Misconceiving the evidence – competence and context in child abuse trials

"*Despite justified concerns about some aspects of the way in which it was conducted, the ABE interview shows an utterly guileless child, too naive and innocent for any deficiencies in her evidence to remain undiscovered, speaking in matter of fact terms. She was indeed a compelling as well as a competent witness. On all the evidence, this jury was entitled to conclude that the allegation was proved. Unless we simply resuscitate the tired and outdated misconceptions about the evidence of children, there is no justifiable basis for interfering with the verdict*."

With these words Lord Chief Justice Judge despatched the appeal of Stephen Barker against his conviction for the anal rape of his two year old step-daughter. (*R v Barker*[2010] EWCA Crim 4).

As the appellant was the step-father of Peter Connolly, 'Baby P', and had previously been convicted, together with the mother and his brother, of being responsible for the horrific trail of injuries and neglect that resulted in the toddler's death, we should not be surprised that this subsequent conviction and appeal judgment raised no critical interest in the media.

It is difficult to feel anything other than a sense of revulsion when confronted with the facts of the Peter Connolly case – made all the more poignant by it happening under the constant gaze of social services, while doctors and other health professionals turned a blind eye to his plight.

But the circumstances of the rape case deserve separate consideration, not merely because, however despicable a defendant might be, he is entitled to a fair hearing, but because by virtue of this case, justice itself was on trial.

Hailed as a 'historic judgment' by child abuse campaigner and prospective politician Esther Rantzen, the Barker judgment has arguably destroyed the remaining judicial safeguards for the innocent against wrongful prosecution

and conviction stemming from successive legislative reforms since the 1980s.

While the Court of Appeal may be exercised about 'tired and outdated misconceptions' about children's evidence, the fact is that many of the well-intended reforms have allowed for partial and ideological pseudo-scientific notions to gain ascendancy – and nowhere is this more apparent than in the Barker judgment.

Firstly there is the issue of the reliability of young children's evidence. This is posed by the Court of Appeal as a dichotomy between ruling out young children's evidence as incompetent per se, or allowing it as the basis of credibility for the jury subject to indications of incomprehension by the witness.

'The tired old arguments' alluded to are that young children are not capable of giving accurate evidence. This is indeed not the case. Both scientific research and common sense experience indicates that even very young children are able to report their own experience with literal precision.

But there are caveats. Young children have a limited memory span for experience – so unless something is reported near to the event, its reliability is severely compromised.

Following from this is their suggestibility about the past – an absence of memory may be substituted with make-believe, particularly if this is cued or approved by adults.

Repetition of the errors reinforces and inflates the story and while a young child may be able to distinguish between telling the truth and lies - and fact and fantasy - on an immediate level, the child will not necessarily recognise this in relation to the story.

The end result may be apparently convincing and compelling but false evidence which, contrary to the views espoused by the Court of Appeal, is not easy for juries or anyone else to detect at face value.

For while some of the 'old arguments' may have been based on myths, they

have been superseded by a new hegemony of myths –centred on an ideological belief in the inviolability of the testimony of a child in sexual abuse cases.

Research shows that in assessing reliability, what is of particular importance is not simply techniques used to generate the evidence, but the context of the case as it develops, and the characteristics of the child.

The vulnerable child – the evidence in context

While the full facts of the Barker case are not available, all that is said to be supportive of the allegation is referred to in the judgment. And from this there must be profound doubts as to whether the verdict should be regarded as being capable of being safe.

Young children are developing moral and intellectual human beings. We should not burden them with responsibility beyond their age and understanding, but equally we should not water down the principles of a justice system based on oral testimony that is contingent on a mature recognition of the meaning of truth and acts of conscience.

Firstly this unfortunate child (referred to as 'X' in the judgment) had, at the time of being taken into care on August 3rd 2007, suffered more than any child of tender years should expect in a civilised society.

The Connolly-Barker household comprised 3 adults, 8 children, one of whom was the girlfriend of Jason Owen, Barker's brother, also convicted in relation to Peter's death, and Barker's rottweiler, suspected of being allowed to be responsible for some of the injuries to Peter.

It was in this squalidly neglectful, violent and chaotic home that Peter, just a year younger than X, met his horrific death.

X and her sisters were rescued into foster care while criminal proceedings began against Barker, her mother and the brother.

We learn that Joan Evans, the foster mother, kept a diary and that the first

disclosure came three months later in October 2007.

