



The Impact of Being Wrongly Accused of Abuse in Occupations of Trust: Victims' Voices

Carolyn Hoyle, Naomi-Ellen Speechley, and Ros Burnett
University of Oxford Centre for Criminology

The Authors

Professor Carolyn Hoyle, Director of the University of Oxford Centre for Criminology, has expertise on victims in criminal justice and on various aspects of miscarriages of justice. She has recently completed an in-depth study of the Criminal Cases Review Commission (Hoyle and Sato, forthcoming).

Naomi-Ellen Speechley was a Research Assistant for Carolyn Hoyle's study of the Criminal Cases Review Commission, and Lead Researcher for the present project. She was formerly Manager of the Innocence Project at the University of Leeds, and is embarking on a doctorate focused on miscarriages of justice (Speechley, 2013; McCartney and Speechley, 2015).

Dr Ros Burnett, is a Research Associate, formerly a Reader in Criminology, at the University of Oxford Centre for Criminology. She has recently edited a book on '*Wrongful Allegations of Sexual and Child Abuse*' (Burnett, Oxford University Press, 2016 in press). She is a voluntary research consultant to FACT.

Acknowledgements and Declaration

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¹ FACT is a voluntary organisation established in 1999 to support people wrongly accused of abuse in occupational contexts. Website: <http://www.factuk.org/>

1: INTRODUCTION

Accusations of serious criminality, especially alleged sexual wrongdoing, are often their own convictions in the high court of public opinion because the stigma is so severe, and because definitively proving innocence in a disputed sex case often is impossible.

— (COTWA homepage)²

History is full of innocent men and women who have been sent to jail for crimes they did not commit. I am not too naïve to realise that it could easily have happened to me. Before my trial began, relatively few people could understand how a former care worker could possibly be facing more than 20 counts of physical and sexual abuse from four separate accusers, and claim he was innocent and that all the allegations were false. By the time the trial had collapsed, practically everyone knew the explanation.

— (Jones, 2011: 141)

1.1 Difficult Cases, Prone to Errors of Bias

Responses to alleged sexual offences or other physical abuse are prone to error in the absence of witnesses other than the complainant or corroborative forensic evidence. In cases where there is no such corroboration, police and prosecutors' decisions about the veracity of statements made by the accuser and the accused are likely to be influenced by the prevailing cultural discourse and consequent preconceptions about sexual predators and their alleged victims. In recent years, there has been some concern that allegations of sexual abuse, particularly non-recent abuse, have not received an appropriate response. Among politicians,³ criminal justice agencies⁴ and charities⁵ in the UK, there is a collective sense of remorse that reports of abuse were often not properly investigated and that those who reported it were often not believed. From this has emerged a new determination to correct past and prevent further injustices of this kind. For example, the Report of Her Majesty's Inspectorate of Constabulary (HMIC, 2013), *Mistakes Were Made*, recommended that each agency with a duty to safeguard children and vulnerable adults should implement regular and systematic checks to ensure they comply with relevant policies and that a system of mandatory reporting should be considered to ensure that those who become

² Community of the Wrongly Accused (COTWA) website: <http://www.cotwa.info/>

³ See, for example, the Home Secretary's 'Statement on Historic Allegations of Child Abuse in North Wales', November 6, 2012; <https://www.gov.uk/government/speeches/historic-allegations-of-child-abuse-in-north-wales-home-secretarys-statement-to-the-house-of-commons>

⁴ The Crown Prosecution Service revised its policy. See also, Starmer, K. (2013) 'The criminal justice response to child sexual abuse: time for a national consensus' CPS website, March 6th http://www.cps.gov.uk/news/articles/the_criminal_justice_response_to_child_sexual_abuse_-_time_for_a_national_consensus/index.html

⁵ See, for example, NSPCC current advice; <https://www.nspcc.org.uk/preventing-abuse/signs-symptoms-effects/non-recent-abuse/>

aware of evidence that a child has been or is being abused is under a legal obligation to notify their concerns to others.⁶

It is argued that for some years the benefit of any doubt is now more likely to be given to the accuser (Webster, 1998; Burnett, 2013). Even in cases where the evidence only consists of testimony from the alleged victim and is strongly rebutted by the alleged perpetrator, the moral imperative not to 'let down another victim' or to leave a possible sex offender free to cause further harm may be compelling (Webster, 1998; 2005). While this must, logically, reduce the chances of guilty persons avoiding prosecution ('false negatives'), it also risks increasing the likelihood of innocent people being presumed or found guilty ('false positives').

The reported prevalence of child abuse, rape and other sexual offences, both recent and historical, has risen steadily in recent years, reaching a new high in 2015, when rapes (34,741) and other sexual offences (68,873) were at the highest level recorded since the introduction of the National Crime Recording Standard in the year ending March 2003 (Office for National Statistics, 2016). According to Her Majesty's Inspectorate of Constabulary, the intense publicity afforded to inquiries such as Operation Yewtree, the investigation into alleged offences by the late disc jockey Jimmy Savile, has been responsible for part of the recorded increase (HMIC 2014).

In response, police have devoted more resources to investigating allegations of this kind. In September 2014, it was reported that a quarter of the Greater Manchester Police major incident detective team was working on cases of alleged historic abuse – a remarkable and indicative statistic (Scheerhout, 2014). But the dangers remain. In an abuse-conscious society, people may incorrectly remember or interpret events as abusive or erroneously attribute abuse they suffered to the wrong person. They may exaggerate a non-criminal incident so that it is perceived as criminal, and, in some cases, may intentionally make a false allegation. The risk now is that mistaken or dishonest allegations of child abuse or rape are more likely to be taken as true, unless there is objective evidence to invalidate the claim.⁷

It is apparent that for those wrongly accused the effects are likely to be devastating, even when allegations do not lead to criminal sanctions. Indeed, an unknown number of abuse allegations do not lead to police inquiries or criminal proceedings at all, and are not recorded as crimes. Nevertheless, they may have a substantial impact. Some allegations do not go beyond informal complaints, but they may still affect their subjects' employment or standing in the community. Others may be aired in employment tribunals or family courts,

⁶ <https://www.justiceinspectorates.gov.uk/hmic/media/review-into-allegations-and-intelligence-material-concerning-jimmy-savile.pdf>

⁷ Figures used by CPS (Levitt, 2013) to indicate the low prevalence of false allegation of sexual offences, refer to those where evidence refuting the allegation had come to light.

and even when they are not substantiated, their consequences may be severe. Finally, there are complaints which, though dealt with by the criminal process, end in acquittals or decisions by the Crown Prosecution Service to discontinue proceedings or to take 'no further action'. Here too, significant damage may be done to alleged 'perpetrators' in circumstances where there has been no finding of guilt.

The present study suggests that during and following all these processes, accused individuals and their families do indeed suffer enormously from the stigma and revulsion associated with sexual abuse, from the deprivations during the investigation and the lifelong suspicion (that they 'got away with it') that is likely to follow. It finds that even if such allegations do not lead to criminal proceedings, they are likely to have life-changing effects. Formal investigations, whether in a civil or criminal context, are harrowing for the accused person, and may result in immediate suspension from work and temporary restrictions on contact with children, and a record of having been reported and investigated, which can cause longer term damage to employment prospects and relationships.

For cases which result in a guilty verdict, the punishment will be a lengthy period of imprisonment. When a defendant continues to assert their innocence, there will be added deprivations and barriers against privileges and parole. The chances of a successful appeal are slim: if a crime did not take place and was alleged to have occurred in the distant past, there is little prospect of persuading the Court of Appeal to grant leave to appeal, or, later, of producing the 'fresh evidence or argument' necessary to persuade the Criminal Cases Review Commission (CCRC) to refer a conviction back to the Court of Appeal. Yet, as is demonstrated below, miscarriages of justice can and do occur in such cases. When allegations relate to events years or decades in the past, there is an increased likelihood of wrongful arrests and convictions.

1.2 Introduction to the project and report

Set against the background of a broad social discourse focused on prosecuting child abusers and sex offenders, one which recognises that victims of abuse need great courage to report crimes against them, it may seem perverse to shine a spotlight on the wrongly accused. Some claim that dwelling on them will drive victims back into the shadows for fear they will not be believed (Bindel, 2015, EAW, 2015). However, giving a voice to the falsely accused does not diminish lessons that can be learnt from victims of abuse.

In this report, we use the term 'falsely accused' interchangeably with 'wrongly accused'. We do not suggest that all false claims 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 interviews, and are believed by their authors to be true.

Both common law and the Human Rights Act assert the right to be considered innocent until proven guilty, and the present study is focused on those who are legally

innocent. Either they have not been charged; or charged but not prosecuted; or they have been prosecuted but were acquitted by a judge or jury; or, in one of our cases, they were convicted but later had their conviction quashed by the Court of Appeal. Those acquitted because of an abuse of process are not included. While there is no such thing as a legal finding of 'innocence', the quashing of their conviction based on evidence that introduced reasonable doubt about a prior guilty verdict returns them to the prior status of presumed innocent (Findley, 2011).⁸

Victims' voices and the power of narratives

Recent decades have seen an emerging body of research focused on crime victims and their perspectives (Hoyle, 2012; Bottoms and Roberts, 2010). The same period has witnessed a cultural shift towards believing allegations of abuse, and the presumption now is in favour of believing those who present as victims (CPS, 2013; Starmer, 2014). Indeed, some reports assert that victims' accounts are being accepted at face value as evidence of the guilt of the person accused (Gray and Watts, 2013) with little attempt to find corroborating evidence. This may have created a zero-sum game wherein being alert to the needs of those who claim to be victims of abuse has had the effect of overlooking those who are victims of wrongful allegations.

Within criminal justice processes the term victim is generally reserved for those who are recognised as victims of crime. However, some of those who have been wrongly accused of abuse regard themselves as fitting this category, and in their view, their accusers perverted the course of justice or wasted police time with deliberately fabricated allegations. Formally, they will not be regarded as victims except in those rare cases where the accuser is charged with 'wasting police time' or 'perverting the course of justice' (Levitt, 2013a). Nevertheless, many of those wrongly accused of these reviled offences do identify themselves as victims of a range of 'perpetrators'. These may include their accusers themselves; therapists who 'recover memories' and suggest that their client's problems were caused by repressed child abuse (Davis, 2005); the police; and personal injury lawyers who put out calls for claimants while promoting their services in pursuing compensation (Webster, 2005; Rose, 2016 in press). Ultimately, some will blame the state:

'Whether the result of willful, illegal conduct by state officials, implicit public pressure on and tunnel vision by police, an imbalance of resources in favor of the state, or sheer carelessness by investigators and prosecutors, wrongful convictions cause harm and produce victims. Exonerees' victimization continues after exoneration when the state fails to assist their reintegration efforts and recognize its responsibility in their wrongful convictions. [They can be understood as] victims of state-produced harms.' (Westervelt and Cook, 2010: 261)

A victimological perspective on the predicament of the falsely accused therefore seems appropriate, especially for those who were intentionally 'framed' or for those who were the victims of errors by state officials. In some cases, it may be that a crime of abuse did indeed occur, but was attributed to the wrong perpetrator. In such circumstances, the concept of

⁸ The desiderata for inclusion and exclusion is further discussed in Section 2 under the heading *Criteria for Inclusion*.

‘secondary victim’ applies to the wrongly accused as well as to relatives of the primary victims of abuse (Jenkins, 2013), and to regard them as such does not take away from the primary victim’s suffering (Davies, 2011).

The Independent Inquiry into Child Sexual Abuse (IICSA) has invited victims and survivors of child sexual abuse to share their experience with the Inquiry team, and advises that the information provided will feed into the ‘Truth Project’.⁹ Strong arguments are made for listening to victims of abuse regardless of the time that has elapsed and regardless of whether the accused person is alive or dead (Grayling, 2015). However, IICSA also intends to hear testimony from those who have been falsely accused, as its chair, Hon. Dame Lowell Goddard made clear in a statement in April 2016. Indeed, her statement refers to ‘the balance which must be struck between encouraging the reporting of child sexual abuse and protecting the rights of the accused.’¹⁰ The IICSA is likely to hear evidence similar to the data presented below.

Structure of the Report

Section 2 introduces wrongful allegations of historical abuse as an established genre of miscarriages of justice, and provides brief analysis of the cultural and institutional context in which wrongful allegations and convictions arise and their impact on victims. Section 3 describes the methodology employed to collect the data for the present study, including its aims and objectives; how participants were recruited; and ethical issues in relation to the criteria for inclusion and exclusion. Section 4 presents the results of the analysis in respect of participants who were accused but not charged with offences, or who were acquitted on the direction of the judge or found ‘not guilty’, or whose convictions were overturned on appeal. Section 5 discusses the findings and their implications, with proposals for how this research can inform our understanding about this largely neglected form of trauma.

⁹ ‘Share your experience’, IICSA website 31-07-2015. <<https://www.iicsa.org.uk/news-and-updates/share-your-experience>>

¹⁰ Statement from the Chair of the Enquiry, April 2016; <https://www.iicsa.org.uk/news/statement-chair-inquiry-april-2016>

2: LITERATURE REVIEW

2.1 An acknowledged genre of miscarriages of justice

The English criminal justice system was regarded as virtually infallible until the emergence in the late 1980s of high profile miscarriages of justice such as the cases of the Birmingham Six, the Guildford Four and Stefan Kiszko. Miscarriages of justice – whether by error or malfeasance – have thus become a recognised feature of the system, which the Court of Appeal and the Criminal Cases Review Commission seek to correct. The reasons for miscarriages of justice are multifarious (Walker and Starmer, 1999; Huff and Killias, 2013; Naughton, 2013). Some of the factors which can contribute to the conviction of an innocent person include: confirmatory bias in police and prosecution investigations; non-disclosure of exculpatory evidence; false confessions; dishonest or mistaken witnesses; inadequate legal defence; improper interventions or summing up by a judge; cognitive biases and prejudices of juries; and the influence of media reports and populist opinion on the decisions made by juries.

In a social climate where it is believed that certain crimes are rife and where there is a moral and political agenda to secure conviction for them, the dangers of miscarriages of justice are higher. It was in such conditions of disquiet – indeed, in conditions which constitute ‘moral panics’ (Cohen, 1972; Garland, 2005; Cree et al, 2015) – that a series of wrongful arrests and prosecutions occurred in the final decades of the last century in response to allegations of paedophile rings and organised child sexual abuse. Following similar scares in North America and other parts of the world, it became commonly believed that Satanic ritual abuse was occurring in some communities and in day care nurseries. Notable examples of supposed Satanic abuse emerged in the Orkney Islands and Nottingham, and it was only after many months that it became clear that no such ritual abuse had taken place (Thorpe et al., 1990; Clyde, 1992; La Fontaine, 1994)¹¹. An example of chimerical abuse at a nursery was the case of Shieldfield on Tyneside (Rozenberg, 2002). Finally, there was the Cleveland scandal, when a misleading diagnostic test based on so-called anal dilation led to the unjustified removal of dozens of children into local authority care (Butler-Sloss, 1988).

Of particular relevance to the present study are the investigations into the abuse of children in care and residential schools in North Wales and Northern England in the late 1990s. After some former staff were convicted of non-recent offences, there were widespread claims published in the media that abuse in such settings had been systemic, the work of ‘paedophile rings’ that sometimes ‘farmed out’ victims to outsiders (Sawyer,

¹¹ We acknowledge there were individual cases of child sexual abuse that sparked some of these scandals.

2012; Dobson, 2012; Tozer, 2013). According to Webster (2005), between January 1998 and May 2001, 34 of the 43 police forces in England and Wales undertook investigations of non-recent institutional child abuse. However, no organised paedophile rings in care homes were identified.¹²

February 2000 saw the publication of *Lost in Care*, the report of the judicial inquiry led by Sir Ronald Waterhouse into abuse in North Wales. On a BBC Newsnight programme that discussed the findings, Sir William Utting, the former Her Majesty's Chief Inspector of Social Work, commented: 'It may be that innocent people are being convicted, but we ought to be more worried about the guilty who might get away'. This baleful remark implied that the abuse of children, no matter how long ago, was such a serious matter that it merited a reversal of the legal principle of the presumption of innocence in order to increase the prospects of securing convictions.

In this first wave of historic abuse cases, some were prosecuted but acquitted and others mounted successful appeals. The football club manager, David Jones, who had earlier been a residential care worker on Merseyside, was one of those who were tried but acquitted. In his autobiography he wrote of the lasting psychological damage of being prosecuted for such an offence, even after the jury returned a verdict of not guilty:

'What those who sought to convict me did was take away something that I will never get back; my dignity. The whole experience felt like a dagger being continually stabbed through my heart. [...] What I can never correct is the period of my life that was wrecked by the most horrific allegations any loving father could possibly face.'

(Jones, 2011, p.221)

In the months he spent awaiting trial, he had been suspended from his position at Southampton FC, and feared he might never work again. Other cases of staff members and their families being traumatised by dawn raids, protracted periods on bail, or prosecutions and convictions which were later quashed on appeal, were reported by journalists and researchers. Figures obtained from the Association of Chiefs of Police show that by May 2001 police forces in England and Wales had received allegations from about 5,750 former residents of care homes. According to Webster (2005) at least 10,000 former residents of care homes had made complaints by the end of 2004, with between 7,000 and 9,000 care workers having had accusations made against them: 'Most of these care workers have not been charged with any offence, but many ... had their lives blighted by false allegations. And in the last 15 years, as many as a hundred may have been wrongly convicted.' (Webster 2005, p.550, and fn. 605).

