



Serving People and Professionals
in Contested Allegations of Abuse

Dear Reader

A father has been through the mill, his current family so nearly fell apart. He went to court to face a trial for the 10 counts of abuse alleged by his ex-wife's daughter, now in her 30s. She clearly believed he had committed numerous crimes against her but after years of therapy for an eating disorder her mother knew that the claims she made were just not true. Bravely risking her close relationship with her adult daughter she agreed to come to court because she could not allow a miscarriage of justice to occur. She owed her ex-husband nothing but fortunately for him she was an honourable woman who knew that morally she could not allow an innocent man to be sent to prison for a long sentence. The jury understood and the man was acquitted of all charges but no one wins in a case of this nature. Everyone involved has been devastated and all of them are now faced with the task of rebuilding their lives.

This isn't the only trial at this time. Another father is about to go through a similar process and it is hoped that the judge will accept that it is an abuse of process for his trial to go ahead. To the lay person a fair trial seems impossible but this is a matter of law and if it is not agreed then the trial will proceed a few days later. With the help of family and friends it is amazing just how families find the strength to get through the strain of being falsely accused.

One of the worst scenarios we have to deal with is when a man pleading his innocence calls the BFMS six days after having been found guilty and whilst awaiting sentencing reports, to describe the shock of an outcome he had not anticipated. He thought that judge and jury would recognise the implausibility of his case. They did not. His legal team has not followed the trail of counselling, didn't call many potential

witnesses and now when the accused man needs to talk to them about the possibility of appeal they have gone on holiday and are unavailable for two weeks.

An innocent person will usually do everything they can to work out where things have gone wrong. Unsurprisingly they are often driven and will try to piece together a history and time line for the relevant years. The difficulty is that people are being asked to think back two, maybe, three or four decades to recall different addresses, layout of rooms, people involved at the time. It is not easy; some people have excellent memories, others can recall only snippets of information. A member describes this difficulty in his article on page 9.

To ensure that the justice system is fair it is clear that we need more awareness of how false allegations can arise – it is not a popular topic – but it is the only hope for falsely accused men facing years of incarceration for something they have not done.

Madeline Greenhalgh

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NEWS

Voluntary Registers for Talking Therapies

The Health and Social Care Bill 2011 includes important changes for the Council for Healthcare Regulatory Excellence including changing their name to the Professional Standards Authority for Health and Social Care (PSA). The Government has asked them to set up a scheme to set standards for, and accredit, voluntary registers for workers within health and social care who are not statutorily required to register with a regulator. This scheme is expected to start in July 2012.

For therapists and counsellors, other than chartered practitioner psychologists who are governed by the Health Professions Council, it is not mandatory to register in order to practise. It still remains a matter of *caveat emptor* for anyone seeking sound, safe help from a talking therapist. Many therapists will continue to operate without clear guidance and supervision. In future, there will be four layers of regulation for practitioners: 1) those who are statutorily registered e.g. doctors; psychologists; 2) those who are voluntarily registered and assured by the PSA; e.g. it is expected that bodies like UKCP, BACP will sign up; 3) those who are registered with their own governing body but not registered with PSA; and finally, 4) those who operate under their own auspices without governance.

If the worker does not agree to behave in accordance with their governing body's Code of Practice that organisation can strike them off their register and make this information public. That alone, however, will not prevent anyone struck off a voluntary register from being able to work in that profession. It could lead to other action for example, disciplinary action by employers, clients deciding to stop using their services or in the most serious cases being reported to other authorities who have legal powers such as the police or bodies such as the Independent Safeguarding Authority in England who can bar people from working in health and social care with people who are vulnerable.

A number of therapy organisations with voluntary

registers who are committed to protecting the public can voluntarily sign up to the scheme. This will be because they want to do so, not because they have to.

The new scheme will involve setting standards that the organisations holding the voluntary registers should meet and the PSA will accredit organisations who apply to them that they agree are meeting PSA required standards. PSA will not operate registration of individual practitioners; keeping registers will remain the domain of the various governing bodies. Approved registers will be known as assured registers. The Authority states, "Accreditation will provide additional assurance to employers, commissioners, patients and the public that standards are being applied robustly; and that they can reasonably expect health and social care professionals and workers on a quality assured register to be competent and behave ethically and compassionately."

The scheme will be self-funding and operated on a not for profit basis. Fees have yet to be determined.

Seeking a Hypnotherapist?

Check for minimum 800 learning hours

Following criticism of the varying standards of training for hypnotherapists Peter Mabbutt, Director of Studies of the London College of Clinical Hypnosis stated in a letter to the press in June 2011:

"We agree that there are a proportion of therapists treating the general public who have had no training and find this to be an abhorrent situation. He noted, "the assertion that a high proportion of lay therapists hold a belief that current traumas stem from episodes of abuse in the past is erroneous. In fact this is a view put forward by a minority who use the analytical approach to hypnotherapy, one that is fast losing favour within the profession. (However the BFMS has evidence that some hypnotherapists do still hold this view and are committed to practising it in spite of industry concerns.)"

Current thought and training takes a much more holistic approach that encourages working with a patient in a more goal-directed way. Undoubtedly false memory does exist. However, it is wrong to think that its instigation is solely a result of working with lay hypnotherapists. Likewise, it is wrong to believe that doctors do not train in hypnotherapy from very dubious sources such as correspondence courses.

“Societies such as the British Society of Clinical Hypnosis hold registers of appropriately trained hypnotherapists. As a guide, the public should be seeking therapy from people who have had classroom-based training of a minimum of 800 learning hours that is validated or accredited by reputable institutions.”

