



Select Committee on Home Affairs Minutes of Evidence

Examination of Witnesses (Questions 121-139)

MR PHIL CRAIG, MR PHIL FIDDLER,
MR RORY O'BRIEN AND DR CHRISTOPHER REEVES

TUESDAY 21 MAY 2002

Chairman

121. Good morning, gentlemen, and welcome. This is the second session of our inquiry into the conduct and investigation into past cases of abuse in children's homes. There are one or two points I ought to make at the outset. We have to be extremely careful, as I am sure you appreciate, of the *sub judice* rules, so it will be helpful if, so far as possible, you could avoid discussing cases that are not yet resolved in the courts. In one case, I think, a trial is underway at the moment.

(*Mr Craig*) That is correct.

122. It would be very helpful if you would not mention the defendants in that. Perhaps I could start the ball rolling. We are all convinced that there is a problem, I think I can say without anticipating the evidence too much. I should say as well that our principal objective will be to find out what we can do to sort it out, so we will move as swiftly as possible through the early stages. Can I start by asking each of you to describe in general terms your own experience, starting with Mr O'Brien.

(*Mr O'Brien*) I was the headmaster of a junior school. In October 1998 the Chairman of the Governors gave me a letter saying that an allegation had been made against me dating back to 1972-73. It was an allegation of indecent assault. The name of the accuser was not mentioned and I was told to attend a meeting with him at the other side of the weekend. This was on a Friday. On the Monday I was suspended and from that moment onwards, of course, the process started. Because I was suspended, and it was a fairly high profile school, there was maximum publicity. My name was in every single paper and, indeed, in the national papers and on the national news. I was arrested ten days later. I still did not know who had accused me. In fact, I did not know for another week. Then I was charged at that stage not only with the original accuser's

allegation but a current allegation as well, from a boy who was actually in the school where I was headmaster, which took me completely by surprise. Then all went quiet for some time. The police set up an operation, called "Operation Whiting," and attempted then to find more evidence against me and, presumably, against others in the school because I think at that stage they were convinced there was a paedophile ring. I then decided to take early retirement—admittedly with some pressure—because I was told that the whole process would take years, or months if not years. This indeed turned out to be the case as I did not actually come to trial until January 2000. Operation Whiting was then set up and, as a result of that, one more allegation was made against me by a schoolfriend of the original accuser, and the brother of the current pupil who had accused me also made an allegation. So at that stage I had four people accusing me.

123. And they were all relatively contemporaneous?

(Mr O'Brien) No, two were current in the 1990s, and two were in the 1970s, early seventies.

124. What triggered it off? The seventies or the nineties?

(Mr O'Brien) The seventies triggered it off. What we later discovered (which was not disclosed at the time) was that the original accuser not only accused me—I was then the deputy-head of the school—but also the headmaster, the senior master and the Chaplain, all of abusing him in his first year in the school. He then remained in the school for another seven years. He never made any complaint whatsoever until May/June 1998. I eventually came to trial in January 2000. The trial started off in Carlisle and was then moved to Preston because my barrister fell ill. This was significant because we applied for a press embargo because by then there were nine other people being accused under this operation. Those trials were to follow in Preston and it seemed wise that there was not undue press coverage. We were told there was no need for an embargo because the trial was going to be in Carlisle but, as it happened, the trial was moved back to Preston and there was no press embargo. So again, maximum publicity. I was eventually convicted not of the first person's allegation, but of his friend's and of the two current pupils in the school. I was given three years. I was taken to prison and my appeal started immediately. I was fortunate in that because of the way the trial was conducted there were 13 grounds for appeal, all of which were accepted by the single judge. Miraculously, my appeal was granted within two weeks of the single judge. It reached the appeal court and my convictions were quashed. I was awarded the full costs and no trials were re-ordered. That is what happened to me.

125. What was the effect on your life subsequently, would you say?

(Mr O'Brien) It was completely traumatised. Once the allegation had been made, I was finished because there is nothing you can do at that

stage to show you are innocent until you get to court, and even then it is too late sometimes. So I lost my career. I had to sell my house eventually. Fortunately I was very strongly supported by my union, so I did not have to bear the costs of my defence. But when you are accused of something like this, you have no right of reply until you get to the court, understandably. There are some who say, "Well, it could have happened." Others do not wish to pass judgment, and others are vehemently in your defence. So effectively, the allegation is made; the crime I committed was to be accused really—that is how I felt—particularly of that crime or that offence which is such a horrible one.

126. How long elapsed between when you first were made aware of the allegations and your successful appeal?

(Mr O'Brien) When I was first made aware of the allegations?

127. Yes.

(Mr O'Brien) I was made aware of the allegations in October 1998, and my appeal eventually was in March 2000.

128. What had prompted the original allegation?

(Mr O'Brien) This is conjecture, but a friend of the accuser had died of AIDS, and he left a note saying that he had been abused while he was at the school, without naming the abusers. We think it arose from that. Many of the others who were accused under the operation were accused by the same age group in the school—not all, but many.

129. And the other people who were accused whom you mentioned, what happened in their cases? Were any of them convicted?

(Mr O'Brien) Quite a few did not reach the courts in the end. One reached the courts and was a hung jury, and there was no re-trial ordered. One reached the courts for one day and it was dismissed. One died before it could be brought to court—before he actually knew he had been accused. One old priest of 87 who pleaded guilty was sent to prison and is now out of prison.