Some of the families affected by these cases contacted their MPs. An All-Party Parliamentary Group for Abuse Investigations was set up, led by the MP Claire Curtis-Thomas. Meanwhile, the House of Commons Select Committee on Home Affairs conducted an inquiry of its own. Its report, *The Conduct of Investigations into Past Cases of Abuse in*

¹² The recent inquiry by Lady Justice Macur (2016) found no reason to question the findings of the Waterhouse Tribunal with regard to organised paedophile rings in care homes (Waterhouse, 2000). However, organised exploitation of vulnerable people in care and careleavers has been found in several UK cities, notably Rotherham (Jay, 2014).

Children's Homes (HASC, 2002), looked critically at the methods police used in seeking corroboration for victims' claims – that of 'trawling' for witnesses. It stated that this, and the concomitant reliance on corroboration by numbers had led to 'a new genre of miscarriage of justice' (para.2), adding: 'Set in the context of a growing compensation culture and a shift in the law of "similar fact" evidence, the risks of effecting a miscarriage of justice in these cases are said to be unusually high' (para.2).

The HASC report defined the trawling method as follows:

"Trawling' is not a technical term, rather it is a convenient label used to describe the police practice of making unsolicited approaches to former residents from many of the institutions under investigation. In any investigation, including those into past institutional abuse, the police will contact persons named by the complainant in his or her statement of complaint. Trawling, as we understand it, refers to the process when the police go one step further and contact potential witnesses who have not been named or even mentioned. In a trawl, the police will contact all, or a proportion of, those who were resident at the institution under investigation during the period when the abuse was alleged to have occurred.' (HASC, 2002, para.12).

What is in effect the same method is now usually termed 'dip sampling' by police services. Whatever the nomenclature, the essence of the technique is to contact former residents and pupils of institutions who have not made spontaneous complaints in the hope of gathering further complaints, so enabling prosecutions based on 'corroboration by volume' - the inclusion of two or more uncorroborated claims of separate incidents which count as mutually corroborative, according to the principles of 'similar fact evidence.'

The law in this area has steadily evolved, and though it is supposed to protect the innocent against the introduction of prejudicial testimony, these safeguards have been weakened (Webster, 2002). Originally, 'similar fact' testimonial evidence was permitted only if there were 'striking similarities' between provable *facts*. This was extended by a Court of Appeal ruling in 1946 to include similar *allegations*. Two further judgments by the House of Lords in the early 1990s weakened the safeguards further. In 1991, in *DPP v P*, the court rejected the requirement that allegations, in order to be admissible, should be 'strikingly similar'. In 1994, in *DPP v H*, it held that, in ruling on the admissibility of a series of similar allegations, the judge should generally assume that the allegations in question were true (Webster, 2002).

The timing of these judgments was significant, because police services were then just beginning to investigate claims of abuse in residential schools and care homes. Hence, 'the newly created weakness in the law was almost immediately seized on by police forces in order to successfully push through a number of prosecutions which could never have been brought prior to the decision in *DPP v P*' (Webster, 2002, p.5). Meanwhile, there was also widespread contact between the police and personal injury solicitors, gathering clients for large-scale civil actions against those allegedly responsible for abuse. These, it is argued, created opportunities for the exchange of descriptive detail, pollination of rumours and confabulation of memories (Webster, 1998, 2005; IPCC, 2007; Rose, 2012, 2016, 2016 in press). Some solicitors even advertised for supposed victims using the prisoners' newspaper, *Inside Time* (Rose, 2012). The risks here were self-evident. By definition, many of those responding to such advertisements had been convicted of crimes of dishonesty. They were

also likely to come into contact behind bars with others who had been in care and approved schools, creating a further danger of collusion. In prison, it was also possible that some disadvantaged or vulnerable people who were not motivated by malice or greed were erroneously persuaded that they had been victims of physical and sexual abuse (Gunn, 2013).

From his wealth of experience defending such cases, the solicitor Mark Newby has described the pattern whereby individual testimony can become contaminated:

‘After the first allegation the trawl will then commence almost uniformly... The witnesses will find themselves appointed a Liaison officer who will also act as a conduit for information they should not receive. Most significantly the evidence of one complainant will be introduced into the evidence of the next, either in a purposeful action but most probably by innocent contamination. Think about it: if one officer is told a sexual offence took place in a certain way it is almost human nature when he or she sees another witness to enquire or direct the questioning to see if the same happened to this person. The act of contamination has been committed and is then perpetuated as the enquiry continues. [Later, without knowing how they arose, it is possible for the Prosecution and] the Judge to make those sort of comments we have all heard to the jury, suggesting that it is implausible that all could come up with allegations which share the same features.’ (Newby, 2012, p.5).

David Jessel (2012), a former Commissioner at the CCRC (and before that, presenter of the *Rough Justice* and *Trial and Error* television series) has suggested that:

‘[S]ex cases ... are by far the largest category of CCRC applications, which, to my mind, represent the largest cohort of potential miscarriages of justice, and which don’t often feature in the catalogue of innocence campaigners.’

Understanding how these injustices may occur is important to appreciating why the same factors may continue to place more people at risk of wrongful arrests and prosecutions (HMIC, 2013; Levitt, 2013b).

The number of people who are falsely accused of these abhorrent offences expands considerably once civil proceedings are taken into account. While a proportion of those accused whose cases are dropped by the police or CPS as ‘unfounded’ or ‘unsubstantiated’ are likely to be guilty, it stands to reason that a proportion were innocent all along, and possibly the majority of them. Nonetheless, some will be subject to ‘punishments’ in the civil justice system. Hence, in any consideration of the impact of false accusations, it is of critical importance to include civil cases, involving disciplinary hearings or employment tribunals, which can result in suspension and dismissal from work and other significant harms, as the present study shows.

Some lessons were learned from the late twentieth century ‘moral panics’ over satanic ritual abuse and overblown claims of institutionalised abuse in children’s care homes. The unnecessary arrests, prosecutions and damage to families led to recognition of false allegations of abuse as a distinct category of miscarriages of justice. Recently, however, those lessons seem to have been undermined by a new moral panic over allegations of ‘VIP’ and ‘celebrity’ abuse. Of particular note is the Metropolitan Police inquiry into claims of abuse by a ‘ring’ of paedophiles in Parliament, Operation Midland, stoked by a series of interviews by a man known as ‘Nick’ on the Exaro News website, widely reported by the

BBC. Even after the Metropolitan Police Service admitted in 2015 that this had been ‘wrong’, its statement – which is still available on its website – added: ‘Our starting point with allegations of child sexual abuse is to believe the victim until we identify reasonable cause to believe otherwise.’ (Peachey, 2015).

2.2 Why are false allegations made and believed?

Richard Webster’s writings, especially his comprehensive study, *The Secret of Bryn Estyn* (Webster, 2005) provide compelling insights into the cultural context, beliefs and motivations for false allegations both to be made and accepted as true.¹³ Several factors are also identified in FACT’s report *Presumed Guilty* (Jensen and Jensen, 2011, p.16), including: a lack of understanding about the nature and purpose of the residential institutions at the time (detention centres and approved schools for ‘juvenile offenders’, later community homes) and the legal requirements on staff at the time to ‘care and control’; the challenging behaviour of the children and young people referred to them; and the poor quality of legal representation that defendants received.

Once a person is put on trial, the presenting narrative in the case for the prosecution carries emotional weight. Juries are given a graphic picture of horrendous abuse perpetrated by someone in a position of power. ‘In their opening statements to the court the prosecution often list in lurid details a catalogue of the alleged abuse which it is claimed each defendant has committed. This creates a highly charged, prejudicial and emotional atmosphere that causes the jury considerable confusion and anxiety’ (Jensen and Jensen, p.18). Indeed, as Webster put it: ‘The reality in all too many cases is that, by the time the prosecution opening has been completed, both the jury and the judge may have been caught up in a current of prejudice so powerful that they are swept together toward a guilty verdict without being able properly to assess the evidence which is presented to them.’ (Webster, 2005, p.18).

Motives and explanations

The first thought for many when an allegation is described as ‘false’ is that the accuser is being called a liar. Though deliberate lies or distortions are certainly present in some cases, with some children and young people having a history of lying and dishonesty, many false claims reflect what the accuser *believes* to have happened or refer to actual abuse committed by someone else, or a general sense of having been mistreated by adults during a deprived and chaotic upbringing, rather than specific *criminal* acts. Hence, while it would be naïve to conclude that those who make false accusations are liars, it is equally naïve to assume that all complaints are truthful:

¹³ See also Smith (2016 in press) and Goodyear-Smith (2016 in press) for discussion of cultural factors and individual motivations leading to false narratives.

'The great mistake which appears to have been made at the outset of the North Wales investigation was that some police officers, schooled in a new and powerful ethos of child protection, allowed the traditional (and predominantly negative) stereotype of former residents of care homes to be challenged in the wrong way. Instead of replacing the former stereotype of 'congenital liar' with a more subtle and sympathetic analysis, they sometimes adopted an attitude which led to the acceptance of almost all allegations ... On some occasions, at least, investigating officers appear to have become blind to the suggestibility of witnesses or to have deliberately turned a blind eye towards it. Too often they seem to have remained unaware of the possibility that they themselves (or the publicity given to their investigations) might be sowing the seeds of the allegations they were harvesting'. (Webster, 2005, p.130)

People who grew up in violent or abusive families or neighbourhoods may well have experienced mistreatment at home, and years later they may choose to blame those looking after them in residential care. In his chapter, *Lying for Love*, Webster provides a rich and convincing analysis of the motivations, processes and rewards for former care home residents to see themselves as a victim of a specific suspect, and then participating in a prosecution. Their pre-care home experiences are likely to have been characterised by neglect, without consistent affection. It would not be surprising if the residual hurts and resentment from that start in life were later transferred on to a former member of staff who was over-strict or cold or who had imposed punishments for rule-breaking. Questions from police officers and personal injury solicitors, and information from other claimants, may lead them to believe that the suspect had been already identified by others as an abuser, so that making a claim would merely be lending weight to secure the prosecution of a 'known wrongdoer'. Webster goes on to identify the psychological benefits that might further motivate and sustain claims of abuse:

'What is not generally understood is that the act of making a false allegation of abuse can and often does bring a feeling of psychological satisfaction. ... People who have previously felt overlooked and insignificant may suddenly find themselves the centre of attention, concern and sympathy. At the same time the idea that they are now engaged in a battle against evil, in which many other people, including counsellors and social workers, are fighting alongside them, can be a source of great emotional energy. It may give people both a *raison d'être* and a feeling of strength and solidarity which they did not previously have.' (Webster, 2005, p.131-2)

Another stimulus to complain might be suggestions from therapists that they may have repressed memories of abuse, and that such abuse could be the cause of later difficulties such as substance abuse and offending (e.g. see McNally, 2003). Because the long-term traumatic effects of childhood abuse are now generally accepted, retrieving and reconstructing memories of abuse has profound implications for how a person makes sense of personal failings and thereby restores self-esteem. Being able to explain and justify personal behavioural difficulties and mental health problems as the outcomes of abuse is likely to be a powerful motivator for an individual to believe that they were abused.

Suggesting that people report historic abuse in order to gain compensation is hurtful to genuine victims of abuse who may only seek recognition and emotional support. However, it would be foolish to ignore the added attraction of financial benefits in

motivating both true and false allegations. This is particularly the case for people who may be in debt, unemployed, or in low-income jobs.

In some cases, confabulation rather than deliberate fabrications seems likely. The concept of 'confabulation' refers to the way in which we may, either in solitary reflection or in conversation with others, fill gaps in our memories with fabrications which we believe or come to believe are facts. For Webster (2005, p.132), the failure of police to recognise the 'facility for confabulation which is possessed by many potential witnesses' and the dangers of contamination posed by those who convene meetings of witnesses or who interview multiple witnesses have been serious shortcomings.

Confirmation bias

Calls to increase detection and prosecution rates for rape and child sexual abuse were given a dramatic boost following the Rotherham and Oxfordshire child sexual exploitation (CSE) scandals.¹⁴ The frequent reporting of high profile sex offenders in the media, and the public revulsion towards child abuse and rape may well have led to a culture of hypervigilance. While this assists in protecting children and other vulnerable groups, it has also encouraged excessive suspicion and retributive instincts in those responding to complaints. Once it is accepted that sexual and child abuse is endemic in society, the resulting confirmation bias makes it likely that most of those reported to be offenders will be presumed guilty. 'Confirmation bias' is the tendency to bolster a hypothesis by seeking consistent evidence while disregarding inconsistent information (Nickerson, 1998). 'In criminal investigations, a preference for hypothesis-consistent information undermines accuracy by leading investigators to overlook potentially relevant evidence that challenges their theory' (O'Brien and Ellsworth, 2006, p.5). Investigators, actors in the court room, and legislators are all prone to such bias.

We have already discussed the evolution of the rules governing similar fact evidence. Another development that has made it easier to secure convictions and harder for factually innocent defendants to avoid it was the removal of the need for judges to warn juries about the dangers of acting on uncorroborated testimony from the putative victim of an alleged sexual offence.

Changes in the approach to complaints about abuse were reflected in the new *Guidelines on Prosecuting Cases of Child Sexual Abuse*, introduced in 2013. These steered prosecutors away from questioning the credibility of the complainant by challenging the 'myths' surrounding the reporting of sexual crimes (Crown Prosecution Service, 2013, para. 41). The Guidelines also specified that 'prosecutors should guard against looking for "corroboration" of the victim's account or using the lack of "corroboration" as a reason not to proceed with a case.' (para. 55)

A report in 2014 by Her Majesty's Inspector of Constabulary, *Crime Recording: Making the Victim Count*, recommended: 'The presumption that the victim should always be

¹⁴ BBC News, UK Children suffered sex abuse on 'industrial scale', 3 March 2015; <http://www.bbc.co.uk/news/uk-31691061>

believed should be institutionalised’ while ‘The practice of some forces of investigating first and recording later should be abandoned immediately’ (HMIC, 2014, para. 7.16). Following on from this, the Crown Prosecution Service and Metropolitan Police Service (2015) *Action Plan on Rape* asserts that prosecutors ‘must focus their case on the behaviour of the accused, not the complainant’ (p.2). While such policies reassure victims that they will be believed and treated sympathetically, unfortunately they also pave the way for vexatious and erroneous claims to be believed.

2.3 Brief literature review on the impact of being wrongly accused of abuse

There can be little doubt that accused persons will suffer to some degree when accusations of serious offences are made that cannot be readily refuted. The effects will obviously vary with the extent to which investigations and the criminal process develops, and also the nature of the alleged offence. Very little research has been done specifically on the impact of false allegations of abuse, although some studies of false memories of child abuse have covered the experiences of individuals accused of abusing, often their own, children (Pendergrast, 1997; Brand, 2007) and there are several autobiographical accounts of the experience of being falsely accused (e.g. Jones, 2011; Greene, 2011; Gambaccini, 2015). Given the limited research on those accused of abuse in occupations of trust, the following literature review also refers to broader research on individual experiences of wrongful charges and convictions, and, more generally, the effects of criminal labelling, stigma and imprisonment which have some bearing on the present inquiry.

For a person who is or was engaged in an occupation of responsibility towards children or vulnerable adults, to be accused of sexually or physically abusing them is a very serious matter. It can be assumed that such an accusation would be shocking and traumatic for an innocent person even if it does not result in a charge or a conviction. If it then results in a conviction and prison sentence, the life-changing effects cannot be underestimated. As the abuse of children and vulnerable adults is widely considered to be one of the most egregious offences, those convicted will face punitive consequences, but those not prosecuted will also experience the stain of suspicion.

Experiencing false allegations of historical abuse in residential care homes

Presumed Guilty - a report published by FACT in 2011 - provides an overview of the consequences of the 1990s children’s care homes scandal which resulted in the Waterhouse Tribunal and the arrests and prosecutions of staff, some of whom were later found to be legally innocent. Summing up the outcome for former staff, particularly in North Wales and northern England, FACT’s report noted :

‘Hundreds more have been caught up in widespread police investigations and as a result have lost their professional reputation and personal standing. Lives have been shattered, careers have been lost and families have been torn apart.’ (Jensen and Jensen, 2011, p.iii)

The former MP, Claire Curtis-Thomas, spoke out about the lasting impact of this ‘epidemic of false allegations’ on those who were never charged, those acquitted and whose convictions were overturned. She recalled:

‘... the terrors people went through, facing imminent arrest, the horrible experience of that knock on the door and police searching the house and seizing property, then often kept in police cells so that they could not talk to other members of staff. Even if your case has been through the Appeal Court, your record has been tarnished and is never likely to be untarnished. Their reputations have been blighted and even though we see them and their families emerge from the court looking happy, we know that the blight has not been removed, because beyond that court there are many organizations and authorities who will hold on to that reputation of guilt, making it impossible for an individual to return to a life. That sort of injustice, which is not covered by legal redress must remain a huge concern to all of us that there can be these organizations who still treat you as guilty and will affect their lives forever.’ (Curtis-Thomas, 2012)

The employment prospects of those who have been wrongfully accused are damaged, with many who wanted to return to teaching or social work with young people being thwarted by the extended DBS checks (formerly known as CRB checks) or by NCTL rulings.¹⁵ The mere fact of having at one time been accused and investigated would generally exclude them from work with children or vulnerable adults, and if they had been convicted but then had their conviction quashed they would be barred in accordance with the Independent Safeguarding Authority (Webster, 2005; Jensen and Jensen, 2011).

