



0844 335 1992 (not a free number)

Mon to Fri 6pm to 10pm

Search for @falseallegationsupportorganisation and @FASOFamily on facebook or messenger to find our FASO Facebook pages easily

MRG Sec/ Sec 69/18

Date 26.6.18

Commission on Justice in Wales
Call for Evidence

The False Allegations Support Organisation UK (FASO UK) is a voluntary organisation dedicated to providing support to anyone affected by a false allegation of abuse in the UK. FASO first started up in 2001. And covers all 4 UK countries and ex pats called back to the UK under social services or police requests.

We specifically deal with the falsely accused of sex allegations from the moment they are accused through the system, back into the community from prison and support people emotionally and with referenced information in the community., including advising or assisting where possible with problems experienced by those seeking our help in relation to MAPPA agencies and social services.

Secondly we support those falsely accused of sex allegations through the social services system and those who have been falsely accused of child protection issues in its many guises.

All committee members of the organisation give their free time to deal with various aspects of the organisation. The roles are **Secretary/Director**, Leads organisation, on the helpline, answering prisoner's enquiries, Main spokesperson for all press/TV enquiries attends all types of government third sector meetings and based at the HQ in Wales.

Treasurer, based in Wales also **one of the helpline workers** and **speaks to media as and when required**.

Helpline workers 2, London and Brynmawr,

Running a prison visitors service, specifically to the Isle of Wight - 2 persons.

Running a family unit, 1 person based in Yorkshire. Beginning to speak on family issues

A member dealing with Parental Alienation as and when required now lives in Spain but can advise easily.

A Facebook person in London and Media speaker,

Secretarial backup in London.

General support 2 members England,

Vol University law students in their 3rd year. 1 England, 1 Wales.

New people about to take up voluntary duties live in Wales.

Emergency helpline worker as and when 1 person lives in Wales.

A Total of 16 voluntary persons on the FASO committee.

A volunteer academic, Innocence project leader at Cardiff University who is a source of knowledge, experience and support, on FASO activities and the criminal justice system and FASO has co-opted.

FASO statistics on 2 years of raw data from our helpline see;

<http://eprints.uwe.ac.uk/25256/1/False%20allegation%20paper%20%20October%202017.pdf>

DONATIONS urgently needed to keep the helpline available – FASO Was 15 YEARS OLD on 28TH SEP 2016

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Comments of the Director

Margaret Gardener has been volunteering for the organisation as Director since 2003. The organisation has a role primarily relating to those maintaining innocence but also voices concerns about prison and justice issues more generally.

I have two hats on firstly FASO, where I am informed and support many prisoners in the UK who are maintaining innocence and are endeavouring to overturn their conviction. This is including the support from the moment they are accused until they do not need our support. I have been in correspondence with prisoners and their families for the past 15 years, (approx. some 150 individual prisoners, but several requests each per annum) and my information is based on their inputs to FASO.

My second input, is as the widow of a falsely accused prisoner (sex allegations maintaining innocence) who was imprisoned 2000-2001, then 2007 to 2009 when he died of natural causes exacerbated by the lack of care of the prison health system and one particular doctor in a Welsh prison. This was followed by a perverse decision of the facts in the coroners' court at the time of my husband's death. The court were provided a copy of the 2009 findings, on the health care system within the prison, through the prison and probation Ombudsman report,

Missing areas as not listed on your documentation or referred to.

0 HEALTH CARE

Given my personal background, and the many elderly prisoners, disproportionately those accused of sex offences, now entering the prison system. I am very conscious of the current problems. They often have both age related and mental health issues, along with bodily disabilities. There is no mention within your Commission on Justice in Wales

Call for Evidence of the additional health care the prison requires for this type of prisoner. Neither are there mentioned additional medical facilities to be placed in the prisons, to manage the new elderly population.

From reports I have had on a personal basis from my late husband, and from the many letters I receive and speaking to family members there is a crisis now in the elderly care and end of life support. See Dr Dennis Eady's personal Submission to the House of Commons Health and Social Care Committee 17.7.2018 (* see attachment)

I am unable to put it as succinctly as Dr Eady but I endorse his input. My involvement with the medical field was – having experience working in the NHS (paid), so know what is needed in the care line. I was a Divisional Officer and emergency nurse in the St John Ambulance Brigade for some 30 years, a First Aid Instructor and developed a first aid voluntary response team for some 300 souls in the MOD in Harrogate, and taught in other Mod establishments. I became an EMT with the state of Virginia USA, whilst working as a volunteer one evening a week in the emergency Department of the local hospital in Washington DC.

