



Serving People and Professionals
in Contested Allegations of Abuse

Dear Reader,

Despite concerns about the recession members were resilient and attended another interesting AGM which included a talk by Dr Peter Naish on the fallibility of memory and cleverly tested our ability (or lack of it) to spot a gorilla in the room. A powerful account of what it is like to be an accuser's sibling was delivered and we are fortunate to have permission to present the content of that talk on page 7. Finally, we were introduced to a new book about how memory betrays us. A review on page 14 gives an interesting insight.

The Government's desire for regulation of talking therapies still exhibits signs of an uphill struggle, as the lack of consensus among many disparate practitioners manifests as a campaign against State intervention. We accept there are pros and cons in this debate. Introducing academic criteria for licensing psychotherapists and counsellors will not regulate personal integrity, the inner ethical standards that reflect that integrity, or an ability to be empathetic – personal qualities cannot be taught. On the other hand, leaving regulation in the voluntary care of the therapy umbrella bodies has so far failed to ensure that poor practice and in some instances dangerous techniques, are challenged, admitted and dealt with to ensure their effects can never be repeated. There is a potentially huge benefit to our members if, as planned, the Health Professions Council charged with the task of overseeing the regulation, can fulfil its commitment to allow third party complaints. Until now, many parents have been frustrated by the inability of the voluntary system to allow their concerns to be heard because of conflicts with boundaries imposed by rules of confidentiality. A major concern remains, however, that regulation will somehow confer a badge of credibility upon regulated individuals, giving the public a false sense of security.

Regulation is not a guarantee of evidence-based practice purged of personal beliefs. A therapist writes (see page 11) giving her assessment of the current situation.

Science is in the forefront of news. Judges are to receive increased powers to test experts' credibility, following failures in the system which have allowed unsubstantiated and unproven testimony to slip under the radar posing as expert evidence. (See page 19.) Also, care must be taken in the public domain as we learn of a clash between scientists and English libel laws. Scientists fear that a recent legal ruling will silence critical discussion of medical practice and scientific evidence. Sense about Science is the charity co-ordinating the campaign against the use of libel laws in this way. The campaign now has over 10,000 signatories from all around the world, including many eminent scientists. It is vital that we retain the ability to speak out when medical claims are unsubstantiated by empirical findings including challenging therapeutic practice that encourages false memories.

Forecasters point to a good summer; let us hope the evidence is sound.

Madeline Greenhalgh

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NEWS

Statement from Jersey

Jersey police began searching the former children's home at Haut de la Garenne in February 2008 following allegations of historic systematic abuse. The investigation was said, at that time, to involve more than 160 victims over a 40-year period. This month the Attorney General for Jersey has published a statement on the investigation.

The importance of the evidential test

The Attorney General for Jersey highlights the importance of applying the evidential test in the decision that no charges will be brought in respect of either of the two outstanding files in the Jersey Historic Abuse Investigation.

In his statement dated 3 June 2009 he said,

“A decision not to prosecute is capable of being perceived as denying the complainant the right to be heard. Indeed, this can lead to a pressure to allow the complainant to have his or her day in Court. However to succumb to such pressure would mean that the prosecution was not applying the evidential test which is its function to apply. The Courts are entitled to know that they are not faced with prosecutions which even the prosecutor thinks will not succeed. The criminal justice system as a whole requires each part of that system – police, prosecutors and Courts – to fulfil its functions professionally and properly. To compromise the test to allow evidentially weak cases to proceed is not an exercise of the objective approach which is demanded of prosecutors by the Code on the Decision to Prosecute. It is not fair to anyone – the complainants, the accused, the witnesses or the public – to do otherwise than apply the evidential test professionally and objectively.”

Corroboration by volume not found, nor similar fact substantiated

In discussing Case 5 the Attorney General explained,

“Nine complainants have made complaints against Mr. A, now a middle aged man who spent approximately five to six years as a junior trainee and then employee at Haut de la Garenne in the 1970s and 1980s. The complaints relate to incidents which are alleged to have taken place between 20 and 30 years ago. Four of them contained allegations of different types of sexual offending, some of it of the most serious nature; all but two were alleged to have taken place at Haut de la Garenne. The police have conducted a very thorough and detailed investigation tracing and interviewing all known witnesses before submitting the papers to the independent lawyers instructed by the Attorney General. In none of the cases is the complaint corroborated by any independent evidence, and none of the complaints is sufficiently similar in nature to suggest that they might supply mutual corroboration.

In two cases, the employment records show that the complainants were not at Haut de la Garenne at the same time as Mr. A. In two of the cases, the makers of the statements were not those against whom the alleged crimes were committed, the alleged victims no longer being alive.”

The papers were carefully evaluated by lawyers, a senior lawyer in the Law Officers' Department and by the Attorney General. None of the lawyers who looked at the matter considered the evidential test was passed.

The report goes on to discuss the reinvestigation of Case 6 which was first considered and formally abandoned by the Crown in 1998. The considerations for restarting a prosecution are covered in the Attorney General's statement which can be found at <http://www.thisisjersey.com/wp-content/>

uploads/2009/06/stmgena-041-ag-press-statement1.pdf

The Attorney General admitted that the decision not to prosecute in these cases was a hard one but that taking into account the legal principles it was the right one.

Science clashes with English Libel Laws

Simon Singh, science writer and broadcaster, awarded the MBE for services to science in 2003, was the defendant in a recent libel action brought by the British Chiropractic Association (BCA) after he criticised some of their practices and declined to withdraw his comments. In a preliminary ruling Mr Justice Eady found in favour of the claimants, BCA. Dr Singh has refuted any indication that his comments amounted to accusing the BCA of being dishonest. He went on to say that alternative therapists who offer treatments unsupported by reasonable evidence are deluded rather than deliberately dishonest.

Sense about Science, an independent charitable trust promoting good science and evidence in public debates, has drawn up a statement in support of Simon Singh. Many distinguished scientists and public figures have signed up to it indicating their support for Dr Singh and their belief that it is inappropriate to use English libel laws to silence critical discussion of medical practice and scientific evidence. An extract from the statement reads,

“Freedom to criticise and question in strong terms and without malice is the cornerstone of scientific argument and debate, whether in peer-reviewed journals, on websites or in newspapers, which have a right of reply for complainants. However, the libel laws and cases such as *BCA v Singh* have a chilling effect, which deters scientists, journalists and science writers from engaging in important disputes about the evidential base supporting products and practices. The libel laws discourage argument and debate and merely

encourage the use of the courts to silence critics.”

