

- Q. "As a result of one of the questions from the floor, didn't you say some of the indicators of abuse were bed wetting, tantrums and nightmares?"
- A. "I don't recall exactly what the questions were. I don't recall the exact questions or answers."
- Q. "Would you accept then it is possible that you could have told them that some of the indicators of abuse were bed wetting, tantrums and nightmares?"
- A. "Well yes I guess it is possible, I tried to stick within my guidelines though in answering questions."

IN THE PAUL HOLMES INTERVIEW WITH DR ZELAS ON

23 MARCH 1992

54. Dr ZELAS participated in an interview with Mr Paul HOLMES on 23 March 1991, prior to the Knox Hall meeting in which she alerted parents to the possible criticism that if they were found to be directly questioning their children then that would be used to weaken the credibility of any comments later attributed to the child and also provided advice as to the specific behavioural concerns that could accompany any suspected abuse. At page 293:

- Q. "Do you not recall being asked by Mr Holmes on 23rd March 1992 he asked you the question "There's a danger isn't there parents can now start imagining change?" and your answer is "Yes there is, I would very much urge parents if they can to be able to hold back until they have formal contact with the agencies that will be investigating these matters. There is a real risk if they start to try to speak with their own children about it that unintentionally in their effort to get to the truth that they might introduce ideas to the child by the way in which they ask questions of the child and then they may finish up in a position that it will become impossible to know whether or not their child actually has been abused."?"
- A. "If you say so then I must have. I actually don't recall doing that interview."
- Q. "Would you like to refresh your memory?"
- A. "No I accept what you say, its the sort of thing I would have said under those circumstances."

and

- A. "It was much the same sort of information that had been given to parents all along, for instance at the Knox Hall meeting."
- Q. "This particular show was prior to the Knox Hall meeting and also prior to any charges being laid against Peter Ellis, do you accept that?"
- A. "Yes. Well I don't remember the date of the Holm but if you say it was prior to that I accept that."

and

Q. "Didn't you also say in that interview that the] are specialist interviewers who are being set up to interview the children over a period of time and it is very important that parents don't conduct their own interrogations?"

A. "If you say so."

and

Q. "Also during that interview do you accept that you gave out advice on particular behaviours parents should look for in terms of being consistent with sexual abuse?"

A. "I don't recall."

Q. "Do you recall saying "With young children some of the more specific things include things having nightmares, sleeping disturbances of varying kinds, young children also quite often will start to display sexualised behaviour themselves"?"

A. "I don't recall saying that but if you say I did I accept that."

and

Q. "Can you recall sayin "Well they can show themselves by continuing symptoms of anxiety perhaps with sleep disturbances, perhaps with problem in relationships, perhaps with continuing sexualised behaviours, there may be problems associated with their concentration, their ability to perform at school, to make friends" and then you ref. to behaviours when they get older, do you recall saying that now?"

A. "No don't recall the content but I agree with those things, they are all valid comments."

Q. "On the Holmes Show you also agreed that parents can start imagining changes, do you recall that?"

A. "No I don' recall the content of the interview at all. "

Q. "When you accepted th parents can start imagining changes were you referring to a situation where?"

A. "Is that what I said imagining changes. "

Q. "I'll rea it again, Mr Holmes said "There's a danger isn't there parents canow start imagining changes" this is after you talked about the behaviour indications and you replied "yes there is, and I would very much urge parents if they can to be able to hold back until they have formal contact with the agencies that will be investigating these matters"?" "

A. "Yes."

See also the Transcript of the Holmes Show annexed to the First Affidavit of Dr Parsonson, annexure 'I'.

