



[2002] EWHC 1600 (QB)

Case No: HQ9903605, HQ9903606

**IN THE HIGH COURT OF JUSTICE  
QUEEN'S BENCH DIVISION**

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 30 July 2002

**Before:**

**THE HONOURABLE MR JUSTICE EADY**

-----  
**Between :**

**CHRISTOPHER LILLIE**

**Claimants**

**&**

**DAWN REED**

**- and -**

**(1) NEWCASTLE CITY COUNCIL**

**Defendants**

**(2) RICHARD BARKER**

**(3) JUDITH JONES**

**(4) JACQUI SARADJIAN**

**(5) ROY WARDELL**

-----  
**Miss A Page Q.C. and Mr A Speker** (instructed by **S.J. Cornish**) for the Claimants  
**Mr G Bishop, Mr I Christie and Ms S Mansoori** (instructed by **Wragge & Co**) for the  
Newcastle City Council and the Review Team

Hearing dates : From 11<sup>th</sup> January 2002 to 20<sup>th</sup> June 2002  
-----

## **Approved Judgment**

I direct that pursuant to CPR PD 39A para 6.1 no official shorthand note shall be taken of this Judgment and that copies of this version as handed down may be treated as authentic.

.....  
The Hon. Mr Justice Eady

INDEX

	Para. No.
<b>1. The factual background</b>	
<i>The events of April 1993</i>	1
<i>The widening of the investigation</i>	11
<i>The disciplinary process</i>	17
<i>The criminal proceedings</i>	24
<i>The steps taken by the City Council meanwhile</i>	56
<b>2. Christopher Lillie and Dawn Reed</b>	77
<b>3. The Review Team’s Report published on 12 November 1998</b>	114
<b>4. Media coverage of the Case</b>	
<i>The Newcastle Chronicle</i>	141
<i>Other media coverage</i>	294
<b>5. The issues raised in the litigation</b>	322
<b>6. What is the correct approach to justification?</b>	354
<b>7. The expert evidence relevant to child abuse</b>	
<i>Introduction</i>	381
<i>Dr Jane Watkeys and Dr Kathryn Ward: The paediatric evidence</i>	383
<i>Professor Maggie Bruck and Professor William Friedrich: The “disclosures”</i>	401
<i>Dr Sandra Hewitt and Dr Hamish Cameron: Child Behaviour</i>	473
<b>8. The evidence of multiple abuse</b>	
<i>General Introduction</i>	503
<i>The evidence of Dr Camille San Lazaro</i>	540
<i>Child 1</i>	559
<i>Child 2</i>	588
<i>Child 3</i>	604
<i>Child 4</i>	614
<i>Child 5</i>	623
<i>Child 6</i>	634
<i>Child 7</i>	643
<i>Child 8</i>	663
<i>Child 10</i>	672
<i>Child 11</i>	711
<i>Child 12</i>	726
<i>Child 14</i>	737
<i>Child 15</i>	803
<i>Child 17</i>	807
<i>Child 18</i>	822
<i>Child 19</i>	827
<i>Child 21</i>	840
<i>Child 22</i>	860
<i>Child 23</i>	900
<i>Child 24</i>	921
<i>Child 25</i>	949

	<i>Child 26</i>	969
	<i>Child 27</i>	981
	<i>Child 28</i>	997
	<i>Child 29</i>	1008
	<i>Child 30</i>	1020
	<i>Child 31</i>	1034
<b>9.</b>	<b>The evidence called for the claimants on the abuse issue</b>	<b>1051</b>
<b>10.</b>	<b>The privilege issues for the Review Team</b>	<b>1085</b>
<b>11.</b>	<b>The Review Team’s Terms of Reference</b>	<b>1096</b>
<b>12.</b>	<b>The evidence of the Review Team defendants.</b>	<b>1129</b>
<b>13.</b>	<b>Findings on the allegations of malice against the Review Team</b>	<b>1284</b>
<b>14.</b>	<b>The privilege issues for the Newcastle City Council</b>	<b>1400</b>
<b>15.</b>	<b>The City Council’s evidence on qualified privilege and malice</b>	
	<i>General Introduction</i>	1452
	<i>The “one-off” approach to publishing the Report</i>	1459
	<i>Mr Dervin</i>	1466
	<i>Mr Lavery</i>	1478
	<i>Mr Bell</i>	1488
	<i>Mr Arnold</i>	1492
	<i>Mr Flynn</i>	1502
	<i>Mr Poll</i>	1513
	<i>Mr Scott</i>	1523
	<i>Overall Conclusion</i>	1532
<b>16.</b>	<b>Compensation</b>	<b>1534</b>
<b>17.</b>	<b>A brief summary of findings</b>	<b>1552</b>
	<b>Mr Justice Eady :</b>	

**1) The factual background**

*The events of April 1993*

1. In the first week of April 1993 a young man called Jason Dabbs pleaded guilty at Newcastle Crown Court to nine counts of indecent assault, and asked that three other similar offences be taken into consideration. All the offences admitted related to children at a local nursery and he was sentenced to seven years imprisonment. He was at the time a student and the offences had occurred while he was on a placement during the course of his studies. This naturally attracted wide publicity and caused anger and concern amongst the public generally, and especially among the parents of young children. The offences had apparently been committed while he was on the nursery premises and indeed in the presence of other adults (who were not in any way implicated in the offences or aware of what was going on). Those particular circumstances were surprising to say the least, and few people had previously addressed the possibility of such abuse taking place within a nursery environment (although, as early as 1987, the report of an inquiry into abuse of primary school children in Cornwall had been published, under the title *Child Abuse in Schools*).

2. An inquiry was commissioned by the Newcastle City Council pursuant to s.81 of the Children Act 1989, and carried out by an experienced practitioner, Mr Peter Hunt, who made findings and recommendations in September 1994 with a view to avoiding such abuse in the future. Mr Hunt (now His Honour Judge Peter Hunt) pointed out the limitations of his inquiry and specifically that he was not in a position to make findings of abuse on any wider basis than the offences to which Jason Dabbs had pleaded guilty. Nevertheless, he was able to conclude (para. 2.6.27) that the busy atmosphere of a nursery class can provide opportunities for determined paedophiles to abuse their charges without being noticed. This would no doubt be contrary to most people's intuitive response to such allegations which would, at least up to that time, have been one of incredulity. It is right to say, however, that Mr Hunt's findings in this respect were consistent with experience of abuse in day nurseries in the United States (see e.g. *Nursery Crimes* by David Finkelhor, 1988).
3. Meanwhile, within days of Jason Dabbs' court appearance, and the publicity it attracted, the mother of a small boy at another nursery situated in the centre of Newcastle, Shieldfield, complained to the police that he had been abused by one of the staff at that establishment. The person concerned was Mr Christopher Lillie, who was then a qualified nursery nurse and had been working there, either on a temporary or permanent basis, since 1988. The boy has been referred to throughout these proceedings as either "Child 22" or "the Index Child".
4. It is probably fair to say that this referral to the police triggered the long and complicated chain of events which unfolded over the succeeding months and years and led, eventually, to the trial of these libel actions over no less than 79 days in 2002. I must now attempt to summarise those events.
5. Following the complaint about Child 22, made during the course of the Easter weekend, the matter was referred to Newcastle Social Services Department and also to the Police Child Protection Unit. A meeting took place on 14 April 1993 between the Child Protection Team, the mother and representatives of the Social Services Department. The next day the child was examined by Dr Neela Shabde. The child was at that stage complaining that "Chris" had hurt his bottom, but the examination revealed no signs of penetrative trauma.
6. On 16 April 1993, Child 22 was interviewed by a police officer attached to the Police Child Protection Unit, Helen Foster, who was to play a significant role in the extensive police enquiries over the next 12 months. On the same day, Mr Lillie was informed that he was suspended from duty pending a full investigation. This information was conveyed to him by Joyce Eyeington, who had responsibility within the local authority for the management of day nurseries. A further conversation took place between them on 20 April during which Mrs Eyeington told Mr Lillie that the medical examination of Child 22 had revealed no physical signs of abuse. In the event, Mr Lillie never returned to work.
7. It so happened that Mrs Eyeington's niece (by marriage), Susan Eyeington, was the officer in charge of Shieldfield Nursery. She was interviewed on 19 April. On 22 April, interviews took place with Susan Elsdon, the member of staff who had responsibility for Child 22 before he came into the care of Mr Lillie, and with Dawn Reed who had been working alongside Mr Lillie in what was known as the "Red Room". That was where Child 22 had been looked after since 1 September 1992.
8. On 27 April, Joyce Eyeington interviewed the child's uncle and aunt who confirmed that he had told them that "Chris" had hurt his bottom and genitals.
9. Naturally, the suspension of Mr Lillie and the reasons for it presented the nursery management and the local authority with a real problem as to how the parents were to be properly informed about what was going on, given their limited state of knowledge at that time.