Way ahead

A prison hospital should be the way ahead, built on the spare land at Parc prison- instead of their surreptitious increase in there prison size. Prisoners can be given jobs, paid and taught to act as medical orderlies, to manage patients on wards. These wards could also be used for prisoners aftercare, having had operations outside in normal hospitals; end of life facilities can also be housed. Controlled dispensaries of 24 hrs basis can be available for the different regimes of medical drugs. This could also be extended into rehabilitation of drugs wings. This would ensure emergency staff were on at all times and always available. The current healthcare system should be open 24 hours, in order to provide prisoners with their various medications which they are denied at the appropriate time for their conditions – and often leaving them in pain or life threatening problems through lack of the correct timing of the medication. All prison officers should be competent in first aid and regularly updated.

00 CRIMINAL INJURIES COMPENSATION AUTHORITY.

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This department is referred by the police to all those who make allegations against individuals. Within the Allegations of sex offences it is one of the factors that cause false allegations. The accusers can be paid before court cases and those having been found not guilty in court or had their cases dropped before court and who now are victims, are not entitled to financial support. This area needs looking at – and should be changed from the present system. Only medical/mental health support should be allowed, and no cash ‘incentives’. It should also be open to those being accused and their families. This may then help in the system financial system benefitting by less false accused persons being taken through the whole system and large payments paid out to the false accuser.

1. What is working well in the justice system, what is not working well.

1a. what is working well in the justice system in Wales?

Don't know

1b. what is not working well?

The treatment of prisoners, by prison officers and other staff. As my husband said, they could take a leaf out of Southern Ireland and their staff. The Irish staff in Dublin prison (he was there for a year 2006 to 2007) are taught to treat prisoners with respect as human beings, regardless of crime, and acknowledge the prisoners have been punished by the courts and need rehabilitating – and this is their job to help that rehabilitation.

1c Are there examples of innovation and good practice, both in and beyond Wales, which should be adopted and shared?

In Parc Prison Bridgend, there are two good practices.

i the monthly meeting of families, for a couple of hours in a controlled setting run by volunteer officers and ex officers. This is for the enhanced prisoner (but not sex offenders) from a personal experience of the group. The family and prisoner move freely together and see what their family prisoner has done in craft etc, and in all meetings a volunteer prison official took families photos on request.

ii Barnardo's – work with families mother and children, in the community in visiting on educational visits to the prison, and encompassing teachers of those whose parent in prison. (Except sex offender prisoners and their families

2. What are the economic, social, geographical, technological, constitutional and other barriers to improvement and how could these be overcome?

2a. Economic wasted money not utilised to capacity. Too high a price paid to contractors and private prison contractors with less than skilful contracts in place (using knowledge of how the MOD ran certain types of contracts and financial through G4s to government contracts)

2b. Social Too many prisoners of little means dealing in petty crime and being imprisoned where a monitoring system (that works) outside of prison would work better, with education as its foundation and training (apprenticeship) for jobs that are worthwhile. If they flout this chance given through the courts then harsher sentences should be imposed. Look to the Scandinavian countries and there justice system.

2c. Geographical Wales is comparatively small so for Welsh prisoners the prisons in Wales are not excessively far, given we now have one the North. But with English prisoners taking up places there is less room for Welsh prisoners in Wales. Of course there is no women's prison, but for the few, new ways are needed to think how to house them, in or out of prison

2d. Technological The UK has a very low standard of making large computer complexes work. These are needed to enable the prison estate to go forward into the future and connected with the rest of the UK. This aids sharing and co-ordinated working practices. A respected computer company that is competent in managing a system is needed. One also that joins up with England and preferably Scotland and Ireland would also be good. Maybe the military signals group or GCHQ would have that expertise to design and overlook installation.

2e. Constitutional Obviously cross border problems both in legislation and different working practices and language. Also who hold the legislation authority? Is there a formulated Welsh constitution?

2f. Language needs to be addressed and the clash of different ideologies, and culture.

2g. Funds Funds are in short supply for all areas, and not being devolved exacerbates that. Those who have contracts to run prisons are not using the 3rd sector and handing out paid contracts to them, to make use of their long running expertise. This area needs to be addressed. The savings using the 3rd sector voluntary and charitable groups who are independent of government, would be greater than having the main contractor pay themselves for jobs the 3rd sector can do and has been doing successfully for years.

3. What problems face the people who work within the justice system in Wales (including policing, prosecution, courts, prisons and probation) and the people who are affected by it? 3a. Problems faced within the justice system

3a. Policing/Prosecution – not being trained adequately on how to manage arrests and interviews especially on sex offences, with resulting effects of increased costs for inadequate processed cases, which increase numbers being processed through the justice system. See

- i. <http://news.met.police.uk/documents/report-independent-review-of-metropolitan-police-services-handling-of-non-recent-sexual-offence-investigations-61510>

AFFECTED - FASO are the ones who carry out recommendation 25 of this report, and are referred to by other bodies. Ideally this should be a paid body and not a voluntary organisation without access to funding. This report is a starting point as the legislation should be for all not just prominent people. All those accused (of sex offences) are affected by the inadequate investigation methods.