This already raises more questions than it answers. The identities of the defendants were kept from the jury to preclude prejudice from the P case. But though undoubtedly this would have prejudiced his case, the background was potentially highly relevant to how and why the sexual allegation gained momentum.

For this was not a normal child in care. She could not have been other than disturbed by her past and the awful death of her little brother.

Nor would the social workers and foster carer have been insensitive to this. In the circumstances there would have been a great deal of anxiety and attention directed at the little girl – both as a victim in her own right and as a potential source of evidence in relation to the fate of Peter and the culprits, who were in the process of blaming each other.

This little girl was clearly attached to her mother, however negligent and unsuitable a carer she plainly was. On remand, Tracey Connelly was pregnant again. If the authorities were to preclude her, and possibly Barker, having access to or care of their unborn child and her other children, there needed to be as definitive a case as possible.

It is a common practice where children are taken into care because of physical violence or neglect with legal proceedings pending for social services to raise the suspicion of sexual abuse. As it is assumed that children will not have disclosed this and may be inhibited through circumstance, foster carers work closely with social workers and are briefed to be on the look out for signs.

Diaries are a standard way of recording 'evidence', though in practice what is recorded may be inadvertently heavily influenced by leading questions and suspicions relayed from the briefings of social services.

By the time the first 'disclosure' was recorded, X, not yet three, had been out of the family for three months. This already poses questions of whether what she was alleged to have disclosed – (Barker touching her vaginal area in response a question of why she was touching herself) was continuous memory

– since children of this age do not reliably retain episodic memory for more than a few weeks at most.

Furthermore, whatever X thought of Barker prior to going into care, there was no doubt that in the eyes of the authorities he was the chief suspect. He had already been charged with murder (of which he was eventually acquitted). Even if X was not persuaded in her own mind at this stage, there is little doubt that the image of him as a 'very bad man' would have been conveyed to her by those around her by the time of the allegation.

So at this stage two foundations for creating false evidence have been laid. One is the time lag, the other stereotype induction – a needy child acceding to adult influence as to who to make claims against.

When she was interviewed by the police officer in November, she was asked verbally and demonstrably whether Barker had touched her indecently. Her previous apparent linguistic fluency appeared to have deserted her and she shook her head at all suggestions.

Though the officer closed the case, it may be assumed that social workers were far from reassured. Not only had they the evidence from the foster carer, it is also unlikely that they accepted the denial as settling the issue.

The ghost in the machine

The reason for this common attitude among child abuse professionals is rooted, as the subsequent history of the case would demonstrate, in the theoretical tenets of the Child Sexual Abuse Accommodation Syndrome (CSAAS) or its many variants.

The CSAAS is the discredited trauma theory* that formed the launch pad of ritual abuse and mass child abuse claims from the McMartin case in the USA in the early 1980's to the Shieldfield case in Newcastle in the 1990's resulting in the historic malicious libel finding at the High Court in 2002. [2002] EWHC 1600 (QB) Part 1 Part 2

The CSAAS predicts that abuse disclosure by young children is frequently

delayed, but that it can be indicated by later behavioural symptoms though these are not necessarily specific to sexual abuse. Through helping the child to disclose, a partial disclosure may be followed by denial. After this more strenuous efforts need to be made to break down the emotional and conscious memory barriers to 'excavate' the presumed events.

Various ploys and props are utilised in pursuit and the process may be termed 'non-directive play therapy' or 'direct work'. During this process the child and worker develop a bond with the aim of creating a narrative about the child's past fished from the hidden recesses of memory.

We do not know if such work was carried out with X. However when she was sent for a 'behavioural assessment' to a psychiatrist and family therapist she was able – without prompting - to use dolls to demonstrate what Barker allegedly did.

This kind of disclosure work – whether with 'anatomical dolls' or off the shelf toys - has a long history in creating unreliable claims. Young children are particularly vulnerable and may not be able to distinguish between experience and directed fantasy play.

Developmentally it is questionable whether very young children are able to translate past autobiographical experience into a demonstration with symbolic objects – or 're-enactments'.

But the CSAAS proponents think this may be the only way that young children feel able to disclose. Furthermore in the assessment exchange, reported as being verbatim, the child spontaneously volunteered details of seeing Barker's 'willy' and him hurting her bottom.