10. Meetings were organised at the Nursery at which parents were provided originally with only the barest of detail. They were told that a male member of staff had been suspended.

*The widening of the investigation*

11. During May 1993, two social workers, Vanessa Lyon and Marion Harris, were made available within the same building as the Nursery should any parent/carer wish to raise concerns. Within a short space of time, information had been obtained from 14 of the families. Accordingly, a “strategy meeting” was arranged for 26 May, for the purpose of discussing developments up to that point and what further action should be taken.
12. After what must have seemed to parents, at least, a long period of delay, a letter was written by Joyce Eyeington on 23 July inviting them to a meeting on 28 July. Thereafter, it seems that meetings were held on a regular basis to offer parents information and support.
13. As is well known, any local authority is under a statutory duty to take action for the protection of a child within its area where there is reasonable cause to suspect that he or she is suffering, or is likely to suffer, “significant harm”: s.47 of the Children Act 1989. There were in Newcastle at the time procedures in place to enable that obligation to be carried out. In particular, from time to time, case conferences would take place with respect to any child, or children, suspected of being at risk. In the early stages, it was not possible to come to a firm conclusion as to whether the suspension of Mr Lillie on 16 April had been in itself sufficient to eliminate such risk. A case conference was held on 6 May 1993 following the referral by the mother of Child 22, during which she implicated not only “Chris” but also “Dawn”. She reported that her son had described “Dawn” as calling him a “little bastard”. In consequence, a second member of staff at the nursery, Dawn Reed, was suspended on 12 May. Meanwhile, on 5 May Mr Lillie had been arrested for questioning in relation to Child 22 and released on bail. Thereafter investigations continued with regard to both suspended members of staff.
14. At the case conference on 6 May, according to the note I have seen, the mother was also referring to a house or houses to which he had been taken, where he had seen a man who hurt him and a “lady who looks like a man”. He had also “blacked out completely” when coming away from the park. He required constant reassurance that he was in his own house, and also said that “someone had been putting things in his bottom”. He was also reported as referring to a monster and as showing some apprehension at the mention of the word “library”. These were to become recurring themes in the Shieldfield inquiry over the following months. At that stage Dr Shabde is recorded as expressing the view that he was a “disturbed little boy”, and she recommended a “psychological/psychiatric assessment”.
15. At this stage further allegations came to be made by other children attending the nursery, to the effect that they too had been abused by Mr Lillie and/or Miss Reed. (Those allegations have often been referred to as “disclosures”, despite the fact that this term had been deprecated in the Report of the Inquiry into the Child Abuse in Cleveland (1987), to which I shall naturally have to refer in much greater detail in due course.)
16. In July 1993, Mr Lillie was re-arrested and Dawn Reed arrested for the first time. Those arrests related to allegations of abuse perpetrated on a small girl (Child 23). At this stage their homes were searched for the first time (and criticism was later to be levelled at the police for not having done so earlier). Although both Claimants were released on bail after questioning on this occasion, they were arrested again in September 1993 in relation to allegations made by a boy known as “Child 10” and, having been charged, they were detained in custody. Miss Reed remained in Low Newton Remand Centre until 23 December, when she was granted bail with a condition of residence at a bail hostel. Mr Lillie remained in custody until the trial began in July 1994. Meanwhile, on 22 October 1993, he had been

granted bail by a Judge in Chambers, but as he was leaving Durham Prison he was re-arrested. This was because, on that very day, Child 14 had made an allegation of rape. (Miss Reed was also granted bail and re-arrested on the same day.)

The disciplinary process

17. I was told that considerable resentment grew up among parents at the fact that Mr Lillie and Miss Reed were, during the period of their suspension, continuing to receive their salaries. In any event, the City Council determined to press ahead with disciplinary hearings, despite representations in January 1994 from the Crown Prosecution Service. On 20 January, the Principal Crown Prosecutor, Mr Neil Holdsworth, wrote to the Senior Solicitor at the City Council in the following terms:

“... any proposed disciplinary proceedings would naturally relate to the same issues as in the criminal proceedings. There is, therefore, not only a risk that the criminal proceedings would be prejudiced, by the availability to the defence of ‘abuse of process’ arguments, but the defendants themselves would be unable to defend the disciplinary proceedings properly for fear of self incrimination”.
18. Separate hearings took place, in February 1994, as a result of which both Mr Lillie and Miss Reed were dismissed. Although there were appeal hearings, the dismissals were confirmed and it then became possible to discontinue salary payments. Following several adjournments, Mr Lillie’s disciplinary proceedings took place on 14 February 1994 at Durham Prison. The hearing was held there because he was living there on remand at that time. In the event, he decided not to attend in the light of legal advice. It was believed that there was a risk of prejudice to the pending criminal proceedings (and that he would be unlikely to receive a fair hearing). The hearing took place in front of Mr Graham Armstrong, the Assistant Director of Social Services, who heard from some eight witnesses, namely Joyce Eyeington, Andrew Waterworth, Lyn Boyle, Vanessa Lyon, Dr San Lazaro, Kulvinder Chohan, Isabella Hepplewhite and Marion Harris. Apart from Mrs Eyeington and Dr San Lazaro, they were social workers. Mr Lillie was dismissed for what was found to be “gross misconduct”. His appeal was dismissed on 9 May 1994 before a body described as the Corporate Disciplinary Appeals Panel.
19. Miss Reed’s disciplinary hearing was held on 21 February 1994, again before Graham Armstrong. She was represented at the hearing by a trade union officer from Unison although she did not herself choose to give evidence. Clearly important was the evidence of Dr San Lazaro, but she was not there to be cross-examined because she was on holiday. Her evidence therefore went by default. She was dismissed the following day, also for “gross misconduct”. Her appeal was heard on 11 and 12 May, when her dismissal too was upheld.
20. I need not go into detail about these disciplinary proceedings. They are at the periphery of the present proceedings. I had no wish to comment on them at all. They could hardly be relevant, for example, to the Claimants’ allegations of malice in relation to publications in November 1998.
21. Yet Mr Bishop was keen to lead evidence about them. On 22 May he called a Mr Norman Greig who is a personnel officer at Newcastle City Council. I am not sure what purpose this served. I believe the intention was to demonstrate the fairness of the disciplinary proceedings. If so, the exercise was a failure. Since Mr Bishop specifically brought these hearings into this case, and invites me to make findings about them, I shall reluctantly do so. They carry no conviction at all. Not only were they superficial but, as emerged during the cross-examination of Vanessa Lyon on 23 May 2002, they proceeded on the basis of partial and selective evidence. She did not present the material as a whole to the disciplinary panel for its members to make up their own minds. She edited out what *she* thought

was irrelevant; for example, matters favourable to Miss Reed, such as that Child 14 exonerated her in interviews on 4 and 22 October 1993. Indeed, she omitted altogether the interview of 4 October.