- ii. See the investigation by the ACPO senior officer in police forces withholding evidence - https://www.justiceinspectrates.gov.uk/cji/wp-content/uploads/sites/2/2017/07/CJI_DSC_thm_July17_rpt.pdf

3b. Media coverage - acting as judge and jury on ongoing cases who overexpose the workings of the case and prejudice future juries.

AFFECTED endanger those accused of sex allegations and their families. Hence all accused, especially of sex allegations should be anonymous until trial. When found not guilty in court or had the case dropped are kept on police and social service records and often lose their safety, jobs and right to a family life (see DBS records).

3c. Courts – too many unnecessary cases (see 3aia and b),

- i. Barrister's with inadequate briefs that make cases longer than necessary,
- ii. Judges not monitoring there cases to get costs down.
- lii No consequences for professionals who have wasted court time.

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iv. Too much paperwork – should be mainly on computer as the court and tribunal system is now putting into place. <https://www.gov.uk/government/organisations/hm-courts-and-tribunals-service>

v. Confusion of juries who are not wanting to be in court so often give perverse findings where the legal bodies all agree they gave a wrong verdict because of the evidence presented. They are not given consequences for disobeying the judge's ruling re looking at media coverage of the case and discussing it elsewhere.

vii. Perverse jury ruling should be questioned before the court sitting ends.

AFFECTED all accused standing in defence of their liberty and wrongdoing. This covers

- inadequate representation,
- judge's obvious bias, either to accused or Barrister.
- Seeing the accused behind glass with prison officers either side, whilst witnesses are given screens or allowed to be on screen. This gives a one sided bias affect.
- No support for defence victims and their families, as there is for the Prosecution accuser and their families

3d. Prisons –

i. An inadequate number of trained officers to cover safely the prison and its working and constantly updating practices, along with the diverse nationalities, religions and debilities of many hues they have to manage. It also impedes their managing prisoners and writing up their reports such as the OASIS report, and not correcting when they should or supporting them in their one to one management. Not having first aid training and being competent or have enough staff to act on first aid matters and support prisoners with physical disabilities, or medical issues.

iii. Prisons not all under one umbrella and run by the government, Different regimes, leads to different rules, regulations, and practices, and the focus fro eh private sector is on profit for investors and not of prisoner's rehabilitation. In Wales with the Welsh and English language are too many differing parameters to deal with.

AFFECTED – All prisoners as far as we are aware, especially with the SOTP programme forced on Sex offender prisoners, if not completing affecting their enhancement , jobs, family connections, parole, and in the community rehabilitation. This has now proven to have been detrimental to their wellbeing and replaced by Horizon, but some prisons still quote it as having to be done. Day to day requests not managed for prisoners, no complaint system that is totally confidential and not under scrutiny of staff. A health system that is broken for all.

Prisons with facilities for Sex Offenders - Gov.uk

<https://www.gov.uk/government/uploads/system/...data/.../prisons-sex-offenders.doc>

'In the management of the prison population the aim is always to hold ... where the training was delivered along with preliminary identified numbers of prisoners for 2014 The Core Sex Offender Treatment Programme (SOTP) is an accredited ...

Missing: ceasing | Must include: ceasing '

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4. Does the justice system in Wales currently provide access to all who require its services, including advice? How would you improve access to justice in Wales?

4a. all arears The justice system does not provide access for all due to

- i. lack of legal aid . Improve by increasing access to legal aid
- ii No information on arrest in a manner understood of what is happening and likely to happen in a form understood or provide simple written explanations and support referrals to relevant organisations. Those for sex offences or child protection issues maintaining innocence FASO is the group not Samaritans/CAB/Victim support as these do not deal with these issues. We refer on where relevant.
- iii. Mental health support at arrest – if families say there is a medical issue, including ADHD, Autism or other health condition a call to the individuals Doctor made by the qualified medical police station practitioner to confirm with their Dr of that statement.
 - a. As the mother of a special needs adult – my daughter was interviewed in the home, taken for coffee by a stranger, whilst our house was searched, despite both my husband and I telling the officer that she had special needs, she had never been alone without us being present and she presented as normal but the communication was not as appeared. The officer replied that in his opinion and with no risk assessment she was capable of being interviewed and then left alone till we came home late in the evening. She was under social services support whom they never contacted. She was traumatised by the time we got back from giving our statement; having found her way to a neighbour's who my husband was a friend of.
- iv. Provide a support service to the accused - Police have no policy to provide support services to those accused of crimes after speaking to them, (as they have for the accuser they call victim) FASO carry out that role as and when they can find us after searching the internet.
- v. Make bail conditions with a time line. The new pre charge bail conditions <https://www.gov.uk/government/news/28-day-pre-charge-bail-limit-comes-into-force> alternatively see <https://www.richardnelsonllp.co.uk/28-day-pre-charge-bail-limit/> or the alternative of the accused being told the police will get back to them with a response to the investigation creates mental health issues. The new bail system is not working, police forces have ignored the courts direction and continuing to keep the individual on bail, for which the accused have no redress as they are not entitled to legal aid for a solicitor. FASO again is where they turn to for support in their stress and for information.