130. So there was one guilty plea, and that was the only conviction?

(Mr O'Brien) The only conviction, yes.

131. You then went on to set up an organisation called FACT?

(Mr O'Brien) I did not set it up. It was set up in November 1999 in Liverpool.

132. I should just say that FACT stands for Falsely Accused Carers and Teachers.

(Mr O'Brien) Yes. I was written to by the people who actually set up FACT and was invited to go along to a meeting, which I did. I found it extremely stimulating and worthwhile. I was eventually voted onto the Committee and eventually became Chairman, but I did not set FACT up.

133. How many members does this organisation have?

(Mr O'Brien) I will have to refer to the gentleman on my left, here.

(Mr Fiddler) About 500 at the moment.

134. Are they all people who have been falsely accused or are they friends of the falsely accused?

(Mr Fiddler) Some are friends, and some are people who are just genuinely concerned about the methods adopted by the police.

135. How are you funded?

(Mr Fiddler) By membership fund and donations.

136. Can I turn now to Mr Fiddler. Would you just like to give us a brief account of what happened to you?

(Mr Fiddler) I was arrested by Merseyside Police on 17 November 1994 under "Operation Van Gogh," which is the forerunner of "Operation Care".

137. And you were a teacher by profession?

(Mr Fiddler) I was a residential social worker. The police came to my house and searched the property, and told me that a young woman who had been in my care some years before had made allegations against me. I was taken to a local police station where I spent something like eight hours. It was only at the station that they told me who the woman was. On 4 January 1995 I was charged with statutory rape and the police told me then that the allegations stemmed from 1979, at which point I took my solicitor to one side and pointed out to him that not only do I deny this, but it could not have happened because the young woman who made the allegations was not even in care at that time. Nevertheless, I was still charged. On 4 April 1995 I was re-arrested and allegations were put to me from two young men with whom I had worked at another care home on Merseyside. After the police had finished the interview they asked me, did I want to ask any questions, which I did. I pointed out again that even under re-arrest that one of the complainants against me who said the allegations were from 1982-83 did not enter the care system until 1984, and these were fundamental flaws within the system which are still going on today. Again, I was charged and I was re-arrested for a third time, and further allegations were put to me from another care home. This was all part of the trawl. In June 1996, I was tried at Liverpool Crown Court with regard to the allegations made by the young woman. It was only at that trial that she admitted that she had put a claim in for a massive amount of compensation some eight months before the trial. She had actually been interviewed by the police over two months on five or six occasions before she made the allegation against me. After a week and a half's trial I was acquitted unanimously, and then faced a second trial with regard to the two young men. I was tried in Liverpool Crown Court again in January 1997 and again, after a week and a half's trial, I was acquitted unanimously. During those proceedings the police decided to drop the charges in relation to the third trial. I then found myself going through an

internal investigation by Liverpool City Council. I have since lost my position with Liverpool City Council and even though I am the only man in the country who has been acquitted unanimously on both occasions, I still find myself unemployed and on a Government black list which deems that I am unsuitable to work with children and young people. My whole life has been ruined, but I must say that I am in a better condition and situation than some of my friends who are in prison at this moment in time.

138. Thank you, Mr Fiddler. Mr Craig? Would you like to describe what happened to you?

(Mr Craig) Yes. My personal nightmare began on 10 October 2000. I received a phone call from the Director of Education. My secretary received the phone call, informing me that he wished to see me the following day—that is 11 October 2000.

139. Can I stop you? You were a Senior Education Officer in a Local Authority at that time?

(Mr Craig) Yes, I was. I am actually a Head of Service within the authority. This was not an unusual request because I worked with the Director personally on a one-to-one nature on some occasions. I was actually working on a policy paper for the authority at the time, and I just naturally assumed that he wanted to discuss this paper with me. So I arrived at his office at 3 o'clock and was suspended for serious allegations of child abuse dating back to 1977 when I was a young teacher in a secure unit in the South of England. I had no idea what this was about. As I say, I was suspended. I sat at home until 17 January—and I have to say, getting more and more worried as I read more and more into Richard Webster's book and the phenomenon of trawling, and how that is conducted. We have to remember that as this was a secure unit, these were children and young men who were deprived of their liberty during their childhood years, some of whom were sentenced under section 53 of the Children and Young Persons Act 1933. That meant that they had committed offences which, if they were adults, they would have received a sentence of 14 years or more. So I sat at home knowing that the police were trawling, and I understand they spoke to 500 ex-pupils at the secure unit. On 17 January 2001 I was interviewed for between three to four hours at a local police station. It was a traumatic interview—there were two interviews actually, but they were very traumatic. I have to say that none of the questions gave me any problem in terms of answering them honestly. Obviously the interviews were taped. The two officers then went upstairs for approximately 10 minutes—I can only presume to have a refreshment of some sort. They then came back downstairs and charged me with buggery of a 12 year old and buggery of a 14 year old. These offences were meant to have occurred some time between 1977 and 1980. That is as precise as we got. Things happened quite quickly after that and, in fact, I was due to go to court in the South of England on 14 February 2001. My wife and I had booked a hotel because we were told

that we would be going to the Magistrates' Court on the 14th, and very quickly, within a week, I would be in the Crown Court in the same city. We actually booked hotels for the week. I was due in the Magistrates' Court on the 14th. On 9 February my solicitor received a phone call saying that the case was discontinued. That was it.

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