Teachers in non-residential schools are similarly affected. A 2009 report from the House of Commons Children, Schools and Families Committee on *Allegations Against School Staff*, which looked at allegations of physical abuse or unnecessary force as well as alleged sexual misconduct, observed: ‘Those wrongly accused are likely to go through a period of intense distress and may have their lives and careers ruined.’ (Children, Schools and Families Committee, 2009, p.3). It found procedures which made it difficult for staff who may be innocent to gather evidence to mount a defence: they were hastily suspended, ordered off the premises and prevented from social contact with their colleagues, including those who were also friends. The Committee noted that ‘unfounded allegations linger in personnel records throughout a teaching career and ... employers often rejected applicants for posts on the basis of unproven and possibly unfounded “soft” information.’ (p.4). The Committee observed that suspensions under the shadow of a false allegation resulted in ‘severe personal distress and long-term damage to the accused’s health’ (p.27). A memorandum submitted to the Committee by Voice, The Union for Education Professionals, commented that ‘It is extremely unsatisfactory, and unfair to an individual, that at the end of his/her contact with the police and/or CPS there is no way of knowing whether that contact will be later placed on record as additional information.’ (p.113)

¹⁵ DBS – Disclosure and Barring Service; CRB – Criminal Records Bureau; NCTL – National College for Teaching and Leadership.

Becoming a suspect¹⁶

Being reported as a sex offender sets into motion a series of shocking and frightening events, often beginning with an early morning call from several police officers who may search the house and take away computers and documents, and often resulting in an arrest (Craig, 2014). There have been cases of people accused of offences dying during or shortly after police raids (Press Association, 2015). The period that follows the initial police visit is one of high anxiety, causing insomnia and panic attacks as the suspect envisions the terrifying consequences in the worst case scenario, including a prison sentence or having their children taken into care. One vivid account by a social worker who came under suspicion after her baby sustained an accidental injury described the period leading up to the case conference:

'In a vulnerable emotional state, I felt under surveillance as I was interviewed, observed and judged. I wanted to co-operate yet I felt anything I said or did or did not say or did not do would be interpreted negatively and later used against me. The weeks leading up to the conference were unimaginably stressful... I was close to breaking point. I was permanently silently tearful whilst trying to shield our boys from the seriousness of our predicament.' (Davies 2011, p.205).

The mixed feelings likely to be experienced by an innocent person being investigated for such offences are well articulated by Davies (2011, p.205) - 'I still cannot find a concise vocabulary that expresses my oddly juxtaposed and turbulent feelings. I was coping with the burden of innocence in that I knew I had done nothing wrong but neither could I prove it. This was confidence boosting and draining at the same time.'

Doing time without having committed the crime

Serving a prison sentence without having committed a crime has been described as one of the worst forms of victimization (Sarnoff, 1997). The mental health damage caused to wrongly convicted prisoners is similar to that suffered by veterans of war and torture survivors (Weigand, 2009, p.429; Grounds 2004; 2005; Jamieson and Grounds, 2005). Weigand describes the anger felt by exonerees at having had years of their lives and lost opportunities stolen from them (2009: 430, 433). Asserting their innocence leads to the label 'deniers', and its associated restrictions (Cavendish, 2014; Naughton, 2005) whilst in prison.

Stress continues following exoneration and release from prison. A 2003 study conducted by the *Life After Exoneration Program* of sixty exonerees, imprisoned for an average of twelve years, found that nearly half were burdened by depression, anxiety disorders or post-traumatic stress (Scott, 2010). John Wilson identified the psychological effects of imprisonment for the innocent as: shock, disavowal and initial betrayal; a sense of injustice, cruelty and impotence; loss of freedom and struggle with life's meaning; existential search for meaning; a sense of abandonment by humanity and God; loss of self,

¹⁶ This and later sections draw on research on those wrongly convicted of all types of offences, not only sexual abuse cases.

identity and dignity; shame and guilt (resulting from how they are perceived by others); fatigue and surrender following the journey of endurance; PTSD and other psychiatric symptoms; and a need for counselling, connection and transitional services (Wilson, 2002). They cannot benefit from the support that is given to parolees and desisting ex-offenders because they are neither of these: they are 'victims of the criminal justice system' (Weigand 2009, p. 430).

While not receiving the support offered to the rightfully convicted upon release from prison, the wrongly convicted are further punished by so-called 'protective measures'. Although sex offender registration and related requirements are intended for public protection rather than as additional penalties, for the person subject to those requirements they will inevitably be experienced as punitive. There is automatic lifetime's registration for all sex offenders completing custodial sentences of more than 30 months (Thomas, 2009). While this would not apply to anyone who successfully appeals, convictions may not be overturned until some time after release given the waiting list of applications to the CCRC, and meanwhile the stigma of the conviction is further aggravated by the register. Employment prospects will be restricted: Enhanced Criminal Record Checks show details of all cautions, warnings, reprimands, as well as all spent and unspent convictions held on an individual's criminal record, and, on request, the Enhanced DBS Check also searches the children and/or the adults 'barred lists' to see if the applicant is barred from working with those groups. There is also an opportunity for local police to add any relevant information they may hold about the applicant.¹⁷ Clearly there is considerable scope for post-prison 'punishment'.

The stigma and dangerous consequences of being labelled a child abuser

In addition to the typical consequences of wrongful accusations and convictions, those considered to be sex offenders, especially child abusers, are subject to the damaging consequences of stigma. The language used about sex offenders and the extremes of punishment that are called for are triggered not by a rational assessment of risk, but by a determination not to be contaminated or in any way associated with 'the life deemed impure, dirty or accursed...which no one can touch without dirtying oneself.' (Spencer 2009, p.224).

The names and locations of people reported to be sex offenders are identified by media reports and registers, exposing them to harassment and pursuit by anti-paedophile vigilante groups (Cross, 2005). Some sex offenders have committed suicide as a result of vigilante groups targeting their homes (Bell, 2002) and violence has been committed by vigilante groups against people who have been named as sex offenders but who were not convicted (Kitzenger, 1999). Notorious cases in the UK include George Crawford, who was due to stand trial for indecent assaults and was found murdered at his bungalow less than a

¹⁷ [https://www.personnelchecks.co.uk/dbs-\(crb\)-checks/enhanced-dbs-check/](https://www.personnelchecks.co.uk/dbs-(crb)-checks/enhanced-dbs-check/)

week after the *News of the World* resumed its campaign of 'naming and shaming' paedophiles (Carter, 2001).

A person can become the target of hate crimes based on rumours on social networks or in their local communities. For example, Bijan Ebrahimi was killed and then his body set on fire by neighbours who wrongly believed that he was a paedophile. His prior calls to the police reporting harassment from his neighbours had largely been ignored (Morris, 2015).

Civil processes and pre-court interventions

As discussed above, the effects of being wrongly accused extend to those who are not exposed to the criminal justice process. The line between civil and criminal justice measures has been crossed with the introduction of preventive interventions and sanctions that operate outside of due process of law and that are, in effect if not intention, punitive (Thomas, 2008). These include pre-crime orders imposed on people who have been reported as showing a possible sexual interest in children, and which place restrictions on that person's liberty, listing them as a suspected sex offender.

Amendments to Part 2 of the Sexual Offences Act 2003, introduced by the Antisocial Behaviour, Crime & Policing Act 2014 have replaced and renamed previous orders, giving greater powers to the police in managing the risk of sexual harm. One of the replacement orders is a Sexual Risk Order (SRO), a civil order that can be sought by the police against a person who has not been convicted, and can include a foreign travel ban. A condition of the order is that they have 'done an act of a sexual nature', including, for example, 'being alone with a child' or 'contacting a child on social media', but whether those and other acts are 'of a sexual nature' is decided according to a lower standard of proof than would be required by the criminal court.

Similarly, in the lead up to employment tribunals or family court hearings, or during periods of police bail, accused people may be restricted by the conditions of police bail from having contact with others, including their own children or grandchildren.¹⁸ While these measures are introduced with the best of intentions, and no doubt in some cases the suspicions are well grounded, for those who are innocent they go against the principles of natural justice by making it appear to many outside of the criminal process that they are indistinguishable from convicted offenders. For example, suspected sex offender lists are accessible by the public and can influence those with power over housing or employment opportunities.

¹⁸ See: (1) College of Policing (2015) *Further investigation* <<https://www.app.college.police.uk/app-content/major-investigation-and-public-protection/child-abuse/further-investigation/>> (2) Crown Prosecution Service website: *Bail* <http://www.cps.gov.uk/legal/a_to_c/bail/#a03>

3: PROJECT AIMS AND METHODS

Audi partem alteram ('Hear the other side'; sometimes expressed as 'Let the other side be heard as well')
— St Augustine, *De Duabus Animabus Contra Manicheos*, XIV, ii

In a society which has made so much progress in addressing the needs of victims and in taking account of their perspective (Hoyle, 2012), those who have been smeared by false allegations of grievous crimes sometimes see themselves as the forgotten victims (of official errors if not of their accusers). They feel disregarded, their partners and children left to suffer the ignominy alone. This qualitative study of people's experiences of being falsely accused of child/adult abuse in occupational contexts aims to give a voice to these other victims, by way of a content analysis of first person accounts. The term 'false' is applied broadly to mean accusations that are untrue; that is, contrary to fact – including both mistaken and deliberately false accusations.

As noted in the short literature review in section 1, there has been minimal research specifically addressing the impact of sexual or physical abuse in occupations of trust, not least because such a study goes against the mainstream. The official view and public consensus now is that physical and sexual abuse, particularly child sexual abuse, occurs on a massive scale, the full extent of which is still being uncovered and recognised. It is also generally accepted that there have been systematic mistakes in the past whereby victims who reported abuse were not believed or where charges did not proceed because they were unsubstantiated.¹⁹ However, in the subsequent attempts to redress the power imbalance and bring to justice appalling cases of abuse, the pendulum may have swung too far in the opposite direction. Today, it seems that claims of innocence following an allegation are less likely to be believed. Indeed, questioning the veracity of allegations is seen by some as a betrayal of the victim or 'adding insult to injury'. There are also legitimate concerns that a policy of interrogating and mistrusting accusers will inhibit victims from reporting abuse, and undo some of the progress made.

Clearly, in an admirable effort to encourage victims to come forward, the conditions have been created for a rise in false claims (see *Why False Allegations are Made and Believed* in Section 2). Further, unless the suspect has a cast iron alibi or there is irrefutable forensic evidence to show the claim is false, there is an inherent difficulty in establishing innocence. In so far as there may be tension between competing claims, concern to provide justice for victims of abuse seems to trump concern for avoiding wrongful convictions.

Where then does that leave researchers with an interest in miscarriages of justice who are concerned that drawing attention to wrongful accusations and convictions might be

¹⁹ No further action was taken particularly in cases where there was an uneven power relationship between the accuser and the accused, and where the benefit of any doubt has been accorded to the person in authority, and against an accuser with a criminal record or classed as 'delinquent'.

interpreted as disregard for the pain and suffering of those who have been, and continue to be, abused by those who have power over, or responsibility for them? How, in other words, should academics conduct ethical research on this most sensitive of subjects?

First, and most pertinently, we start from a position of full and unequivocal support for the progress that has been made in recognising the problem of sexual and physical abuse of vulnerable people at the hands of those who should care for them. We applaud efforts to support victims of abuse. Furthermore, we understand that some claims to being falsely accused are also false. Some people will tell lies to deny the crimes they have committed to avoid both the shame and stigma associated with paedophilia in particular and the punishments imposed following conviction for such serious offences. We also fully acknowledge that once convicted, innocence is difficult to establish without irrefutable evidence to show that an accusation was false. In other words, in this area it is hard to establish who is guilty and who is innocent with absolute certainty. To keep within our ethical framework, we have therefore taken a stringent approach to selecting participants for this study, which is explained below, in the section *Criteria for inclusion*.

3.1 Aims and purpose of the project: The need to be heard

The main purpose of the project was to gain understanding of and share insight into the human costs of false allegations of abuse, by collecting new narrative material and reviewing existing accounts. While victims of abuse are increasingly given a platform and encouraged to talk about what happened to them, people who are wrongly accused are discouraged from speaking out, because they are not believed or because they are seen as harming victims of abuse by detracting from their credibility and their confidence to report offences. Thus, the purpose here is to start a conversation about the impact of being wrongly accused of abuse, including the social, economic and psychological consequences, and the effects on families of the accused. It is intended that the data and analysis will prove a valuable resource for support groups and for those responsible for criminal justice policy, appellate processes and for post-exoneration measures.

Criteria for inclusion: a project in cooperation with FACT

This project was established in cooperation with FACT, which provided a small donation towards the costs of the research and circulated requests for research participants among its members. The University of Oxford Centre for Criminology developed and conducted the research, with full ethical clearance from the Central University Research Ethics Committee. While working in cooperation with FACT to hear the accounts of its members, the research team remained fully independent in all decisions about how to conduct the research, how to analyse the data and what to produce by way of reports.

FACT was set up to support carers and teachers cleared, or maintaining innocence during the 1990s scandal alleging widespread 'historical' child abuse in residential care homes that led up to the Waterhouse tribunal. Police 'trawling methods', as discussed

above, had led to vast numbers of former members of staff being arrested and interviewed, with some being prosecuted and convicted. The majority were not charged or were later acquitted or exonerated on appeal, but the process and its aftermath irrevocably changed their lives, and FACT provided a continuing source of support and information. During its sixteen years of existence FACT has been commended for its evidence-based and professional approach to its work and has received the backing of several MPs who have raised parliamentary discussions and interventions (HASC, 2002; Curtis-Thomas, 2013). Membership since then has widened from carers and teachers to include other occupations where staff and volunteers who work in positions of trust with children or adults can be vulnerable to false allegations. Since Operation Midland and Pallial and the subsequent police, media and political preoccupation with uncovering past institutional child abuse, some of the early members who were investigated but cleared around the time of the Waterhouse inquiry have been reinvestigated, with many others living in fear of further allegations.

For this research, we analysed accounts from among FACT's current and past members, as well as among others who had never been members, only if they had:

- not been charged with the alleged abuse,
- were charged but acquitted, or
- were convicted but had their conviction overturned on appeal, as long as their convictions were not overturned because of 'procedural errors unrelated to innocence' (Findley, 2011: 1185).

Thus all the participants discussed in section 4 of this report have the status of 'legal innocence' based on the presumption of innocence until found guilty, or – for those whose convictions were quashed – restoration to that presumption of innocence (Findley, 2011).

We not only set strict participation criteria, but also required each participant to sign a consent form stating that they (i) are factually innocent of any alleged offences of sexual or physical abuse, (ii) have never committed any such offences (including possession of child pornography), (iii) have never pleaded guilty or accepted a caution for any such offence, and (iv) have never been convicted of any such offence or (v) have successfully appealed against any conviction(s) and have been exonerated. We included a warning that should any contrary information come to light, the participants would be excluded from the research.

A few referrals to the study were excluded when it emerged that they had a previous conviction for a related offence or had accepted a caution or plea bargain even though they subsequently maintained their innocence. While there is clear evidence that some innocent people do falsely confess under pressure (e.g. see Davis and Leo, in press), we erred on the side of caution in not including them in this study. Furthermore, we used various online resources to seek out appropriate information about arrests, court appearances, and outcomes in order to check the veracity of their claims, before including participants in the study. We excluded two people when the information we gathered suggested that they might not have been fully honest in their accounts.

It should also be acknowledged that it cannot be guaranteed that each of the sample members are factually innocent, given the inherent difficulty of any legal disposition that relies on competing testimony. There is simply no clear empirical means that can settle the matter.

3.2 Data collection methods and procedures

Recruitment of participants

FACT's Secretary wrote to all members notifying them of the study and attaching a Participant Information sheet with details about the project aims, methods, and criteria for inclusion in the study, with contact details for the research team. Dr Ros Burnett in her role as research consultant to FACT acted as the initial liaison point between potential participants and Naomi-Ellen Speechley, in her role as the lead researcher. Following checks on each prospective participant, those suitable were referred to Ms Speechley.

Those who fulfilled the selection criteria were sent detailed written information and a copy of the consent form. Where participants were happy to proceed, they were then interviewed or invited to submit a written account using a template that included the same questions, covering the same themes. Signed consent forms were then exchanged and the opportunity given to opt out or ask further questions about the study. No incentive was offered other than the ability to contribute their story to a piece of research on an issue that has affected them personally.

Data collection methods

Following a review of the relevant literature, the empirical methods comprised:

- (1) In-depth interviews with victims of false accusations and their families or, if the individuals preferred, guided written accounts. Information offered to the researchers as a supplement to the interviews or written accounts, such as legal documents, additional statements and correspondence, were included as submissions. In addition to interviews with, and accounts provided by, those wrongfully accused, the study aimed to give a voice to those family members who have supported them throughout in order to better understand the collateral damage of a false accusation. The objective was to interview or collect written accounts from approximately 25 falsely accused people, and also some of their relatives or supporters in cases where this was appropriate, thus collating up to 30 interviews or accounts in total.
- (2) A focus group was also held at FACT's annual conference on 30 May 2015. Prior to self-selection, attendees were informed of the participation criteria, what the question topics were and the format of the session. The discussion operated as a group interview, each participant answering in turn, with ensuing cross-discussion. The questions were the same as those for the interviews and questionnaires. Signed consent forms were collected, and the discussion digitally recorded.