22. The disciplinary hearings did play a part in the evidence, however, since it emerged rather surprisingly that the Review Team had later taken the adverse disciplinary findings as being in themselves evidence that Mr Lillie and Miss Reed had committed sexual abuse on at least some children. That is curious, to say the least, in the light of their much vaunted “independence” from the Council. It is perhaps, even more startling when one calls to mind how perfunctory the hearings had been and how they had been conducted with such indecent haste. Mr Kevin Hattam, the trade union officer who represented Miss Reed, later observed that they were the “strangest” disciplinary proceedings he had experienced as there appeared to be “no evidence”. The Council was just “going through the motions”. The right thing to have done would have been to wait until the criminal proceedings were concluded, and the two individuals concerned would at least have been free from the inhibitions of legal advice and a pending criminal trial.
23. Neither Mr Lillie nor Miss Reed ever took proceedings for unfair or wrongful dismissal (a point to which the City Council attached considerable importance in the course of submissions in these proceedings). In the circumstances, it was hardly surprising.

The criminal proceedings

24. Eventually, a criminal trial commenced at Newcastle Crown Court on 8 July 1994 before Holland J. There were altogether 11 counts, relating to a total of six children. The children who formed the subject of the criminal proceedings at that time have been referred to in these libel actions as Children 2, 14, 19, 23 and 24 (girls) and Child 10 (a boy). (It is to be noted that the prosecuting authorities took the view at an early stage that there was insufficient evidence to justify criminal proceedings in respect of the original complainant Child 22.)
25. One of the charges Mr Lillie faced in the Crown Court was that of raping Child 14. She was born on 17 November 1988 and began at Shieldfield on 21 January 1991. When she began there, she was in the care of Miss Reed and later, with effect from 16 October 1991, of Mr Lillie. She last attended the Nursery on 22 July 1992. Thus, it would appear that, when the alleged rape took place, she was either two or three years old. Holland J heard submissions for several days and, having considered the video evidence in relation to Child 14, concluded on 13 July 1994 that it should not be admitted in evidence. His Lordship’s reasons were given during the course of a ruling the following day. It was then decided by the Crown Prosecution Service that there was insufficient evidence for the matter to proceed and, on the learned judge’s direction, both Claimants were acquitted. It seems that the Crown took the view that the evidence relating to Child 14 had been the strongest. One of the matters to which Holland J attached significance was that, in the course of two out of the three interviews in which Child 14 participated, she had expressly exonerated Miss Reed of anything untoward. (It will be necessary for me at a later stage to return in much more detail to the content of Child 14’s video interviews.)
26. Since it has been so misunderstood or misrepresented subsequently, it is right that I should summarise the ruling.
27. The learned Judge began by reminding himself that his concern, as the trial Judge, could not be limited to reflecting personal sympathy; it had to reflect his duty to ensure that the criminal proceedings were conducted fairly and in accordance with law. That is why he decided to explain the approach he was adopting fully, so that it would be properly understood by the public.

28. He addressed counts 1, 2, 3 on the indictment first. These consisted of a charge of rape by Mr Lillie of Child 14 (Count 1), indecent assault upon her by Mr Lillie (Count 2) and indecent assault by Miss Reed (Count 3).
29. He pointed out that the child was in the Red Room at Shieldfield Nursery between 4 February 1991 and 2 March 1992. She left the nursery altogether, according to the evidence before him, in August 1992. Since she was born on 17 November 1988, this meant that the alleged offences would have taken place over the period when she was two or three years old.
30. The Judge went on to explain that Child 14 was first interviewed by Vanessa Lyon (the social worker) on 4 October 1993 before a video camera. Four days later, she was examined by Dr San Lazaro who concluded:

“There was unequivocal evidence of previous penetrative damage consistent with blunt trauma with any object from finger size upwards on one or many occasions in the past.”
31. A second video interview took place on 13 October between the child and Vanessa Lyon (supported, as she had been on the first occasion, by Constable Helen Foster). A third interview took place on 22 October 1993. So far as those interviews revealed allegations on the part of Child 14, they were made when she was nearly 5 years old.
32. The Judge turned to Count 4 which contained an allegation of joint indecent assault by Mr Lillie and Miss Reed upon [Child 23]. She had been born on 22 February 1990 and was in the care of Mr Lillie and Miss Reed from about August to December 1992 (i.e. beginning when she was two and half years old). She was first interviewed on 12 July 1993 (again before a video camera), when she was three and half. She was examined a week later by Dr San Lazaro who again found a significantly damaged hymen.
33. Count 5 related to [Child 24] and contained a charge of indecent assault by Mr Lillie. She was described as having been in the Red Room from January to November 1992 (her third birthday occurring on 14 August 1992). She was interviewed on 22 June and 30 July 1993. On 18 November of that year Dr San Lazaro made similar findings to those already described.
34. The alleged victim in relation to Counts 6, 7 and 8 was a small boy [Child 10]. The first charge was one of indecent assault by Mr Lillie, the second was of indecent assault by Miss Reed and the third of assault occasioning actual bodily harm by Miss Reed.
35. He was born on 3 July 1989 and was in the Red Room between August 1991 and July 1992. He was interviewed on 18 August 1993 before a video camera and examined by Dr. San Lazaro on 1 September 1993 (when nothing of significance was found). He was just four years old at the stage of interview and speaking of events alleged to have occurred when he would have been two.
36. The learned Judge then turned to Count 9 which related to an allegation of indecent assault by Mr Lillie on [Child 19]. She was born on 7 February 1990 and was in the Red Room from September 1992 until January 1993. She was examined by Dr. Alison Steele on 6 August 1993, when non-specific findings were made (albeit not inconsistent with some degree of trauma). Her video interview took place on 10 August 1993, with a follow up on 2 November 1993. Thus she was three and half years old when interviewed.

