis with others' liberty, and independence. This, however, is not the case for anyone who has a conviction for a sexual offence. Unlike other convictions, this type of offence carries with it the mandatory life sentence mentioned earlier, a life sentence which imprisons the individual within a psychological and restrictive zone enforced by the conditions of the 'Sex Offenders Register'. A restrictive zone which carries with it feelings of paranoia, of unworthiness, and bewilderment. It is like fighting a battle with both arms and legs bound together, given no opportunity to defend oneself nor attack the foe. Yes, some of us learn to live with that; others, well they have not done so well. In some cases their lives, or the lives of their loved ones, have been brought to a premature end, their departure from this world accelerated no doubt through the deterioration in health inevitably brought on by the pressures of living with the stress resultant from a false allegation. 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 self-esteem, once high and vibrant, is

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Too Much, Too Late

By Terry Philpot

The Government's inquiry into sexual abuse of children – initiated by the Prime Minister when she was Home Secretary – is in yet more disarray after the loss of its leading counsel. Here, Terry Philpot, author of *Understanding Child Abuse* (Routledge, 2009) makes the case for 'killing off' the inquiry in order to create 'something discrete, elegant, practical, cheaper and useful'.

Please spare a thought for Professor Alexis Jay. She is not only the fourth chairwoman of the Independent Inquiry into Child Sexual Abuse, but, only a few weeks into her new job, Ben Emmerson QC, counsel to the inquiry, has resigned after a suspension over "concerns" about his leadership of the team.

This followed the resignation of Elizabeth Prochaska, the junior counsel, a couple of weeks earlier. And, no sooner had Jay got her feet under the table than one group of sexual abuse survivors, who were in care at Lambeth's now closed Shirley Oaks Care Home, announced that they would be withdrawing their cooperation. Why? Because the new chairwoman is a social worker and, as social workers are deeply implicated in the failures in, and allegations about, child abuse, she has a supposed conflict of interest. Leaving aside that this might apply to any one of a number of professionals, it is insulting to Jay who chaired the inquiry into abuse in Rotherham without any such objections.

Two of her predecessors stepped aside because of claims of conflicts of interest, orchestrated by survivors: Baroness Butler-Sloss' long-dead brother, Baron Havers, was a former attorney general; Dame Fiona Woolf (not obviously well qualified anyway, as a corporate lawyer) had dined with Lord Brittan, who was subject to

scurrilous rumours about abuse (although rumours were the only "evidence" against him).

From Butler-Sloss' six-day tenure, the inquiry has been plagued by disputes and allegations. Jay's accession might have been a new start to keep an inherently flawed project going – no matter what – but her predecessor, the third chairwoman, New Zealand High Court Judge Dame Lowell Goddard, sent a memo in August to the Commons Home Affairs Select Committee articulating perfectly what most people refuse to recognise: this is an unworkable and likely unproductive indulgence by people who think "something must be done" but have no idea what that might be.



Dame Lowell, who resigned in August, sees the inquiry as having "a boundless compass" with an "inherent problem" of size, and is concerned with matters that "do not fit within the single inquiry model". (All this was known, of course, before she took over.) She believes it should now look at current events

with "a major focus on the present and future protection of children".

The inquiry has no less than 13 investigations – into the Catholic and Anglican Churches, local authorities, custodial institutions, residential schools, internet abuse and organised networks and, of course, the long-running allegations about an alleged paedophile ring at Westminster. Its budget was £17.9 million in its first year and, as Dame Lowell puts it, it has "no built-in time parameters". It has yet to hear its first witness.

The inquiry's investigation into the Labour peer, Greville Janner, who died in December last year, having never faced a criminal trial, alone shows how unwieldy and labyrinthine this all is. That investigation will include looking at Leicestershire County Council, a number of care homes, the police, the Crown Prosecution Service, the Labour Party, and the security and intelligence agencies, "and others".

Last year, there were 47,000 sexual offences against children and 3,000 children were identified as being in need of protection from sexual abuse. Most of these children were abused by someone they knew – a parent, a relative, sometimes a teacher. This is not within the Jay remit, which is largely about institutional abuse, where, undoubtedly, terrible things have happened.

The revelations about Jimmy Savile caused a whole raft of consequent allegations. The issue gained great prominence, ironically, owing to the nonsensical claims put about by the Labour deputy leader Tom Watson and others about “clear intelligence” that there was a paedophile ring at Westminster.