Grant awarded for sci-art collaboration on false memories project

The Wellcome Trust has awarded a grant to artist Alasdair Hopwood and BFMS Professional and Scientific Advisory Board member, Professor Chris French, to cover the costs of a project titled “(False) Memories are made of this”. Hopwood will create a new body of artwork that aims to increase public understanding about false memories and current scientific research in this area. He will take up the role of “artist in residence” in the Anomalistic Psychology Research Unit at Goldsmiths, University of London, later this year. The project will include a new website, a series of talks and an exhibition that will examine the potential impact of these issues on Biomedical Science and Art, whilst stimulating a debate on the wider consequences of this area of scientific enquiry. This exciting and innovative initiative will involve consultations with leading researchers in this area as well as input from the BFMS. A number of different approaches will be employed to raise public awareness regarding the unreliability of human memory including, for example, the creation of a web site that would serve as an ‘Archive for False Memories’. The idea would be to ask the public to anonymously submit a memory from their own past and/or a memory reported by someone else that they think may be false, distorted or factually incorrect in some way.

Invited Speaker Series 2011/12

**Anomalistic Psychology Research Unit
Department of Psychology
Goldsmiths, University of London**

Seminars are held on Tuesdays at 6.10 pm in Room LG01 of the new academic building, Goldsmiths, University of London, New Cross, London SE14 6NW, unless otherwise noted. Maps and directions can be found at www.gold.ac.uk. All talks are open to staff, students and members of the public. Attendance is free and there is no need to book in advance.

For further information, visit <http://www.goldsmiths.ac.uk/apru/speakers> or contact Robert Brotherton email:r.brotherton@gold.ac.uk

NB: You are strongly recommended to register (at no cost) with the APRU’s “Psychology of the Paranormal” email list to ensure that you are informed of any future changes to the programme.

Visit: <http://www.gold.ac.uk/apru/email-network/>

AUTUMN TERM

- 4 Oct Dr Simon Singh & Alan Hennes
Science writer & Sceptical activist
Battling Bogus Medical Claims
- 18 Oct Dr David Barrett (NB: This talk will take place in the Ian Gulland Lecture Theatre in the Whitehead Building)
Writer
The Church of Scientology – a Scientific or an Esoteric Religion?
- 1 Nov Prof Amina Memon
Department of Psychology, Royal Holloway, University of London
Making the best use of video identification parades and meeting the needs of vulnerable witnesses
- 22 Nov Dr Susan Blackmore
Psychologist, lecturer and writer
A 21st Century Séance
- 6 Dec Carl Miller & Jamie Bartlett
Demos think-tank
Truth and the Net

THERAPY FEATURE

Danger in the consulting room

Tony Freeman

In my Central London CBT Therapy practice I have been shocked and dismayed at the sight of clients who arrive after years of shoddy and highly suspect therapy involving FMS (False Memory Syndrome).

These FMS victims often have the haggard look, exhausted after many miserable years of obsessive self-examination, blame, guilt and perverted anger towards parents. Many have endured a frighteningly unhealthy relationship with a therapist who transformed from caring professional to domineering tyrant – with disastrous results.

FMS

Most of us are highly susceptible to suggestion, whether choosing which brand of toothpaste or recalling strange but somehow forgotten childhood abuse. Clients are frighteningly gullible; such is their need for relief. This dangerous situation is an opportunity for abuse in the therapy room.

The history of FMS is littered with destroyed lives, families ripped apart, suicides and innocents sent to jail. FMS therapists persuade vulnerable clients that strangely hidden, dark and mysterious forces from the past are controlling their daily lives. These can only be cured by expensive therapy - co-incidentally provided by the very person who ‘uncovered’ them. Car mechanics, plumbers and dentists also have a habit of ‘discovering’ mysteriously hidden, expensive repairs requiring immediate attention – an experience most of us can relate to.

FMS is not confined to implanted fake memories. Many people were abused, un-loved, mistreated or in some way harmed as a child. This is an unfortunate fact of life – not cause for client martyrdom. Some traumatic events require therapy - most do not. Instead of helping the client to understand these experiences as painful but sadly normal – the therapist wildly exaggerates them, creating a spiders web of fantastic and absurdly

meaningful trauma, usually causing loathing toward a parent.

So desperate is the need for a solution that many clients simply give in and agree to the therapist’s demands - no matter how absurd.

Good therapist - Bad therapist

It must be said that the vast majority of therapists are honourable, ethical and act in the interest of clients. However, a small but persistent minority continue to wreck lives and families – often using FMS to further their careers. All therapy approaches have value; whether long-term Freudian Psychotherapy, or short-term CBT. Many people make themselves open to exploitation by over-trusting.

Many FMS therapists mean well and are unaware of the damage caused. They may be simply following poor training, or be on their own personal crusade.

Bullying

I came to specialise in bullying in my private practice, due to the high number of clients who have been bullied at work, home and in the consulting room.

This common problem is largely un-recognised in the therapist industry, perhaps due to therapist training, which prefers to relate personal problems to clients’ psyche – not their environment. However, bullying is not logical or reasonable, but a random act of violence. Nice, kind, needy people are particularly vulnerable to attack – precisely the type to seek therapy.

Therapist bullies in action

I believe a small number of bullies are attracted to therapy, in the same way as violent thugs are attracted to football hooliganism – it gives them free reign to practice their art. Most therapists go

to great lengths to behave ethically – a small number become rich and successful using psychology to manipulate and destroy those unlucky enough to seek their help. Unfortunately, qualifications are no barrier to this abuse.

Bullying in the consulting room

The behaviour of bad therapists is similar to the abusive bully, the wife-beating husband or tyrannical boss.