Dr Singh has announced that he is to appeal the decision.

To find out more go to www.senseaboutscience.org.uk

Psychodynamic Therapies rejected in Sweden

The National Board of Health and Welfare in Sweden has decided that psychodynamic therapies must disappear from all tax-aid clinics and hospitals whether they belong to municipalities, administrative provinces, or the State.

It is implied that the same should be true of private clinics and hospitals. But for private institutions there will be legal complications. It is not yet known how speedy the implementation will be.

This news has been received from Max Scharnberg, Associate Professor, Uppsala University.

Expert Opinion

Memory expert, Professor Martin Conway, recently gave evidence for the defence in an appeal case involving two former soldiers jailed for historic sexual abuse against children.

Professor Conway explained to the court that memories going back to the age of seven were a “fuzzy boundary” in the area of impaired memory. He told the court that one of the alleged victim’s graphic accounts of abuse involved an “exaggeration of the specificity of events”. He went on to say that memories and experiences typically contained fragmented details rather than “cohesive, fluid, total sequences”.

This and other legal issues lead to the soldiers’ convictions being quashed.

Source: BBC News Northern Ireland, 3, April 2009

Families are still living the nightmare of false memories of sexual abuse



by Professor Chris French

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Despite the falling away of media interest, families are still being torn apart when 'recovered' memories of childhood sexual abuse are introduced into the minds of vulnerable people.

The patient may be told that their psychological symptoms indicate they must have been abused, even if they can no longer remember it.

I have three wonderful daughters – two teenagers and one young adult. I can hardly imagine anything more horrible than the prospect that one of them might one day enter therapy for help with some common psychological problem such as anxiety, insomnia or depression and, at the end of that process, accuse me of childhood sexual abuse on the basis of “recovered” memories. Even though I would know with absolute certainty that such allegations were untrue, the chances are that nothing I could say or do would convince my accusers of this.

... many people mistakenly believe that the false memory controversy is “yesterday’s news”.

A few days ago I sat in a lecture theatre mostly filled with middle-aged or elderly parents living through this exact nightmare. Typically, their adult children had started therapy with no pre-existing memories of being sexually abused, but had become convinced during the therapeutic process that they had indeed been victimised in this way. So convinced were they that the “recovered” memories were true, they more often than not

accused their parents directly of this vile act and then cut off any further contact, leaving their parents devastated and confused, their lives shattered.

The occasion in question was the 15th Annual General Meeting of the British False Memory Society. The BFMS began life in 1993, the year after the formation of the False Memory Syndrome Foundation in the US. Accused parents were at the forefront of founding both organisations. Both have scientific and professional advisory boards to support them in their aims, which include providing support – including legal assistance where necessary – to those affected by such accusations, providing information and advice to professionals, and improving our understanding of false memories by encouraging and supporting academic and professional research.

One serious problem appears to be that many people mistakenly believe that the false memory controversy is “yesterday’s news”. They are aware that there was a huge increase in such allegations back in the 1980s and 1990s. They may even be aware that many professionals and academics have reacted against such claims, most notably Elizabeth Loftus, whose pioneering work in this area has done more to increase our understanding of the true nature of false memories than any other scientist. But it is simply not the case that this is a dead issue.

Although the incidence of new cases is much reduced from when the controversy was at its peak, new cases do still come to light with depressing frequency, as the files of the BFMS can attest. Furthermore, the fallout from the peak period is still

very much with us. There are still many families throughout the world being torn apart by these accusations, many of whom will sadly never achieve any kind of reconciliation.

One intriguing aspect of this awful situation is why the media generally appeared to lose interest. The press and broadcasters are often guilty of focusing on the human interest angle of stories at the expense of good solid scientific evidence, the MMR controversy being a case in point. As most scientists know, there never really was a “controversy” over MMR, with the consensus among medical experts being that there is no link between MMR vaccination and autism. But the human interest value of tearful interviews with sobbing mothers supported by the views of a few maverick scientists was always going to be enough to bias the media coverage of this issue, with tragic consequences.

In the case of the false memory controversy, however, there was human interest on both sides of the story. Obviously, sensationalist accounts of “recovered” memories of brutal childhood sexual abuse – or even better, ritualised Satanic abuse leading to the development of “multiple personalities” – were always going to be tempting to a certain type of journalist, despite the lack of any good scientific evidence supporting such claims. But we also had the other victims to consider: the accused family members and those around them. Why were their stories given so little coverage?

I got some answers at the BFMS meeting. There are some cases where the accused are willing to go public but are prevented from doing so by legal gagging orders and are thus not free to present their side of the story. But much more common is the situation where the accused do not want to

jeopardise their chances of obtaining the one thing they want more than anything else in the world: reconciliation with their estranged children. Furthermore, to go public with such stories inevitably will invite suspicion. Unless one is very familiar with the scientific research relating to false memories, there may well be the temptation to assume that there’s no smoke without fire.

There is a general perception that the public mood is much more volatile with respect to the issue of paedophilia than it used to be. Remember the attack on a paediatrician in Portsmouth by an illiterate mob who did not know the difference between a paediatrician and a paedophile? The episode has often been cited as a prime example of the dangers of adopting a vigilante mentality. The fact that the story appears to be an urban myth is often missed by journalists, who refer to it in sensationalist stories published in the very newspapers that attempted to whip up such sentiments in the first place.

According to an article by Brendan O’Neill [Whispering game] on the BBC news website, the incident that gave rise to these stories involved a female paediatrician consultant, Dr Yvette Cloete, in Newport, Gwent (not Portsmouth), who returned from work to find “paedo” sprayed on

... one cannot overstate the courage of such individuals [retractors] in acknowledging that they have put other family members through unimaginable pain ...

her door, probably by local youngsters. Distressing as this incident was for Dr Cloete, it is a long way from an excited mob threatening physical violence. But for all that, the perception that there may be a violent backlash against anyone even suspected of paedophilia is a strong factor in explaining the reluctance of many accused to go public.