On the face of it we have no reason to disbelieve the therapists' reports of the spontaneity and their surprise. However it might be thought odd that the child suddenly decided to embark on this disclosure and re-enactment, given she had previously denied any touching and that the alleged events were by this time at least seven months distant.

But without knowing whether, in fact, she had been prepared for this

encounter by others, there is a revealing phrase in her 'disclosure' that ought to have given pause for doubt as to whether she was describing the events alleged.

After placing the dolls on top of each other the doctor asked her what she did next. Her reply was "I went to the toilet. I needed to go to the toilet. My bottom was sore."

This is curious – the use of modal language - 'needed to go' is unusual in young children especially those with delayed language abilities such as X. But that deficiency need not unduly concern us – maybe this was a gist and not a truly verbatim recording. What is of concern is that she remembered needing to go to the toilet at all.

At two toileting is a function that rarely if ever attaches to a robust memory trace – we are all – mercifully - protected from recall of the indignities of this natural phase of development by the lack of inhibition at the time and 'infantile amnesia' which wipes out, or rather fails to lay, enduring memory traces of incidents of bodily functions.

So the phrase 'needed to go to the toilet' immediately sounds a warning as to whether this child is demonstrating genuine recall of the alleged events –or rather whether she has been subjected to a learning process in the recent past as to what satisfies adults in authority when they probe her current state and past life.

Another telltale indication of this is the fact that she 'held her bottom' – echoing the demonstration of the police officer when quizzing her as to whether Barker had touched her. Having failed that interview, she may well have begun to learn that what adults want is confirmation of what is suggested – and indeed at her interview with the assessors she was duly showered with praise, which Dr DeJong accepted may have re-enforced the notion that giving an account of abuse was a good thing.

The assessors said they were surprised by the spontaneous disclosure when engaging in an ordinary conversation about family life. They also appear to have claimed not to have known about the previous police negative police

interview.

This is very surprising, if true. These were not just run-of-the-mill behavioural assessors. They ran the newly established children's Traumatic Stress Clinic at Great Ormond St Hospital where children who have been subject to extreme trauma are sent.

There can be little doubt that X had been at risk of serious trauma, if only by the known facts of the life and death of her little brother. But any such referral – and particularly in this case – would have been subject to briefing and preparation, including knowledge of the foster carer's report and whatever social work intervention had been current.

The clinic concluded the child had been sexually abused. But no move to formally interview the child took place until four months later. Why the extra delay? – it could only further undermine or compromise the evidence from the child. Was there more preparatory work needed?

Revisiting the past

It would appear from the judgment that there was insufficient confidence in the child's evidence, whatever stage it was at, until April 4th when she was examined by a paediatrician, Dr Deborah Hodes. Dr Hodes examined her bottom and found no indications of past injury. She did make a finding of 'anal dilatation' - the opening of the anal canal on parting the buttocks that became the centre of controversy in Cleveland in 1987.

Dr Hodes gave evidence that such evidence 'could be supportive' of an allegation of anal penetration but that it occurred in 11 per cent of non-abused children. This is misleading. Studies do in fact show that the 'sign' can appear in up to 49 per cent of non-abused children, that it may be caused by the pressure placed on the buttocks and that it has no diagnostic value in detecting sexual abuse.

During her examination, Dr Hodes also asked the child whether anyone had hurt her bottom and she replied that Stephen (Barker) did.

So what Dr Hodes had was, in effect, not a finding supporting an allegation, but an allegation supporting an inconsequential finding in response to a leading question.

Indeed insofar as Dr Hodes has previously written a letter in a medical journal supporting Dr Camille de Sam Lazaro's 'therapeutic approach' to the sexual abuse medical examination there may be caveats as to her objectivity.

Dr Lazaro was the medical architect of the Shieldfield fiasco. She would routinely examine children for physical symptoms of sexual abuse and elevate minor inconsequential findings into a diagnosis, suggesting to the child that she had been 'hurt' by someone even where no prior allegation had been made.

It laid the basis for the mushrooming of countless false allegations and a fixation that two nursery workers had been responsible for a catalogue of bizarre alleged abuse.

And there is more. Through Dr Hodes examination with the colposcope and anal probing, X had gained recent experience of what the alleged abuse might be like – including her lying down.

On the basis of Dr Hodes' findings, an ABE interview was conducted four days later. This is the 'evidence of the child' that the jury was invited to rest their verdict on.

We are told in media reports that the main interviewer DS Bridger, the officer who had conducted a suggestive, but negative, interview six months before, had become a friend to the child by this time.