FMS therapists:

- Dominate lives, creating an unhealthy dependency
- Encourage extreme anger towards family, often leading to separation - creating more therapist dependency
- Conduct mystical, psychic sessions, magically looking into the client's past to create abuse from ordinary experiences
- Create a weak, helpless victim - rather than a responsible adult capable of sorting out their problems with some assistance
- Declare salvation only possible through years of expensive therapy
- Create weak, desperate, needy, self-obsessed, narcissistic clients; infatuated with their past, and unable to function without therapy

Modern mysticism

In a 15th Century English village, should a cow mysteriously become ill, a witch sniffer would visit, declare an unfortunate old woman to be a witch, and have the locals burn her alive for making evil spells. No evidence was required, beyond the word of the highly qualified sniffer. Thousands of trials were held in which witnesses were persuaded to 'remember' seeing the accused witch behave suspiciously. Uncoincidentally, these were often of a highly sexual nature.

Many lives have been destroyed on the word of a FMS therapist. Both 'witch sniffer' and 'abuse sniffer' operate in the same manner – with no evidence except the expert's ability to 'sniff out' evil - on hunches and mysterious 'signs'.

Psychobabble diagnosis

Many FMS therapists impress gullible clients with exotic sounding diagnosis, declaring them to suffer terrible mental illnesses (always requiring more treatment). Over-confident therapists (often with little training or evidence) pronounce clients to suffer absurd psychological illnesses. Clients feel they have been given a life sentence and suffer hopelessness and despair.

A frighteningly high number of poorly trained therapists engage in bizarre psychic-readings. They throw around pseudo-analysis, New Age psychic twaddle and psycho-babble like confetti - until something sticks and the client is impressed and trapped.

Good therapy

Many clients have suffered serious abuse requiring therapy – either short or long term. Ethical therapists provide this without indulgence, obsession, exaggeration or creating an unhealthy reliance on the therapist.

The profits of evil

There are good reasons for therapists to invent or wildly exaggerate childhood events:

1. to confirm psychological training where childhood is *always* the cause of problems - a frighteningly fanatic view.
2. to swell the therapist's ego. They become hero, guru and genius – saviour of the weak and avenger of past wrongs.
3. to swell the therapist's bank account, guaranteeing years of steady income.

Escaping FMS

Many who have been fed FMS nonsense are able to escape; to re-build badly harmed relationships, and recover self-esteem. They return to normal life, have normal relationships and escape the therapy-hell of FMS abuse. When I tell FMS clients they are not cursed by the past and that their symptoms can be overcome by any decent therapists, they look - as if released from prison.

It is immensely rewarding to see these once-haggard individuals regain their sanity and return to normal life.

www.freemancbt.com

Psychotherapy Organisations: A Founder's View

Paddy Rossmore

“I am aware of the fact that something has to be done, the only advice I can give you is that you do try to have the most disorganised organisation you can manage.”

C.G. Jung, one of the founders of psychotherapy, is responding to a question put to him by a person who had trained with him in the 1930's and had returned to America. Joseph Wheelwright was proposing to bring together a group of analysts in California. At a much later date, in 1975, in a recorded discussion about Jung with other people who knew him, Wheelwright said further,

He really abhorred organisations. He felt it was only a matter of time before the life and movement of creativity was frozen by the organisations.¹

Of course the early evolution of a school of psychotherapy needs some kind of governance as Jung recognised. 'I am aware of the fact that something has to be done.' What he obviously feared and foresaw as a real possibility was that the essence, some essential ingredient in psychotherapy, could be lost through a lack of flexibility so resulting in the freezing of the 'life and movement of creativity'.

As those who have been falsely accused on account of false memories are only too aware, a lack of flexibility can lead to the continuation of seriously perverted results. In time, and as a consequence, ordinary members of the public will find themselves in a state of confusion about psychotherapy as a healing process. What they would not know, and what would remain hidden from them, was whether the organisations were in reality representing what their founders had stood for.

Barbara Hannah, who trained with Jung and became a close friend of the family, describes in her book *Jung. His Life and Work, A Biographical Memoir*² his varying views to the proposal to found the C.G. Jung Institute in Zurich. Towards the end of his life a group of his

followers made the suggestion to Jung that they should lay the plans for such an institute. Jung was against it. He did not give his backing. However, Hannah recounts how after two years Jung changed his mind. Surprised by this she asked him why. She writes,

He replied that he had seen it was impossible to prevent something of the kind from being started, for too many people were determined to do so. "They would start one between my death and my funeral in any case," he said, "so I think it is better to do so while I can still have some influence on its form and perhaps stop some of the worst mistakes."³

Interestingly, at least one group involved in the psychotherapeutic enterprise has seen the negative dimension of organisations and acted on it. This is Alcoholics Anonymous. In a recent book on the history of AA in Ireland, significantly titled *Benign Anarchy*⁴, the author writes,

... there is a linguistic problem immediately confronting writers on this topic as to how their subject should be properly described; if one refers to AA as an organisation, which on the face of it would appear to be a reasonable epithet..., one becomes quickly and uneasily aware of the contradictions inherent in such a description. Unusually, perhaps uniquely, AA appears to pride itself on the avoidance of bureaucracy and on being positively disorganised. *Tradition Nine* of its administrative philosophy, the *Twelve Traditions*, says explicitly that "AA, as such, ought never be organised".

Most of us have heard of the *Twelve Steps*, but there are also the *Twelve Traditions* which are not so well-known. They lay down AA's governance philosophy. Here there is a commitment to avoid conventional management systems as well as for members to remain outside alcohol politics. AA of course is a self-help, mutual help movement or fellowship and its participants are not professionally trained. What is clear, however, from its *Twelve Steps* and its *Twelve Traditions* is that its members must adhere to what is called 'ego-deflation'. This demand is

central. It entails participants having a down-to-earth, realistic understanding and awareness of their own frailties and shortcomings. Reflecting this, *Tradition Six* says,

An AA group ought never endorse, finance or lend the AA name to any related facility or outside enterprise, lest problems of money, property and prestige divert us from our primary purpose.