There are now many cases of “retractors” whose stories could potentially be featured in media coverage. Retractors are

individuals who initially believed that their memories of abuse were real but later came to realise they were not. Again, one cannot overstate the courage of such individuals in acknowledging that they have put other family members through unimaginable pain and suffering on the basis of a sincerely held but mistaken belief. Understandably, however, such individuals are often too upset and possibly ashamed to want to tell their stories publicly.

It is hard to find a silver lining inside such a grim and depressing cloud, but there is one. Although it may be of little consolation to those who continue to suffer as a consequence of “recovered” memories, the controversy did trigger a huge amount of research into false memories. Since the mid-1990s, hundreds of papers have been published on the topic and it is probably fair to say that the results have come as something of a surprise even to the researchers themselves. Numerous experiments have shown that it is much easier than anyone might have supposed to implant false memories in a large minority of the population.

Reliable experimental procedures have been developed to study susceptibility to false memories and we now understand a great deal about the conditions that are most likely to give rise to false memories (for an excellent introduction to the field, read Richard J. McNally’s *Remembering Trauma*). It turns out that the conditions typically found in the psychotherapeutic context fit the bill perfectly. Specifically, a vulnerable individual being informed by the therapist, an authority figure, that their current psychological symptoms strongly indicate that they must have been abused as children even if they can no longer remember the abuse due to repression. Once this has been accepted by the client, they are encouraged to engage in a range of mental exercises to “recover” these memories, but which in fact are highly likely to result in the formation of false memories.

It is not surprising that many people find it easy to believe that when apparent memories of childhood abuse are reported for the first time during psychotherapy, they probably are based upon events which did take place. After all, we know that such abuse really does take place with alarming frequency and can sometimes have devastating effects upon the victims. We’re also all familiar with the Freudian notion of repression – the idea that when something happens that is so awful, the mind will automatically bury it as a defence mechanism so that one could not remember it consciously no matter how hard one tried. This idea has been at the centre of countless novels and movies, which often portray the heroic struggle of the victim and therapist to dig deep into the unconscious mind to retrieve those corrosive memories so that healing can begin.

... should it not give us pause for thought that exactly the same “memory recovery” techniques ... can give rise to apparent memories of being taken on board spaceships ...

The problem is that there is very little evidence to support the existence of repression as conceptualised by Freud. The evidence strongly suggests that far from being unable to remember sexual abuse, victims typically find it all too difficult to keep such memories out of their consciousness.

My own interest in this topic was initially triggered by my wish to try to explain reports of anomalous experiences such as alien abduction claims and hypnotic past-life regression. Although many people find it plausible that psychotherapy allows people to retrieve repressed memories of childhood abuse, should it not give us pause for thought that exactly the same “memory recovery” techniques, including

hypnotic regression and guided imagery, can give rise to apparent memories of being taken on board spaceships and medically examined by aliens, or a former incarnation as Napoleon?

The writer and broadcaster Karl Sabbagh addressed the meeting on Saturday and considered an uncomfortable topic that will have occurred to any intelligent person reflecting upon the work of organisations like the BFMS and its American counterpart. Even if most of the parents attending the meeting were in fact innocent victims of false memory, isn't it possible that at least some are perpetrators of abuse hiding behind the scientific evidence for false memories? I had, of course, reflected at length on this issue myself and it has to be acknowledged that it is a possibility.

However, I feel that if I were a perpetrator I may well protest my innocence but I doubt I would join a group that aims to keep this issue in the public eye. I would instead want to sweep it under the carpet and hope that everyone would forget about it. As Sabbagh asks in his new book *Remembering our Childhood: How our Memory Betrays Us*, "After all, if sex abusers all band together and pretend to be innocent, why aren't there established societies of murderers, burglars, and embezzlers doing the same thing?"

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Links:

Anomalistic Psychology Research Unit: <http://www.goldsmiths.ac.uk/apru/>

Skeptic magazine: <http://www.skeptic.org.uk/>

Whispering game: <http://news.bbc.co.uk/1/hi/magazine/4719364.stm>

'The other daughter'

How to handle family life as the sister of an accuser

When I first attended a BFMS meeting some years ago, I introduced myself to somebody and he said 'aha – the good daughter'.

It jarred on me a little at the time although in quite a humorous way. I'd certainly never seen myself as 'good'.

When I was asked to speak at this year's Annual General Meeting about what it's like to be the sibling of an accuser I remembered that conversation and began to think about how to speak about being, as the title of this talk describes 'the other daughter.'

To put things in context, I'll give a timeline of what happened in our family.

Background

My sister is younger than me. She got tall very quickly and I think by the age of about 13 she was over six foot tall. She also had size 10 feet which was a nightmare in the 1970s.

She stood out in other words. Literally. And yet, or perhaps because of that, she was always in hiding. Through vague non-specific illnesses, later on with glandular fever and as a young adult with myalgic encephalomyelitis (ME) although I don't recall if she ever had a diagnosis. She also hid from the family as a child and young teenager by doing a lot of community-based activities, working on play schemes and spending a lot of time at the local church.

Despite illnesses and what I now think was undiagnosed depression, she managed to get a place at university. As a child she formed strong attachments to various 'mother' figures connected with the church, much to the fury of our own mother. At

university she started therapy with a Christian counsellor and continued after she left for another four years to see a professional psychotherapist.

My first point about being ‘the other daughter’ is that I find it very hard to look back on our childhood in any negative ways because to do so feels like an attack on my parents. And they’ve been attacked enough. So with that proviso I discuss a little of our childhood.

I know my parents themselves would say that ours was a highly-charged environment. Lots of emotions flying around and no room to hide. Lots of security and support yet with a great deal of raw energy and huge amounts of anxiety.

So back to the narrative. I’m going to skip over ten years or so during which my sister displayed various highly conflicted behaviours. Suffice it to say that she either ignored and was out of touch with our parents or she would behave in an extremely approving way and actively seek contact with both of them. For example, when she was 23 and, according to what she says now in her forties, that was when she was, and I quote, “getting in touch with her ‘reality’”, she advised me to go to our parents for help when my first marriage was in crisis – she told me she thought they’d understand and be able to help me.

I don’t think I would advise anybody to seek the support of a child abuser. I can’t fit together in my mind how she can say now that she knew then that our father had sexually abused her. It makes no sense...thank goodness.

