



I have been falsely accused

What happens next?

F.A.C.T campaigns on behalf of falsely accused and wrongly convicted carers and teachers, and for reform in the criminal justice system to prevent such miscarriages of justice

First Reactions

People find out they have been accused of abuse in different ways. Usually the information will be given to you by a child protection agency (such the NSPCC), your employers or by the police. Generally speaking you are unlikely to be forewarned. You are also unlikely or to be told the full extent of the allegation(s) made against you.

Depending on the circumstances you may, or may not, be given the opportunity to be informed of the allegation in the presence of someone (e.g. a colleague, trades union official) who can give you support. (Never attend a formal managerial/disciplinary interview without having a colleague or trades union official support you).

The certainty is that if you are accused of abuse - which you know did not take place - you will feel frightened, panicky and at a complete loss as what to do next. You will feel physically ill and emotionally confused.

In your search for answers and explanations ideas will keep circulating in your head. You will become seriously fatigued if not exhausted. In time you may feel anger and become depressed.

The impact of the allegations on you, your family, your colleagues and community will not escape you. You will feel will very scared, powerless and shamed by the experience. You will need help.

Disclosure other than by the Police

- If you are forewarned of the likelihood that a complaint of abuse has made against you (or is likely to be) make sure that when you are told of this you have someone with you for support. Get them to make note what is being said. It is surprising how much detail you will forget.
- If you are in employment and working with children or vulnerable adults the chances are that you will be suspended from work. This is normal practice and does not mean that you are considered guilty.
- Before you leave ask for the details to be confirmed in writing. Make sure that you get immediate post interview support.

Initially you will need this from either within your family, or from a colleague, or a friend. You should also consider obtaining professional help from sources such the citizens advice bureau, trades union or a solicitor.

Police Involvement

- If your complaint is being handled by the Police one of two things will happen. You will either be advised by phone that they wish to see you, or you will receive an unannounced visit - usually early in the morning. You may, or may not, be arrested.
- If you are visited at home you may find the police have a search warrant and will want to search your property and possessions. This can be distressing as it sometimes involves several police being present some of whom may be dressed in forensic clothes (white overalls).
- If you are arrested insist on your right to inform a reliable adult. It needs to be someone who knows how best to help *at that moment*. The police may only allow you one phone call and you may not be given much opportunity to explain your predicament.
- If your appointment with the police is pre-arranged make sure you are accompanied by a solicitor experienced in criminal law and in abuse cases. Take a notebook and pen with you, and an **unopened** carton of cold drink. Your mouth will become very dry.
- Expect to be at the police station for some time. If you are on medications take them with you.
- **Never** speak to the police without your solicitor being present. You may think you have nothing to hide but whatever you (or they) say may be misconstrued and difficult to evidence unless you have a witness. Be polite, courteous and positive at all times. Allow the police to initiate the conversation.
- You will be asked if you wish to be interviewed in the presence of a solicitor. Always say yes. The need for a solicitor is not an

indication of guilt but rather an acknowledgement that without such protection the police may not behave correctly.

- Do not accept the duty solicitor unless you have to, they may not be sufficiently experienced or fully qualified. Do not use your local solicitor unless (s)he is known to you and has experience of criminal law *including false abuse allegation cases*. *If necessary use a solicitor from outside your own town.*
- Don't be concerned if you cause a delay. Try not to worry if you are placed in a cell. The police cannot keep you locked up indefinitely and without good reason. If you are concerned about your treatment make sure you inform the custody sergeant and that he makes a note of your concerns on your custody record. It is best to point these as they arise but if this is not practicable do so before you leave the custody area/interview suite.
- Remember to make a note of the police officer's name and number. This is particularly important if they say something or do something which is unhelpful or wrong, or if they fail to do something required of them, or to meet your reasonable requests.
- Without such protection the police may not behave correctly.

Interview Stage

- Ensure your solicitor is taking notes. Listen carefully. Keep in mind that the police will have their own agenda. They will be seeking evidence that will convict you. Despite what they may say they are not seeking to establish the truth - or even trying to help you. They are gathering evidence to use against you.
- Always tell the truth. There is no point in lying or trying to confuse matters. This will only make things worse for you.
- You are bound to be asked questions to which you know the answers as well as some questions whose answers you do not know. If you do not know the answers say " I'm sorry I do not know." If you cannot remember the detail say so. Never be tempted to fill in the gaps in your knowledge in order to appear helpful. If what you say turns out not to be strictly accurate your honesty will be questioned, and your reply may be used against

you. Only give information if you are absolutely sure of the accuracy of your answers.