‘... lest problems of money, property and prestige divert us from our primary purpose.’ Here are the telling words.

Things not quite as they seem

Jung had a considerable influence on the two founders of Alcoholics Anonymous, Bill Wilson and Dr Bob Smith. They knew it was his belief that the only way of overcoming an addiction to alcohol was through a spiritual awakening.

Barbara Hannah recounts a conversation she had with Jung after his 80th birthday. There were two events arranged for the celebrations: one in the morning for anyone who had attended any lectures at the Institute; the other she describes as ‘a small dinner party, consisting of all the “high-ups” from the many Jungian groups all over the world...’

Hannah noticed that at the dinner ‘the atmosphere was the reverse of the morning... on the whole he looked anything but happy and left as early as he could.’ The contrast struck her so deeply that a few days later she asked Jung about it. She writes,

He agreed immediately and said the same thing had struck him very forcibly. He added: ‘I am sure there must have been a great many good spirits there that morning, and I think they mostly belonged to people we did not even know. But you know those are the people who will carry on my psychology - people who read my books and let me silently change their lives. It will not be carried on by the people on top, for they mostly give up Jungian psychology and take to prestige psychology instead.’⁵

Without reading over much into Jung's comments, it is worth noting that his reaction to these two birthday events is also recorded by Marie-Louise von Franz, one of his most distinguished and closest collaborators. In her book describing his achievement she places this story in her Introduction.⁶ In her account the celebratory events are in reverse order yet the sentiments Jung expresses after them are exactly the same.

The human psyche has a distinctly paradoxical nature. The way most psychotherapy organisations function today is not conducive to their being able to recognise ideas which have either no, or only the flimsiest, scientific basis. Organisations are not flexible enough: the movement and creativity referred to above is sadly lacking.

Those who have been damaged by psychotherapy or counselling will recognise a severe failure to protect the public - whatever institutions may say. And so it is worth remembering that present day practices and beliefs may sometimes be no longer true to the ethos and practices espoused by the various schools of psychotherapy in their early days. Immensely important as the training of professionals is, those responsible for this need to bear in mind that the science will always be in a process of evolving. And, as much as anything, real healing will depend on the stature, integrity, and individual personal qualities of the practitioner.

Notes.

1. Carl Gustav Jung: 1875-1961. Talks & Documentaries, Radio 3, Broadcast on 27 July 1975. Harvest 2010. Analytical Psychology Club, London. p138.
2. Barbara Hannah. *Jung, His Life and Work*. Michael Joseph, London 1977.
3. *ibid*. Page 296
4. Shane Butler. *Benign Anarchy. Alcoholics Anonymous in Ireland*. Irish Academic Press. Dublin. 2010. Page 2.
5. *op. cit*. Page 323.
6. von Franz, Marie-Louise von Franz. *C.G. Jung. His Myth In Our Time*. Little Brown & Co. Boston. 1975. Page 6.

MEMBERS' FORUM

J'Accuse

Jim Fairlie

When Emile Zola wrote his open letter to the French President in 1898, he knew that the consequences could be severe. By challenging anti-Semitism, he was hitting at the heart of French society. As a result, Zola was convicted of libel and fled to England to escape a prison sentence. Fortunately, however, his letter contributed to the exoneration of Alfred Dreyfus, a Jew who had been convicted of treason largely on the evidence of handwriting "experts". They had argued that the **lack of resemblance** between Dreyfus's handwriting and the writing on the documents which allegedly contained French defence secrets, **was proof of a 'self-forgery'**. "Experts" coming out with that kind of perverted logic will be all too familiar to many members of the BFMS.

It is ironic that Zola found refuge in England where the judicial system is prepared to accept false allegations and prosecutions as "a necessary price" to save Health Care Professionals from the risk of legal proceedings against them, more of which below.

The UK has an appalling attitude to those who have been falsely accused, particularly those who have been falsely imprisoned. Although Scotland and England & Wales have different legal systems there is such an overlap in some areas of the law as to make them indistinguishable. Both jurisdictions show more concern for the rehabilitation and resettlement of petty offenders than it does for those who have spent many years behind bars as a consequence of either negligence or being deliberately "fitted up". I could give numerous examples but the "Birmingham Six" will suffice.

Miscarriages of justice are an embarrassment to the authorities to such an extent that they will do whatever it takes to ensure there are no repercussions for them. This includes lying, shredding documents and fabricating evidence, but unfortunately we live in a society a large part of which is more interested in the toilet habits of celebrities

than it is in something as mundane and boring as natural justice.

When I was trying to find a publisher for my book, "Unbreakable Bonds", one of them telephoned me to say, "Great story Jim and it should be told, but honestly, no one is interested in the falsely accused. Now, if you were one of the victims of abuse, it would be different..."

There have also been some other interesting reactions to the book, one of which is fear. "How did you get away with naming the Health Care Professionals involved?" This has been a common question, and my response has always been, "Because I have told the truth and I can prove it."

Six weeks ago I was contacted by an Edinburgh family who have just been denied access to their grandchildren on the "professional opinion" of one of the people who was involved in my case. They have been told by their Edinburgh lawyer that there is no legal solution to their problem. The professional owes no duty of care to the grandparents. The freedom to lie with impunity is an "unintended consequence" of granting a general immunity to those involved in child protection but it is one that can easily be reversed.

On the strength of the publication of the book and because "I can prove it", I have petitioned the Scottish Government to change the law on "Third Party Duty of Care". Those of us who have been falsely accused will be familiar with the fact that no matter what the psychiatrists, social workers, police say about us; no matter how scurrilous the accusations, we have no redress under the law. In the book I provide documentary evidence that, apart from the police, the authorities lied repeatedly in their efforts to "prove" that they were right to accuse me of being a paedophile.