How did she announce her accusation?

In 2000 when my sister was in her mid 30s she sent our parents a letter that accused our father, albeit in a very roundabout way, of sexual abuse.

I say roundabout because, as I later realised is typical of false memory people, she

had adopted a language that wasn’t actually hers. Quite apart from the horrors of what she was saying, there were also the horrors of *how* she was saying it. I can remember reading her letter and wincing at the style and thinking ‘this really doesn’t sound like her’ and ‘she’s describing Mummy in a way that is just nonsense’.

She claimed that she did not want what happened to her to be ‘meaningless’ saying that she felt preserved by a sense of a ‘noble’ cause. She wrote that Daddy had told her that they needed to keep their ‘special friendship’ a secret in order to protect Mum and that is why she had ‘let it happen’ – to keep our mother from harm. And, most infuriatingly she claims that I hated her because she had something I did not.

Even now, years later, I read her words and want to punch things, jump up and down and shout ‘rubbish’, ‘balderdash’ and other such expressions. It’s so ridiculous it’s laughable. Almost.

She even offered up failing to visit our father when he was seriously ill as evidence, begging the question “what daughter would refuse to see her father when he has a heart attack unless there is a very good reason?”

How about an incredibly self-centred one?

And here, I fear is a statement that readers may find familiar, mirroring as it does some of the most damaging points in that dangerous book *The Courage to Heal*.

She said that she couldn’t give me dates and times of what happened saying that she did have memories and a ‘great deal of emotions’, all of which she had reviewed and questioned and hidden from. Her next comment is all too familiar – she said ‘the ‘evidence’ is my life’.

From my point of view the most insulting thing she said was to suggest that I had somehow selected a version of events saying: “You choose to believe your truths, I

choose, on the basis of what we understand, need, know". Personally I don't think truth is relative. Our father either is or isn't an abuser.

Her pseudo-intellectual tone speaks a fairytale logic. And it's not my sister's voice. These are borrowed words and ideas; they are not hers.

And in another telling phrase she spoke of: "Four years with a psychotherapist who 'held my hand' as I began to cope with my reality."

Is this the language of people who have been systematically physically abused over years?

Her first accusation letter to our parents finished with a polite little thank-you expressing her gratefulness for the 'opportunities' they had given her. She wishes them good health and expresses a hope that our grandmother was well. She even signs 'with my love'.

Much correspondence follows along a similar vein between my sister and our parents which I don't need to present here and I eventually spoke to her.

Which brings me to the horrors of being well educated

My parents brought me up not to be prejudiced. That included, for me, having to force myself to invite my sister to tell all, in person. And you can imagine how truly terrible that is. I had to ask her to tell me stuff which I knew, in theory might mean that my whole world view would change for ever. What if, she were believable?

Many siblings live with the terrors of 'what if'?

What parents of accusers need to remember is that their other children were actually children at the time of the alleged offences. We don't have adult memories of the time at question. As an aside, having children has really helped me. I know my

husband is not abusing them. It's that same knowledge that my mother has about my father but I can't have the same category of conviction about my sister's allegations.

So, horror number one for a sibling is that other than blind faith in your accused parent's innocence you've really got nothing else to go on. And that's scary.

Anyway, luckily for me, my sister wasn't convincing. I had a conversation on the phone and then a face-to-face meeting.

My notes from the phone call quote loads more phrases like the ones already mentioned. Twisty-turny words and comments that disappear while you grapple with them. "It's my understanding..." "I can't give you dates". She talked about how she'd discussed 'pressing charges' with her counsellor but didn't explain what the charges would actually be despite numerous requests to do so. She also said something I didn't realise at the time is a stock phrase used by accusers of historic abuse: She says "it came to me through therapy". She adds that the therapist didn't plant it.

Well she or he may not have planted it but they certainly helped it grow.

Finding out and a sibling's anger

Eventually I pushed my sister into a corner. I tried to force a direct statement out of her while of course not wanting her to manage it. Her final letter to me said that she wasn't sure she could 'answer any of [my] questions' and referred to a 'dynamic' that existed between her and Dad involving 'games' which she says started when she was a baby and continued till she was eight.

I should say that when my sister was eight, our mother went back to work having been at home full-time as a Mum while Dad worked.

I am so angry with my sister I really can't put words around it. The anger is some-

thing to do with control and feeling that she is more powerful than me.

The difficult part of this is that, of course, these aren't necessarily new feelings. I think there's something about this situation which hurls you as a sibling right back to childhood.

A problem for siblings of accusers is that it's like having all your civilised educated self ripped off leaving you with just the raw difficult-to-comprehend feelings.

And the grim consequence? The hardest aspect of this is that I don't actually want her back in our lives. Beyond making myself communicate over the allegations, I have made no contact with her and don't want to.

I may have bridled at the term 'the good daughter' but actually being back to a family of three not four has some grim plusses.

Having talked about not being able to find the words, there are some things that I can explain about the effects of my sister's accusation on me, my husband and children. Here they are:

- She has controlled me and I really react badly to being controlled
- She has left me with the problem of telling people or not which I'll come to in a moment
- She has put me in a situation where at some point I will need to tell my children and I don't know how they are going to react
- She has left me with a fear that my children may then retrospectively question their own relationship with their grandparents
- She has sentenced me to a life-time of huge emotions. This is what I hate the most. Sometimes I just don't want to go near the whole thing. I can really see how some siblings just emigrate or refuse to discuss what's happened – it's just too overwhelming.

Thinking about the burden on siblings and - telling people

I felt, once the accusation was out there, thrown into a polar world. People making conversation ask if I have a sister and immediately I either brush off the question with a dismissive 'yes but we don't get on' or I over-disclose and say what's happened to people who really don't want to know.

When I met my second husband I nerved myself up to tell him. To my astonishment and relief he understood immediately as a former girlfriend had also been the sister of an accuser who then retracted after family therapy.

The burden on siblings - have rows with your parents

The sibling perspective is from my experience very different from the parental one because it does not involve the kind of fierce unconditional love that parents may feel for their children.

Like many older children as I said earlier the three-year old me wasn't that impressed by my sister's arrival, according to family anecdote anyway.