Former Home Secretary Leon Brittan, former Prime Minister Sir Edward Heath, Conservative MP Harvey Proctor, former Conservative Party treasurer Lord McAlpine, former head of the British Armed Forces Lord Bramall and others have all had their reputations besmirched, some by stories perpetrated by a proven fantasist, over-indulged by the police, known as “Nick”, who eventually withdrew his claims.

Not the least allegation was that three boys had been murdered in an exclusive Pimlico apartment block by prominent people, though no one was reported missing and no bodies were ever found.

Accusations against well-known people are only the latest of the “fashions” that have bedevilled policy on child abuse. Like now disproven ritual abuse and false memory syndrome, these are less smokescreens to hide the truth, more props that some of those who have alleged harm grab at, when frustrated that their voices are not heard. Rolf Harris, Gary Glitter and Max Clifford may be in prison, but Cliff Richard, Paul Gambaccini, William Roache and others have paid a heavy price for false accusations.

So what can Jay offer victims? Not justice because most of the institutions closed years ago and many of the alleged perpetrators are dead – and more will be by the time the inquiry ends in an estimated 10 years. The inquiry is not, in any case, a criminal court and it is doubtful whether, by its nature, it will gather the kind of evidence that would warrant prosecution.

As Lord Macdonald, the former Director of Public Prosecutions, has said, this is an attempt at “mass therapy on a grotesque scale”. They will have no Hillsborough or Bloody Sunday catharsis. And what justice, too, for those conceivably defamed in death?

Children are being abused now by fathers (and sometimes mothers), uncles and neighbours. The inquiry will offer no lessons about that. As for institutional abuse, we know a lot already from other inquiries, such as that into abuse at care homes in North Wales.

If what we know as a result of painful experience needs bringing together in coherent form, two or three people of Jay’s standing could analyse what has been learned, and why it has not always been acted on. (There are dozens of reports on family abuse, going back to the first inquiry of modern times, into the death of Maria Colwell in 1973.) Such an exercise could be augmented perhaps by taking testimony from a dozen or so people. A clear list of guidelines could then be issued.

This is not about Dame Lowell’s “refocusing” the present flabby, lumbering elephantine body. It is about killing that off as the bad idea it always was. It means creating something discrete, elegant, practical, cheaper – and useful.

Editor’s note: This a shortened version of Terry Philpot’s article that was published in the *The Tablet* on 8th August, 2016 and is reproduced here with kind permission of the publisher.





The Perfect Scapegoat by Jessie Kyd, published by Silverwood Books, is the true story of a naive twenty-year-old girl unwittingly caught up in an investigation into alleged child sexual abuse.

Jessie has spent almost five years working for a busy family with three children. Overnight her world is shattered when one of the children is suspected of having been sexually abused, and questions are being asked. From this moment on Jessie's life will never be the same again. She is caught up in a distressing police investigation and the devastation worsens with the involvement of the social services. Jessie soon realises that she is faced with an extremely serious and potentially life-changing situation.

The Perfect Scapegoat tells Jessie's very personal and at times heart-wrenching account of the abuse investigation and her struggle for many years after to fight for justice and a normal life.

About the Author

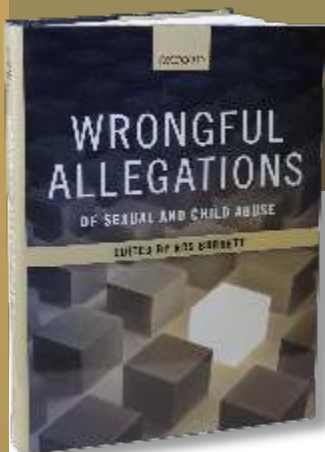
Jessie Kyd is one of the founder members of a nationwide organisation set up to support people who have experienced false allegations of abuse. After several years spent abroad, Jessie has now returned to the UK and currently lives in rural England with her family and various animals. She is hoping to continue her newfound love of writing, while continuing to help others who have been affected by false abuse allegations.

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PRESUMED GUILTY

Forthcoming Book by **Simon Warr**

**This book presents a balanced look at
the most emotive topic of our time; historical allegations.**

Since the Savile allegations in late 2012 – some of them true, some embellished and some, no doubt, fabricated – we are faced with a firestorm of historical child abuse allegations. Active encouragement is being given to adults who claim to remember, from even a half century ago, any inappropriate behaviour which took place by a teacher or carer and, to quote the former DPP, Keir Starmer, ‘these complainants must be believed’.