- The interview process normally starts with a cosy chat. If you find this helpful, fine. If you find it irritating or patronising politely ask them to get to the point of the interview. After a few preliminaries the serious business normally starts with a 'phased disclosure' of the complaint.
- Bit by bit you are given information and asked to respond. This creates a lot of anxiety because you do not know what is coming next or where it is leading to. You are, from the outset, perfectly entitled to ask if the person they are referring to has made a complaint against you, and if so what are the specific details of that complaint.
- For example you may be asked if you have knowledge of a particular person. In all probability that person will have given a statement to the police. If necessary ask them to read out (or show you) what the person has said in their statement about you - before you answer any questions about them.
- Be comfortable in the interviewing room. If the chair you are provided with is not comfortable ask for a replacement (for safety reasons interview furniture is often very basic!). If you need a drink of water ask for it. Take toilets breaks when necessary but be prepared to be escorted - including by an officer not of your sex. If you need to take medications or food at specific times make this clear.
- If you need to speak privately to your solicitor at any stage ask to do so.
- Keep in mind that if no charges are preferred you may not be given a record of your interview. Although your solicitor will be taking notes you might prefer to have your own record. You need to ensure that you record the names of your complainants, the nature of the complaint, and when it was made. You also need to record other details - such as the names of any witnesses relied on by the police to support the complaint that has been made.
- Do not expect to be told of any information which the police have concerning your innocence. This won't happen!

- Keep in mind that if you are still employed or working with children or vulnerable adults (even in a voluntary capacity) your employers may be told of the detail of the complaints made against you. Remembering the information you have gained from your interview may therefore be critical in proving your innocence.
- Try to keep your conversation free flowing. (This can be difficult when you are asked to comment on something which did not happen or relates to events said to have occurred decades previously). The police/prosecution will use 'sticky' moments in the interview to discredit you.
- Do not give the impression you are trying to 'score points' or that you are evading important matters. If necessary take time to think but don't delay your answer unnecessarily. If it is true you can always say something like "I am having trouble thinking, it was a long time ago and I honestly can't remember"
- You have the right to speak to your solicitor alone at any stage. If you think the police are behaving improperly ask your solicitor if they have a lawful right to behave in this way.

Post Interview

- Make sure you have gone through the detail of the interview with your solicitor, that you know what has been said, and what is required of you.
- After you have been interviewed you may be released on bail pending further inquiries, or charged with an offence. If you are charged with an offence you may be bailed to appear in Court at a future date, or kept in police custody pending an appearance before a Court.
- You may also be required to attend an identity parade. If you are asked to do so consider whether or not this is prejudicial to your future defence. For example, if the matters which have been put to you become public knowledge. If they have could this have a prejudicial effect on the identity parade?
- Make sure that before you are put on parade your solicitor is present and you have discussed with her/him the correctness of

the police action. If you object to the parade taking place or consider it invalid say so - preferably on tape. Alternatively the police may decide to photograph you with a still camera or with a video camera. Before they do so you discuss this with your solicitor.

- Whether you remain in custody or not you should start to gather information which will be helpful to your case. Make a list of all colleagues who worked with you at the time of the alleged incident, and of the clients you remember coming into contact with. Draw up rough sketches of the location and environment in which you worked and where the alleged offences are said to have taken place.
- Make a note of all the different records systems (e.g. diaries, log books, registers, case files, teaching plans etc.) that were in use at the time of the alleged offence, so that your solicitor can apply to see them.
- Enlist the help of family, friends, colleagues, anybody who can help. Their memory of key events in your career may be better than yours. Seek the help of someone who understands the context of your working environment *at the time of the alleged complaint*.
- Try to discover if your complainants have featured in other trials, whether they have been motivated by a claim for compensation, or other reasons.
- Never talk to the persons who have accused you, or their relatives. It may appear as though you are seeking to intimidate them, or put undue pressure on them.
- You will need to make sure your solicitor has access to all used and unused material which the police have gathered, all statements taken in the course of their inquiry, all relevant police officers notebooks and any computer data used in the

investigation. These are likely to be of crucial importance. Insist your solicitor obtains them.

Finally

- Remember your solicitor is there to help you. It is your job to give 'instructions' and to make sure they do what is required of them. In our experience many of the solicitors used by F.A.C.T. members go out of their way to help - often beyond the call of duty. Just occasionally we hear of those who have failed clients. If you have concerned about legal representation contact F.A.C.T.. We may be able to point you in the direction of abuse defence specialists
- Remember to keep a sense of perspective. Events rarely turn out as we imagine them. People will want to help and believe in you. Let them.

Note:

Nothing in this leaflet should not be construed as legal advice. The comments above reflect the experience of F.A.C.T. members and have been found helpful in their case. Not every one's situation is the same. Not every police force or solicitor behaves in the same way. There is no substitute for good legal advice. Always consult a solicitor. F.A.C.T. cannot be held responsible should any advice given above not apply in individual cases.

Membership of F.A.C.T.

Membership is open to any adult who is, or has been, falsely accused or wrongly convicted of abuse whilst

- caring for, teaching, and/or working with (or on behalf of) children or vulnerable adults in *a non parental role*
- a foster parent, day carer, youth/sports worker, health care worker, or church official
- is a family member or friend of someone falsely accused
- is interested in furthering F.A.C.T.'s aims and objectives

and is eighteen years of years of age.

All applicants for membership are required to warrant that they are innocent of any form of abuse, and that any allegations that have been made against them are false.

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