Going back to my earlier point about how much I resist being negative about my childhood, it's also true to say that I also find it hard to disagree with my parents or fall out with them as much as I'd like to because there's this awful knowledge that you're the only one left – it seems ridiculous saying this because how could anything I do make my sister's accusation less awful but as 'the good' sibling, you feel responsible, you're likely to want to protect and preserve and that means you're less likely to argue.

I don't, though, think this is a healthy instinct.

In the unreal abnormal world of false memories clinging on to normality is essential and that, for most families, includes falling out and having occasional rows.

Retraction?

Do I want her to retract? Yes, I do. I want her to retract for my parent's sake, for my children's sake, for my husband's sake but oddly, I don't want or need her to retract for mine. If I imagine a situation where she arrives at my house to retract, I imagine her highly emotional and needy and wanting a hug and I feel revulsion. And that's pretty devastating to admit.

So to parents I'd say:

- Expect your children to have highly complicated reactions to their sibling's accusation
- Remember that they can't have the same kind of certainty that an adult has about the accusation being false – they only have faith or instinct
- Be aware that your adult children may want to 'over-protect' you – so have rows if you need to!

And to other siblings I'd say:

- It's normal to feel rage, confusion and big emotions you can't describe
- Don't over protect your parents, let them parent you. That is, after all, what they're good at.

A sister

The Regulation of Psychotherapy

by Dawn Devereux

Dawn speaks both as a member of UKCP and a complainant of therapeutic practice

It is more than three and a half decades since the Foster report¹ concluded that legislation was urgently needed to control psychotherapy in the United Kingdom. The current estimate is that the Health Professions Council will regulate

psychotherapy by 2011. The aim of this section is to give a brief overview of the history and current situation with regard to the organisation and regulation of psychotherapy.

The Foster report, produced in 1971, is a fitting place to begin. Sir John Foster was extremely perceptive in identifying the *need* for psychotherapy to be regulated. He was particularly concerned about the power psychotherapists exert over their patients through the phenomenon of 'transference'. He described how a psychotherapy session may look very ordinary and innocent, but warned that 'the danger in anything other than the most skilled hands is great and, what is worst, the possibilities of abuse by the unscrupulous are immense'. He described it as 'fatally easy for the unscrupulous therapist, who knows enough to create the dependency in the first place, to exploit it for years on end to his own advantage'.²

Despite the forthrightness of the Foster Report no progress was made towards regulation until 1978, when the Sieghart report was published. This again recommended regulation and suggested that a Psychotherapy Council be established. As a result in 1981, Graham Bright MP introduced a bill to the House of Commons, which proposed to regulate psychotherapy in the UK. Unfortunately, it fell at the second reading. It was then almost another decade before the inauguration of the United Kingdom Standing Conference for Psychotherapy and the setting up of a voluntary Register of Psychotherapists in 1989.

This led to the formation of the United Kingdom Council for Psychotherapy (UKCP) in 1993, which is still the largest and most influential psychotherapy organisation.³ It acts as an umbrella organisation to 80 different psychotherapy institutes, providing a framework within which these 'member organisations' are required to construct their own codes of ethics. Member organisations are also

responsible for administering their own complaints processes, with the final appeal being to UKCP. Psychotherapists have therefore had twenty years to show themselves to be competent with regard to self-regulation. This has provided the profession with a unique opportunity to use its undoubted understanding of psychological processes to produce a 'gold standard' for client protection. So how has it fared?

The answer is: Abysmally. Factional infighting has prevailed, and most of UKCP's energy has been expended in dealing with internal splits. House and Postle (2008)⁴ describe how 'UKCP behaved variously like a trainers' club and a trade association, speaking the rhetoric of 'client protection' while, seen up close, being driven by the need to capture and sustain the practitioner 'training industry'. Likewise, Loewenthal (2008)⁵ in describing poor ethical standards when he was an executive member of UKCP, states feeling that he was 'increasingly part of an organisation that had been set up with the purpose of being institutionally unethical'. My own experience of this organisation, as both a member and complainant, has revealed an extraordinary degree of defensiveness and lack of respect in dealing with complaints.

Correspondence is routinely ignored and the complainant is treated with a suspicious disdain. This was exemplified a few years ago at an 'ethics' conference organised by UKCP, when the Chair, James Antrican, began with an anecdote about an ex-client complaining about him 'because he wanted to avoid settling his final bill'. No doubt such incidents do occur, but giving only this example established the defensive tone that pervaded the entire day's proceedings; 'let's protect our interests' would have been a more honest title for the conference.

Since the formation of UKCP other attempts have been made to improve the situation in psychotherapy. In 2001, Lord

Alderdice failed in his attempt to introduce a Private Member's Bill to register psychotherapists. In 2006, UKCP itself attempted to make improvements by introducing the Independent Complaints Organisation (ICO). Though of questionable independence, in its short life the ICO undoubtedly improved the

Factional infighting has prevailed, and most of UKCP's energy has been expended in dealing with internal splits.

experience for complainants, by providing better channels of communication. This attempt, to make improvements and introduce a small degree of independence, attracted overt hostility from many sections of the profession. For example, the Guild of Psychotherapists' website hosted an open letter opposing the ICO's proposal to allow third party complaints, such as from the family of those being exploited in therapy. Again this was dismissed merely as 'the psychological dynamics at play' and summed up with the single example of 'the furious husband who blames the therapist for the fact that his wife leaves him after starting therapy'. The many families who can at present do nothing but watch as their lives are torn apart by abusive therapists, are given no consideration in this diatribe of self-interest. The entire letter contained not a single reference to improving the situation for complainants.

The latest significant event in the regulation of psychotherapy was the 2007 White Paper entitled *Trust, Assurance and Safety – The Regulation of Health Professionals in the 21st Century*. It clarifies the fact that there is to be no new regulatory body to govern psychotherapy. The Health Professions Council, which already regulates paramedical professions such as art therapy and physiotherapy, will take on the task of regulating psychotherapy in 2011. A significant and

vociferous group of psychotherapists are trying to oppose the regulation of psychotherapy. They generally subscribe to the view that psychotherapists should be allowed to practise in whatever way they please. They seem to view all but the most exceptional complaints as nothing more than a manifestation of negative transference.⁶ Furthermore, they believe that clients should accept that therapy is inherently 'risky'; some even explicitly state that they do not value 'good personal conduct', on the part of the therapist and extol the value of a therapist who may be 'corrupt' 'feeble' or a 'tyrant'.⁷

In conclusion it seems important to make clear, however, that while regulation will bring many benefits, the introduction of competencies and standards will do little to protect the public from being exploited. Research consistently suggests that abusive therapists are often highly qualified and experienced practitioners who hold positions of influence.⁸ As such, the approval of the state may only make matters worse by encouraging misplaced public confidence.