Looking forward - A definitive time limit is needed for bail conditions or awaiting investigations. and consequences placed on the officers not complying with a quick and thorough unbiased investigation as suggested by (Henriques report)

<file:///C:/Users/Margaret/Downloads/Report%20-%20Independent%20Review%20of%20the%20Metropolitan%20Police%20Service's%20handling%20of%20Onon-recent%20sexual%20offence%20investigations.pdf>

- vi. Social services and police need to integrate their activity. It should not be allowed that social service findings are on the basis of probable cause, even with no evidence to confirm their thoughts, whilst the

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police are supposed to prosecute on evidential cause. Often clashing and traumatising children (state abuse), partners and the accused.

5. What impact has devolution had on the justice system in Wales? What impact do you believe devolution will have in the future?

Sorry, out of my range of experience and knowledge

6. Could local authority services in relation to justice and the local provision of legal advice be better organised and co-ordinated with policing, prosecution, courts, prisons and probation?

In short YES – The first priority is dealing with housing of those coming out of prison. Ensuring the liaison is for all services is up to date, is working so that housing, medical care, finance, educating are all in place before leaving the prison system, so that families/individuals and prisoners going through the justice system know what to expect.

7. Are there changes that should be made to the capabilities and effectiveness of the ways in which the police, probation and prisons approach their tasks?

SEE RESPONSE TO SECT 3

8. What should be done to increase community safety, wellbeing and social cohesion and reduce crime? What can be learnt from other countries where rates of crime and imprisonment are lower?

a. Community –

i. Increase more ‘Bobby’s’ on the beat, without firearms. Have them go into schools/education establishments and OAP Complexes to give short talks – in other words face to face with the public to educate them and the police.

ii. Have information booths with a friendly police officer, with police volunteers in each large town, with interactive screens for the public to use answering questions of law and perceptions.

b. Countries to look at

i. Eire from the training of Prison officers, which affects prisoner’s rehabilitation and safety in prison for both inmate and officer.

ii. Scandinavia for their justice systems.

8. What impact is the divergence between Welsh and English law having upon sentencing? What impact do you foresee in the future? Should Wales implement a different approach to sentencing than England? If yes, what lessons can be learnt from other jurisdictions?

Although each country managing their own laws, given the crossover with prisoners, both countries should work together in making sure the systems are compatible.

See <https://howardleague.org/wp-content/uploads/2018/01/Howard-League-submission-to-Law-Commission-sentencing-code-consultation.pdf>

9. What are the capabilities in the justice system in Wales for responding to Brexit?

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Sorry not my area of expertise

10. What steps do you think need to be taken to facilitate positive change in the justice system in Wales?

Listen to the 'coal face' both those that have to work the system, Police, solicitors/barristers, judiciary, PS, Courts, jurors, prison officers, probation, medical staff, and volunteer/charity groups and those who are being taken through the system. Not forgetting academics in the law schools running miscarriage of justice support services..

11. How could the strength and sustainability of the legal sector in Wales be promoted? How could its contribution to the prosperity of Wales be optimised?

By basing the investigations on the 'coal face' workers experience. Ensuring those with common sense oversee the projects.

12. To what extent do current university curriculum and vocational and professional development courses reflect the law in Wales and the need to deal with the digital revolution and how should they be further developed?

12a. Law students - have the opportunity outside their courses, as volunteers of dealing with live cases, of prisoners maintaining their innocence and wanting their cases looked at, for new evidence and referred to the CCRC. The Innocence projects (or similar names) give no finer experience for students, whilst investigating the prisoner's paperwork, to learn the intricacies and difficulties surrounding that of the taught versus the practically applied law.

12b. Media students - working alongside the law students on the probable miscarriage of justice system. To give clear unbiased reports. One hopes the aim is to stop misreporting cases from the justice system. Sensationalising sex cases and identifying where a family lives. Which then leads to the public, eventually, becoming less of a vigilante society?

12c. The IT system developed pertinent to the full working order of the justice system. Again by working with all parts of the justice system including those above in 12a and 12b .

13. What is the current provision for the Welsh language within the justice system and legal education in Wales? How should Welsh language provision within the justice system and legal education in Wales be improved?

Sorry not my area of expertise

14. Is access to Welsh law properly available?

Sorry not my area of expertise, but I doubt it given the lack of access for basic English, used in law proceedings, for those who speak English

Margaret Gardener
FASO (UK) Director