AT THE KNOX HALL MEETING ON 31 MARCH 1992:

55. Ms SIDEY and Dr ZELAS both attended the Knox Hall meeting and again information was provided to parents, on that occasion,

relating to the behaviours that were relevant to allegations of child abuse. Dr ZELAS stated at page 334 of the notes of evidence at Trial:

"I... attended the Knox Hall meeting which was the second of the two meetings discussed. As to what my involvement has been from the outset and what part I played in the Knox Hall meeting, I had no formal involvement in this inquiry until late in 1992. I had at times reviewed videotapes of interviews that interviewers had had with children involved in the creche, not merely those who were eventually complainants and in that situation we may have looked only a small portion of an interview to look at or examine a particular aspect of either what the child has said or done or how the interviewer has actually approached the situation and at that time may not even have been aware of the name or identity of the child that we were looking at. The police later asked my advice more formally about several children and I reviewed all of their videotapes at that point. The next stage really was my attendance at the Knox Hall meeting and I was invited along as an observer as someone who could be called upon if it were thought that my expertise were required in responding to any matters that might have come up at the meeting, so I had no formal role, I gave no formal presentation, but I did contribute to answering a few questions from the floor."

??
(31/3/92)

56. Ms SIDEY confirmed in her evidence that Dr ZELAS provided advice, at page 286:

- Q "Ref. to the Knox Hall meeting, you mentioned earlier Dr Zelas your supervisor was there?"
A. "Yes."
Q. "Can you recall whether or not she addressed the meeting?"
A. "She answered questions."

57. It is submitted that whatever Dr Zelas and Ms Sidey or the Police intended to convey to the parents the effect of this meeting and their advice was to communicate a sense of panic and concern in already anxious parents. The meeting had a significant effect on mother ("I got an impression that there was a concern and I think that holding the meeting had an impact more than what was actually said" 109), parents and mother ("My impression of the meeting as a whole was that it was a serious matter and there must have been some validity to the complaints because of the large number of people at the meeting. That's when the seriousness occurred to me really. "110). They became active informal interviewers of the children. They

109 Source: Original Statement dated 27 June 1992 at page 6.

110 Source: Statement of to Police dated 23 June 1992 p4-5; see also Depositions Statement at pages 4-5

sought not only information not only from their own children but also from the children of others.

ON THE "CRÈCHE INVESTIGATION FORM" AND THE ADVICE HANDOUT TO PARENTS

58. The "Crèche Investigation Form" contains a checklist for parents to consider. The checklist stated:

BRIEF INDICATION OF CONCERNS:

INAPPROPRIATE SEXUAL BEHAVIOUR
URINARY INFECTIONS
GENITAL INFLAMMATIONS
DISTURBED SLEEP PATTERNS
TOILETING PROBLEMS

59. Furthermore, the parents were provided with a handout at the Knox Hall meeting. It advised parents what to do if your child tells of his or her abuse. The "if" was hand-written over a crossed-out "when" your child tells..... The document says:

"Believe what they say."

IN THE DISCUSSIONS PRIOR TO ELECTRONICALLY RECORDED INTERVIEWS WITH PARENTS

60. Ms MORGAN gave evidence (at page 259), that she would talk to the parents about what specific behaviours would be expected if the child had been sexually abused.

61. It is submitted that the parents were provided with extensive lists of the specific behaviours that were consistent with a child who has been sexually abused. This is of fundamental importance because none of the parents of children for whom convictions relate were interviewed about their child prior to the recording of allegations by their child ([redacted] was interviewed about [redacted] on 19 February 1992, 8 days prior to the first interview for [redacted] Once the parents had been advised that their child had repeated earlier elicited responses on the videotape they were faced with the

situation of their child having been sexually abused. A number of the parents then engaged in behaviour foreshadowed by Dr ZELAS in her Holmes interview on 23 March 1992 as being dangerous, that is, imagining changes in behaviour and inflating everyday events and child complaints into meaningful indicators that their child was suffering from sexual abuse.