Despite this, regulation by the Health Professionals Council is to be supported if only because it will *undoubtedly* improve the complainant's experience in the following, vitally important, ways. It will:

- Permit third party complaints. This is particularly important for families affected by false memory allegations, who at present, are not permitted to make a complaint against a UKCP registered psychotherapist.
- Ensure that when a therapist is found guilty of professional misconduct he or she cannot continue to practise with impunity.
- Ensure a just and fair complaints process. The re-traumatising of people who have been abused in therapy, through the incompetence of voluntary regulated complaints processes, is iniquitous and this seems to be an almost universal experience amongst

complainants. This is, however, rarely cited as a reason for statutory regulation by either the pro or anti lobby. In contrast to UKCP, the HPC complaints process already treats complainants⁹ with both respect and decency. It also ensures that the complainant is not financially disadvantaged or unnecessarily traumatised by the complaints process.

My own contemporaneous experience of bringing a complaint against a member of a UKCP membership organisation, The Guild of Psychotherapists, leads me to support the urgent need for state regulation.

1. Available on <http://www.cs.cmu.edu/~dst/Cowen/audit/foster09.html>
2. *Foster Report*, Chapter 9:251
3. BACP is also a large membership organisation for psychotherapists and counsellors, but the majority of the members have not completed recognised psychotherapy training.
4. House, R. and Postle, D. (2008) Unconsciously generating inevitability? In Parker, I. and Revelli, S. *Psychoanalytic Practice and State Regulation*. London, Karnac Books.
5. Loewenthal, D. (2008) Regulation or ethics as the basis of psychoanalytic training. In Parker, I. and Revelli, S. *Psychoanalytic Practice and State Regulation*. London, Karnac Books.
6. The negative transference refers to feelings expressed about the therapist, which actually belong to some person in the past. Despite the fact that psychotherapists are preoccupied with this in relation to complaints – the vast majority of complainants describe the positive transference being mishandled, which creates a situation in which the therapist becomes idealised and therefore incredibly powerful.
7. Leader, D. (2008) Psychoanalysis and regulation in Parker, I. and Revelli, S. *Psychoanalytic Practice and State Regulation*, London, Karnac Books.
8. Gabbard, G. and Lester, E. (1995) *Boundaries and Boundary Violations in psychoanalysis*.
9. The HPC currently regulates art therapists.

MEMBERS' FORUM

Lost and Found?

Dear Daughter,

Sorting through a desk drawer today I picked up a small French penknife, much sharpened and worn, treasured now and loved long ago, when it was a tool of my trade. Your mum bought it for me.

I used it for 'cut and paste' in my work as a sub-editor on a national paper. I placed the typed copy on a piece of newspaper. Then with my knife, I scored along the section which I needed to use and, with a brush from a huge glue pot, I pasted it on to another piece of paper. The knife was easier to use than the ever-disappearing scissors which we journalists shared.

Then the knife went missing. Your mum and I went to London Transport's Lost Property Office, thinking it might be there. It was missing for months, then turned up down the side of a chair, in our front room, opposite the piano. I think you hadn't then yet gone to university.

Then there's a painting you will remember, by Perroneau. It will ever be associated by me with your mum. It was in her flat when I first met her. Now, nearly 49 years later, the girl in the picture still looks on at the life of our family. Her mood and her expression changes a lot.

Do you remember that picture? It is still part of your and our life.

I have known people in the past 12 months and long before, who have died still loving and longing for their accusing and middle aged (by now) children. Should I die before you come back to us, I say now, that my anger implies no lack of love for you. I have talked to the heartbroken. Do the accusers know what they do? They surely cannot.

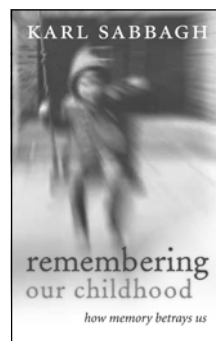
I am in a mood today not to go, when my time comes, in a state of resigned acceptance. I will not 'go gentle into that good night' while you remain apart. I will rage against the dying of the light of hope.

We can't look for you in a Lost Property Office.

Love Dad

BOOK REVIEW

Remembering our Childhood: How Memory Betrays Us.



by Karl Sabbagh,
published by Oxford University
Press, 2009,
£16.99.

Reviewed by Revd W. John Young, a Methodist minister, now retired

Karl Sabbagh has studied psychology and in producing this book uses interviews with several leading researchers as well as books and articles.

He starts by discussing why few, if any, people remember things that happened before about two and a half years. Freud, followed by many psychotherapists, thought that repression explained this but research has not confirmed Freud's theory and psychologists now have other explanations. It is thought likely that childhood amnesia occurs because the growing brain is insufficiently developed for laying down long term memories and may have limited storage capacity until language is developed.

So far as memories of childhood from about three years onwards are concerned Sabbagh argues for their fallibility and cites Bartlett, a Cambridge psychologist who demonstrated in the 1920s and 1930s that remembering is a reconstructive activity. This research result has been replicated so frequently that memory can no longer be regarded as like videotape.

In spite of such findings the 1990s were marked by 'Memory Wars' over the status of 'memories' of trauma, usually of child sexual abuse (CSA), recovered from amnesia. This phenomenon linked mental health symptoms to CSA and triggered a search for repressed memories in people who had no such memories. The self-help book *The Courage to Heal* popularised the idea and many people came to believe that they were victims of CSA. They had vivid images of hitherto unknown traumatic events but, as Sabbagh shows, vividness does not guarantee that such imagery represents true memories. So much for repression, though some attempt to shore it up by inventing 'betrayal trauma' as a special category; Sabbagh, though, is unimpressed.