As the screen was unveiled, X was seen giggling and playing 'shops' with the officer and was flanked by her social worker, whom she knew as Sarah, and another police officer 'Tony'.

DC Bridger, known to X as 'Curly Kate', interviewed her in an 'infantile voice'. Her answers were halting and indistinct. At first she said that Barker had hurt her by putting his willy in her front. DC Bridger later repeated this as her

bottom – at which point she reverted to 'the hurt' being to her behind.

Later she gave a demonstration by lying on the floor, but again had to be reminded that it was the back and not the front, as she again indicated, that he had hurt.

From the extract in the judgment, DS Bridger's relevant questioning began with the words:

"Q…what did you tell the doctor about your bottom, can you remember?
A. Steven got hurt me.
Q. Steven hurt your bottom and how did he hurt your bottom?..."

So the context of memory recall in the interview was the question-begging examination and conversation four days previously.

Framed in this way it cannot be known whether the child was using the examination as a reference point for memory, rather than the alleged event at issue.

At trial a year later X was cross-examined through live video link. It is understandable that, with such a long gap, her memory even of the video might have dimmed. She was able to view it twice before the trial.

The judgment states:
"This process [the first viewing] itself was video recorded and the recording was disclosed to the parties. She watched it intently and silently. No point was taken on behalf of the appellant."

From this it seems to be implied that her watching in this way was so compelling as to dispense with any doubts as to her being coached or disingenuous.

Commentator Melanie Phillips in the Daily Mail was appalled that she should have been made to watch her video, seeing it as a form of secondary abuse. There is some force to this. It is unpleasant and emotionally unsettling to be confronted with your own retailing of painful memories and can make grown

men, never mind young children, wince and cry.

But the description does not suggest she was unduly traumatised by the process. If anything it points to the opposite, that she was absorbed in the same way a young child might be by watching a TV programme. Did it have a direct connection with her real life experiences, or was it an artefact in a bewildering array of occurrences, with little or no thread connecting it to her past life?

The defence dilemma

The 45 minute cross-examination at trial by Barker's counsel Bernard Richmond QC, became the subject of outrage by child abuse campaigners and media commentators who described it as 'revolting' and institutionalised bullying.

Seeing only excerpts from the transcript in the judgment, one does not know whether it was in tone, as alleged, hostile and abusive in itself.

If so it would be unusual. Defence barristers are very sensitive to being seen to badger young children as judges and juries view it with great distain. It is usual to approach the witness in a gently jocular and tentative fashion, cutting loose at the first sign of any distress.

The tentative nature of the questioning may itself extend the ordeal, but since so much weight is placed on the child's evidence, cross-examination is the only permissible method of testing by the defence.

Mr Richmond's approach was to question the child about the contradiction between her account in the video and her denials in the previous interview with the same officer. Her answers were in the main by gestures of nodding and shaking the head, interspersed with silences.

At the point where she seemed to be agreeing that nothing had happened she became tired and there was a break. On resuming counsel confirmed with her that nothing had happened.

The prosecution re-examined her and now she agreed she had told DC Bridger and the other officer who was in the video interview the truth. But when asked to say what had really happened to her, she was unable to answer.

Prosecution counsel, Sally O'Neill QC argued that the little girl had become confused by the questioning so that her resurrected denial could not be relied on.

The paradox of sexual abuse evidence

Could the little girl's video account, subject to delays and the overlays of suggestion for at least nine months be relied on in isolation?

The scientific evidence suggests not. Legally however, the Court of Appeal, relying on a narrow reading of the competence requirements in the statute, says it can be.

One point can be agreed. It was futile to attempt to cross-examine the child about what had really happened – even though it led to the denial rejected by the jury.

For while the child may have been able to understand and answer questions intelligibly for the police interview, nobody could be sure, given the intervening history, that what she was describing were real experiences suffered when she was two.

And by the same token, nobody could be sure that when she was asked to state whether it had really happened, she was in a position to know a whole year after the interview and two years after the alleged crime.

For rather than affirming an enlightened and well-founded view of children's evidence, this important judgment illustrates the extent to which the criminal justice system has itself fallen under the hypnotic thrall of the specious 'accommodation syndrome' when the subject is alleged sexual abuse.

For it is difficult to imagine any other crime being settled on the fragility of delayed paradoxical accounts without any concrete evidence of the offence

having taken place.