The response from the Scottish Minister for Justice, Kenny MacAskill, - yes the one who freed Megrahi on compassionate grounds - has been interesting. His gatekeepers have provided all the usual responses whenever the question of child abuse is raised. They seem to be relying heavily on a House of Lords ruling of 2005 (JD v East Berkshire Community Health NHS Trust) which states, "child abuse and mistreatment is a serious social problem (appallingly prevalent in our society) and Health Care Professionals (HCPs) play a vital part in combating the risk and in protecting the vulnerable from such

harm. It is best attacked by relieving HCPs of the fear of legal proceedings brought by parents arising out of their investigations. **Uncompensated innocent parents pay the price, but that is a necessary price.**”

That is an appalling sentiment and I have asked the Minister some direct questions and demanded direct answers.

1. Should we just bring back the death penalty, even if a few innocents are executed?
2. How many children were saved by falsely accusing me?
3. How many children have been saved by the **total** number of false accusations, particularly since the falsely accused did not fit the profile of “abusers”, they just happened to be the parents or relatives of people unlucky enough to be given therapy?
4. How many false allegations will be “enough”, how many lives have to be destroyed before the penalty becomes too high?

HCPs are being asked to do no more than their job. If that burden is too great or if they find it impossible to do their job without being given a special defence mechanism in order to protect them from having to answer for their negligence or deliberate misdeeds, **should they be in the job in the first place?**

I have tried to make this an all-party approach to reduce opposition as much as possible. I have been encouraged by the positive, initial responses from both the Labour Party and the Conservatives (nothing yet from the Lib/Dems). All three parties who have responded, recognise and acknowledge that there is a problem, that an injustice exists in the system. The SNP government has told me they have “**no plans at the moment**” to change the law, but I have responded that I did not ask them that and if they will not change the law to get rid of an acknowledged injustice, I want to know why not.

My next problem is getting the media interested. Anyone know an Emile Zola?

**Look out for the new BFMS
website design-
coming soon**

Delayed Understanding

Recently while reading an article about a young woman with harrowing reminiscences of her early life, a loud bell rang in my memory bank so much so that when I commented on a particular event to my wife we began to understand its relevance to our own family life and the truly immense difficulty anyone has of recalling events decades earlier.

To recap I was arrested and eventually charged in 2004 on charges of Historic Child Abuse dating back between 25 and 35 years. Once over the shock of this situation with wonderful assistance from the BFMS, family friends, old colleagues and lawyers we were able to recall much of our life but nowhere near all of what we required. We had all the pieces but we found it difficult to put them into the correct order. Finally we have them in the true order.

Our eldest daughter, Joan, had been a troublesome child from early in her life, she is my wife’s child by her first marriage and I adopted her when she was about five years old. It was well known by all and sundry that Joan was my adopted child. We explained that her father couldn’t take care of her and how I chose her to be my daughter. We never hid this from her as she grew up keeping explanations age appropriate in order to prevent difficulties later in her life. We hoped to avoid others making mischief for her.

As I have already commented Joan was a child with problems but we coped. Much was made by the police officers in the case of her unhappiness particularly at about eleven, twelve and thirteen, around which Joan had woven a tale of unbelievable deprivation, abuse and total lack of parental love and understanding, and her shock and distress when she discovered I was not her natural parent.

We believed our recollections of life and events were very good, but were puzzled when asked to relate details. Finally we required assistance from the authorities in understanding Joan’s behaviour which had been on a steep downward spiral for some time. We were ashamed, upset and felt as if we had failed as parents. We were given some respite for a few months when she was placed in an assessment unit for girls with behavioural

problems far from home, whilst blissfully unaware we were being investigated on the basis that such behaviour was considered to be as a result of abuse. I have to confess when this was disclosed we were shocked. We were not fully reassured by the explanation that this was normal practice and that no suspicion of abuse was uncovered despite extensive investigations.

Now to the crux of my tale. We had forgotten about our own situation until our memories were jogged by the article of a young mother who was deviously made aware that the father she knew was not her biological parent. This young lady's life literally went off the rails, it was this which had us working out when our daughter's life had begun to deteriorate. The realisation of this amended time scale was, for us, shocking but equally gave us the explanation we required earlier when our lives had been forensically examined by less than understanding police officers, our lawyers, psychologists, investigators and not least, our friends and family.

When Joan went to the Secondary School she played truant many times, often visiting members of the extended family who brought to her attention the information that her natural father lived not far away and it was, in their opinion, high time she was introduced to him. I was portrayed as the bogie man who resented her, never treated her properly, didn't love her etc; need I say more? Without any preparation or planning she was taken to his home, Joan was dropped at the door, encouraged to knock and introduce herself.

In fairness, he was totally unprepared too for her visit which lasted only a few minutes. As might be expected it was a disaster! Joan was utterly rejected: "I don't know you, I wish you well but you will never be a part of my life." His wife made it quite clear she was not welcome and she would leave if Joan attempted to remain in contact, saying, "Get out, you are not wanted!" It is not difficult to imagine the fall out we endured from this malevolent and wilful attempt to undermine our family life; for we are both agreed this was the desired aim. Why? We will never know or understand for these people died many years ago.

Our conclusions are not the relevant issue here but what for us stands out is the ability of an accused parent or person, to recall events from decades earlier when arrested by police officers who

come prepared for an in-depth interview over many hours. This is where justice is truly denied, for who among us is capable or able to recollect the minutiae of decades at any given moment, even more so when under such extreme pressure? How many have been imprisoned unable to recollect accurately life's events when records no longer exist and memories have faded?