Indeed, research shows convincingly that false memories can be planted in susceptible people by, for example, the suggestive interviewing of young children or eliciting images of alien abduction by hypnotising adults. The latter produces vivid, compelling testimony of events that almost certainly never happened by using similar techniques to those used to obtain recovered memories of CSA. They both follow the same logic, namely that symptoms point to a hidden traumatic cause – in one case, alien abduction, and in the other, CSA. It is not hard to see that if one manufactures false memories then the other is very likely to as well.

Sabbagh observes,

‘just as the diagnostic methods are unsupported by scientific evidence, so are most of the techniques the thera-

pists use, and when some of them are put to a scientific test, it turns out that they can *create* the memories they are meant to reveal.’ (p136)

Survivors of trauma do not have to excavate memories. Their problem is trying to stop their memories constantly interfering with everyday life.

Nevertheless, as Sabbagh shows in detail in chapter 9, therapists continue to use inadequate techniques to suggest CSA as a cause for mental health problems. This is disappointing because these techniques have been comprehensively undermined by Loftus and others. See Loftus, E. and Ketcham, K. *The Myth of Repressed Memory*, (1994) and McNally, R. *Remembering Trauma* (2003).

Now one would think that removing a bogus set of abuse allegations from the agenda would be in the interest of truth and justice. However, there are those who argue that researchers should not waste time and resources on false allegations when there is so much CSA to combat. Indeed, it is even suggested that such organisations as the FMSF in the USA and the BFMS are groups of people who have repressed their involvement in these crimes. Karl Sabbagh visited a recent BFMS AGM and the 'bewildered pain' of people who believed they were falsely accused rang true with him. He shows, and we wish he could have written more about the BFMS, that these organisations have not only supported accused people but have led some therapists and accusers to see another side of the story.

Sabbagh is rightly impatient that, 'the findings of well-conducted scientific research into the flexibility and fallibility of memory' (p.188) are ignored by recovered memory therapists, by the writers of such books as *The Courage to Heal* and when 'Very young children are still being questioned by police and social workers who believe in the "videotape" theory' (p. 189).

This is reprehensible as it is well known that suggestive questioning from authority figures can lead children 'to believe inaccuracies and falsehoods' (p. 190) or adults to believe the highly improbable possibility that they had repressed childhood trauma.

If psychotherapists and the general public have been slow to accept two decades of good science Sabbagh is somewhat disheartened by the courts being even slower with the result that many people are in prison because of evidence which a good memory expert could show as unsatisfactory. The legal system limits the involvement of such experts but, as reported in our last newsletter (Vol. 16, No. 2), the British Psychological Society recently published a report on Memory and the Law. It is admitted there that:

'It may well be some time before memory evidence will be admissible in general terms. There is, however, a strong argument for providing jurors with expert guidance regarding the way in which memories are formed and subsequently constructed in acts of remembering. (BPS Report, p. 8)

Sabbagh's book is very readable and full of interesting material. I think he could have usefully devoted some space to how memory works and although pretty well up to date he does not mention, *The Science of False Memory* by C.J. Brainerd & V.F. Reyna (2005). Although Loftus and McNally are great experts and he did well to consult them he could, in my opinion, have made more use of researchers in the UK who have expertise in this area. A list of useful literature would also have been helpful.

The overall theme that people's memories are being poisoned and other people harmed by dangerously misguided beliefs and practices is well made. If false memories are the MRSA of the mental health world the sooner the practices and beliefs that produce them are removed the better.

LEGAL

Redress for Falsely Accused?

A recent tribunal ruling in favour of a Somerset taxi driver may hold some hope of redress for parents and others who have suffered mental damage and financial loss as a result of being falsely accused of child abuse by an adult undergoing recovered memory therapy.

Former taxi driver, 49 year old Clive Bishop, was the victim of an allegation that he had raped a drunken 17 year old girl he had collected from a nightclub two years ago. He was arrested early one morning in front of his wife. His family and friends were made aware of the allegations.

Although he was told, six weeks later, that the girl, a mother of two, had admitted lying, he had by then been shunned by the community and had lost his taxi business.

The girl was found guilty of perjury and was given a 10 month prison sentence.

Attempts by Mr Bishop, a married foster carer from Walton in Somerset, to claim from the Criminal Injuries Compensation Authority (CICA) had been turned down because he had not been a victim of physical violence. However this ruling was overturned by an appeals tribunal in Taunton which said that he does have grounds for compensation and should continue with his application.

Interviewed on BBC regional television (13 May 2009), Mr Bishop said, "Being woken up at 4.30 in the morning fearing that something had happened to my children. The shock of being told in your own living room that you have been arrested because you have raped a female and you have done nothing wrong - you are totally innocent - was unbearable. My wife,

myself, my family, my friends - just total shock - absolutely devastating.”

In her question to Mr Bishop, the interviewer demonstrated the onlooker’s typical inability to understand the long-term consequences of false allegations. “This all happened in 2007. Have you got over that shock now? Have you been able to move on? It was all cleared up quite quickly, wasn’t it? I think, after six weeks the charges against you were dropped. Did that six week moment mean that you were able to start moving on from there?”

“No, no. I was unable to move on...my life has been ruined,” Mr Bishop replied. “I still struggle now to comprehend what has happened to me, to my wife and, you know, when you go to bed at night and you have sleepless nights worrying what people think about you. It’s horrendous. Just never ending.”

His solicitor, Russell Pearce, of the Somerset firm Pardoes, said that while it is too soon to tell if this will set a precedent for other cases of psychological damage, it is a very good result because people who have suffered similar false allegations will now have a way of seeking redress. “To my knowledge it is the first time a victim of a false rape allegation has been able to make a successful claim from the Authority.”

A future hearing will determine the level of compensation.

Hopes of a ‘Bolder Approach’ by the CCRC, or ‘More Miscarriages of Justice’?

The new Chair of the Criminal Cases Review Commission for England, Wales and Northern Ireland (CCRC), Richard Foster CBE, gave his first interview on the BBC Radio 4 Today programme on 5

February 2009. His comments appeared to give a ray of hope to those BFMS members who are seeking to appeal against their sentences following allegations based on ‘memories’ of childhood abuse recovered by adults in therapy. However, in the same programme, a QC and criminal lawyer felt that Richard Foster’s laudable intentions might be frustrated by lack of money.