Topics in the interviews, written accounts and the focus group focused on the wide-ranging effects of false allegations, from the harms done to their employment prospects, to their finances, to their physical and mental health, to the effects felt by family members, to their own self-concept and reputation, beliefs and outlooks, as well as their wider relationships with friends and their community. The participants were also asked about the support they received, if any.

Interviewing a sensitive research population

Conducting ethical research on a sensitive and controversial issue requires that consideration is given to the effects on participants as well as prospective audiences and consumers of the research. The victims of false allegations and their families may find it stressful to relate their experiences. They may be reticent in talking to researchers or discussing aspects which are particularly painful to them, while being keen to be heard. Weigand notes that '[s]peaking engagements for the exonerated can be healing and they can be triggers.' (2009: 433). The participant information sheet and lead researcher made clear to each participant that we were not interested in the details of the allegation, only in the impact it has had on their lives.

Participants were asked to fill in a form asking for some basic facts about the allegations against them: when they occurred; what the alleged abuse was; in which occupational capacity; what their relationship was to the accuser; and how far their involvement in the criminal justice system went. For those that were interviewed, these questions were put to the interviewee and the form filled in by the researcher at the start of the interview. Responses to the ensuing questions, which asked how the allegations affected the participants' life in various aspects, were digitally recorded or written answers collected. Recorded interviews were then transcribed in note form, with selected quotes fully transcribed. Interviews were conducted in private function rooms of public buildings, with participants interviewed individually, or with a partner or family member, though two were conducted by telephone.

Where participants divulged sensitive data of no direct relevance to the study, this was excluded from transcription and analysis, but sometimes triggered the provision of details about support services. When participants became distressed, they were reminded that they were free to refrain from further engagement in the study or from answering specific questions.

Given the sensitive nature of this study, participants' identities have been kept strictly confidential, and personal details anonymised. Pseudonyms have been used for the participant and any other identifying names or places referred to in their accounts. As with all research conducted at the Oxford Centre for Criminology, we have followed the strict requirements for data storage, usage and archiving, as required by the University's ethics committee.

4: EFFECTS OF FALSE ALLEGATIONS: INSIGHTS FROM THE 'LEGALLY INNOCENT'

Qualitative research requires *a priori* decisions about what researchers are aiming to achieve that dictate the way data are collected and analysed.²⁰ Hence, our literature review informed the content and structure of our interview schedule/questionnaire. This allowed for thematic exploration of life experiences and the likely impact of being accused of such serious offences, while the inclusion of some open-ended questions prevented us from missing experiences that we might not have anticipated. Our analysis follows these key themes and seeks to show trends and 'outlier' responses.

Characteristics and Experiences of Research Participants (n=30)

Gender: 24 male; 6 female

Occupations:

12 teachers (incl. heads, deputies, teaching assistants)

8 approved school/community care workers

3 in a religious role/capacity

2 specialist care home workers

5 'other' (policeman, child psychotherapist, volunteer, nursery nurse)

*Alleged abuse:*²¹

23 sexual abuse allegations

11 physical abuse allegations

3 allegations involving a vulnerable adult

29 allegations involving children

Outcome of allegations:

1 no police involvement (unfair dismissal claim)

13 police interview or arrest with NFA (no further action)

1 preliminary hearing, case dismissed

14 trial, not guilty verdict or 'case dismissed'

1 exonerated post-conviction.

Time between alleged offence and allegation:

0-1 year: 6

1-5 years: 1

5-10 years: 2

10-20 years: 4

20-50 years: 17

²⁰ Elliott, I. A. (2015, May 24). *The sense or folly of doing 'quali'* [Weblog post]. Retrieved from <http://wp.me/p2RS15-9Y>.

²¹ In some cases, the participant had been charged with both physical and sexual abuse; in other cases the allegations changed during the investigation. Hence the numbers add up to more than the total number of (30) participants.

4.1 Effects on Employment and Financial situation

'I had no chance of keeping my job, as a police officer had told my employer that I was a 'dangerous paedophile'. That comment would prevent me from ever being employed again as a teacher. It took me ten years and the support of my teaching union to obtain an unreserved apology from the police'. (Jon)

This section discusses the effects, both short and longer term, of the false allegations (and ensuing investigation) upon two major aspects of life: the vocation and finances of the accused. By way of context, of the 30 participants, eleven were teachers or teaching assistants, and nine worked in 'approved schools' or community care. A further two worked in specialist care homes, three worked with children as part of their pastoral role within the church, and five others worked for the police, in a nursery, in child psychotherapy or in a voluntary capacity with children, running day trips and activities.

Immediate effects of the false allegation upon employment (n=30)

Remained employed: 2 participants

Suspended from work: 9 participants

Stripped of regular duties: 6 participants

Dismissed: 6 participants

Forced to resign or take early retirement: 3 participants

Retired at the time of allegation: 4 participants

For those facing accusations of abuse in occupations of care or trust, immediate suspension is a norm, and the loss of employment in that field is likely. Predictably, almost all of our participants were suspended, experienced redundancy or similar restrictions to their work. In seven of these cases, the sacking or suspension of duties was found to be against regulations, after successful (but lengthy and costly) appeals initiated by the participants. Two of these participants were 'paid off' by their former employers, and four were eventually reinstated after pursuing appeals – while also facing police investigation.

The reporting of an allegation by police – even if it goes no further – can effectively bar the accused from employment in their field. Allegations can be recorded in the discretionary, further information 'soft box' of an enhanced DBS²² (formerly CRB²³) check, routinely sought by employers in occupations of care and trust. The accused may find that their ability to work in their chosen vocation is removed instantly, without any procedural enquiry, incurring reputational damage and grave financial implications. Marcus, who was never charged, described losing a supply teaching contract two days before it was due to start, after such a check. Three participants were dismissed outright after being asked to produce an enhanced CRB certificate, which contained details of unsubstantiated abuse allegations. Paul explains:

²² Disclosure and Barring Service

²³ Criminal Records Bureau

'The Enhanced CRB/now DAB System, effectively bans me from ever working with children, because all employers insist on doing them, and will not employ anyone with any comments in the 'soft box' (Further Information). A standard disclosure ought to be sufficient because it would report actual criminality and barred lists, but the Enhanced 'Further Information' allows police to disclose all tittle tattle, suspicions, innuendo, opinions and even imaginations of Social Services, and all false allegations as if they were true. Because they are reported by police, they are assumed to be both true and accurate, giving the impression that you are a really bad character and very lucky the police did not charge you.'²⁴

Even if someone is not formally barred from certain vocations outright, accusatory comments on the enhanced DBS can prejudice employers against a falsely accused applicant, thwarting present and future employment prospects. While each of our 30 participants were legally innocent of these offences,²⁵ half (15) have been effectively prevented from further employment with children.

Longer term effects on employment

Eleven of the participants said they felt anguish at being unable to have a clean full CRB or DBS check, despite never having been charged – and therefore never achieving 'exoneration' or being formally recognized as not guilty, with careers 'stopping dead' often cited as the hardest part of the experience. George described the pain of 'being barred from voluntary work due to my CRB being muddied, despite being unfairly dismissed - and paid off - by my former employers!'

Jacob was unable to obtain a clean CRB check until 6 years after police interest in him ceased. Having been arrested and then released from police bail in 2004, he was placed under an internal risk assessment, and a 'risk management plan' was drawn up within the church. It took him four years to successfully argue against this, which delayed him in obtaining a clean CRB check until 2010. His account is not unique: five others experienced considerable delays in the correction of their CRB or DBS records.

It is possible for those accused of abuse to appear on the Protection of Children Act ('PoCA') list after suspension, but before the outcome of a police investigation, and then to lose employment due to ambiguous safeguarding reports. Negative effects resulting from the disparity between police investigations and employers' internal enquiries were felt by twelve (40%) of the participants. Of these, most who were acquitted in court remain barred from working with children, which they described as effectively being like a guilty verdict. As Owen, found 'not guilty' by a unanimous jury verdict, explains:

'Nearly a year later, in May 2014, the DBS wrote to me to tell me that they had looked at my case and in their opinion there wasn't enough evidence to even consider adding me to the children's barred list. They didn't want to hold a hearing, ask for representations or even ask me anything. The woman I spoke to on the phone simply said that the evidence was "very, very thin". In September last year, the NCTL held their hearing and barred me from teaching for life. The hearing was an absolute farce and one of their points was that I couldn't remember what I was doing in the last week of October 2004 (yes, ten years ago). This week, the DBS wrote to

²⁴ Any spelling errors in the original data have been corrected for the report to ensure that the meaning is always fully comprehensible.

²⁵ The one participant who was convicted has been exonerated.

me. Because the NCTL has found me 'guilty', they are 'bound by legislation' to do the same and I am now not only barred from working as a teacher, I am barred from working with children completely. This has come as a hammer blow after the DBS dismissed the case completely only one year ago. I was, up until this week, working part-time as a private tutor and I also volunteer at my little boy's school opposite our house three times a year for fetes and jumble sales. All of this has had to stop now.'

It is clearly of some concern that someone unanimously acquitted by a court of law can still be barred for life from working with children, a decade after the allegation was made. However, Owen's account is not rare: Andy, who is now retired, was re-arrested on suspicion of alleged abuse over 35 years ago, despite a finding to the contrary at the time, and multiple on-going inquiries:

'I was first accused of abuse some 20 years ago as part of the North Wales Inquiry into alleged historical abuse in children's homes. These allegations were investigated at the time by relevant authorities i.e. police, my employers, listing bodies and child protection agencies. I was never subject to an arrest but was dismissed by my employer (for whom I had worked in excess of 30 years) although later re-instated on appeal. I was also temporarily placed on a statutory list of people considered unsuitable to work with children, but this was overturned when I challenged the decision and my case was held in full. For me, the process of inquiry has been exhausting. It started with a police inquiry lasting about 18 months, followed by a further inquiry by Sir Ronald Waterhouse, which created considerable work for me and lasted about 2 more years. This was then followed by my suspension from work and an investigation by my employers lasting nearly 4 years, which was complicated by a parallel 'independent' inquiry by the NSPCC. There was a further investigation by POCAT (a listing Tribunal), which lasted about 2 years. I was rearrested last year as part of the new investigation into these matters by the National Crime Agency. The alleged misconduct was said to have occurred some 15-20 years prior to the complaints being made - with the passage of time it is now some 35-40 years ago.'

Several participants reported real struggles in trying to obtain references from their former employers. Arjun's former employer gave a negative reference against him, despite a tribunal settlement ruling that they could not do so. Similarly, Owen reported that his former school would not provide a reference after offering him redundancy, even though their investigation found no grounds for any disciplinary action. Four other participants – all of whom were acquitted – mentioned threats, warnings and negative comments being made against them by authorities when trying to obtain a reference for employment.

Nicole describes how, even though she was not suspended or sacked, she was put in a position that prevented her from working in her chosen vocation:

'The charity I founded felt obliged to obtain a safeguarding report, and that report was influenced by the fact allegations had been made which had never been tested in court but, because of the simple fact that allegations existed, the report could not rule out all possibility of risk. Charities have to act in a 'no risk' environment so I was asked to step down, with no opportunity of being able to clear my name.'

Many of the participants expressed bitter feelings of loss concerning their inability to continue their work with children or vulnerable adults, with four participants specifically upset by being unable to help young people at risk of exclusion, children with learning difficulties and those in care. Rhys feels that he cannot return to work, despite not being formally barred:

'Even had I been mentally fit enough to teach I would have been unable to. I have tried to return to a school setting through voluntary work but have found it incredibly stressful. I am unable to foresee a way back into

teaching any time soon both as a result of my anxiety and the hurdles that this allegation has and will present when applying for roles in schools.'

He, and seven other teachers and carers in the sample, mentioned ongoing projects for disadvantaged young people that had to be abandoned because they could no longer do the work.

Conversely, nine of the participants expressly stated that they would *not want* to work with children again, regardless of any professional bars. Ella expressed fear that she 'could never work with children again because I cannot risk the same type of thing happening again and risk losing my son. Therefore, as and when, and if, I return to work, it will be in a different field'. Imogen's husband, Rhys, Nathan and Jenny, similarly had the opportunity to return to vocations involving contact with children, but felt unable to do so, due to their damaged reputations, and mistrust of children. Arjun, who still works with children (albeit indirectly), described how uncomfortable he now felt. Although he had a clean CRB, he 'felt a continual sense of unsafety', becoming socially anxious for fear that a child might trip over, or some trivial physical activity could be misconstrued. It is clear that there are social costs to false allegations, with the exclusion of well qualified and dedicated employees from the workplace.

The lack of support from employers is also noteworthy. Half of our participants reported that they had received no professional or personal support from their employers, and perhaps more importantly, no apology. George, who was not subject to any police action but still 'paid off' by his employer, was 'disgusted with the way my exit was handled. I left feeling like I let people down with absolutely no explanation'. This effect is more acutely felt where the falsely accused person had been engaged in voluntary work such as running children's clubs or activities. In such cases they must cease activities without explanation of why they are letting people down. Jacob and his family, who waited 6 years for a clean CRB after being released without charge by the police, endured prolonged anxiety and a quarantine-like social status. Echoing many of the other participants' sentiments, he explained, 'I hope lessons are learned – and remain horrified that there are still no admissions of error or apologies forthcoming'.

Nine of the participants were frustrated that they could not communicate with co-workers about the allegations. Although there are legitimate reasons for this – not least that they might be called as witnesses – it brings damaging consequences: as Imogen pointed out, co-workers are often close friends, and could have provided crucial psychological or emotional support in these situations. Marcus explained that 'many did not understand my increasingly self-isolating behaviour because a lot of friends were colleagues, and so they couldn't be told what was going on'. George was informed that he could not be friends with other volunteers on Facebook, and felt he lost many friends through being barred from work and volunteering. Arjun described in detail the bullying, harassment and deeply unpleasant treatment from the other members of staff, towards another employee who publicly supported him. His colleagues were told not to communicate with him, and some feared showing him any support. Some participants, who owned or managed

establishments, went bankrupt after employees left.

The majority of participants, when faced with the dilemma of whether to tell colleagues and friends what was happening to them, agreed that 'the only way to deal with it is just to withdraw' without explanation, from close friends and colleagues. This withdrawal can occur without the accused even realizing their self-isolationist behaviour. This effect is pronounced in false allegations against those in occupations of care and trust, because the mistrust that the accused experience, comes from both their employers, co-worker friends, and society more widely, leaving them few sources of support.

Financial burdens

All but two of the participants bore significant financial burdens despite awards of legal aid and damages. Several reported estimated losses of around £50,000 in legal fees, and much larger amounts for the loss of earnings while unable to work. In addition, many had significantly reduced pensions, given that they needed to take early retirement. Two participants' legal costs were estimated at £100,000, and they are now facing barriers in trying to claim back their expenses. Jenny had paid £30,000 of legal expenses in securing her exoneration, and has yet to receive any compensation, and of course given recent restrictions on compensation, it is not certain to be forthcoming.

Being unable to anticipate what may or may not happen next impacted on financial planning and caused further distress. Owen described a complete lack of financial preparation, due to the firm belief that the allegations could not possibly escalate into an arrest, let alone a trial. As such, he comments, 'redundancy pay did not last long'. David adds, 'insurance does not cover for this type of situation'. Significant financial loss is clearly more painful when the circumstances causing it are unfair, as James describes:

'Having had NFA after interview of the second set of allegations, in 2015 I sought CRB clearance for working with adult asylum seekers. The Police force sent a deplorable statement to the college. I had to answer for myself and employed a lawyer to defend me. It resulted in 'No case to answer' but the fee for the advice and the resultant document of argument cost me £8,400, none of which I can get back. I am aggrieved that I have still had to pay out substantial funds. I am not a rich man and it is unjust that I should have to continue to pay out because of the peevishness and malevolence of the Police force.'

While financial impact is relative to each individual's circumstances, the psychological and familial effects are reasonably similar. Jacob described his wife being 'stressed to the point where she stopped work', and Ella described how her husband had to take 7 months off work to stay at home because she was not allowed to be alone with her son. Furthermore, she added:

'My father had to pay substantial solicitors fees (7k +) prior to my parents being made party to court proceedings at which point they could claim legal aid for future legal work. Without this, they may not have been able to get the Child Arrangement Order that stopped my son going into foster care. This money is non recoverable.'

George received a non-disclosable sum from his former employer in recognition of their wrongdoing, but explained that a sum for the loss of earnings cannot replace or repair the damage done to his reputation and ability to work in his former vocation:

‘When my money ran dry we started to depend more on [my partner’s] for outings and cinema trips, that kind of thing, which made me feel uncomfortable. Unfortunately, I was unable to afford holidays etc., and I felt I was holding her back. We drifted apart, and she moved out.’

Five participants were unable to keep their homes. For some, this was due to the place of residence being connected to their place of employment (for example, vicarages or residences attached to a boarding school). This loss of families’ places of safety, security and privacy, reflects significant harm to those who lost or had to sell their homes as a result of the allegations made against them.

4.2 Effects on Self-concept and Reputation

‘Such events change people profoundly and... irreparably.’ (Marcus)

Those who have been wrongfully accused can feel that even when the system has recognized its error, others remain convinced of their guilt (Quirk, 2007). This, perhaps inevitably, leaves them feeling stigmatized and afraid of what others think, and how they might therefore react to them (Westervelt and Cook, 2009). The wrongfully convicted can feel that they have experienced permanent changes in their personalities, which cause them and their families significant distress (Jamieson and Grounds, 2005: 50). Many of those interviewed for the Westervelt and Cook study had lost their ‘old’ self-identity (2009: 268/270) on entering prison and were not able to rebuild it on release (p.270).