37. Counts 10 and 11 related to [Child 2] and consisted of one charge of indecent assault by Mr Lillie and one by Miss Reed. The child was born on 2 September 1989 and was a member of the Red Room from early 1992 until September of that year. The first video interview took place on 22 July and the second on 1 December 1993. She was examined by Dr. San Lazaro on 13 August 1993, who found no significant abnormality.
38. Having reviewed the charges against Mr Lillie and Miss Reed and summarised the various ages of the alleged victims, the learned Judge made three introductory observations:
- (1) With the possible exception of [Child 2], no child had made any contemporaneous complaint. Moreover, so far as Child 2 was concerned, having regard to the terms of what she had said, no action was taken at the time.
  - (2) It was conceded by the Crown that it was impossible, by way of a process of elimination, to prove of any child in respect of whom physical damage was found that access and opportunity to inflict such damage were confined to Mr Lillie and Miss Reed.
  - (3) Save to the extent that physical findings corroborated the allegation of physical interference (in some cases), and save to the extent that one child could provide “similar fact” support for one or more of the other children, there was no corroboration of the allegations of wrongdoing. Indeed, his Lordship added, to the extent that the children had provided detail as to venue, and as to the circumstances of various alleged incidents, no support had emerged for their contentions (despite extensive police enquiries). Thus, there would be insufficient evidence to prosecute without evidence from at least one child, and preferably more than one.
39. That was the background against which the Crown, through Mr Aidan Marron Q.C., applied under s.32A of the Criminal Justice Act 1988 (inserted by reason of s.54 of the Criminal Justice Act 1991). The Defendants objected to the introduction of the video recordings of the various interviews, and that was the subject of the Judge’s ruling. It had been decided to confine consideration, at least initially, to the recordings made by [Child14] and thus to Counts 1 to 3. This was on the basis that if the Crown failed in that instance, then Mr Marron would not try to secure the admission of any of the remaining video recordings. The Judge explained the background to this decision and gave three reasons why it had been decided to focus on that particular child:
- a) In a context in which “age is at a premium”, she happened to be the oldest girl.
  - b) Her allegations were the most serious that had been made (i.e. there was a charge of rape).
  - c) There was a limited measure of corroboration for her evidence afforded by the physical findings following medical examination.
40. His Lordship then identified the consequences that would follow from a ruling in favour of the Crown’s application. First, the admitted recordings would have to be played to the jury. Secondly, any statement made by Child 14 would be admissible evidence of any fact which could have been admitted by way of direct oral testimony from her: s.32A (6). Thirdly, the child would then be called by the Crown to give evidence, by way of video link, to supplement her evidence in chief to the limited extent permitted by s.32A (5).

41. The three video recordings which the learned Judge viewed (as I have done) lasted in total for three hours. It was necessary to bear that in mind because, if cross-examination of Child 14 were to take place, it would plainly have been desirable for her to have had the opportunity of following that footage (in the usual way, concurrently with the jury). She would need to have it in mind as the necessary point of reference to understand the questions she was likely to be asked.
42. In addressing the exercise of the court's discretion, the learned Judge asked himself first, "Does such statement [or statements] serve to provide admissible evidence of fact that could have been the subject of admissible, direct oral testimony by [Child 14]?"
43. It was necessary for him, assuming that he concluded that a statement or statements could be classified as *prima facie* admissible, to address three separate concerns:
  - i) Was he satisfied that Child 14 was available for cross-examination?
  - ii) Was he satisfied that any rules of court requiring disclosure of the circumstances in which the relevant recordings were made had been complied with?
  - iii) Were the circumstances of the case such that, in the interests of justice, all or part of the recordings should be excluded?
44. His Lordship then turned to consider the matter of admissibility with regard to any statement or statements the child might have made. He bore in mind, in particular, the opinion of the Privy Council in *Noor Mohamed v. The King* [1949] A.C. 182, 192, and the statutory reflection of those same considerations of policy as later embodied in s.78(1) in the Police and Criminal Evidence Act 1984. His Lordship then considered whether any statement or statements could be said to be discernible within each of the relevant video tapes. As to the first (4 October 1993), he concluded that there were three discernible propositions, each qualifying as a "statement":
  - i) Mr Lillie exposed himself to her in the toilets of the Nursery in the course of an indecent assault carried out by him on another little girl [who plays no direct part in the present libel proceedings but was known as Child 35].
  - ii) Miss Reed had done nothing at all to her.
  - iii) Child 14, Mr Lillie, Miss Reed and a woman called Moira (apparently another member of staff) had been to Mr Lillie's house by bus.
45. As to the second video tape (13 October 1993), the learned Judge found again three propositions which qualified:
  - i) Mr Lillie had put a needle into her bottom (which, in this context, the Judge took to mean her vagina) and also into the other little girl.
  - ii) Miss Reed had also put a needle into her bottom and that of the other girl.

- iii) All of these events had taken place in the Nursery toilet.
46. Returning to the third video (22 October 1993) the Judge extracted the following “statements”:
- i) Mr Lillie had acted indecently towards her (initially), and then (finally) had raped her in the toilet of the Nursery.
- ii) Miss Reed had done nothing to her.
- iii) Child 14, Mr Lillie, Miss Reed and a woman called Amanda (understood to be another member of staff) had been to Mr Lillie’s house (this time by train), where Mr Lillie was seen to be in bed with a lady called Doreen.
47. The Judge began his consideration of admissibility by addressing the Crown’s case against Miss Reed. He then gave the following important ruling:
- “... I do not regard any of the statement[s] as set out by me, as disclosed by the recordings, potentially probative of anything at all against Miss Reed. It affords, in my judgment, no evidence upon which any reasonable jury could convict her upon Count 3.
- It is true that the second video includes a description to the indecent assault by Miss Reed that is relied upon, but the first and [third] videos include, effectively, total exculpation of Miss Reed. One of the striking features of both first and [third] videos is the insistence with which [Child 14] seeks to exculpate her, and the fact that she does so upon her own initiative. Indeed, one of the points made by Mr Cosgrove [her counsel] in the course of his cross-examination of WPC Foster and of Mrs Lyon is that nobody picked up and thought to examine, in any way, this piece of initiative on the part of [Child 14].
- The statement would only become potentially probative against Miss Reed if the graphic support for her that is initiated by [Child 14] herself – and that is seen on the videos one and three - is put aside. I can see no basis for doing so. I remind myself that no jury can convict Miss Reed upon Count 3 without being sure and satisfied of her guilt. It is manifest on the evidence of [Child 14] (as disclosed in the statement from the three videos) that there could be no basis upon which they could be sure and satisfied. Indeed, there is a rather better basis for being sure and satisfied that she is innocent of that particular charge. Thus, in dealing with Miss Reed, I have no hesitation in ruling that the Crown’s application to adduce that part of the video recordings as making a statement to be relied upon in the furtherance of their prosecution of her fails.”
48. The learned Judge then turned to the case against Mr Lillie. In his judgment, it could not be said, in his case, that the relevant statements lacked any potentially probative effect. A possible interpretation of the tapes was of “... a young victim of sexual abuse slowly overcoming constraints imposed by the abuse and abuser, so as to make a full disclosure in response to sympathetic interviewing and effective reassurance”.