Is it not high time for our government to understand that it is not possible to mount viable prosecutions with allegations which have been enhanced and improved over decades or to offer a defence when allegations stretch back decades into the mists of time?

An acquitted father

Members' Subscriptions

It has always been our policy to keep membership costs to a minimum. Subscriptions have remained the same since 1998. As a charity we are always looking to improve our financial position but in order to continue to offer our help, support, information services and activities now we offer four options for paying your subscription.

We are going to continue to hold the subscription to £30 per annum for as long as we can. However, if you feel able to add a donation we shall be most grateful.

You can continue to pay annually by standing order on 1st January, or

you can set up a monthly standing order on the 1st of each month for say £3 or what other greater amount you specify, or

you can pay by credit or debit card - the addition of debit cards is a recent improvement.

Finally, whilst cheque accounts are in reprieve, we can still take a cheque in payment of subscriptions.

We hope the options will help you as they will help the Society greatly.

BOOK REVIEWS

The Origin of Anxieties

**Merrett, Charles, Southsea:
Minds Eye Books, 2011,
pp179, £10 (£1.50 p&p). ISBN:
978-1-873828-04-5**

Reviewed by Barnabas

This book is presented in an easy to read format with wise sayings in boxes and sections in italics that the hasty reader can skip. The author, Charles Merrett, has more than 30 years experience as a clinical psychologist and offers a useful approach to this topic though it is perhaps not as new as he claims for it resembles the rational emotive behaviour therapy of Albert Ellis and Paul Hauck from the 1970s and *Life Coaching* by Michael Neenan and Windy Dryden (2002) which begins 'The way you think about events in your life profoundly influences the way you feel about them' (p ix). That is the perspective of Merrett who believes that wrong thinking is behind anxiety problems.

The book analyses six harmful propositions that can turn an anxious thought into an ongoing anxiety problem and goes on to provide many practical ideas for getting our thinking straight and thereby banishing anxiety problems. This may not be easy when our anxious thought patterns have become deeply ingrained so perseverance is needed as well as commonsense. Merrett does not have much time for psycho workers who regard anxiety as an illness (psychiatrists) or a condition (psychologists) needing treatment rather than a thinking matter that can be sorted by commonsense and perseverance though he does agree that a sympathetic friend may help. He regards anxiety as something we 'do' rather than 'have' and gives practical suggestions to help his readers learn and 'do' confidence as an antidote to anxiety.

I have recommended this type of approach before and am glad to see there is still plenty of life in it and some of our members may well find that *The Origin of*

Anxieties helps them cope with the emotional fallout from their personal tragedies. In common with others who use this type of approach Merrett does not recommend blaming the past, especially parents, and says that for 'extreme examples of this; e.g. the interesting work of the British False Memory Society' (p 48). I consider that 'interesting' is less than adequate as a description of BFMS's valuable, pioneering and essential work.

Furthermore, in spite of this book's general usefulness I have a lingering suspicion that brain chemistry and traumatic events play bigger parts in mental health issues than Merrett allows.

Pillar of Salt: Gender, Memory, and the Perils of Looking Back

**Janice Haaken, Free Association Books, London, 1998;
also published in USA.
Available from Amazon
£15.95 (paperback)**

At the time the book was published, Haaken was Professor of psychology at Portland State University and a psychotherapist in private practice.

Reviewed by River

Haaken seeks to analyse the contemporary (1998) issues of recovered/false memories of sexual abuse by comparing them to claims women have made in the past (confessions made in witchcraft trials in the 17thC, self-professed mediums in the 19thC, and those professing to remember alien abductions or satanic ritual abuse in the late 20thC, as well as sexual abuse in the family.

I found her academic style difficult in places, and her feminist perspective does not match my viewpoint. She admits early on that she parts company with both the accusers and the accused in the false memory "debate", by focussing away from

the questions of whether the memories represent real events, and asking what they mean for women and for feminism regardless of their factual base. There is an irony here, as she has found the one thing that unites us with our accusers, and disagrees with it!

With these difficulties, I found the book hard work to read, but felt it was worth the effort. By drawing together similarities over four centuries of female testimony, a pattern emerges of the use of alleged events to legitimise the dissatisfaction that women feel with the lack of real power in their lives. Whether what they profess is likely to be condemned (17thC “witches”), admired by some (19thC “mediums”), or pitied (contemporary “survivors”), the similarities nonetheless struck me as important, for several different reasons.

Firstly, they gave me some sort of answer to the question of where the allegations facing me came from. I know the allegations are not rooted in fact; I can point to certain people that I feel have been responsible for leading my accuser into making them; but even so I have struggled to understand why my accuser was tempted to go the way she was led. Haaken’s answers, from her feminist perspective, are not welcome to me as a man; nor should I accept all her suggestions without careful thought. But what they do provide is a starting point for that thinking.

Secondly, I was struck by the way that 17thC witches were making claims to the inquisitors, knowing that those claims would lead to their being hanged. I have struggled to understand how these damaging claims could be made about me: but if the claims in the past have gone so far as to lead to the death of those making the claims, the fact that contemporary claims get other people into trouble seems less surprising. At the same time, this same contrast made me aware just how much work we will need to do to overcome the convinced accuser: if someone will go to their death for a (false) testimony, it cannot be false in their own mind. Rational explanations and convincing counter-evidence, although important, is unlikely to be sufficient on its own to displace these acquired beliefs in actual abuse.

