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New research on the experiences of the falsely accused

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Two significant pieces of groundbreaking research were published recently, on the experiences of the falsely accused. "The Impact of Being Wrongly Accused of Abuse in Positions of Trust: Victims' Voices" is published by the Centre for Criminology at Oxford University. Its authors are Professor Carolyn Hoyle, Naomi-Ellen Speechley, and Dr Ros Burnett. The other, "The Impact of Unproven Allegations on Foster Carers," is by Gillian Plumridge and Judy Sebba, of the Rees Centre for Research in Fostering and Education.

The Hoyle Report

Both studies highlight the severe problems that wrongful or unproven allegations of abuse can cause to those accused. The first study examined the experiences of a number of members of FACT (Falsely Accused Carers and Teachers). FACT is a charity set up in the early 1990s, as a result of the Welsh care homes scandal, to support carers accused of historical abuse. Lest it be thought that the problem of false accusations is not widespread, it is worth noting that a 2015 survey by the Association of Teachers and Lecturers of 685 members found that 22% of teachers were the subjects of false allegations.

The Introduction to this 66-page study contains a careful analysis of the origins of historic abuse accusations, and how the criminal justice system has evolved in response, in ways that often have proved inimical to the interests of accused persons. In 2002, the Home Affairs Select Committee recognised that victims of false accusations represented a discrete category of miscarriages of justice. But its findings were forgotten in the more recent moral panic that erupted in the United Kingdom over allegations of "VIP" and "celebrity" abuse, following the Savile scandal in 2012. It looks as though history has been repeating itself, notably following media-driven sensational claims about paedophile "rings".

The authors carefully explain how false allegations may be generated. They consider the prevailing cultural discourse about sexual predators (the use of the word "predator" is itself revealing), and their alleged victims. The drive to not let victims down has given rise to the risk that innocent people may be presumed guilty. Worse, it can generate founded accusations. "In an abuse conscious society," the authors say, "people may incorrectly remember or interpret events as abusive or erroneously attribute abuse they suffered to the wrong person".

People may exaggerate a non-criminal event so that it is perceived as criminal, and may sometimes even make a deliberately false allegation. However, the authors stress that they are not claiming all false allegations are made with deliberate ill intent. "Indeed, we consider it likely that many untrue allegations are instead constructed through therapy, retrospective reflection or rumour, or through the suggestibility of some witnesses during investigative interview."

The authors make no apology for their victimological perspective on the predicament of the falsely accused. They used strict selection criteria to recruit the participants, who were FACT members, including insisting that only those were not charged, or who were acquitted (including on appeal) were

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included. Their cohort was, but for one, individual who had been able to rebut the allegations early on. The authors treat these participants as “legally innocent”. The authors interviewed 30 FACT members and also held a focus group meeting.

A useful section of the Report is the Literature Review in Chapter 2, which tracks the problems that arose with the care homes cases in the 1990s, including the use of trawling by the police, the potential for witness contamination which this creates, and widespread contact between police and personal injury law firms who were gathering clients for large scale civil actions against those allegedly responsible for abuse, including by adverts in prisons. Another problem was the changing approach to allegations of “similar facts” in *DPP v P* (1991) and *DPP v H* (1994). In deciding whether to admit a series of similar allegations, a judge is required to assume that the allegations are all true.

The participants’ accounts of their experiences, both short- and long-term, fell into two main categories: emotional distress, and financial damage. The distress was intensified, given the massive stigma of the “paedophile” label. Participants reported long-term effects, including paranoia and anxiety, hyper-vigilance or antagonism, and personality changes. One said: “I’ve never forgotten it; it’s as if it only happened yesterday.....I am not the same person physically or mentally.” Another said: “I feel totally burnt out and seem to have lost a lot of my mental sharpness and critical thinking abilities. I no longer read the papers.” Almost all expressed a clear loss of faith in the justice system, particularly the police: “an overwhelming sense of anger and betrayal emerged.”

Thirteen objected to the use of the word “victim” which the police used to describe the complainant, as they felt this was prejudicial. Over a third developed an uncharacteristic belligerence or hostility, persistently seeking answers from authorities. Nine rejected altruism, out of fear of further allegations. Eight reported suicidal thoughts, and sixteen developed depression. The knock-on effects for family members were also significant. One man said: “my family had to keep a low profile as people were now calling me a paedophile.” Those with children or grandchildren also had to suffer the pain of restricted, or supervised access, whilst investigations were carried out.

It is standard practice, where a carer or teacher faces an allegation of abuse for their employer to suspend them. Eight participants expressed unhappiness at the lack of support from their employers. Even after the allegation was dropped, problems continued. A police report, even where no action is taken, will be shown up in enhanced CRB checks which against standard for those wishing to work with children or vulnerable adults. This may in practice mean that future employment is withheld. In one case, a man whom a jury acquitted unanimously was later found “guilty” by the National College for Teaching and Leadership, which regulates teachers. He was then banned from teaching for life. Many participants expressed bitter feelings of loss at being prevented from pursuing their chosen vocation. However, on a more positive note, a majority found solace in helping others facing false allegations, through assisting with campaign work and support groups, which helped to provide a sense of solidarity.

The study did not ask participants how they felt about their accusers. However, nine volunteered that they bore them no ill will, preferring to blame processes, and other actors, such as the police. Seven complained that the media reinforced the “believe the victim” approach, and demonized accused persons in consequence. One participant had suffered arson attacks on her home.

The Rees Report

This 44-page report considers the position of foster carers. In March 2015, there were 44, 625 fostering households in England and Wales. 2, 420 allegations (58% physical, 19% emotional, 15% neglect and 8% sexual abuse). The authors posed questions to local authorities and independent fostering providers, and received 190 responses. In-depth structured interviews were carried out with foster carers from 30 families, 16 of whom worked for local authorities, and 14 for independent fostering agencies. The study found that 84% of foster carers continued to foster after an unfounded allegations.

The problems reported were broadly similar to the Hoyle Report: emotional and financial. Carers reported feeling shocked on hearing of the allegation, and also on finding that the system deemed them guilty until

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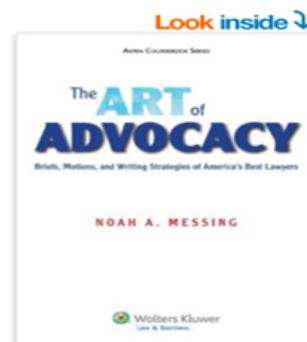
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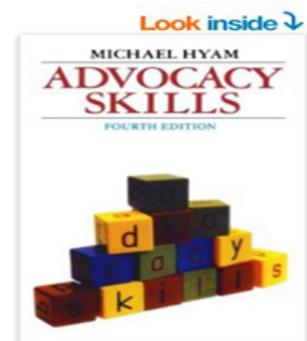
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