Contrast this with the clear evidence of the acute and chronic physical injuries suffered by Peter Connolly. The three defendants, with Barker the lead suspect, denied murder or deliberate harm, blaming each other. And despite the clear evidence that someone must have forcefully injured Peter, there were no convictions for murder or manslaughter, only the fallback offence of 'causing or allowing the death of a child'.

Difficult as it may have been to nail the defendants on the evidence, the disparity highlights how less evidence, to the point of infinity, is more, when sexual allegations may be at issue.

That this is the case can be demonstrated by the differential treatment of sexual abuse evidence by the law.

When sworn evidence is given on an issue other than child sexual abuse and is retracted in cross-examination, the judge should direct that the evidence cannot be relied on.

However, by a controversial ruling in a case concerning an alleged 'ritual abuse' ring in Pembroke, *R v D and others [1995*] EWCA Crim 3.11.95., it was said that in a child abuse case the jury could decide which evidence to accept, even where it was sworn, though the jury should be cautioned as to the reliability.

However in cases where the evidence in unsworn, as with young children video recorded, not even this limited proviso holds. Because unsworn evidence does not meet the higher standing of truth-telling, it cannot be negated by an unsworn retraction.

So the lower the standard of a child's evidence (and also adults if they give evidence-in-chief by pre-recorded video), the greater is its sufficiency for conviction.

By any reasonable inference, this would seem to lower the standard of proof in a criminal trial.

Why should children's, and even sworn evidence, in child abuse cases be treated differently from other cases? From the reasoning given, it would seem that the logic of the CSAAS has tainted not just the process of investigation and production of evidence, but the judicial process itself.

CSAAS is what is known as 'profile' evidence. This is inadmissible in English law as being based on a generalised typology and not the evidence. Despite moves to have it admitted as expert opinion in the English courts it has been barred so far.

But as these rulings and the special proviso for unsworn evidence demonstrate, it permeates the reasoning of the court and the jury by default. As such it is not open to expert opinion in rebuttal.

Nobody wants to stand up for a violent degenerate as Barker revealed himself to be, but in creating a precedent, the rape case judgment has gained a dubious ascendancy through questionable means and motives.

A fair trial fouled?

Leaving aside the delays until the ABE interview, why was the trial delayed until after the Baby P convictions and reviews and the blaze of publicity? A further year of delay before cross-examining the young witness could only further jeopardise the fairness of the trial.

And having allowed this delay, why was it allowed to go forward, given that by this time the Baby P case was in the public domain as one of the horror stories of our time?

Giving the defendants false identities at trial was in effect a charade. Their identities and photographs were all over the internet – including, at the time the trial took place in April 2009, blacked out from the media, their false identities for that purpose. The trial court knew this but the judge still allowed it to go ahead.

Tracey Connolly's name was even mentioned by mistake on a document given

to the jury. The Court of Appeal, failing to mention the internet evidence, decided that it had not affected the fairness of the trial – citing the acquittal of Connolly as proof. But Connolly was not on trial as an accessory but only in terms of neglect in having failed to act. And since the little girl's evidence was largely positive about her alleged role, the jury were entitled to believe her.

The same did not apply to Barker. Yet his profile and the circumstantial facts surrounding the allegation and its development kept from the jury were potentially highly relevant to the process of production of the evidence and its unreliability.

While it is agreed that a jury would be unlikely to consider this evidence with the cool head of reason, the absence of these facts could only have weighted the prosecution case by suggesting that this innocent child could have no reason to make these claims, unless they were true.

In all fairness the conclusion must be that these types of cases may be totally unsuitable to be considered by a jury on the narrow terms of the competence requirements and a long delayed video interview.

This is not on the basis of the 'tired old arguments' about children's evidence. It is a proper and scientifically well-founded recognition of the flawed theories and methods that have come to masquerade as delivering reliable evidence.

For as stated by Ceci et al, once a child's testimony has been tainted by a process of suggestion and reinforcement, even trained professionals are unable to distinguish reliably between true and false reports.

The hidden dimension of child protection failure

The Peter Connolly case reiterated a common theme in child protection failures over the past 30 years - the death of a child in a family under the close watch of social services where they appear to tolerate or overlook visible maltreatment and neglect.

The difficulties faced by social workers in dealing with delinquent families

should not be underestimated. They may be habitually deceitful and avoidant and well-versed in manipulating the authorities.