Thirdly, I think nobody today believes that those hanged really did have sex with demons, and so on; few today believe the mediums really were in

touch with those “on the other side”; and even fewer believe in mass satanic rituals or alien abductions. This prompts me to ask how far there were similarities between those seeking the disclosures in the past. The tenacious inquisitor (clearly not on the woman’s side, perhaps even using torture as a means of putting his power over the woman), the supporters of the mediums (acclaiming “spiritual gifts” as signs of the woman’s innate power), and those supporting the survivor (accepting the accounts of abuse as showing the woman’s total lack of power) seem to be coming into the woman’s life from three exclusive directions. Why then, do these different starting points all have the effect of leading the woman into generating fantasy? (This is very much my question, not Haaken’s). It seems as if, after many prolonged interviews and regardless of whether the interviewer is for us or against us, we are willing to confirm the interviewer’s expectations. I know that work has been done comparing allegations of familial sexual abuse with alien abductions and ritual abuse, but I wonder if similar work has extended these parallels to the historic situations. Unlike Haaken, of course, I really am anxious to know, and to prove, that these allegations prove nothing.

Fourthly, Haaken makes the excellent point that the uncritical acceptance of claims of abuse is counter-productive even from a feminist viewpoint: “In the turn toward what I [Haaken] call fundamentalist feminism, the stories of women are reduced to literal reflections of external events, stripped of their richly layered meanings”. “...Perceptions of external threats mingle with imaginary terrors in the theatre of consciousness”.

This book is hard work, and I found parts of it beyond my reach. Like me, you will probably find yourself disagreeing with much that you do understand. Even so it is worth reading. I obtained it through inter-library loan, and was glad to pay the £3 fee: perhaps I would not have been so happy had I paid the full cover price.

DIARY DATE

**BFMS AGM 2012
Will be held in London on
Saturday 24th March**

LEGAL

Telepathy used as evidence in Abuse Case

A psychotherapist told a court an eight-year-old boy mentally communicated feelings of fear through his bad behaviour, leading her to believe he had been abused. This evidence was used to support an application for a child protection order for a baby born to the accused and his partner. Sheriff Watson sitting in Kilmarnock took the unusual step of criticising the reporter. He said, “Sadly, the interventions of clinical or therapeutic professionals have had disastrous results in notorious cases and it was to be hoped that lessons were learned, such that this type of evidence would not be produced subsequently. Sadly, it appears the lessons of the past are easily forgotten.”

He added, “The role of the reporter is a highly important one in terms of child protection, but it is also an important one in relation to the public interest, which requires that professional judgment be applied before the presentation of materials in court. To suggest that one might take three or perhaps four wholly unreliable pieces of evidence and ask the court to conclude that between them they form one reliable source is a most dangerous approach.”

Janys Scott, QC, who specialises in family law, said that legal experience among children’s reporters had reduced. “Now those at the head of the organisation tend to have an administration background,” she said. “With less emphasis on the legal part of things, that is leading to a lack of a critical look at what evidence is going to stand up in court.”

In commenting on the danger of therapists trying to diagnose abuse by looking at the indicators of abuse, Dr David La Rooy, an expert in investigative interviews of children, said that the problem was that children who had not been abused also displayed some indicators. Consequently, in the 1990s there was an enormous amount of research done on children’s memories and the best ways of accessing those. The results of this work led to guidelines for interviewing children who it was believed had been abused. Regrettably, what was done in this

case did not compare to best practice at all. Acknowledging that there is a problem he stated there is a need for greater support and longer training. Source: The Scotsman, February 2011

Expert Witnesses in Civil Proceedings – Supreme Court Judgment

Paul Wynne Jones v Sue Kaney [2011] UKSC 13 30/3/2011 SC - Lord Phillips (President), Lord Hope (Deputy President), Lady Hale JSC, Lord Collins JSC, Lord Kerr JSC, Lord Dyson JSC

“A feature of the trial is that in the public interest all those directly taking part are given civil immunity for their participation...Thus the court, judge and jury, and the witnesses including expert witnesses are granted civil immunity. This is not just privilege for the purposes of the law of defamation but is a true immunity”

Lord Hobhouse of Woodborough (2002).

Following the striking out of the appellant’s claim for negligence against the respondent psychologist (K) (2010 EWHC 61 (QB), (2010) 2 All ER 649) an appeal was granted directly from the courts decision on a ‘leapfrog certificate’ as the case involved a point of law of general public importance. K had been instructed to prepare an expert report in relation to a claim by J for damages sustained in a road traffic accident. K’s initial report suggested a diagnosis of post traumatic distress disorder. An expert for the defence, however, concluded that J was exaggerating his symptoms and as a result a joint report was ordered. The joint statement was damaging to J’s case and as a result the matter was settled for a much smaller sum. It transpired that K had signed the joint report without any comment or amendment. J issued proceedings for negligence and K’s defence was a plea of witness immunity in accordance with the decision in Stanton v Callaghan (2000) QB 75 CA (Civ Div). Stanton was considered binding on the court and as a result, J’s case was struck out.

The issue for consideration on appeal was whether public policy continued to justify conferring on an expert witness any immunity from liability in negligence in relation to the

performance of his duties in that capacity. Surprisingly, this immunity had never been challenged in the past. It had simply been accepted that an immunity which protects witnesses of fact applies equally to prevent a client from suing in negligence the expert that he has retained.

It was held (with Lord Hope and Lady Hale dissenting)

1) The primary case for conferring immunity from liability in negligence on expert witnesses was the “chilling effect” that the risk of claims arising out of conduct in legal proceedings would have. That was the reluctance of an expert witness to provide his services at all and to give evidence that was contrary to his client’s interest if there was a risk that might lead his client to sue him (see para. 41 of judgment).

2) If the immunity was to be effective in removing inhibitions on what an expert witness was prepared to say at trial, its scope must extend to protect him in relation to his expression of views before the trial, Palmer v Durnford Ford (1992) QB 483 QBD considered (para.43).