Promising to ‘err on the side of boldness’ in referring cases for appeal, Foster said “I would rather be criticised for having referred cases for a further look by the court on the grounds that perhaps there wasn’t a great deal in it than be criticised for not referring a case where there was any real possibility whatsoever that there might have been a miscarriage. If you have got to fall one way or the other I know which side I would rather be.”

The Today interviewer, Danny Shaw, pointed out that the referral rate for 2007 to 2008 was the lowest in the commission’s history. “The commission examines about 1000 cases a year and it has to decide whether there is a real possibility of a conviction being overturned or a sentence being reduced”, said Shaw. “The figures for 2007 to 2008 show that there were only 27 cases out of more than a 1000 which were referred to the appeal court, that’s two and a half percent, and that’s the lowest referral rate in the commission’s 12 year history. In fact the number has been on the decline for several years and it has led to accusations from some campaigners that the commission is too cautious and should refer more cases for appeal because when they get to the courts of appeal they have a two out of three success rate”.

Michael Turner, QC, a criminal lawyer who has worked on cases involving miscarriages of justice, was asked for his reaction to Richard Foster’s comments. While expressing his admiration for the CCRC as a “good and hard working body”, he added, “It is under funded and under staffed, but the people who are there care about the job they do and work very hard

at it... it has a small referral rate... often the cases they are dealing with are referred by individuals who are in prison and they haven't got lawyers to assist them and so they have got quite a lot of difficulties in sifting through the cases they have. And I don't think that that part of the system is the part that's broken... the part that's broken is really two fold. There is no legal aid to investigate these cases... and the CCRC is going to be a lot busier because the government is fairly determined to ensure that there is poor representation for people who are charged with serious crime."

In response to the question whether there will be more miscarriages of justice as a result he replied, "I am absolutely convinced of that."

On the record

Facing an investigation for a crime you have not committed might cause one of two reactions. A first thought might be that as you are innocent you have nothing to hide and nothing to fear believing as you do that justice will be served. Or, you might panic for fear that you cannot bring any defence for a crime that did not occur. Start thinking about obtaining records which might cast light on your case. There are many different types of historic records that could be useful to you. Consider the relevance of any of the records listed below. It may inspire you to think of other documentation not listed. Even if you discover that due to the time delay some of the information, which could be material to your case, has been lost or destroyed this disadvantage could contribute to your argument that the trial is an 'abuse of process'.

Records

Records fall into two broad categories, personal records and official records, within these headings fall other groups of recording events.

It may not be possible to have access to any of these records but their existence may well be contradictory to claims made by accusers.

Official Records

Reports prepared by or for official bodies, such as divorce courts or adoption proceedings;
Birth records (normal birth/problematic);
Court records, motoring convictions, criminal proceedings, family law documents;
School reports (nursery to secondary);
Exam results, vocational qualifications;
School medical records (many children were examined by the school medical services);
Child minder;
Education and welfare reports;
Welfare reports (Family Court proceedings), Guardian ad Litem; proceedings for access/contact;
Adoption records;
Social Services reports, social work diaries, family aids, home help;
Probation reports;
Birth, marriage and death records;
Hospital records (at varying locations treatment and/or referrals to out of area specialist centres);
GP records;
Health Visitor, District Nurse, Home Aids;
Records from organisations such as NSPCC, Salvation Army, Brownies, Cubs, Guides or Scouts, Boys/Girls Life Brigade, Cadet Force, Private hospitals, sports clubs, dance schools, sports awards, achievement awards/certificates;
Opticians;
Psychiatric, psychological reports, therapy notes, some may be from private or alternative practitioners;
Housing reports;
Records of police cautions, interviews (from earlier or apparently unconnected matters) call outs to accuser(s);
Employment records.

Personal Records

Family photos, slides, video's.
Cards, letters, emails, text messages, gifts;
Personal telephone books, journals, diaries.

Blacklist unlawful

The House of Lords has outlawed a procedure that allows ministers to put staff on a provisional employment blacklist without investigating the strength of allegations made against them or listening to their side of the case.

Following a test case brought by the Royal College of Nursing, five law lords ruled it an infringement of the human rights of staff working in the NHS and social care. The Lords declared that the procedure was incompatible with Articles 6 and 8 of the European Convention on Human Rights. Those articles relate to the right to a fair hearing and the right to respect for private and family life.

Baroness Hale said the effect of provisional listing followed by a delay before the merits of the case were examined was 'draconian'. Although the lists were not made public, there were some people for whom the impact on personal relationships and the stigma attached to listing would amount to an interference with their private life.

Changes will now be required to the procedures for placing staff in England on the Protection of Vulnerable Adults (POVA) and Protection of Children Act (POCA) lists. Hospitals and care homes were obliged to refer allegations of abuse by staff to ministers, who decided whether to place an employee on a provisional blacklist without a hearing.

The Lords have issued a Declaration of Incompatibility. The consequence of this is that the legislation remains effective until amended by parliament (s4(6) of the Human Rights Act 1998) – whenever that will be. See: *R v Secretary of State ex p Wright & Ors*.

Source: *The Guardian*, 21 January 2009

Expert evidence

Scientists, doctors and other experts are to be stopped from giving misleading evidence in court after a series of miscarriages of justice involving unreliable testimony, under proposals published in April.

Tough new rules will give judges greater powers to test the credibility of experts and, where necessary, exclude their evidence from juries.

Following troubling cases like that of solicitor, Sally Clark, who was convicted of murdering her two infant sons after a jury heard that the chances of the babies dying natural deaths was one in 73 million the Law Commission of England and Wales has set out preliminary proposals to prevent a repeat of such cases. That statistic was later shown to have 'grossly' misrepresented the chance of two sudden deaths within the same family from unexplained but natural causes.

Under proposals published by the Government's law advisory body, judges would have a 'gate-keeping' role to stop 'untrustworthy' evidence being heard in court. They referred to several recent cases and warned, "It would appear expert evidence is sometimes admitted too readily and that, notwithstanding a number of successful and highly publicised appeals concerning the reliability of expert opinion evidence, there continues to be a pressing danger of wrongful convictions."

One of the Law Commission's suggestions, although not a formal proposal, is for a court-appointed assessor to help the judge establish the reliability of and credibility of the expert testimony. Another would see the establishment of a regulatory framework for expert witnesses.

Source: *The Independent*, 7 April 2009

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, Australian and New Zealand groups all produce newsletters.

AUSTRALIA

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