SPREADING OF ALLEGATIONS

62. There was evidence that after the electronically preserved interviews were complete the interviewers would tell the parents, specifically, what the child's allegations were. This was quite contrary to what should have been known at the time in the United Kingdom guidelines and is clearly contrary to the advice needed to be followed on mass allegations cases. Ms MORGAN gave evidence at Trial that the parents were specifically advised of the allegations their child had made within the interview context, at page 248:

"The monitor's role is to ... and often to be with the child previous to the interview and sometimes after the interview while the interviewer is talking again with the parents."

at page 249:

"Once the interview is complete, as to what I tell the parents who have come with the child, in my practice I generally tell the parents what the child has disclosed in the interview or not as clearly as I can. I have always usually asked the child if I can do that. It varies depending on how distressed the parents become during that process and sometimes the child may have requested that they themselves tell the parents, generally they will ask us to do that but my practice is that I would tell them what the child has said. The parents are not allowed to see the videotapes themselves..."

and at page 262:

Q "Once you have conducted an interview would you then go back and talk to the parents about what the child has said?"

A. "Yes"

and later on page 262:

Q. "Once the interview is finished would you then go and explain to the parents what the child has said?"

A. "Yes I would"

seen to
but not
KSS (over
present)
in 12/9

- Q. "Would you provide specific details about what the child has said or only talk in general terms?"
- A. "I would provide as much specific detail as possible. Yes about what the child has said and how that came out, do not just he or she was touched but how they said that."

and at page 262:

- Q. "Once you have conducted an interview would you then go back and talk to the parents about what the child has said?"
- A. "Yes"

and at page 259:

"Generally after the child has been interviewed and the interviewer has then told the parents what the content of the interview was, then they have the option of seeing that video at a convenient time providing that there is not going to be any criminal proceedings and if there is the police like to have seen and talked to the parents and taken statements before they view that video to stop any confusion or so they can get the statement from the parents without any contamination from the video."

63. Ms SIDEY stated at page 279:

- Q "Once the interviews were over would you have a general discn with the parents about what the children had said?"
- A. "Yes."
- Q. "Would you give them any advice what to do with that information?"
- A. "Well I think from their own child's sake I would ask them to remember that the information that the child has given is confidential and its important to maintain confidentiality for the child."
- Q. "By saying its confidential were you telling the parents not to discuss it with other parents?"
- A. "I am sure that at some stage of last year I may have recommended that."

64. It is clear from the extracts cited above that the interviewers knew but failed to appreciate the importance of parents not discussing allegations with their children. In addition, Ms MORGAN demonstrated that she knew that in the general case the police would take a statement from the parent before the video interview were shown so as to avoid contamination. The interviewers relayed in specific detail not only the allegations that were made but the way in which they were made to the parents. The interviewers failed to appreciate that the risk of contamination existed regardless

of whether the actual videotape was shown or whether the interview was described to the parent.

COMMUNICATION OF ALLEGATIONS BETWEEN THE SPECIALIST SERVICES UNIT AND POLICE:

65. Communicating between the Specialist Services Unit and the Police was necessarily intense. At page 267:

"In relation to the ChCh Civic Crèche my involvement began about Nov, 1981.(sic) . It initially came about with a phone call from a parent to talk about some concerns she had to make an interview time. That was I didn't know her personally prior to that. As a result of that phone call I would have recorded the conversation and I did book her son in for an interview. The first contact with the police following that contact with I can't recall exactly but I think what happened was that there was contact with the police at the same time and so from that point we would have started talking about the allegations or concerns actually they were at that point. My main contact at the police at that stage was Colin Eade."

66. It is also clear that Detective Colin Eade was the relayer of information between Specialist Services Unit and parents and in some instances there is actual evidence of interviewing of the children outside the recorded interview setting, for example, the "clarification interview" with that Detective Eade scheduled for 7 April 1992.
67. Detective EADE would relay information concerning allegations to the parents of other children, he identified and (at page 496 of the notes of evidence) as two such parents. It is clear however from the evidence of the parents that all of the parents were in contact with Detective EADE and that he attended at least one of the parental support group meetings. Similarly, Colin EADE gave evidence at trial at that time he and Susan SIDEY were the only two persons working full time on the case and that they liaised. It is clear from a variety of sources such as the original statements of parents, and the Specialist Services Unit reports that the main link between parents, police and the Specialist Services Unit was one police officer, Detective Colin Eade.