49. His Lordship then went on to make an evaluation of the prejudicial effect so as to balance it against probative weight. He regarded that exercise as being required by the common law, as well as reflecting the exercise of discretion provided for in s.32A (3) of the 1988 Act.
50. He concluded that the material relating to Mr Lillie could not safely be put before a jury until a full opportunity was afforded for investigation into the history of any complaint. Overwhelming prejudice to Mr Lillie could only be avoided, for example, if there was an opportunity to enquire of the child why nothing he was alleged to have done had been the subject of a contemporaneous complaint by her; why she had made no complaint of assault during her first video interview; why there was no complaint of rape in the second interview; and “above all, as to why the complaint of rape in the third video followed upon an initial cessation of the interview, which cessation had been instigated by her”.
51. The learned Judge added that there was a prospect of overwhelming prejudice to Mr Lillie if it was not possible for inquiries to be made on his behalf, of Child 14 in cross-examination, as to why her accounts had varied with regard to Miss Reed. Moreover, the Judge drew attention to the fact that information supplied by the child about any house or flat would not stand up to further investigation. Police inquiries, in other words, had brought forth no confirmation at all. For that reason, he observed, “Those parts of her account cry out for like inquiry...”
52. The main difficulty confronting the learned Judge was that there was really no other way of testing her evidence or exploring the inconsistencies, unless cross-examination were to be permitted. There was no other potential source for answering the queries. His Lordship turned next to the statutory precondition for admissibility provided for in s.32A(3)(a); that is to say the child’s availability for cross-examination. He held that she was not so available on any material matter. She would have to be physically present, willing to answer questions put on Mr Lillie’s behalf, and not incompetent; see s.52(2) of the Criminal Justice Act 1991. He added that it was, in his judgment, necessary also for her to have the capacity to give “an intelligible account of events” (a phrase borrowed from an Irish statute: s.27(1) of the Civil Evidence Act 1992).
53. His Lordship held, without hesitation, that Child 14 did not have the capacity to give an intelligible account of material events at the time when the recording was made (i.e. in October 1993). This was based largely upon his viewing of the three hours of material. While emphasising that his conclusion was in no way intended to reflect upon the child, his Lordship pointed out that her incapacity to give an intelligible account was merely a reflection of her age, of the subject-matter, of its emotional impact upon her, and also of the delay between the events under investigation and the interview itself. In other words, she would be cross-examined almost a year after the original interviews, which were themselves concerned with events which had occurred (if at all) at least 15 months earlier. His Lordship, secondly, saw no reason to conclude that her capacity would be materially improved by the time any cross-examination took place. Since she would not have the attention span necessary to view the three hours of video material concurrently with the jury (as confirmed in evidence by a psychologist), she could not appreciate the necessary premise upon which the line of cross-examination would proceed. Further, and in any event, her 1994 memory for events in 1992 would be “speculative”.
54. His Lordship confirmed that the very same factors which led him to the conclusion that Child 14 was not “available for cross-examination”, for the purposes of s.32A(3), would have operated to lead him to the conclusion that the admission of any such statement by her would have a prejudicial effect far outweighing any probative value.
55. Following Holland J’s decision and the direction to acquit, there was apparently a violent outburst of emotion in court, during which the two Claimants were threatened and reviled.

*The steps taken by the City Council meanwhile*

56. So far as the City Council was concerned, the acquittals made virtually no difference. One of their representatives, a Mr Flynn who was at that time Deputy Leader, confirmed outside the court that the dismissals still stood and that the Council still regarded them as guilty of “gross misconduct” (i.e. of abusing a number of children in their care, including those in respect of whom they had just been acquitted). Almost immediately, a widespread view took hold that the criminal proceedings had come to a halt as a result of some technicality or inadequacy in the system of justice. Very little attention was paid to the comments of the trial judge as to the state of the evidence; and, in particular, to the remarks made by Child 14 in two of her interviews to the effect that Dawn Reed had done nothing wrong.
57. It is now necessary for me to address, in a little detail, the steps which had been taken in the meantime by the local authority and the statutory context. The government of the day had, in 1988, issued guidance to local authorities under s.7 of the Local Authority Social Services Act 1970. This was intended to facilitate co-operation between various agencies with a view to effective child protection. The guidance operative at the time of the Shieldfield events was that originally published in 1991. It was published under the title *Working Together*. Each local authority was required to establish an Area Child Protection Committee (ACPC), composed of representatives from the local authority, the police, the health authority, the probation service and other relevant agencies. One of the purposes underlying the establishment of the Area Child Protection Committees was that they should be preventative. It was also, however, intended that there should be a forum for co-ordinating an efficient response to any perceived incidents of child abuse, as they arose.
58. There was a meeting under the auspices of the relevant ACPC in Newcastle on 26 May 1993. By that time 14 families had already been seen by social workers. There were further meetings as events developed. There is a procedure laid down by Part 8 of *Working Together* for reviewing specific cases. There would certainly be an obligation to carry out a Part 8 Review where a child has died in circumstances where abuse is suspected or confirmed. Nevertheless, an ACPC should always consider whether to carry out such a review where there is a child protection issue likely to give rise to major public concern. It was felt that the criteria had been fulfilled in the case of Shieldfield, because it was perceived that the ACPC had a case of multiple abuse on its hands, and a Part 8 Review was set in motion in the autumn of 1993. Once information had been gathered from all the relevant agencies an “overview” report had to be submitted to the Social Services Inspectorate (SSI) within the Department of Health. In the present case the Part 8 overview report took some time to complete, and was not submitted to the SSI until October 1996.
59. There exists a quite separate regime for dealing with “complaints” from consumers or other members of the public about services provided by a local authority. Relevant provisions are to be found in the Local Authority Social Services (Complaints Procedure) Order 1990 made under s.7B of the 1970 Act. Every local authority is obliged to establish a procedure for considering representations (including complaints) made to it by or on behalf of a “qualifying individual” relating to its social services functions in respect of the individual concerned. A “qualifying individual” is someone for whom the relevant local authority has the power or obligation to provide a service. By reason of the day care obligations arising under s.18 of the Children Act, it was now necessary for the Council to establish a procedure for considering any complaints made by parents/carers with regard to the services at Shieldfield.
60. It is also provided by s.26 (3) of the Children Act that a procedure should be established when considering any representations (including a complaint) from parents/carers of children “in need” as to the discharge of local authority functions (including the provision of day care under s.18 of the 1989 Act). Thus, one way or another, there was a duty upon the City Council to consider complaints relating to the discharge (or failure to discharge) day care duties with regard to Shieldfield.

61. The Newcastle City Council had established a Comments and Complaints Policy in 1991 following the model laid down by the Representation Procedures (Children) Regulations 1991 (SI 1991/894).
62. In 1993 the current procedure was that a complaint should be registered with the Comments and Complaints Unit (part of the Council's Standards and Quality Assurance Division). It would then be for Mr Bob Hassall (the then complaints officer) to appoint an "investigating officer". Normally, that person would be a local authority employee unconnected with the specific matter under investigation. In an ordinary case, the investigating officer should report to the complaints officer within 28 days upon the outcome of his investigation and the appropriate response to the complainant. In the event that the relevant complainant was not satisfied with the response, it would be open for him or her to request the Complaints Review Panel to investigate the complaint. Such a Panel would comprise an independent chairman, a member of the Social Services Committee of the local authority and an Assistant Director or Principal Assistant of the department (not being directly involved).
63. There was yet a third stage whereby, if the complainant was not satisfied with the recommendation of the Panel to the Director of Social Services, there could be a reference to the Social Services Committee. This three tier complaints structure was in place in 1993 at Newcastle for dealing with complaints made under the 1970 Act or the 1989 Act.
64. It was recognised that there might be occasions when the standard procedure would be inadequate to the task in hand. In this instance, when the complaints were first made about events at Shieldfield, they were registered for investigation in the normal way. Nevertheless, it soon became apparent that there was the possibility of multiple abuse at the hands of Council employees, and it was thought desirable to set up a procedure tailored for this specific case. By the end of 1993, a firm of local solicitors (David Gray & Co) were acting for a number of the Shieldfield parents and, on 20 December, the City Council notified them that an alternative complaints procedure was being set up to investigate and report on the overall situation, in addition to dealing with individual complaints. This was by means of a letter from Jennifer Bernard, the then Director of Social Services.
65. At about the same time, it was resolved that there should be an investigation into the multiple abuse allegations by an *ad hoc* Review Team. The standard complaints procedure was suspended and the solicitors were notified accordingly by Jennifer Bernard on 23 December. By that time some six complaints had been formally registered, although it was appreciated that more would be forthcoming. In effect, what was being proposed was that there should be an inquiry into what had gone wrong, and that recommendations should be made to avoid similar problems in the future, quite apart from specific complaints. It is right to record that it was being contemplated by Jennifer Bernard as early as 3 December 1993 (in a letter to Det. Insp. Findlay of the Northumbria Police) that the Final Report of the proposed complaints review team would be presented to a public meeting of the social services committee.
66. There is a wide discretion under s.111 of the Local Government Act 1972 to do anything calculated to facilitate the discharge of a local authority's statutory functions. If the circumstances warrant it, a local authority may thus commission and fund a public inquiry (such as that carried out by Mr Peter Hunt following the Jason Dabbs case). It was decided, however, in the Shieldfield case that it would not be appropriate to set up a similar inquiry. This was partly because of what was at that time perceived to be the cost and inherent delay, and partly because it was believed that an "adversarial" procedure would not be in the best interests of the Shieldfield parents or children. It was also considered that people might feel inhibited in a public forum and that accordingly it would be difficult to establish the full facts.
67. Not surprisingly, however, there was considerable pressure for the hearing to take place in public because, as often on such occasions, there is a fear of a "whitewash" or "cover up". With such considerations in mind, another firm of solicitors made representation to the Secretary of State

