

## **APIL CHILD ABUSE SPECIAL INTEREST GROUP WEDNESDAY, 20 NOVEMBER 2013 MANCHESTER**

The Child Abuse Special Interest Group held a meeting in Manchester on Wednesday, 20 November 2013. The speakers were Alex Menary a barrister at Exchange Chambers, and Patrick Sadd, barrister at Outer Temple Chambers. Unfortunately, Dr Nick Cooling was not able to join us.

The meeting opened with Alex Menary's presentation which was a run through on prosecuting sex offences. Alex Menary is a criminal specialist and is on the Specialist Rape Panel for the CPS. He set out his involvement in prosecuting sexual offences, drafting the indictment and being involved post and pre charge. He ran through the procedure and how often there were problems with the chain of evidence. Routinely a complaint was made by a child to a friend who then reported it to a teacher who then reported it to a parent. There could be lots of problems involved with the chain of evidence.

Routinely there is a lot of paperwork involved in these kinds of offences from the police and from Social Services. Defence Counsel look for inconsistencies for cross examination. The police have specialist units and strict protocols and are some of the most committed and diligent officers that Alex has come across.

Alex went through the ABE interview and set out how sometimes the quality of sound recording is an issue for Court. There is a set format to the video interviewing and the officers are well trained. The children are settled down, a rapport is established and then they are questioned on whether they now the difference between truth and lies. The police then ask the child to explain why they are there and then ask specific questions of the child. It is rare for a child to be interviewed twice and at trial the DVD is played of the interview. Cases involving sexual abuse of children are prioritised by the Courts. Alex set out how parental intervention can sometimes contaminate evidence and how if the conduct took place years ago there would be no forensic evidence or medical examinations. Often the case boils down to somebody's word against another's.

Alex referred to the charging test of whether there was a realistic prospect of conviction and whether it was in the public interest to proceed. In his experience the CPS would run cases in sexual offences where otherwise they would be discontinued.

Alex spoke about undermining material in these kinds of cases. This included material on Facebook or Twitter or other social media sites.

Alex went through disclosure in these cases and how sometimes the local authority will instruct their own lawyers regarding public interest immunity. The Defence is looking for attention seeking behaviour, false allegations in the past and cases can sometimes break down during disclosure.

Intermediaries are used more often in these kinds of cases with child witnesses and there is a very good piece on this on the NSPCC website. The intermediaries will sit in a live link room.

Alex spoke of the additional uncontrolled disclosure from Facebook etc which wasn't a problem 10 years ago and often serves to undermine cases.

The next speaker was Patrick Sadd who spoke about quantum in failure to remove cases. Patrick provided slides which are available on the APIL website. Patrick spoke of general Social Services failings including unfocussed and infrequent supervision, not making timely decisions and not covering the child's history properly. He spoke about the difficulties with causation in these cases and went through some of the leading cases in the area.

Regrettably Dr Cooling did not make the meeting and so the meeting was concluded by an EC update from Jonathan Wheeler.

**Tracey Storey  
December 2013**