3) It was common ground that if immunity was to be effective it must apply to views expressed not only in court, but in contemplation of, or at least preparation for, possible proceedings. The vast proportion of claims settled before getting to court and thus the effect of the immunity was to preclude the client from suing for breach of duty where the expert’s negligence was alleged to have adversely affected such a decision to settle (para. 45).

4) The case of Arthur JS Hall & Co v Simons (2002) 1 AC 615 HL had swept away an advocate’s immunity from liability in negligence, in court and out, without questioning the immunity of expert witnesses. The court had distinguished expert witnesses on the ground that they owed no duty to their client once they were in the witness box; their sole duty was then to the court. That distinction was wrong. There was no longer any scope for contrasting the duty owed by an expert to his client with a different duty to the court. There was no conflict between those duties. The expert witness had that in common with the advocate, Hall considered (paras 46-50).

5) It would not be right to start with a presumption that because immunity existed, it should be maintained unless it could be shown to be unjustified. The onus lay on K to justify the immunity behind which she sought to shelter. There was no justification for the assumption that

if expert witnesses were liable to be sued for breach of duty they would be discouraged from providing services at all. All who provided professional services which involved a duty of care were at risk of being sued for that breach of duty. They customarily insured against that risk (para. 54). Further, the justification that immunity was necessary to ensure the expert performed his duty to the court, and gave his honest opinion even if that proved adverse to his client’s case was not made out. A witness of integrity faced with having to change his view would do so. A lesson could be learnt from the position of advocates. Removal of their immunity had not resulted in any diminution of their readiness to perform their duty to the court.

6) It followed that the immunity from suit for breach of duty that expert witnesses had enjoyed in relation to their participation in legal proceedings should be abolished, Stanton overruled. That conclusion did not extend to the absolute privilege that they enjoyed in respect of claims for defamation.

7) (Per Lord Hope and Lady Hale) The question in the case was whether the reasons which justified immunity for witnesses generally, did not apply to expert witnesses. The grounds for making that exception by judicial decisions to the long-established rule had to be examined very carefully, as an incautious removal of the immunity from one class of witness might destabilise the protection given to witnesses generally. The wiser course would be to leave any reform of the law to the Law Commission and to Parliament.

Appeal allowed.

Source Lawtel

Wills are not painful

People are often frightened of making Wills because they think that the thought in itself will in some way precipitate doom. Even the brave often view making a Will as a once in a lifetime event. Wills should be altered and updated as circumstances change. As a probate solicitor in a branch office in a small town with an office next to a dentist it is not unusual to be compared. Many a client has walked out saying, as if surprised, “that was painless - better than going next door”. If only people would review their Wills every six months!

Is it still possible to leave everything to the 'Cats' Home?'

When making a Will and determining who are to be the beneficiaries it is thought to be of paramount importance that a Testator (the person making the Will) should be able to choose freely - to leave his estate to the proverbial cats' home if he wishes. On this freedom is imposed the Inheritance (Provision for Family and Dependants) Act 1975. This Act makes it possible, if the criteria are met, for those that believe they should inherit part or all of an estate of another on their death to make a claim when they have not been so included. The Courts want to preserve the rights of individuals to leave their estates as they would wish but they cannot ignore the provisions of the statute.

The recent case of *Ilott v. Mitson* [2011] has caused a little bit of a stir as 'an unsuccessful attempt to disinherit a daughter' and focused attention on the 1975 Act. It is not uncommon for the parent or parents of a child or children to want to leave a child out. Although many will willingly give their reasons, some will steadfastly state that 'he knows why' and will not explain. Often the reason is just that the child has not bothered with him/her and 'why should I leave him something?' *Re Coventry* [1984] gave authority to the proposition that in order for an adult child to make a successful claim he not only had to be in 'necessitous circumstances' but also must establish 'some sort of moral claim'. In *Ilott v. Mitson* the Court of Appeal rejected any such preconditions. If an adult child makes a claim under the 1975 Act the Court will look at all the circumstances as directed by statute and make its own decision.

Interesting, in this case, the estate had been left to three charities and it was noted in the judgement that there was no evidence that the deceased had any connection with the charities or an interest in their work. What weight that can be attached to this remark is not yet known but clearly charities will be looking at this judgment very carefully. Additionally it is felt that the views of a Testator are still relevant and therefore still need to be recorded but there is no magic wand that makes an estate safe from a claim.

Wills are about making choices

You may therefore ask 'why bother to make a Will? There are many reasons to make a Will. The most obvious is the intestacy rules, the rules that apply when there is no Will. These rules are strict and inflexible. They make no allowance for preferences between family members, to include or substi-

tute a grandchild over a living parent or provide a mechanism to make gifts outside the family. If you want to choose who is in charge of administering your estate or appoint guardians a Will is needed. The only 'charity' recognised by the intestacy rules is 'the Crown' and that's one gift most of us would like to avoid. (Not to be confused with the taxman who also needs due consideration.)

Legacies (Gifts in Wills) benefit charities

One of the UK's leading charities reported raising £157 million from legacies in its 2010 return to the charity commissioners. Legacies provided more than 30% of the charity's income that year. They are therefore a very significant source of funding.

BFMS would very much welcome interest in their work as well as any financial support that could be made. Without a Will a gift on death to charity cannot be made and making a gift in this way is a means of ensuring that the work of the charity continues.

It is clear that for many reasons choosing to take legal advice and having a properly prepared Will should be high on the 'to do' and 'bucket' list. Please do not hesitate to get in touch with your local solicitor to ensure that your wishes in respect of the next generation are known. Alternatively if you wish to contact the author please email BFMS.

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Overseas False Memory Societies

Please feel free to write or phone if you have relatives in these countries who would like to receive local information. The American and Australian groups produce newsletters.

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