requesting that a public inquiry be carried out pursuant to s.81 of the Children Act. There would also be the power, if this course were adopted, to compel the attendance of witnesses. This proposal was rejected in August 1994 and then, no doubt reluctantly on the part of some parents, it was decided to accept the City Council's compromise proposal. It was thus resolved that matters would be investigated by a Review Team, independent of the Council, consisting of members qualified and experienced in matters of social work and child protection. Their task would include both responding to complaints made by individuals and reporting, more generally, upon the running of the nursery and upon the way in which the Social Services Department of the local authority had discharged its responsibilities. To avoid charges of "cover up", it was at an early stage perceived to be necessary that individual complainants, and indeed all those directly involved with the events at Shieldfield, should be fully informed as to the outcome of the inquiry. How this was to be achieved was left until the Report became available (much later than originally anticipated).

68. Although the terms of reference for the Review Team were already being discussed at the end of 1993, they continued to be debated for some time. (I was told that they were not actually finalised until shortly before the Report emerged.) For example, a change was made in September 1996 to enable the Review Team to "consider and report upon relevant concerns raised by parents or persons interviewed", even though this might go outside the notion of dealing with formal "complaints". Another later amendment concerned the machinery for submitting the Report to the City Council. It was specifically provided, in May 1998, that the Report should be submitted to the Council through the Chief Executive (rather than to the Standards Quality and Assurance Division Manager, as would be normal). The reason for this change was that it was perceived as underlining the principle of independence. The terms of reference, as set out in the published report, will be fully identified in due course (see Section 3 below).
69. For reasons which are perhaps understandable, there was considerable delay setting up the Review Team. The plan was that applicants should be considered by a panel consisting of a chief officer of the Council, a senior medical officer nominated by parents and a project manager for NCH Action for Children (the providers of the Independent Persons Scheme under the Children Act). I understand that there was some delay in the parents choosing their representative on the appointments panel but, in any event, candidates were not interviewed until August 1995.
70. There was a short list of ten candidates and the panel eventually appointed Dr Richard Barker, who was at that time Head of the Division of Child and Family Studies at the University of Northumbria (Team Leader), Judith Jones, a former child protection officer, Jacqui Saradjian, a consultant clinical psychologist and Roy Wardell, whose experience lay in the provision of social services by local authorities. It was not thought appropriate that any of the members should have had any legal training or experience. Their activities were overseen by representatives from the Independent Persons Scheme.
71. Between the end of 1995 and the publication of the Report on 12 November 1998, more than 150 witnesses were interviewed by members of the Review Team. It is to be noted that they chose to divide their labours, with the result that not every member of the Team had the opportunity of assessing every witness or, for example, every child interview. They were only working part-time and there were limitations on the resources available to them. There is no doubt that the Team members worked very hard and showed considerable dedication to their task. Mr Bishop suggested, in closing, on behalf of the Review Team that if they had known how much time and effort was going to be involved they would probably have stayed out of it. I am sure they now regret it.
72. Neither Mr Lillie nor Miss Reed agreed to be interviewed by members of the Review Team although they were invited. They made their respective decisions in accordance with legal advice, and neither felt that they would receive a fair hearing. They did not trust the City Council in the light of the procedures adopted over their dismissals and the remarks made following their acquittals at the Crown Court. Subsequently the Review Team was critical of this "refusal to co-operate", as they perceived it, but in the circumstances the Claimants behaved reasonably. It is one thing not to "co-operate". It may

be quite another, however, to be wary of placing one's fate in the hands of individuals who have arrogated to themselves a right or duty to find out whether a citizen has committed serious criminal offences. If such a person would not be afforded any of the basic safeguards which the law has long provided for individuals in jeopardy of such findings, he or she would be fully entitled to regard the process as flawed and unfair. This would be so even if those carrying out the inquiry were open and above-board about their intentions. Here, as I shall describe in due course, they were not.

73. In the meantime, a number of parents had made claims for criminal injuries compensation and substantial sums of money were paid on the basis that the children concerned had been physically and/or sexually abused by Christopher Lillie and Dawn Reed. These claims were supported by Dr Camille San Lazaro, the consultant paediatrician, who played a very significant part in the history of events forming the subject-matter of these proceedings. She was later to admit in the witness box that what she told the Criminal Injuries Compensation Board was (in her words) "exaggerated and overstated".
74. In due course, no less than 47 children sued the Council for damages for negligence. Although not directly relevant to the present proceedings, some of the witnesses were asked about the stage which those claims had reached. It emerged that some had been settled before the libel hearing started and others not. At all events, the basis of the negligence actions was the same as that of the criminal injuries compensation claims, namely that Mr Lillie and/or Miss Reed had abused the children when they were in the care of the Newcastle City Council at Shieldfield.
75. Before I come to the publication of the Review Team Report, which forms the primary subject in matter of the present dispute, it is right that I should introduce the Claimants in more detail in the light of the evidence I have received. Hitherto, so far as the citizens of Newcastle are concerned (and, for that matter, the general public), they have remained rather shadowy figures about whom only limited information has been available, either through the content of the Report or through the media. Since some of that has been distorted or is inaccurate, it is appropriate to introduce them by reference to their background and careers up to the point when they are alleged to have committed these very serious offences against children in their care.
76. Much attention has been focused on their time at Shieldfield, and in particular the period from March 1992 to April 1993 when they were jointly responsible for the children in what was known as the Red Room in the Nursery. Rightly so. Nevertheless, there is a wider context which it is necessary to take into account. For example, there was no suggestion prior to April 1993 that either of them had misbehaved with any child. Nor has there been any suggestion of paedophile activity or indecent assault, or anything similar, having occurred since the time of their suspensions (on 16 April and 12 May 1993 respectively). I therefore now attempt to summarise the wider background of the two Claimants before addressing the allegations made against them.