But a key reason why these colossal failures recur in the face of the obvious is rarely considered.

Inquiries are based on the need to avoid a child slipping through the net – spotting the false negative. But much of the development of child protection over the same era has focussed on sexual abuse where there are unacknowledged systemic fault lines in the creation of false positives.

Occasionally these fault lines become visible through events not focussing on a single child, but many. As illustrated by the mass sexual or 'ritual' or organised false abuse scandals in Cleveland, Nottingham, Rochdale and Shieldfield it takes a metaphorical earthquake to occur in child protection for attention to be directed at false positives created by the child protection system itself.

Yet the fundamental nature of the flaws identified are rarely integrated into the whole picture of child protection. Rather they are adapted to overcome constraints by linguistic sleight of hand – as illustrated by Dr Hodes' findings.

At the heart of the child protection machine there is an ingrained ideological resistance to examining key premises whether it be the significance of 'anal dilatation' or the 'accommodation syndrome'.

While these muddled theories continue to pervade child protection and the criminal justice system, the pressing needs of maltreated children in chronically neglected and violent homes will be obscured by substituting the visible with the invisible.

The sexual abuse of children is abhorrent, but its detection should be based on reliable evidence, just as should be the case in physical abuse and neglect. It is not impossible to prosecute cases. Even in the bad old days alluded to by the Court of Appeal, there were perfectly safe convictions.

Lessons from the bad old days

Ironically, *Wallwork*, (1958) 42 Cr App R 153, CCA the case disapprovingly cited in the Barker judgment, as elsewhere, as outlawing children's evidence, was just such a conviction.

While Lord Goddard may have railed against bringing a 5 year old girl to the stand, he did so in good faith with a conscientious regard for the child's welfare.

The case concerned a father accused of incest. It came to light after the child had spent a night with her father. The child complained of his interfering with her to her grandmother. She saw blood and took her to the doctor where injuries were detected.

The bedclothes and underwear were examined, revealing semen. The accused admitted masturbating when she was asleep in bed, but denied the sexual assault.

The reason the child was brought to the stand was to give evidence of what she had told her grandmother. This was necessary only to admit the grandmother's hearsay of her recent complaint. She was unable to say anything.

As the grandmother did give evidence, the case was appealed. While Lord Goddard ruled that the particulars of the complaint were not admissible as hearsay, and went on to admonish the prosecution for putting the child on the stand, he stated that there would be no objection to the grandmother stating the fact of the complaint and her action in going to the doctor.

So the child's evidence was redundant. But the technical constraint on admitting the grandmother's evidence of the particulars would not apply now.

In the event the medical and forensic evidence was deemed sufficient to uphold the conviction - the child and grandmother fell outside the necessary evidential loop.

The *Wallwork* conviction did indeed rest on compelling evidence. There is no

reason why a similar course could not be pursued today. A video recording could be made of the child's statement close to the event – but on the facts it was largely redundant.

Since the video evidence would invite her appearance at trial for cross-examination, albeit screened by video-link from the court, would it be necessary for her to give evidence at all? If the conviction was safe in *Wallwork* without the child's evidence, so must it be today.

Rethinking the law

But what about those cases where there is no physical evidence and delayed disclosure? Of course this complicates matters, but it also may compromise the integrity of the evidence. They may be hard cases, but hard cases make bad law.

Difficult as it may be to face, there must be serious doubt as to whether the current law on competence is adequate to ensure the integrity of justice, particularly in the context of the way it is used to promote delayed and tainted evidence.

Additionally, there needs to be more effective safeguards against the admissibility of tainted evidence than are currently available under section 78 of the Police and Criminal Evidence Act 1984. Currently exclusion is a discretion and not, as with s.76 relating to tainted or forced confessions, an obligation.

This latter consideration does not merely apply to children's evidence, it is a feature, to a lesser or greater degree, affecting all delayed sexual abuse trials, many of which concern adults reporting alleged child sexual abuse.

Fundamentally, the problem lies within the lore and practice of the child protection system and related mental health practice. As a society we need to be able to depend on the clear sight and good judgment of our welfare professionals.

Promoting unreliable methods of detection and proof, even in a valiant cause,

corrupts the integrity of the system, and leaves children – and adults - at ever greater risk.

*See Ceci et al Unwarranted Assumptions about Children's Testimonial Accuracy *Annual Review of Clinical Psychology* Vol. 3: 311-328