68. It is submitted that there the allegations were spread from parents both directly to the Police and indirectly through the Specialist Services Unit and that these allegations were then passed on, by the Police, to different parents who then extensively questioned their children about the contents of the allegation.
69. It is submitted the Police had spoken to either the parents or the children before the children were provided with electronically preserved interviews, thus elevating the risks of contamination and being contrary to what should have been known at the time through the United Kingdom guidelines and is now known to be vital to be mass allegation cases.
70. Ms SIDEY stated in evidence at Trial that the Police made the referrals to the Specialist Services Unit, at page 272:

"Prior to a child being interviewed how would the parents come into contact with you in general terms? They would be referred usually by an agency, in this particular case they were referred by the Police."

71. Ms MORGAN gave evidence that before a child was interviewed she had been provided with information about the child from the parent or the Police, indicating that information about the child had been provided to the Police, at page 247:

"As to the procedure that is adopted with regard to the interview of each child generally from the initial contact with the parents to the commencement of the interview itself, the information about the children or some information we had been given by the Police."

72. It is submitted that it is important to the issue of contamination that there was contact between the parents and the Police prior to the recorded interviews by the Specialist Services Unit. Given that the Police were passing on allegations from one child to the parents of other children and that the parents were then interrogating their children until substance was provided to the allegation it is hard to see how the evidence of the children could but have been tainted.

THE ROLE OF THE MOTHERS

73. It is submitted that certain of the mothers played a vital role in the formation of allegations. They effectively conducted their own investigation in contravention to specific advice given by both the Police and S.S.U. These mothers formed a cartel which was committed, to the firm belief that widespread sexual abuse had been committed by ELLIS and others.

74. The mothers were

75. (a) was a social worker/counsellor who described herself in her deposition statement as a community consultant who worked part-time under contract. She had

(b)

112

(c) felt that she had considerable knowledge of this area and declared at Depositions that she had a "definite involvement in the sexual abuse area".¹¹³ Counsel submits that in fact, was proof of the adage, "a little knowledge is a dangerous thing."

(d) had experienced

¹¹¹ Source: Notes of Evidence at Depositions page 675.

¹¹² Source: Statement 26 October 1992.

¹¹³ Source: Notes of Evidence at Depositions, page 688.

(e)

(f) had disliked ELLIS when she first met him and thought him rough and sarcastic with the children. During 1991, she had complained several times about ELLIS to the Crèche. Her complaints at this time had centred on her opinion that ELLIS was an alcoholic. She felt able to make this assessment because of her experience as a counsellor. She had visited his house to choose a puppy and had been shocked by the dirt and grubbiness of the place. She met ELLIS's homosexual partner and was shocked by his appearance. In her deposition statement, she says:

*"From then I started to worry about the defendant Ellis being a child care worker"*¹¹⁶

(g) laid the first complaint against ELLIS on 20 November 1991 and her son was interviewed on three occasions without disclosing abuse. She however remained a very active person in the inquiry and her activities are referred to in the Time-line. Suffice it to say that she collated information about what children were saying and distributed it to other mothers who in turn distributed on. She also advised on sexual abuse and what to look for. f said that she did this because she and the others were frustrated at what they saw as Police reluctance to investigate and her belief that sexual abuse needs to be talked about. She was committed from the time that referred to "Peter's black penis" to the belief that sexual abuse was widespread.¹¹⁷

¹¹⁴Source: Notes of evidence at Depositions page 677.

¹¹⁵Source: Notes of Evidence at Depositions, page 678.

¹¹⁶Source: Deposition Statement.

¹¹⁷ Source: Notes of Evidence at Depositions, page 695.