On 18th December 2012, at precisely 7:15am, Simon Warr was arrested at his home following historical allegations of child abuse. The complainant was unknown to Mr Warr; he had been a pupil at a school where he had taught briefly thirty years previously. Even though there was not a shred of evidence to support the complainant’s allegation, and subsequently that of his close friend, Mr Warr was kept on bail for nine months before being charged and then had to wait a further thirteen months for his case to go to trial, only for a jury to return a unanimous verdict of Not Guilty on all charges almost immediately.

In ‘Presumed Guilty’ Simon Warr recounts the horrendous ordeal that he had to endure for the 672 days he spent on bail. During this time he lost his career, his community, his reputation, a number of so-called friends and, of course, his peace of mind. At his lowest point, he even considered suicide. Simon Warr believes that in its determination to believe *all* historical allegations, the child protection movement is betraying the very people it seeks to protect.

PRESUMED GUILTY will be published by **Biteback Publishing** in January, 2017

Also Supporting Victims of False Allegations

We are happy to introduce other organisations, where you may find additional information / support:

accused.me.uk - www.accused.me.uk

The *Accused Me* organisation help link you with others and provide advice if you are going through rape allegations. They also campaign to improve the investigation and detection of sexual crimes in the UK.

F.A.H.S.A - Falsely Accused of Historic Sex Abuse - <http://www.falselyaccusedhsa.co.uk>

Until 2 years ago, my husband and I believed in British justice. We assumed that the fundamental principle of justice - innocent until proven guilty - was enshrined in British Law, but how wrong were we.

B.F.M.S. - British False Memory Association - www.bfms.org.uk

False memory is the phenomenon in which a person is convinced a memory is true when it is not. It was first postulated and diagnosed more than 100 years ago. More recently, clinical evidence suggests it is more widespread than had previously been appreciated. Contact: Kevin Felsted - 0161 285 2583

S.A.F.A.R.I. - Supporting All Falsely Accused With Reference Information. <http://safari-uk.org/>

SAFARI provide powerful and positive information that is likely to be of use to those who are in a position to make necessary changes in the UK’s investigative and judicial systems, those who have been affected by false accusations (including the family & friends of victims) and those who have suffered from being pressurised into making false accusations.

F.A.S.O. - False Allegations Support Organisation - www.false-allegations.org.uk

A voluntary organisation that offers clear information, practical advice, and emotional support to anyone affected by false allegation of abuse. Contact - Margaret - 0844 335 1992

YOU CAN HELP

FACT is a not-for-profit organisation founded more than 16 years ago and is 100% run by volunteers

Due to attitudes and changes in the law we are moving further away from the precept of innocent until proven guilty. Add to this a zero risk tolerance in employment and we find ourselves being called upon more and more to support those who have been falsely accused of abuse when working in positions of trust (including volunteers) who are maintaining their innocence or have been cleared. As an organisations we need more volunteers to help us respond to these calls for help and to enable us to provide first class support to the victims of false allegations and their families, as well as to seek changes to reverse that increase. We need skills and experience across a broad range of areas. Many of our volunteers bring with them skills and training they have gained through their careers and previous volunteering, or from their own personal experience of the devastating effects of false allegation and who want to use this to help others.

We do not provide legal assistance or attempt to influence the outcome of a case, instead we provide information, practical support and comfort during a very difficult time when the victim can feel very much on their own, vulnerable and shunned by society. Many of the effects of false allegations last for life.

Whilst FACT is a UK based organisation we recognise a spread of the problem worldwide and are often contacted from abroad.



How You Can Help?

- MEMBERSHIP:** If you aren't already, become a member.
- WEBSITE:** Website design. Sourcing and adding news and information
- TWITTER:** Managing and writing
- MARKETING/COMMUNICATIONS:** Producing leaflets, Producing PowerPoint presentations, Producing Pod Casts and audio recordings at conferences
- WRITING:** For website,
For FACTION
Preparing responses to government consultations
Open letters & press releases representing FACT'S opinion to governments and media
- EMAIL SUPPORT:** Supporting individuals by email
- RESEARCH:** Find out about a topic and keep our knowledge up to date i.e. DBS, employment law, parliament, Issues in other counties
- FUNDRAISING:** Writing grant applications. Finding funding sources
- VOLUNTEER COORDINATOR:** Supportingvolunteers. Training and recruitment
- MANAGEMENT/COMMITTEE:**

These are not the only ways of helping.
If you would like further information please see inside front page for contact details.