## **2) Christopher Lillie and Dawn Reed**

### a) *Mr Christopher Lillie*

77. Mr Lillie was born on 10 June 1964 in Wallsend. His parents were separated when he was about five years old and, together with his younger brother and two sisters, he went to live with his mother and the man she then married. He described the period with his mother and stepfather as "a happy time".
78. In May 1977, when Mr Lillie was almost 13, his mother died. At that stage the children went back to live with their natural father, despite not having very much contact with him for about nine years. He had re-married and two children had been born within that marriage. Things did not work out. Mr

Lillie and his brother were not happy in the new environment. They began to get into trouble and were, for example, cautioned for shoplifting in August 1979. Mr Lillie also ran away from home for brief periods. Eventually on 6 November 1979 he was put into care, with a placement for two or three months in Clavering House at Blaydon.

79. In January 1980 he was given a two year supervision order after having pleaded guilty to stealing a bicycle. Thereafter, he was moved to Chalfont Road Children's Home where he remained until September 1981. During this period he was attending Manor Park School in Benton. He took CSE examinations and obtained Grade II passes in Mathematics, Religious Education and Chemistry together with a Grade IV pass in English Language. He left school in May 1980 at the age of 16.
80. My attention was drawn to page 265 of the Review Team Report in which it is suggested that Mr Lillie had been placed in establishments "...in which it appears staff – both male and female – sexually abused children. He may have been exposed to models of vulnerable children being abused as of right by those with power over them". Mr Lillie's response is that in the two care establishments in which he stayed he never saw or heard of any behaviour of that kind. He was not sexually abused himself; nor was he aware of any such abuse having taken place in those establishments.
81. I was told that Mr Lillie prospered to an extent in care, gaining in self-confidence and getting on particularly well with one of the members of staff (and her husband). He recalled how they gave him practical help when he moved into a council flat in Newcastle after he became too old for the residential home.
82. On leaving school, Mr Lillie faced very high unemployment in the Newcastle area and entered some schemes which were being organised through the Job Centre. He worked for several months as a labourer for Community Industry in Heaton, and subsequently as a baker and shop assistant in the Kew House Delicatessen in Eldon Square. He was also, in about 1983-1984, a catering trainee on a youth opportunity programme in Morden Street. Each of these schemes lasted about six months.
83. During the period 1987–1988 he became an assistant organiser of the Newcastle Children's Adventure Group ("NCAG"). This lasted for about a year. Subsequently, from 1989 to 1991 he was a relief caseworker for the Social Services Department.
84. Mr Lillie explained the background of his involvement with NCAG, which began in 1979 when he went away on a trip with the group. It was an organisation which provided adventure opportunities for inner city and other disadvantaged people. Because he had admired the work which they were doing for disadvantaged children, he later volunteered in response to a newspaper advertisement. He worked as a volunteer with them from about 1982 during a period of unemployment. He maintained the day to day running of the office and helped to run a summer camp for NCAG, which catered for children between the ages of 6 and 15. They were camping in tents and took part in activities such as canoeing, windsurfing, climbing and walking. He worked at the camp from 1984 to 1989 (with only one exception) and also attended camp in 1991.
85. He decided that this sort of work suited him and that he had the right temperament for it.
86. One of the leaders at NCAG had a child who attended a mother and toddler group run by Gosforth Social Services on Thursday mornings. Since they were looking for volunteers, Mr Lillie went along and decided that he wanted to work with that age group. When that group ceased to function through lack of funds after about a year, Mr Lillie then enrolled at the North Tyneside College for a two year course training to be a Nursery Nurse. Not surprisingly, references were required and he was able to name referees with whom he had worked at NCAG.

87. The nursery training course ran from September 1988 through to the summer of 1990. Again Mr Lillie invited my attention to a passage in the Review Team Report (at page 48) where it is suggested that he had to repeat his final year. This he disputes. They report a Veronica Dawson as stating that his final year did have to be repeated and that he was a “lazy bones”. She was described in the Report as being his ex-tutor. In fact, as he points out, she was his tutor for one course only. His overall tutor was a Ms Doreen Bailey who was never interviewed by the Review Team. He accepts that he had some problems on what he describes as the “craft side” (which apparently included such skills as knitting and artwork), and that for those he had little aptitude. His evidence is that, subject to those problems, he worked hard on the course and was motivated to gain his qualification so as to earn a living in nursery work. He referred to the fact that another male student was required to do a third year, and suggested that this may be the source of confusion. At all events, his evidence (which I accept) is that he completed the course in the standard period of two years.
88. The training course consisted partly of academic study and partly of gaining practical experience. The general pattern was that six days were spent in college and four days on a “placement”. It happened that his first placement was at the Shieldfield Nursery. He worked at that stage under the supervision of the then Manager, Susan Eyeington. During the first placement he worked with the age group up to three years for nine days and for 37 days with children of three to five years of age. Miss Eyeington apparently recognised that “progress was necessary” in relation to the preparation and organisation of craft work, but she described him as being good at establishing relationships with children and as being aware of each child’s individual needs. So far as she was concerned, he behaved appropriately towards the children and was pleasant and good humoured in his relations with other staff. She also commented that he showed perseverance and commitment to his work.
89. Other placements during his training included work at Raby Street School, Dunston Nursery School, Ashleigh Special School and Monkseaton First School. There was also a “home placement” between January and March 1990 where he was responsible for looking after a baby and a two year old.
90. Mr Lillie found that the work suited him and he considered that he was getting on well at Shieldfield. He decided that this would be the right career for him, despite a certain amount of ‘general prejudice’ to the effect that nursery work should remain a field for women rather than men.
91. Mr Lillie worked as a relief worker at Shieldfield between May and June 1989, for about eight days, to help with money for completing his course. He did the same at Armstrong Road Nursery between 24 July and 20 August 1989 and also for a week at a children’s special needs home. Subsequently he also did a few weekends at various homes for the aged. He accepts too, although he does not have any particular recollection of it, that he is recorded as having worked for a total of five afternoons at Shieldfield between October 1989 and January 1990.
92. As he came towards the end of his two year course, he worked at Shieldfield again in May 1990 so as to cover for Maria Buck, who took maternity leave. Between September and October of the same year he worked at Dunstanburgh Road Nursery as a relief worker. At the stage when he left Shieldfield for Dunstanburgh Road, he received a card from some of the parents at Shieldfield expressing good wishes and saying that he would be missed. One of them was apparently the mother of the girl referred to in this case as Child 14.
93. Just before Maria Buck returned from her leave, another member of staff, Diane Wood, also left for maternity leave and Mr Lillie covered for her as well. He stayed on in a temporary capacity until June 1991. During that summer he did a six week adventure camp with NCAG in Northumberland (and subsequently went on a two week canoeing trip to Norway with two of the NCAG leaders).