Although only one of our 30 participants discussed in this section were convicted (and subsequently exonerated), as the table below shows, their experiences had similar effects, with all but one experiencing stigma and damaged reputation and the majority believing they have suffered from paranoia, anxiety and permanent personality changes.

Effects on Self-Concept and Reputation (n=30)

Stigma and damaged reputation: 29 participants

Permanent personality changes: 19 participants

Paranoia and anxiety: 18 participants

Hyper-vigilance or antagonism: 15 participants

Self-blame for false accusation: 10 participants

Stigma and vilification

The stigma attached to being accused of abuse cannot be underestimated. It was a prevalent theme in each account. Stigma arose in two forms. First, from the actions and comments from others, who actively judged and excluded them, causing them to feel

shame and hurt. David reflected that ‘the biggest shock is how differently you’re treated by those around you’, and Catherine explained, ‘people whisper and talk behind your back there’s no smoke without fire. I feel I have to fight back and put this right but this also feels very lonely ... I feel criminalised.’ However, stigma was also generated within the accused themselves; the combination of abhorrence at what they had been accused of, and their inability to fully clear their name, caused extreme pain and embarrassment. As Rhys put it, ‘I felt that being dead was a preferable alternative to having to be identified falsely as a child abuser.’ As such, even where others had been supportive, and the allegations had not led to prolonged suspicion, the accused still felt that they could not return to being the trusted, valued person they were before the accusations – an inability to escape the ‘stench’ of the allegations was expressed by half of our participants. This was not limited to the accused alone – one of the partners of an accused participant stated, ‘It felt at the time as if the accusers’ families’ sewers were running through our house – not our mess as it were, yet it was us who were made to stink.’ (Val, wife of the accused)

At the broadest level, loss of self-confidence and ruined personal and professional reputation significantly affected the participants. Scott spoke of a feeling of ‘worthlessness’, and Marcus explained how elevated anxiety and self-doubt caused him to question his decision-making and professional worth. Rhys claimed:

‘I now have difficulty seeing myself being remotely employed, sociable and relaxed enough to pursue any kind of relationship. The deterioration of my physical appearance caused neighbours and family members who visited to approach me differently. I feel like I have become a failure.’

For Rick, the allegations had ‘completely ruined my reputation... most of my work has now dried up, even though I was immediately acquitted. References to the trial are still on Google... consequently, my name has been tarnished, forever’. David, a former police officer, who previously had a reputation for being honest and fighting for equality, suffered extensive reputational damage arising from the negative publicity, and felt an acute pain at being unable to give ‘his side of the story’.

Changes in personality and social behaviour

Nineteen participants described experiencing an extreme, permanent character change. Susannah stated that, ‘you are no longer yourself, you are something that is so nasty. You are removed from yourself completely.’ This is not a gentle or gradual change over time; it is involuntary, reactive and imposed on the accused. As Josef explained:

‘I changed completely who I was after the first knock on the door in 2009. I’ve never forgotten it; it’s as if it only happened yesterday... You never think it’ll happen to you... I am not the same person physically or mentally.’

Yet, this participant describes himself as ‘one of the lucky ones’, as after nine months, the police found he had ‘no case to answer’. Jacob, who was never prosecuted, added that for both himself and his wife, ‘the wounds do, now and then, re-open and throb painfully. We will never be quite the same again.’ This rhetoric, that the ‘old’ person has gone, that the participant has permanently changed, having been replaced by a ‘new’ person, was a

common theme in our participants' accounts. It is related to the inability to resume previous activities, or to feel the same way, to be as relaxed with other people. The experience was compared by five participants to a bereavement – with frequent references to part of them having died.

To be clear, these references do not speak to feelings of repentance, or a self-initiated 'rebirth' from a former personality that is tainted by guilt. They refer to the loss of a previously untainted reputation, a loss that cannot be repaired in the absence of clear exculpatory evidence of innocence, as might be had in a murder case where forensic evidence can exonerate the accused. For our participants, the stain seemed permanent. Personality changes included an increase in wariness and distrust. Owen reflected that, 'The ordeal has caused irreparable damage. It has led to a permanent change in my character... I'm a much more serious, cynical person now and I'm not as trusting of others. I'm wary of people and their intentions.' Ten other participants similarly explained that they were 'always questioning people and their intentions or honesty when dealing with [them]'.

For some, this led to the development of uncharacteristic belligerence and hostility. Over one third of our participants explicitly described circumstances where they persistently sought information, answers and contact from authorities, and were perceived by others, including relatives, as combative, critical and stubborn. For example, Jack states, 'I am still angry and now refuse to be 'walked over' by Social Services and others in authority as I felt I was during this situation. This has caused some friction as people are not used to me complaining about them.' Claude had a similar account, stating that 'my persistent fight for justice has compromised my credibility with these organizations [social services]'. While Marcus found that:

'I have become more attuned to injustice, more ideologically "brutal"... I now won't just win an argument; I'll quite comfortably decimate it.... Many people now enlist my help to check and redraft formally worded letters or contacts against workplace bullies, complaints.'

Along with increasing belligerence, some participants spoke of their rejection of altruism. Nine stated that they would no longer be willing to work with children or disadvantaged young people again. This was partially due to fear of further allegations, but seven participants articulated a marked shift away from altruism. Marcus explained that, although his public reputation was largely unaffected, colleagues found him 'far less approachable, and far less willing to volunteer myself for extra work or help'. Josef similarly stated that he now suffers 'a complete distrust in people, and gave up sports coaching' as a result.

Several participants reflected that their prior propensity to volunteer or work in occupations of care and trust with children, disadvantaged young people or vulnerable adults, had exposed them to being falsely accused. They felt indignant that those who spent time with service users in unmonitored situations, and who went 'above and beyond' in helping them, were particularly vulnerable to allegations. In an autobiographical account, Nik Greene (2011, p.2) refers to this as 'what it is like to have... every good you put out into the world turned around for bad'. Josef summed up the perception of fourteen other

participants in stating, 'I couldn't believe it happened to me, because of the kind of person that I was at the time. I'll never be that person again, never feel right again'.

Self-blame and suicidal thoughts

The impacts described above help to explain the otherwise surprising trend in self-blame among the falsely accused. Ten of our participants expressed this in some form. Arjun described a phase of questioning himself, analyzing his every action, trying to find something about him that made children and those in authority mistrust or want to harm him. Marcus similarly recalls constantly questioning choices he made, and a lingering sense of having failed to protect himself. He and three other participants speculated that they had left themselves open to allegations by being a 'tough' member of staff, disciplining children and thus becoming a target of anger. Conversely George, Owen and Josef – after prolonged self-assessment – blame themselves for being too relaxed and informal with students.

It is hard to conceive how someone falsely accused might consider taking their own life, knowing that they were factually innocent – and indeed, any admission of such a thought could easily be misconstrued as an indicator of guilt. However, eight of our participants reported suicidal thoughts. Twice as many (16 participants) explicitly revealed depression, although many more described thought processes and behaviour that are suggestive of depression. These statistics would be unsurprising in a population of convicted prisoners, but none of these participants reached that stage. Josef explained that, 'I went through this horrible process of wanting to kill myself in order to escape the trauma that happened to me'.

Paranoia, anxiety and mistrust

Eighteen participants described feelings and behaviour suggestive of severe anxiety and even paranoia. They described the 'weird horror' of being in public, feeling that everyone was looking at them, and feeling panicked about whether they knew about the allegations, whether they would say something, and judge them. Jack explained, 'I feel people now look at me in a different way, even though I realise a lot of this is actually paranoia'. Nine of these participants described an intense personal response when someone would look at them – either needing to remove themselves completely from a public place, or staring back, almost daring them to say something, a typical 'fight or flight' response to perceived threat. Jenny described feeling indignant at the intrusion in her privacy after seeing herself on television. She then convinced herself that strangers were staring at her or whispering about her.

Every single participant account included distress at how they were perceived by others. Twenty-one participants admitted a loss of confidence – with knock-on effects of social withdrawal, terminated employment, fractured relationships and lost friendships. George disclosed feeling fearful of what people would say in certain social situations. Others expressed an inability to relax, experiencing constant doubt and mistrust. James added that he felt vulnerable, nervous that gossip would circulate in the new area he had moved to, to

claim back his privacy. Though the case against her had not proceeded to trial, Ella described concern 'even now, that my family may still believe the things that were said about me'.

After a false allegation, possibly a police raid, media coverage, loss of a job and community gossip, it is often likely that the stigma attached to the accused will persist. This raises a dilemma – whether the accused should relocate (and risk this being perceived as an indication of guilt), or stay in their locale (though this is not always an option, given the financial fallout discussed above). Staying in the community can mean that the stigma and social difficulties are compounded, as Jack explained:

'The accuser is still at a lot of events and places I visit daily and still continues to whisper about me to others. Because she has a learning disability I would be made out to be the villain again if I did anything about this so apart from asking her care manager to speak to her about this I have been struggling to try and rise above it, which is very hard.'

Susannah explained that she and her husband 'did not know who else had heard what, so we chose to write a letter to clarify and state the case out in the open'. Her experience reflects the difficulty faced by those accused, as well as their families, of not knowing what has been said about them, and facing the choice either to make a declaration (and risk further social vilification from those who believe the allegations), or to keep the matter private (and risk gossip and rumour spreading 'under the surface', and feeling further mistrust and social paranoia).

In a similar vein, 50% of the participants described being trapped in a hyper-vigilant state, permanently feeling anxious of further vilification. Rick explains, 'I have lost a lot of my natural self-confidence. I am suspicious of people and am always worried if I speak to a young person they will allege an inappropriate remark. I am often confused and worried'. Jon's description of long-term behavioural changes resonated throughout twelve of our accounts:

'I avoided children, crossing the road so that I would not walk past them and only going to the cinema when they were in school and always with a friend. I am still very fearful of being falsely accused by a child.'

Fear of further allegations could be misconstrued as an indicator of guilt: *if they were innocent, why should they fear more allegations coming out?* However, it is a common effect of this particular kind of miscarriage of justice (discussed further below).

4.3 Effects on Psychological and Physical Health

'I have never visited the GP so many times in my life. I went into a state of shock for some weeks after my arrest.... I suffered from depression, suicidal thoughts, self-harming, fear, immense anger against the police and my accuser and anger at the lack of support from anyone in authority. I went to counselling organized by the GP, but felt awkward and ashamed. I suffer stress-related physical pain and shaking. Nightmares. I was very close to suicide on at least three occasions. I still have nightmares and anger and even though it is all over

and I was found unanimously not guilty. I still feel people are looking at me and judging me. My accuser is still in the area. I fear it could happen again.’ (Jack)

A study by the forensic psychiatrist, Dr Adrian Grounds (2004; 2005) explored the psychological effects of wrongful imprisonment on men who had no prior psychiatric histories. He discovered substantial psychiatric morbidity and both psychological and social adjustment problems among this population. Wildeman and her colleagues (2011) present data from 55 interviews with American exonerees, examining the short and long-term effects, and Westervelt and Cook (2009) researched the social adjustment problems of 18 death row exonerees. While the samples are different, all studies identify severe psychological effects, with depression, mood disorders and anxiety being the most common experiences.

It has been argued that these effects either resulted, or were heavily exacerbated, by the experience of being imprisoned (particularly on death row). However, in the present study, where 29 of the 30 participants were not convicted, these same psychological effects have been reported:

‘I still have symptoms of stress including high blood pressure, psychosomatic illness, anxiety, disturbed sleep including nightmares, and feel scared/frightened a lot of the time. I still have significant bouts of depression and panic attacks. I also have some asthmatic symptoms (new problem) and re-occurring moments of fearfulness. 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.’ (Andy)

Effects on psychological and physical health (n=30)

Depression: 23 participants
Anxiety or panic attacks: 23 participants
Symptoms of PTSD: 17 participants
Disrupted sleep: 12 participants
Other physical symptoms: 14 participants

Although four participants described having one or more of these health problems before being falsely accused, each believed their experiences of false allegations had significantly exacerbated existing conditions.

Depression

Sixteen participants volunteered that they had suffered from depression. A further five accounts were suggestive of depression, and another two mentioned antidepressants, from which inferences can be drawn. Eight described starting out with a ‘determined and positive mind-set, which then crumbled’:

‘The [allegations] cast a bleak shadow over everything. I was initially determined not to break down— I was adamant that I’d fight the charges against me. This positive approach did not last long. At the end of that month I was genuinely suicidal and even planned how I’d do it. Only thoughts of my children stopped me from going through with it.’ (Owen)

All but one of our participants described associated behaviours, such as prolonged crying, rapid weight gain or loss, suicidal thoughts, feeling numb, complete social withdrawal and 'burnout'. Eight admitted to contemplating suicide. James recalls:

I was intensely afraid and on one occasion contemplated swallowing bleach. I was often in tears and in anguish. The thought of suicide crossed my mind. My past was being questioned, my present was prejudiced and for the future I could expect a freak conviction, and incarceration as a paedophile.'

Fourteen of the participants describe being falsely accused as a very lonely experience, despite having support from close friends and family. It would seem reasonable to expect that these feelings of anguish would subside once the allegation had been dismissed. However, for at least seven of our participants, this was not so. As Owen explained, 'the most severe depression I suffered came after the conclusion of the trial', even though he was acquitted.

Anxiety and panic attacks

Sixteen of the participants' accounts explicitly discuss anxiety and panic, with a further seven revealing strongly associated behaviours. The forms in which these problems were experienced differed in the long term from the immediate effects. Upon facing allegations, fifteen participants described falling into a state of shock, experiencing nausea and nervousness, and feeling 'stunned' and 'surreal', as if being in 'a bad dream'. Nathan explained that in the immediate term, 'I became very anxious, experiencing panic attacks and severe anxiety for which I was prescribed beta-blockers. I was frustrated and angry, confused, I wanted to know why'. He further described despair at not being informed of the nature of the allegation when suspended, and the resulting helplessness at being unable to react rationally, to respond and plan accordingly. Eleven participants' accounts express similar responses. Jack still has 'nightmares and anger and even though it is all over and I was found unanimously not guilty, I still feel people are looking at me and judging me.'. Rob describes the mind-set brought on by this situation, 'It's the first thing you think about in the morning, it's the last thing you think about at night, and most of the day in between. You can never really put it far from your mind, it's always there... the fear of going to prison.'

Longer term, twelve of these participants reported a worsened situation, all of whom had been informed that they faced no case against them or no further action. Imogen described witnessing the deterioration in her husband's mental health during the six years of police suspicion following the allegation (during which time there were no charges, just continual renewal of police bail). He was the subject of a psychiatric report, which found that:

'He felt stunned, and became anxious, in a panic if he heard a car on the gravel causing flashbacks to his arrest when the police raided his home. ... His sleep deteriorated and he would wake up in the middle of the night. He was not able to get back to sleep and he was becoming depressed... At times he wishes he was dead. His death would be a release from what he feels is a prolonged mental torture. It seems it will never end. He suffers with low mood and a strong sense of guilt in relation to his family as well as his colleagues.'

For Nathan, it took two years – from being suspended to his arrest – to find out the nature of the allegation. He states:

‘After this I became very anxious, experiencing panic attacks, for which I was prescribed beta blockers... I have developed an inability to cope with / tolerate certain situations e.g. large crowds, noise and unfamiliar routes when driving.’

This response was echoed in seven of the other accounts. Rhys recalled, ‘feeling increasingly paranoid while out driving and seeing a police car. After several months I withdrew and avoided leaving the house [due to] panic attacks and anxiety.’

PTSD and shock

Ten participants’ accounts explicitly mention PTSD and serious shock directly resulting from the allegations. However, symptoms of these were described in a further seven of the accounts. This came in combination with a loss of appetite, cognitive and memory problems and nervousness. Arjun describes the feeling as being ‘constantly under enormous threat’, ‘in a daze’, ‘a state of shock’, and a ‘hyper vigilant state’, finding it ‘incredibly hard to concentrate’, ‘bombarded with noise and lights’, ‘a very, very frightening period’. It is significant that these symptoms develop so strongly for those who are not charged with an offence. Arjun attributed these symptoms not only to the allegations, but to his sense of vilification and betrayal from the head teacher and HR staff who had pushed for a prosecution.

Twelve of our participants experienced disrupted sleep, insomnia and nightmares, with some resorting to sleeping medication. Rick recalled, with somewhat alarming precision, ‘I was unable to sleep for more than a couple of hours at a time during my 672 days on bail’. This is attributable to extreme stress, anxiety and depression, and can itself lead to further health problems. Josef explained how he and his wife had extreme trouble sleeping, experiencing recurring nightmares, triggered by the police raid of his home during the night, for an offence that was alleged to have occurred some 35 years previously. Even where participants stated that they suffered no symptoms of PTSD, trauma or anxiety-related illnesses, some of their language, the descriptions of their self-concept and the emotional stress, extensive withdrawal and weight gain are good indicators that their mental health had suffered. Susannah, the widow of a falsely accused man, recalled:

‘From the word ‘go’, he went into a kind of cocoon... you would think that [someone with his knowledge and experience of criminal justice] would leap into action and start gathering evidence left right and centre... not ever. I did all that... he removed himself from the process, and zoned out during court proceedings.... The whole thing was distasteful in the extreme to him... we never discussed his mental health, there was no point talking about it. We both knew he wouldn’t survive 10 years in jail.’

Effect upon partners' health and wellbeing

As Susannah's account implies, detrimental health effects were not limited to the accused person. Psychological distress had in at least²⁶ nine cases extended to the partner of the accused. Although there are many examples of detrimental effects on intimate relationships of being falsely accused (such as social isolation, discussed in the 'relationships' section below), the following examples demonstrate the psychological stresses felt by partners. Kim, Jack's wife explains:

'I also suffered from shock which turned to depression. I lost two stone in weight in about six weeks as I could not bring myself to eat. I also needed counselling. I cried more than I have ever cried in my life, mainly with anger but also with feeling so helpless, being dumped in a system which I felt was just not working. I was always an active and very busy person, but now really struggle to raise the enthusiasm and motivation I used to have.'

David stated that his wife had also become depressed, suffering high blood pressure, and that on the first day of media publicity about his case she 'ended up in A&E'. Arjun's partner suffered symptoms of trauma and anxiety, fearing the police would seek vengeance for her husband's actions in seeking to expose their misconduct. Six partners of the falsely accused described feeling helpless, isolated, and having their lives dominated by providing support and fighting to prove their partners' innocence.

Other physical symptoms

The psychological and mental health problems outlined above are typically correlated with physical symptoms. Owen described becoming seriously ill two months before the trial, having lost weight and experienced a slump in energy. Weight loss and apathy were reported by six other participants. A further six had experienced weight gain, and seven reported high blood pressure. Five spoke of dietary problems, commonly linked to stress. In total, fourteen participants described physical health problems that they believed had been exacerbated or triggered by the allegations and associated stress, anxiety and depression.

Similarly, stress or trauma-related changes to diet, alcohol consumption, smoking, can lead to physical health problems, which in turn can contribute to poor mental health. Arjun believed that the stress that resulted from the false allegations prevented him from healing from a surgical operation – taking two months instead of the usual two weeks – which brought about additional stress. And Imogen attributed her husband's heart attack and death, with the prolonged trauma of the allegations, the hurt and stress from the hostility of the interrogation, and his inability to prove innocence, 'his continuous sense of anxiety, depression and the shadow of the allegations ended with the coronary thrombosis... he had been in good health before'. Similarly, Ella attributed the premature birth of her child, and Nathan his stroke, to the stress caused by wrongful accusations.

²⁶ Limited to cases where this information was volunteered. Participants were not explicitly asked about the effect on their partner's health and well-being.

This research has not sought to corroborate these claims with medical records, nor should it. Some of the health problems described above may have affected the participants regardless of the allegations, particularly in cases of genetic or age-related ailments. However, the data demonstrate participants' clear perceptions that the false allegations have adversely affected their (and their families') health. In this sense, they are part of the broader impact.

Healing over time?

Eight of the participants spoke about the worry caused by the protracted delay between finding out about the allegations (which for several was through a 'dawn raid' by police at their homes), and being informed that there would be no further action:

'The length of time from being informed that there was an investigation concerning allegations until I was told there was insufficient evidence to provide a realistic prospect of conviction was 12 months.' (Nicole)

Nine participants agreed that the impact of the false accusations on their health had not yet diminished. Andy, who was never subject to a police charge, explained:

'Panic attacks, severe anxiety for which I required counselling, and severe depression. I was diagnosed as having PTSD. In fact, for virtually a two-year period I hardly ever left my home - not even to go shopping. Even now I rarely venture out alone. It is not an exaggeration to say I feel terrorized by these events and the conduct of one particular complainant... It never goes away.'

For most people it is possible to draw a line under past trauma, and Wildeman et al's (2011) research suggests that while many exonerees suffer from severe anxiety and depression in the years immediately following their release from prison, the psychological impact of being wrongfully convicted tends to diminish as they adjust to release. However, for those falsely accused but not prosecuted or convicted, the formal exoneration does not occur and they can remain in fear that some in their community will remain convinced of their guilt. This makes it extremely difficult for them to put the matter behind them and move on with their lives.

4.4 Effects on Significant Relationships

Research suggests that one of the greatest effects of wrongful conviction is damage to significant relationships (Grounds 2005, p.34). Experiences of estrangement (even from those who have fully supported them) and resulting feelings of guilt are not uncommon (Jamieson and Grounds, 2005, p.173). In some cases, this can result in the breakdown of marital relationships (Grounds, 2005, p.32). Family members experience the wrongly accused as withdrawn, irritable, and emotionally disengaged (Grounds 2005, p.31, Batt 2004, p.319). Our participants experienced similar responses, although estrangement was less prevalent (most likely because all but one of the participants in our sample did not go to prison). Social withdrawal was widespread. A clear dichotomy emerged for the

overwhelming majority of participants, between the friends, colleagues and family members who staunchly supported them, and those who cut ties.

Fractured Social Networks

Effect on social or family life (n=30)

Fractured social network: 27 participants

Social withdrawal: 26 participants

Support from family: 22 participants

Strain on intimate relationship: 17 participants

Disruption of children's lives: 9 participants

Difficulty maintaining relationships with children and grandchildren: 8 participants

Many participants described 'finding out who your friends truly are':

'I really did find out who my true friends were. Some people I thought were close friends became distant, worried about the effect it would have on their lives and careers if I was found guilty... they just couldn't take the chance of taking a hit to their reputation. Other people I thought of only as acquaintances came out swinging for me so hard I could have cried.' (Owen)

Friendships are not linear; they operate in group dynamics. Thus if one (perhaps more dominant or influential) person in a group shuns the falsely accused, others may follow suit, even when they may not believe the accusations. Former friends of the accused may believe in their innocence – or at least want to support them – but are driven away by fears of being 'guilty by association'. Jenny recalled those who 'remained friendly, but would not dare go near the house, for fear that vigilantes might think they were close'. Her home had been subject to a (related) arson attack before she had even been arrested. Looking back across the whole experience, Marcus said that, 'the most profound effect was on the number of friends I lost'.

Although social difficulties in the workplace have been discussed above, it is important to note that colleagues are often close friends, and as such, the rifts driven in this network by false allegations can have a profound social impact upon the accused, outside of their vocational context. Rob described the hurt when former friends at work 'just didn't want to know' him anymore, and David, who was formerly a police officer, experienced 'a complete social shutdown... suddenly all your friends disappear'. This effect could be pronounced due to those in occupations of care and trust needing to distance themselves from the accused for professional reasons – participants who were formerly in teaching positions particularly reported this.

Ten participants explicitly mentioned being prevented from discussing the allegations with colleagues – which caused them further social isolation, and adversely affected their reputation and esteem. For Nicole, the hardest part was 'being forbidden to have contact with people I have supported, many of whom have become friends, and those I have worked with for over 30 years, most of whom were given no explanation for it'. Marcus lost a lot of social support simply because he was unable to talk about the

allegations to those at work – thus ‘no-one knew what had happened’. He was also cut off from all those he kept in touch with through email, when his laptop was seized. Despite no police involvement, George lost many of his friends through being barred from teaching and volunteering, creating suspicion and a damaged reputation in the eyes of his friends. He explained that he could understand why some might have felt a bit unsure due to this ‘vanishing act’ and the lack of any communication. However, the fact that he could not discuss what was happening, even after receiving compensation from his workplace in relation to their accusations, was particularly hurtful.

Of course some had formed new friendships since and saw social losses as a mixed blessing. Arjun reflected, ‘I looked upon it as a filtering process’. Similarly, fourteen of the participants were able to mention acquaintances, some colleagues and people they had not formerly been close to, who provided a huge amount of unexpected support, and strengthened or cemented friendships.

Social withdrawal and isolation

False allegations can cause people to actively withdraw from their social circles. Sixteen participants described going into a ‘shutdown mode’, instinctively putting up barriers. Catherine had become ‘immediately emotionally unavailable’, spending lots of time alone and scared. Eight other participants had similar responses, linked to depression, anxiety and a sheer inability to be around anyone that they believed did not trust them.

In some cases, friendships were lost as a result of the accused having strategically distanced themselves from others. This could be motivated by wishing to keep accusations private so as to limit their negative consequences, or it may be because they are unable to discuss the allegations and case details. Marcus explains:

‘Many did not understand my increasingly self-isolating behaviour because a lot of friends were colleagues, and so they couldn’t be told what was going on ... part of me began burning bridges intentionally since it was all just a waiting game... I could be facing trial for the allegations and I didn’t want people to know, ... I knew that mud sticks.’

David commented that, ‘because of the negative media publicity, I did not want to socialize with my family or friends, I tended to stay indoors’. Four of the participants spoke about feeling forced to cut ties with their partner and/or certain friends when under investigation, for fear that any connection to them would prejudice the investigation. It is noteworthy that three of the participants described a quite different effect: as they resided in small communities, they felt powerless to keep the allegations private. Nathan explains:

‘I made sure that everyone I knew, including friends, family and colleagues, were aware of my situation [of being wrongfully arrested]. As soon as I was accused I told everybody what had happened, because I live in a small village and people would have seen me at home and wondered why I wasn't going to work.’

Twenty-two participants referred to their families as a source of support. Although this can be crucial when faced with a shifting and decreasing social circle, the withdrawal effect can extend to some family members, creating an ‘inner circle’.

Josef described how he and his wife ‘withdrew from the outer circle to protect

ourselves. I try by self-isolation and other devices to avoid being reminded of anything which can cause me flash-backs, fear and any reminder of the dreadful memories of the interrogation.’ Similarly, Imogen said that, ‘despite the support of close friends, we had to start telling little white lies to the next circle – about why [her husband] was not working and so on’. Jack reflected that his wife and he developed an ‘Us Against The World’ mindset, and that their marriage became stronger for it.

Collateral damage to family and friendship circles

Closing ranks and withdrawing as a small family unit from a wider familial and social network is due, in part, to the risks of collateral damage to family members. David stated that, ‘my family had to keep a low profile as people were now calling me a paedophile’. Arjun’s daughter was bullied at school, despite there being no arrest in his case, and both Rhys and Jenny described the detrimental effects on their mothers’ mental health. Rick puts it quite simply, ‘My family were, naturally, devastated. They were put through the emotional wringer as well.’ Jack described that, in addition to mental health problems experienced by his mother and parents-in-law as a direct result of his arrest:

‘One son has been suffering from stress and depression during and since the arrest and eventual trial. All three sons were very distressed by the whole process. They are still very angry that their Dad had to go through this.’

He is just one of seventeen participants who specifically discuss anger, bitterness and depression among family members as a result of the allegations. Twenty-one of the participants – a large majority – described some adverse effect felt by their family of the false allegations, mostly resulting from local gossip; the shame and ordeal of having the family name and address printed in papers when arrested (yet a lack of media coverage when acquitted); intense anger, anxiety and shock felt by the family when homes were raided, documents and computers taken, and family members were questioned by police.

Others felt ‘forced out’ of their friendships either by being treated differently, or for fear of being seen as needy and burdensome, given their overwhelming personal problems. Jacob explained that he and his wife ‘have lost the joy of being honest with those dearest to us when they ask, “how are you?” because we can never explain’. This was echoed by four other participants. Andy reflected that:

‘Social events, celebrations and routine family life are spoilt by it being at the back of my mind, and therefore become tainted. Withdrawal doesn't help either - it only compounds the problem. You no longer really enjoy yourself. You have to show courage and keep trying. Family or friends working in similar professions would be supportive - but I don't want to burden them with my problems, partly because their own successful career histories are constant reminder of my loss and partly because it is painful to do so. My children have carried the burden of supporting me.’

He also described wider social considerations:

‘I decided when we moved not to become too involved (or worship) in the family’s new church. I just do not want to risk that my allegation history might become known to the wider congregation.’

This fear of being ‘found out’ demonstrates that the effects of false allegations are not time-

limited but can frustrate the development of future relationships too. The wrongly accused are burdened with the choice of whether to inform a new friend or colleague that they have been subject to false allegations and risk a 'no smoke without fire' response, or whether to keep silent and risk being 'found out' either through gossip or by more formal mechanisms from social services or the police.

Social withdrawal and isolation can, of course, become a vicious circle. The loss of friendships, marital breakdown and estrangement from others can lead to the falsely accused (particularly older males) living alone, finding it increasingly difficult to make friends, meet potential partners and enjoy voluntary work or recreational activities. This position then exposes them to certain prejudices and suspicion.

Impact on partners

Seventeen participants spoke about false allegations placing a strain on their partners, who too had become increasingly stressed, anxious, depressed and socially withdrawn. Kim explained the effect that her husband's false accusations had upon her own wellbeing:

'I suffered from shock which turned to depression. I lost two stone in weight in about 6 weeks as I could not bring myself to eat. I also needed counselling. It was the counsellor who recommended anti-depressants, which I at first refused as I have never taken regular medication, but am thankful I took her advice in the end. I am still on them. I cried more than I have ever cried in my life, mainly with anger but also with feeling so helpless, being dumped in a system which I felt was just not working.'

Susannah, the wife of the falsely accused, described the effects upon her as 'not one of worry, but of horror'. Her recollection of the night before her husband's trial gives some context to this:

'[We were] going to bed the night before, possibly for the last time. We both knew whatever we were doing had a finite point where he would go for good. You don't have any illusions about the prison system, he had a bad back, he wouldn't have lasted long. He only had to go down on one of those eleven counts.'

She further describes how her husband went into 'a kind of cocoon' when faced with the court case, leaving her to read all the paperwork and help form the defence. She described the collateral damage as 'a weight that you're never free of', though her husband was not convicted. This effect was by no means unique; many of our participants spoke eloquently about the long-term damage to their own emotional health and, inevitably, to some intimate relationships.

Arjun's partner still feels panic and fear about whether there may be further allegations. Owen reflected that, 'the strain on the relationship' put his wife 'to breaking point, and to this day I think it is a miracle that we're still together ... she no longer sees me as the man she married'. Five other participants spoke of false allegations creating tension between couples in the short and longer-term. Several described feelings of guilt and self-blame for burdening their partners, and the permanent damage:

'The greatest strain was on my relationship with my wife because we handled the difficulties in such different ways. She was entirely supportive of me and did not doubt my innocence. But ... she coped by wanting to talk about the matter all the time (while I wanted to say little about it).... She was angry, occasionally with me, but

mainly with those had made the allegations. I was puzzled and hurt by the allegations, rather than angry. We found each other very difficult.’ (Stefan)

Others’ relationships were ruined. The stress that caused the breakdown of Scott’s marriage has left him feeling unable to pursue another relationship. George explains:

‘Initially our relationship didn't change, I believe she knew I was innocent throughout, but over time I became more unstable and less confident. ... I felt I was holding her back. We drifted apart, and she moved out.

That said, eight of our participants felt that their ordeal had cemented their relationships, a poignant silver-lining.

The impact on relationships with children and grandchildren

Stress and pressure on the accused and their partners is compounded where children are involved. Nine of the participants described adverse effects of the allegation on their children, including mistrust of the criminal justice system and social services; fear at what might happen to their parent; and depression, anxiety and serious self-harm, but the effects are broader:

‘For fifteen months we were under a social services’ supervision order and I could not be left alone with my two boys – meaning that [his partner] couldn’t leave the house while I was there. The ridiculousness of this - that I may be a risk to two little boys aged 1 and 4 when the complainant had been a teenage girl- was even criticized by the prosecutor during the trial.’ (Owen)

Arjun reported the experience of having his daughter’s friends come to the house as ‘terrifying’, causing further tension in the home. Imogen, Rob and Jacob also described anxiety and nervousness at having children around the home or in taking part in social activities where children were present. Susannah explained that her husband’s ‘relationship with own granddaughters was completely ruptured because we never knew and had no way of knowing whether they knew anything about it at all.’ As such, ‘the safest way to handle our relationship with the grandchildren was remoteness’.

Restricted access to children and grandchildren is one of the deepest cuts of such allegations. Even where there are no formally imposed restrictions (which is rare), informal checks can occur, resulting from suspicion alone. Seven participants described their partner or other family members ‘watching’ them around their own children or grandchildren:

‘Perhaps the most upsetting feature has been the impact all this has had through me on my grandchildren. Whilst I enjoy a good relationship with them I feel very self-conscious in their presence and constantly want to be protected from any possible suggestion, and from whatever source, that my relationship with them might be questioned. I hardly ever interact with them alone and tend not to want to do even ordinary things with them in case this is viewed as “grooming”.’ (Andy)

Rob recounted the pain of lying to his grandchildren, who had previously often slept over at weekends, about why they could no longer do so. Four of our participants recalled the distress caused by the police visit the home and their home being searched in front of their children, and having to lie to them about what was happening. Val, whose husband was falsely accused, experienced the added stress of attempting to explain the situation to their autistic son, and trying to gauge his comprehension and wellbeing.

Notwithstanding these immediate troubles, eight of the participants described the longer-term difficulties for their children of having a parent accused of child abuse. These ranged from upset during family holidays (particularly while going through security checks when travelling abroad), to pressures on partners to supervise all activities and ensure their children are not left alone with the accused parent, and in three sad cases, self-harm and bullying (which resulted in withdrawal of the child from their school).

Although her situation was anomalous, the following quote from Ella illustrates how detrimental the effects of a false allegation can be for the accused's relationship with a child, and how the effects are by no means temporary:

'My dream for many years was to hold my own child... [after 3 miscarriages]. To then give birth and be told that I could never be alone with him, that social workers would sit in the hospital at my every visit to him (he was in the neo natal unit for 4 months) watching my every move and making notes about my 'parenting', was most distressing and took most of the joy that I felt in being a new mummy. I loved my child but was frightened to bond with him because I lived under the threat of them removing him. Once discharged from the hospital, the social workers told my husband to move into my parent's home with the baby, but would not allow me to move in for the first 2 weeks; I was allowed two hours per day visiting him, with a social worker. I was not allowed to give him his first bath at home, or to put him into his crib for his first night at home. My baby, now 20 months, still suffers separation anxiety and though I accept that some of that is due to being in neo-natal for so long, I believe some is because he was taken from his mummy daily when her 'time was up.'

4.5 Effects on Beliefs and Outlook

'For me the overwhelming feeling is of one of betrayal. I feel betrayed by the people I looked after. I no longer trust children (which is very sad) and no longer trust the system. I feel let down by my employer(s) who, fearing for their reputations, not mine, abandoned any sense of duty of care to me. I feel abandoned by trades unions who, almost without exception, abandon members accused of abuse afraid that any association with someone who as they see it, potentially might be guilty is to be avoided at all costs. ... I feel let down by the police who, it seems, are on a charm offensive to win over much needed public support by making abuse cases [a] cause célèbre. Their mantra that complainants "will be believed" is frankly very disturbing. No longer can we regard the police as truth seekers. I feel let down by the Press, who with some exceptions, feed an unjustified moral panic regarding current and historical abuse in occupational settings simply to sell copy. I feel let down by politicians who, in the main, have abandoned their role as bastions of justice and replaced it with a need for vengeance, and by the judiciary who seem unable to appreciate the very real difficulty those falsely accused of abuse - especially historical abuse - have in proving their innocence. Proving something did not happen especially years ago is virtually impossible.' (Andy)²⁷

These feelings – of betrayal, prejudice and of a lack of support were dominant in our participants' accounts.

Campbell and Denov conducted in-depth interviews with five Canadian exonerees (2004) and found profound cynicism and mistrust of authority figures, severe intolerance to any perceived injustice, and a view of the criminal justice system as illegitimate. Each of

²⁷ Supplementary material was provided by some participants that is already in the public domain. This is an extract from a longer account in Burnett (2016, in press). See chapter 2 for further accounts.

these effects were also found in our sample of people who (apart from one) have not been convicted, sentenced or imprisoned. Our findings indicate that such cynicism, mistrust and aversion to other perceived injustices are quick to form, and have long-lasting effects even in a sample who have had much less prolonged contact with the criminal justice system than those in other studies.

Effects on beliefs and outlook (n=30)

Lost faith in the criminal justice system: 28 participants

Lost trust in the police: 20 participants (of 25 whose cases had police involvement)

Concern that accusers are treated as victims before guilt is established: 24 participants

Anger at employers: 23 participants

Alienation and loss of confidence: 16 employers

While our participants were not specifically asked about other issues of trust or faith, nine spontaneously mentioned feeling no ill will towards accuser while 10 felt aggrieved by lack of an apology, and while five felt their experiences had strengthened their religious convictions, another three abandoned religion.

Lost faith in the criminal justice system

Almost all participants (28) expressed a clear loss of faith in the criminal justice system. They were critical of: lawyers striking deals with employers; treating the falsely accused as guilty from the start; police mistakes and malpractice; and the individual agendas of investigating authorities. As Ella stated:

‘Since this case, I no longer have any faith in Children’s Services, or the Child Protection arena ... In my case the Police and social workers worked together to attempt to get the outcome that they wanted... I now doubt the integrity of those I once placed my trust in.’

Paul also expressed a cynical viewpoint:

‘I immediately lost faith in the criminal justice system... It unnerved me when I realised that Police are not interested in ‘Truth’. Their interest is in securing a conviction, and will manufacture ‘evidence’ to support their suspicions. In the opinion of the police, a good Social Services department, is one which produces many suspicions against adults. They see their job as done, if they can ban a man from working with children, and then record all children he was working with as ‘we have protected X number of children from abuse’.

Jack describes how:

‘The police mishandled the whole investigation in my opinion (my complaints are still being investigated). Social Services did not offer support of any kind. The justice system was awful. I had to sit in a cell in court for four days while my accuser did not even have to appear in the court.... I now have no faith at all in the Police or the justice system and neither do any of my family (and I am an ex Policeman). I was treated as a guilty man from the moment I walked into the Police station and that continued throughout. Everything I had in my defence was ignored until we got to court.’

Loss of trust in the police

Twenty of the twenty-five participants who had police contact as a result of the allegation, described the police investigation as having ‘blinkered vision’ and bias. Jon stated:

‘Before all this happened I had a naive trust in the police. Now I know that the police can be prejudiced, blinkered, and are prone to ignore the facts... In my recent trial it was revealed that the police themselves inform the accusers of their eligibility for compensation.... I trusted, rather naively, that the police would investigate to see if I was innocent; instead it became apparent that, since I was a religious Brother connected to the Catholic Church, they assumed I was guilty.’

He was not alone in feeling personally vilified, and that the investigation was prejudiced from the start. Rick claimed:

‘I have no respect for the police at all. They were determined to prosecute me, even though, if they had followed the leads I gave them at interview, they would have quickly ascertained that I was innocent. They chose not to seek evidence, only to search for corroboration... [the hardest part was] the police’s biased approach. They treated the whole process as a game of ‘destroy the defendant.’ They were not the slightest bit interested in the truth, only my conviction. I will NEVER trust them again. I have had no apology.’

Thirteen participants described what they saw to be police malpractice. Susannah recalls how the police investigation incorporated ‘trawling’ for cases, the use of ‘underhand tactics’, and the ‘leaking’ of information such as the charge notice. Rob and Arjun both describe the police withholding potentially exculpatory evidence from the defence. Paul also stated that the bail release note showed that the police had ‘trumped up’ the allegations against him. Owen said:

‘I was a staunch defender of the police and was actually the best man at a policeman’s wedding... [Now] I think the police are scum. I absolutely hate them with every fibre of my being. I think there are probably decent individual police officers but as a group I loathe and detest them.’

Three participants mentioned having formerly brought their children up to respect and trust the criminal justice system, and the police in particular but now felt differently. Seven reflected that the police as a force were not all bad, and that they may have been unlucky to have been in contact with a few ‘bad apples’. Rob stated that although he had met some respectable individual officers, many carry their own agenda as the force becomes very politicised. Jenny similarly described an overzealousness of officers to make arrests and bring cases to court. Her lasting memory of the exoneration process was a moment in the courtroom, after her conviction was overturned, where she saw the policeman responsible for securing her conviction ‘hang his head in shame’. Paul explained:

‘Whilst it is difficult for authorities to discern who will or will not abuse children, they do not often use judgment based on balanced common sense, instead, labelling men as abusers ‘just in case’, in order to cover their own backs by not letting the next abuser through the net. Police are not concerned how many innocent men they accuse, provided they stop the few real abusers. The culture of victims being believed automatically is worsened, and worsens, the lack of discipline being given to children from adults for the adults’ fears of allegations, repercussions, being shunned by other adults. Because authorities manipulate the truth, people will feel they can’t be truthful to the authorities, instead, feeling the need to cover their own backs too. This will lead to ‘every man for himself’, distrust, and eventual fragmentation/breakdown of society.’

Catherine, who was accused of pushing a child through open door, spoke for a third of our participants when she commented that:

'I have no faith in our processes and procedures and how we treat our innocent people.... This was a drain on resources and did not need to happen. I feel I need answers. The whole experience has been devastating. I work in an environment where I feel we are creating individuals with no sense of responsibility; there is only the power for young people to now react to any situation that does not meet with their approval and punish the adults who care for them. There is no consequence for this behaviour, only excuses.'

'Accusers' or 'victims'?

Thirteen of our participants mentioned that their accusers were treated as victims before any truth in the abuse was found. This added to the sense of disillusionment at the failure of the justice system to protect their interests, and what they perceived to be a police investigation characterised by 'tunnel vision':

'With a discourse calling the narrators victims, it has to be assumed that the police believed that those alleged against were correspondingly abusers and they continued to behave in this prejudicial manner to the bitter end.' (James)

Twenty four of the participants expressed the view that victims' rights had trumped the rights of the accused. Marcus thought that the system 'is now in the grips of "perception" over fact'. Claude was pleased that vulnerable people were now afforded protection, 'As the parent of a young adult with severe autism I would like to record my general approval and support for the attempts made to ensure the safety of all vulnerable members of society.' However, he felt that:

'as a man falsely accused of sexual abuse, I would submit that in the rush to protect vulnerable groups from the perceived threat of abuse, the pendulum has swung too far in the opposite direction.'

Similarly, Jacob thought that:

'Though it is absolutely right that perpetrators should be stopped and properly punished, there must also be protection against deluded, mistaken or malicious allegations which can cause real and lasting damage – I am not sure that our present procedures and checks take adequate account of this.'

While Nicole explained:

'It is of course right, in the light of the Jimmy Savile scandal and the degree of abuse which was covered up historically, to encourage and support genuine victims to come forward and report abuse. But I feel strongly that the pendulum has now swung so far the other way, that people are being hounded out of jobs or public roles merely on the basis of an allegation which might never actually be tested by any court or other judicial forum. This is a serious natural justice issue... Complainants have anonymity, alleged perpetrators should have anonymity until conviction.'

Several participants reflected on how things could be improved. Nicole argued that those who make allegations are complainants and should only be referred to as victims when the allegations are deemed at trial to be true, and that as complainants have anonymity, alleged perpetrators should have anonymity until conviction. Rob worried about the lure of financial compensation, 'To me it seems so obvious that it could all be stopped... by stopping compensation and giving counselling if people want it.' He expressed anger at the fact that others are still being falsely accused, in spite of the campaigns and

cases that have occurred since he was accused in 1999, of offences dating back 30 years. Despite being acquitted at trial in 2004, he stated, 'there doesn't seem to be any end to it... there's a feeling of frustration there all the time.'

Disillusion with occupations of care and trust and employers' lack of support

Eleven participants commented on how awareness of the vulnerability of those working in their occupation had been brought sharply into focus by their experience of being falsely accused. Claude explained that:

'Teachers working with students with learning difficulties and communication problems are subject to additional issues when faced with a false accusation, as there will invariably be a third party involved in the recording/reporting of any such allegation. In other words, it is a parent, carer or other adult who reports the allegation. In my case, no investigation considered the reliability or integrity of these third parties.'

Jenny regretted being 'so stupid' in where she had chosen to work (a children's care home, which housed many 'damaged' children who engaged in deviant behaviour). However, eight other participants described their disappointment with their employers' lack of compassion, or failure to carry out a thorough investigation or apply 'common sense' in the absence of any evidence in support of the allegation:

'The injustice of the whole situation makes me incredibly angry. Because of a spurious allegation ... I felt that being dead was a preferable alternative to having to be identified falsely as a child abuser. Most of this could have been avoided, had the school conducted a full and fair investigation.' (Rhys)

This viewpoint – that the whole ordeal could have been avoided by a more 'common sense' approach to the allegations on behalf of employers – was echoed by nine other participants. Arjun explained how his view had been altered:

'There was a complete deafness from those in authority to listen to any words of truth. They were only interested in things that would strengthen their agenda, which seemed to be to win... That was a big shock... it is so sick to watch the dishonesty revolving around... it affects my trust in my fellow men.'

Shock was expressed by the majority of participants in relation to how their employers 'protected' themselves, apparently failing to understand the challenges associated with their jobs or the types of children or young adults they cared for. Four participants reflected on the possibility that, as awareness spread of other false accusations in their profession (see for example, the survey of false allegations reported by the Association of Teachers and Lecturers, 2015) disillusionment may spread from the participants, to colleagues and friends in occupations of care and trust, resulting in a loss of (particularly male) staff in this field, or an overly cautious, no-touch, approach in such roles, and avoidance of one-to-one tuition, which could adversely affect the care and quality of service provided.

Two of the participants who worked in church-based roles commented that they were shocked at the 'self-interest' displayed by the institution, when the allegations arose. 'I do not bear ill will towards the one who made the allegation – but I found our diocesan arrangements that acted 'in righteousness' truly rotten' (Jacob). Stefan concurred:

'I have some very negative feelings about the Church that I had served all my life as I thought its handling of the case incompetent to the point of cruelty - more cock-up than conspiracy. But I did manage to focus my

frustration on the institution, rather than on individuals, and to recognize the inadequacy of a system rather than the folly of particular people.'

It is notable that the anger experienced by some participants was directed at the institution, rather than the accusers themselves.

Feelings towards the accusers

Although participants were not directly asked how they felt about the accuser, of the thirteen who volunteered their opinion, nine stated that they bore no ill will or animosity towards their accusers. This seemed to be because they recognized that the accuser might have been abused or mistreated elsewhere, came from disadvantaged backgrounds, or had anger management issues. Imogen stated that despite her husband's severe psychological damage, social withdrawal and eventual passing (which she attributed to the stress of the accusations and investigation), she 'would still welcome [the accusers] into her home, and ask them if they had had enough to eat'. Nathan echoed six other participants' views in stating, 'I do not blame any of my accusers, I blame the system which encourages, through trawling and compensation, false allegations that are not dealt with appropriately once disproved.' Andy elaborated:

'I don't really blame my accusers - I mostly see them as victims of a complex moral and misplaced professional panic. Ironically, the "victims" are being manipulated (and groomed) so that their distorted reality can be used to not only promote or maintain a false belief system but also to justify the actions of people who should know better, for example, professionals, police, politicians, press. ... The people I blame are those who have abused children. Had they not done so this would not have occurred and those of us who are factually innocent would have been spared the backlash which has resulted.'

It was particularly noticeable that most participants did not feel antagonism towards those who made the accusations, instead they focused their ire on the actors within the criminal justice system who had 'wronged' them. As Imogen explained:

'It is not just about the person who made the allegations, it's about processes and society – the police and CPS have broken their own codes of practice over, and over, and over, and over again. They seem to have, in this current climate, carte blanche to do as they want, and treat you with absolute disregard.'

No apology

Ten participants expressed grievance at the lack of apology from any authority over their (mis)treatment. Since Josef experienced the police kick his door down in the small hours of the morning, he and his family have suffered serious mental health issues. After nine months the CPS found that he had 'no case to answer'. Yet, he has received no apology or form of redress. Jenny too expressed resentment at being given no formal apology having experienced the harrowing ordeal of arson attacks on her home, vilification on television and national newspapers, and being wrongfully imprisoned. She has yet to receive any compensation. The desire for an apology typically stemmed from participants' indignation at the extensive and unjustified damage to their lives. As Jack said:

'I just feel smashed. Everything I believed in throughout my life has been smashed. Truth, honesty, morals – all the things I was brought up to believe in have been smashed. There has never been any formal acknowledgement that I was and am still in fact the victim in all of this. I have had NO apology from anyone. I feel betrayed by people I trusted. A person I happily cared for, for 24 years made these awful allegations for no apparent reason.'

Sense of alienation and loss of confidence in public opinion

Seven participants expressed scepticism about the truth of news stories concerning abuse allegations. Not only did these stories remind them of their own ordeals, but they felt they enforced public trust in the veracity of all allegations as newspapers tended to automatically treat the complainants as victims, demonising the alleged perpetrators. Along with their sense of abandonment by employers, friends, communities and even God, sixteen of the participants' accounts reflected feelings of abandonment by the public, with twelve expressing a lack of faith in human nature.

Marcus explained that, 'people need to experience the torture of having your life on a knife-edge', that he felt 'enraged with the ignorance of the public' and that, 'I have lost patience with people in general... [their] ignorance, laziness or people unwilling to move forward or consider other ideas'. For Owen, this public mistrust arose from the ease with which others adopted the 'no smoke without fire' viewpoint:

'I was disgusted at the way in which some members of the public were quick to make assumptions. The press only covered the prosecution stages and even though there had been no verdict, people assumed I was obviously guilty... The press is another group I am now suspicious of – and this is why I have never contacted them to tell my story.'

A further seven participants expressed anti-public sentiments, through frustrations at those in authority or through a sense of complete isolation. David explained:

'It is annoying that some people give perjured evidence against you and it is established in court - yet the police who bring the prosecution fail to make arrests? Because the allegations were nearly thirty years ago, it was difficult to gather evidence. Police colleagues did not want to get involved especially those that I have assisted in the past. Community members whom I had helped did not want to assist. My local MP did not want to assist. Even as an elected member of the council, fellow councillors avoided me.'

Effects upon religious faith

The ordeals experienced by three participants caused them to abandon religion. As Rick put it, 'I have lost my faith in God, and no longer pray. What happened to me was malicious, cruel, vindictive, and, if there were some sort of Superior Being, how could he allow such things to happen? What would be the point of such random behaviour in the scheme of things.?' However, five participants reflected that the experience of being falsely accused had either strengthened their religious faith, citing it as a source of support, or that their faith had been unshaken.

4.6 Coping Mechanisms

'I appreciated the courage shown by those who have challenged the perceived view that there is 'no smoke without fire', and that child abuse is rife in the UK - sometimes at great cost to themselves and their reputations.' (Andy)

'I have refocused my energy, have learned things about control/management, self-responsibility. I value my life and the opportunities within it... Once I had gone past the disillusioning experience of the IPCC, I was able to reclaim my life. While there is always a sub-surface anxiety that unscrupulous solicitors or police might try again to wreak havoc, I have a place in my inner architecture where I can put that potential fear. As a friend said during the experience, "Do not let life slip through your fingers even though your hands are tied".' (James)

Complainants, many of whom will be genuine victims of abuse, are entitled to certain privileges in order to assist them in the criminal process, help them to recover and compensate them for the harms done to them, even if their accusations do not result in a conviction. In comparison, those who are accused - even when they are acquitted - receive little to no formal support from the state. Most of our participants felt aggrieved about what they considered to be an unfair response to their trauma. Indeed, nine of them felt that they had not received support from anyone.

Coping Mechanisms (n=30)

Therapy, counselling & medication: 12 participants

Assisting others in a similar situation: 16 participants

Support groups (e.g. FACT): 22 participants

Positive mind-set: 14 participants

Seeking support from others: 24 participants

Learning new skills or hobbies: 9 participants

That each of our participants volunteered to talk candidly about their experiences could indicate a degree of resilience and psychological adjustment. Indeed a few of our participants reflected on such outlets as a means of coming to terms with their experiences. That said, some of those who declined our invitation to participate indicated that they preferred not to talk about their experiences, or would find it upsetting.²⁸

Therapy, Counselling and Support groups

Only eight of those in our sample received professional therapy and counselling, though a further four had been prescribed antidepressant medication. Rhys spoke of the vulnerability and dependency that a person can find themselves in, once accused of abuse:

'No help was received from the school – the staff member designated as a contact made no attempt to contact me to ascertain my physical and mental wellbeing.... Support was sought through my GP initially and then through the NHS local CRISIS team. I would go to CRISIS 2-3 times per week for counselling and to receive

²⁸ The present study was limited to referrals through FACT. This means we might have a sample biased towards those who are happy to make contact with support groups.

medication. I would call the Samaritans helpline 2-3 times per week I contacted FACT before my hearing after having searched online I was later referred to Talking Therapies for weekly counselling sessions.'

Others cautioned against sharing their trauma and deep-rooted personal troubles, associated with being falsely accused, to those in professional support roles. Two expressed horror at the idea of 'baring their souls' to a stranger – who might go on to assess their mental wellbeing and write a report – for fear that the counsellor or therapist would too think, 'no smoke without fire'. Two further participants indicated that they would feel uncomfortable seeking professional mental health support due to the distress of being perceived as weak enough to need it – even by themselves. This finding causes us some concern; some of those who have suffered at the hands of the criminal justice system, be it through mistaken identity or malicious accusations, feel unable to access professional support for fear of being disbelieved by those they should be able to trust.

Given the fear and risk of being judged by others who might not understand their predicament, it is unsurprising that the majority (22) of participants cited FACT as a source of support specifically because FACT members can relate to others facing the same struggles. At FACT they can 'speak directly to someone who had been through it' (Rebecca). Marcus, who was not allowed to discuss the allegations with anyone he worked with, explained that 'It was scary but reassuring to meet people who were prepared to listen, and genuinely understood what I was going through... Few of my family or friends knew what was happening.' Instead of seeking professional support at his workplace, the focus of his abuse allegation, he 'engaged with FACT, [which] has in many ways helped me to rebuild the understanding that I was the *victim* of a terrible crime'.

While they appreciated support from groups such as FACT, FASO, PAFAA and BFMG, several participants acknowledged that they often still felt damaged and alone:

'We have benefitted greatly from the opportunities and forums [FACT] provide to discuss and share our experiences. Yet, the negative effects of this continue to overshadow our lives.' (Nathan)

'FACT were supportive but I felt very much alone throughout the process and it was left to me alone to mount my defence. It was me alone versus a police incident room team. And I won. Why? Because my side was built upon the truth.' (Rick)

Although five participants explicitly stated that their belief in their own innocence was a source of support and strength, the vast majority did not. It seems that reliance and comfort cannot be drawn simply from the knowledge of being innocent (see below, 'Beliefs and Outlook').

Assisting others in similar positions

Around the world, stories have emerged about exonerees helping others they believe to be wrongly convicted. Here in the UK, for example, MoJo, the miscarriage of justice support group in Glasgow, was the brainchild of Paddy Hill while he was still in prison. It should not be surprising therefore that over half of our participants assist others in similar positions, having experienced for themselves the overwhelmingly negative consequences of being falsely accused, and having learnt something about how to cope.

Arjun recalled learning strategies through cognitive behavioural therapy to compartmentalize the various challenges, dealing with each problem as it arose. He described how he was able to make the best of what had happened to him by advising and 'counselling' others in the same position, 'I feel so proud that all of this trauma I've been through, all of this psychological support, it's not wasted. The counselling that helped me, I can put into an approach of helping people who call FACT's helpline'. Another participant, Marcus, reflected that the only positive he could take from the ordeal of being falsely accused, was to translate what he learned during his experience into help and advice for others:

'My knowledge of the law is vastly improved... I am more able to engage with areas of the law and help people who are affected by these issues. This includes advising, writing letters with them, compiling, and often just being a sounding board or devil's advocate so they can talk to someone about the issue.'

While assisting others in a similar position can be a key coping strategy, this can have a detrimental effect; in choosing to assist others and share their own experiences, stories and strategies, the accused risk continually reminding themselves of their status as a victim of false accusations, and may fix their identity as someone who has been falsely accused. Josef explained that he 'wanted to leave FACT, leave everything associated with the false allegations and just move on with life, but somehow kept coming back..... [realizing] it was in order to help others'.

Defensiveness, self-preservation and positive thinking

Apart from the ability to help others, discussed above, the majority of participants felt that the experience of being falsely accused had taught them a great deal and, in particular, made them more judicious in their assessment of others. Drawing on a battleground analogy, a few participants felt that they could now 'arm' themselves with new knowledge or skills as a defensive weapon. However, this could be seen as a double-edged sword; each of our participants who felt an increased sense of cautiousness around others, also expressed cynicism and mistrust of others.

That said, the most prevalent coping strategy, evidenced in 22 accounts, was use of a determinedly resilient mind-set. This was expressed as gaining 'perspective' over what truly mattered in their lives (7 participants), or reflecting that things could have been far worse, particularly as they were not *wrongfully convicted* (a further 5 participants). For example, Owen expressed positivity through a strong appreciation of not losing family members, as he would have if he had been imprisoned. And Jon explained, 'I have gracefully moved into retirement, earlier than I expected, but much healthier since teaching can be very stressful'. James told us he had 'refocused my energy, learned things about control/management and self-responsibility. I value my life and the opportunities within it'.

The tendency of participants to adopt a positive mind-set in coping with the ordeal of being wrongly accused, should not be interpreted as an indicator that some participants were able to dust themselves off and continue living their lives as normal. Every single participant described the ordeal of being falsely accused as having changed their lives

permanently. Participants' attempts to put this change into perspective, to minimize and move on, should not distract us from understanding the depth and the extent of the pain caused by wrongful accusations and the criminal justice response thereafter. Andy summed this up perfectly by explaining:

'My life will never be the same again and I cannot ever get back to where I was before these events occurred. I have learned to cope by realising that my life chances could have been worse. In a different generation I could have been sent to war and killed. I could have become terminally ill at an early age. I could have led an unfulfilling life. I could have not had the support I do have.'

Seeking support from others

Twenty-four of the participants mentioned support from friends, family or a partner. Two in particular discussed actively seeking support, as a means of restoring their damaged self-concept:

'I told close friends among past colleagues and pupils what was happening and asked them to write to my defence team if they felt they could, not to pronounce me innocent or guilty but to outline what they knew of my values and behaviour. This would never have been enough to 'prove' my innocence but it would provide a counter-narrative. In the end, I asked about 100 people. They wrote the most moving letters of support and they kept me in confidence.' (James)

Arjun also recounted how, living in the same area as the school where the allegations occurred, he saw parents regularly. Several provided verbal support; some promised strong support in the event of a trial, others offered kind words. He asked them to write their name and details if they offered support, preparing a 'back-up team' for the anticipated character assassination. He explained that he did this to make them feel they were tied in to support him. While this may be a successful coping mechanism, it also demonstrates an underlying sense of mistrust, fear of abandonment or a strong need for support and people to be true to their word. This need to collect 'character evidence' is arguably driven by the paucity of exculpatory evidence in such cases, and the inability (either formally enforced or personally felt) to discuss the allegations, the ensuing vulnerability, and the desperate need for support.

Learning new skills / pastimes

Nine participants mentioned being able to find solace and enjoyment in new hobbies, particularly creative writing and keeping fit. These served as stress release activities, or provided a sense of pride in something they have created or worked hard to achieve, reminding them of their personal qualities and talents. These proved to be important in giving our participants opportunities to repair their 'stained reputations' (discussed above). Four participants mentioned finding that creative writing in particular offers a valuable platform for those suffering false allegations to express and raise awareness of the horrors of their experiences without being met with disdain, disbelief and disgust.

Section 5: DISCUSSION and CONCLUSION

'Other than the fact that my family were there for me, and the feeling that we were brought closer together, there has been nothing positive. I am afraid to return to a school setting, I am still unable to sleep properly at nights, rarely leave the house to go outside and I rarely enjoy engaging in activities that I used to.' (Rhys)

Rhys, like many of our participants, reminds us that, despite having the support of loved ones, the experience of being falsely accused causes enduring trauma, even for those who are not arrested, prosecuted or convicted. This report has explored the many structural, cultural and psychological harms suffered by those who generously shared their experiences with us. Much can be learned from their accounts.

This report presents data collected from a sample of people who have been wrongly accused of abuse in occupations of trust. Participants responded to our questions in interview and our prompts in providing written accounts. In this sense, we guided their stories. However, we gave them space to define their own issues of concern and talk or write about matters beyond our prompts. While we cannot, nor should not, reproduce verbatim all that they said, we have sought fairly to report on the most pertinent issues and have reproduced in their own words what they feel about their experiences. In doing so we have not sought to corroborate our participants' experiences but to simply present them as their perceptions.

Those accused but not convicted of the majority of other types of crimes do not tend to lose their jobs. However, this research suggests that the majority of those accused of abuse in the workplace do. Most of our participants who were working at the time of the allegation lost their jobs or were prevented from working with children or vulnerable adults again. Mechanisms to check the reliability of potential employees who wish to work with vulnerable populations – such as CRB or DBS checks – can exclude those who have fallen under a cloud of suspicion even if they are not found guilty of any criminal offence. Risk averse environments militate against those falsely accused and the upshot is damaged reputations and ruined careers. Innocent men and women are left without a career, while different institutions lose skilled and caring employees.

There are considerable financial burdens accruing from this but loss of earnings is not the sole consequence; the wrongly accused may also face steep legal fees, the loss of a home, and financial pressure on their partner. For many, the loss of a vocation they had trained for and worked at for years caused multiple other harms. Being accused in an occupation of care or trust carries the additional consequence of the accused having to let down those they assisted in these vocations – both co-workers and children or vulnerable adults. Some of our participants had to abandon care work, teaching, friendships and other working relationships spanning decades, resulting in social withdrawal, panic, fear, anxiety and a complete inability to trust others, with the inevitable costs on mental health.

Measures taken to prevent the accused from discussing the allegations with colleagues make it incredibly difficult for them to mount a defence and prevent them from drawing on support from co-workers, who are often also friends.

The effect of social withdrawal is pronounced in false allegations against those in occupations of care and trust because the mistrust that the accused experiences comes from both their employers, co-workers and friends, leaving them with little support. Our participants' accounts showed a clear disintegration of relationships between the falsely accused and their employers and colleagues, and a polarisation between those who supported them, and those who distanced themselves, either due to mistrust or simply not wanting to be associated with someone under suspicion. While the bitterness and anger expressed by many of our participants are perfectly understandable, some feared that they were caught in a vicious cycle of withdrawal from those who might be able to help them for fear that they might disbelieve or reject them. Although these suspicions were at times well-founded, in some cases, it was not clear that others could not be trusted to support them. Clearly, creating a barrier for protection militates against comfort and assistance and further damages mental health.

Some of our participants struggled to reconcile the need to 'fight the allegations' with the desire to shut down and hide from the shame of an unwarranted label. Several accounts described the wrongly accused as a 'fighter', presenting a tough, no-nonsense person who would resist all suggestions of wrongdoing. The battleground analogies extended to support networks, with many describing others who were 'on our team', 'closed ranks', or 'came out fighting for me'. Alongside this, however, our participants revealed fear and emotional vulnerability, and a sense of being worn down by the accusations and the fear that those close to them may be persuaded of their veracity. The stigma of the label 'paedophile' was a recurring theme in our participants' accounts. It was made clear that the stigma associated with child sexual abuse is so great that they felt it a long time after they had been declared legally innocent. For such cases, mud really does stick.

Furthermore, their trauma was in some cases aggravated by a fear of further allegations. Again, this very real concern separates this group of wrongly accused from many others who face false allegations. Being wrongly accused of murder or robbery is a deeply unpleasant experience but not so likely to be repeated once the status of the wrongly accused has returned to 'legally innocent'. Conversely, our participants, working with vulnerable and oftentimes troubled youths and adults who may well have been abused in other contexts or by other people, were exposed to risk of further allegations that would be equally difficult to challenge. They had, in other words, rational concerns.

These concerns about past and potential future allegations left a few feeling 'obsessive' about their cases. They pored over legal documents, attempted to investigate further the source of the allegations, and one was regularly engaging in 'internet surveillance' of his accuser's social media presence in the hope of finding evidence to challenge his credibility. This obsession is unsurprising but has, in some cases, strained

relationships with others. As one of our participants put it, 'I am more questioning, more doubting, and less easily convinced of *anything*'. Another participant explained, 'Being more focused, determined, and attuned to justice means that one (for me at least) has to sacrifice enjoying shallow and meaningless relationships with people: and so I don't bother. I am a lot more insular, substantially more unforgiving'.

In the majority of accounts, an overwhelming sense of anger and betrayal emerged. This was not directed at their accusers, but at employers who were thought to have encouraged the allegations, at the police for what our participants saw as treating them as guilty from the outset, and at a 'victim-centred' criminal justice system, with its provisions for complainants on one hand, and what they felt was a failure to recognize rights or due process of the accused on the other. Indeed, almost all of our participants had lost faith in the criminal justice system though all but one were not convicted, were not formally found guilty of any crime, and did not lose their liberty.

The majority 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.

Those whose relationships were irretrievably harmed met challenges when attempting to form new relationships. They cannot know 'who knows what' and so are faced with the choice either to inform others that allegations have, in the past, been made against them – and risk poisoning their own reputations and future friendships – or remain silent and suffer guilt and angst that the relationship could be ruined if the allegations are revealed. Clearly, being wrongly accused can poison future relationships as well as established ones.

Most of our participants received no professional psychological support; either it was unavailable or they could not tolerate baring their soul to a counsellor for fear of being judged or disbelieved. The lack of support, formal and informal, apology or recognition of the pain caused to the accused was a constant theme. It resulted in deep mistrust of others, particularly those in authority and the media, and a sense of alienation.

That said, more than half of our participants found solace from assisting others facing false allegations. This provided a sense of self-worth, raising self-esteem which had, perhaps inevitably, been damaged by the allegations. Assisting with campaign work and support groups also provided a sense of solidarity and fostered positive relationships in a non-judgmental atmosphere. However, perhaps its main goal was the search for truth and justice, if not in their own cases, then in other similar ones. As Andy explained:

'In the longer term I have realised that my reputation is not what matters. What matters more is the search for truth and the damage caused to the institutions of State and wider society which arises from on the one hand

being falsely accused and on the other hand when individuals can exploit the vulnerability of people who did their best to look after them.’

In our view, the cumulative impact of these interviews is both shocking and immense. It is widely accepted that to be described as a paedophile will be damaging. However, until we conducted this study, we had little grasp of the extent to which a false allegation is likely to affect every aspect of a person’s life, psychological, material and physical. Most of the participants, it should be recalled, were able to refute the accusations made against them at a relatively early stage of the legal process. Despite this, their lives were, to put it simply, wrecked. It need hardly be stated that for factually innocent defendants who are wrongly convicted and imprisoned, but who cannot legally demonstrate this, the consequences are likely to be still greater.

It is also of deep concern that the experiences described by the participants in this study are far from rare. A survey by the Association of Teachers and Lecturers of 685 of its members found in 2015 that 22 per cent of school and college staff had been the subject of a false allegation of abuse by a pupil (Association of Teachers and Lecturers, 2015). Of this sample, 7.5 per cent said the allegation was reported to police, and 94 per cent said that those who faced such allegations should be granted anonymity. The survey also found that, not surprisingly, the prevalence of false allegations and the publicity given to them is driving experienced staff out of teaching, and, presumably, deterring others from seeking to enter it. In the words of a primary teacher from Kent: ‘The increasing occurrence of allegations is one reason why I will be leaving the profession sooner than I would like’ (Garner, 2015). This is a damaging cost which society can ill afford.

The authors of this study hope that it will provide a valuable corrective to the uncritical discourse that has dominated media, political and policy-making discourse over the past 20 years – the discourse which states that victims will, almost invariably, be telling the truth. It is worth here repeating the Metropolitan Police statement on Operation Midland, ‘our starting point with allegations of child sexual abuse is to believe the victim until we identify reasonable cause to believe otherwise.’²⁹ It will be recalled that this statement was made *after* it had emerged that the main source of the allegations was probably a fantasist.

No doubt the intentions behind that statement were honourable: a desire to right an historic wrong, and to give victims who had been previously ignored a voice. But this study suggests that in the process, a whole new and growing class of victims is being created, whose suffering is just as intense – all the more so for having been, until now, passed unnoticed. The road to hell, it is said, is paved with good intentions. Unfortunately, that is where the victims of false allegations of abuse are likely to find themselves – in a living hell.

²⁹ Metropolitan Police Service (2015) ‘Historic child abuse investigations and Operation Midland’, September 21st. <http://news.met.police.uk/news/historic-child-abuse-investigations-and-operation-midland-130034>

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