94. In September 1991 at the invitation of Susan Eyeington Mr Lillie returned to Shieldfield as a full time temporary nursery officer and remained until he was offered a permanent post there, following the standard interview procedure, in April 1992. (Mr Lillie wished to emphasise that he did not lie in any way in order to be taken on at Shieldfield, since he construes page 47 of the Review Team Report as suggesting that he may have done so.) For almost exactly a year Mr Lillie remained on the staff at Shieldfield, leaving abruptly upon his suspension on 16 April 1993.
- b) *Miss Dawn Reed*
95. Dawn Reed was born in South Shields on 20 December 1970, her mother at that time being aged about 18. Her mother was the second of eight children born to her grandparents. The youngest of her aunts was only seven when Dawn Reed was born. She was brought up by her mother in her grandparents' home with her aunts. She explained in the course of evidence that she has never referred to her mother's sisters as "aunts" because, in a sense, they were more like sisters to her. Her mother took the responsibility of looking after her throughout her childhood and did not go out to work until such time as she was old enough to look after herself. She has only ever met her father on one occasion when she was about 19 years of age (i.e. in or about 1989 – 1990). She knows very little about him but understands that his family came from Pakistan, although she does not actually know where he was born.
96. She was keen to make it clear that she was part of a "very large, loving and caring family" and that she had a very happy childhood. Her grandfather, who has since died, was a very proud man who was a former coal-miner. She has said in her statement that there was no time when she was deprived of love, affection or attention. The reason she wished to make this clear was that in the Review Team Report (page 61) the observation is made that "... she had a troubled background and lived with her grandparents for much of her childhood". Miss Reed told me that her background was not in the least bit "troubled". (She was also rather puzzled by a comment in the Report, at page 89, that "... We have been told that Dawn Reed's ethnicity was not considered with regard to its impact on her as a worker or on the nursery". She has no idea why the issue was raised in the Report, since she has never been conscious of any problems of "ethnicity" at all.)
97. One of the experts called on behalf of the Defendants, Dr William Friedrich, describes her as having grown up with a single parent and a number of "alternate caregivers". He says that she was therefore "at risk for maltreatment even sexual maltreatment". That is speculation. Miss Reed and her mother gave evidence on oath and made clear there were no such problems. One of the recurring features of this case has been the willingness of psychologists, professional or amateur, to impose pre-conceived stereotypes or theories upon the facts of the case. I have had to remind myself that evidence must always come first and theory kept in its proper place.
98. At the time of the trial, Miss Reed was half way through a University law course and apparently doing very well. On this basis, it was put to her in cross-examination by Mr Bishop that she must have under-performed at school, in the sense that she left in July 1987 (aged 16) with only one GCE qualification and several CSE passes. As she accepted, it has subsequently emerged that she has greater capacity and application than this would suggest. Asked for an explanation, she told him that she "fell in love" when she met her future (now former) husband. She spent a lot of time with him and generally enjoying herself, rather than applying herself to her studies.
99. In 1990, when 20 years of age, Miss Reed bought a house with her then boyfriend and moved out of her grandparents' home. They lived together throughout her time at the Shieldfield Nursery and eventually married in November 1994, a few months after the termination of the criminal proceedings. The marriage lasted for approximately five years, when they split up and divorced. The main reason for this, she explained, was that they were unable to cope with the pressures and emotional turmoil caused by the "lead up to the Report, its publication and its aftermath".

100. Meanwhile, before she left school, Miss Reed had already decided she wished to qualify as a nursery nurse. She chose to go to North Tyneside College in order to train, and began a two year course in September 1987.
101. Miss Reed had a number of outside interests from an early age. She had been active in the Brownies from the age of seven, with one of her friends, and later progressed to the Girl Guides. She was the first Girl Guide locally to achieve the Baden Powell Trefoye badge, which was apparently introduced shortly beforehand as a replacement for the Queen's Guide Award. This was the highest distinction available in the Girl Guides.
102. Miss Reed also regularly attended Sunday School in South Shields, when she was small, and later helped in running it by carrying out activities with the children, reading bible stories, creating pictures and making Christmas cards. She was looking after children from the age of seven upwards. The lady who was responsible for the Sunday School at that time was Miss Hazel Singleton, who noticed that she appeared to be "very good with children" and suggested that she might think about becoming a nursery nurse.
103. In due course, Miss Reed trained for a Young Leader's Certificate to enable her to take on a supervisory role in the Girl Guides. She qualified to serve as a Guide Leader at St John's Church. Shortly thereafter she gave this interest up for other things; in particular, she wanted to spend more time with her boyfriend and enjoying social activities. She also had begun to do night classes to achieve an A-level in Sociology. While Miss Reed was at North Tyneside College (1987-1989), she continued to live at home with her grandparents. Like Mr Lillie, she divided her time at college between studying and placements. Her courses included child development, child psychology, social studies, health, biology, education, communications, craft, physical education, music and computer awareness.
104. She also set out in her evidence details of the various placements she obtained during her course.
105. She spent 29 days with five to six year olds at the West Jesmond Infants' School. She also did a home placement as a nanny for 22 days in Jesmond. This was clearly satisfactory as the mother concerned also employed her during summer holidays to look after her four children. At the time, these comprised three girls of eight, three and two years old, respectively, and a baby boy.
106. Miss Reed spent 16 days at the Ingham Infirmary Children's Ward in South Shields with children up to about five years of age. Then there were 58 days spent at Raby Street Primary School with three to four year olds. There were also 14 days at Ashley Special School, North Shields, with children and young people up to the age of 18. This was a difficult placement from her point of view, as it involved dealing with various age groups where all concerned, in effect, had the minds of young children.
107. When she was 18, Miss Reed did 26 days at Shieldfield with two to four year olds.
108. She told me that all the reports in respect of her placements were positive and drew my attention to the terms of the final report dated 16 June 1989:

"Dawn has continued to show the capabilities noted during her first year. She proves to be very much a part of any team she works with and has equally good relationships with children and staff. She has a quietly confident, caring manner with children and is very perceptive of their needs. She carries out duties reliably and without constant direction, although if unsure always has the confidence to clarify matters with staff. Activities

have been planned and carried out with children, showing great adaptability and these are always displayed attractively when completed.

Two of her great strengths are her awareness of the needs of children, especially those with problems and the other is her appropriate handling of parents.

She has been an excellent student in all her placements, resulting in her gaining employment in the family centre where she spent a term”.

109. She applied for a temporary Nursery Assistant post at Shieldfield, which was advertised by Newcastle Social Services Department, and was appointed on 19 June 1989 subject to passing her examination. The post was duly confirmed. In the light of subsequent events, it is to be noted that on 8 July 1989 she received confirmation that the Department had received a satisfactory police report on her.
110. A six month probationary period was completed without any problems and in early 1990 she applied for a permanent post. She was interviewed on 13 March 1990 and appointed with effect from 19 March 1990. She was upgraded 18 months later to Nursery Officer with a corresponding pay increase.
111. Until the events of April 1993, there had been nothing to suggest to parents or colleagues that Miss Reed was in any way behaving cruelly or improperly towards children in her care. Nor had anyone noticed anything about the relationship between her and Mr Lillie to suggest that they were anything other than work colleagues. There is no doubt that, for one reason or another, perceptions changed among some parents and colleagues as the months passed and it came to be accepted as received wisdom that multiple abuse had been taking place on a massive scale from 1991 to 1993.
112. It is, therefore, instructive to reflect on one example of the contemporaneous reaction of her colleagues. On 2 June 1993, Diane Wood was interviewed by Joyce Eyeington and Mr Mike Godridge (Assistant Director, Residential and Day Care) in the presence of Mr Kevin Hattam. I was supplied with a transcript. She answered “categorically no” to questions as to whether she had ever seen Miss Reed smack Child 22 or any other child or use inappropriate language. Shortly before the interview terminated, she was asked by Mr Mike Godridge for her impression of Miss Reed as a colleague. She replied as follows:

“I have known Dawn since she was a student. Goodness knows how long that must be now. I can’t think how long it is, but she got the job to work in the parents’ room which, in those days, was a very hard job. I always admired her for her youth and her age to be able to go into a situation like that and cope very well with it.

I have worked with her myself. She had covered the room that I’ve been in on several occasions, when a member of staff has been on the sick, and I have always got on very well with her. She is a very unassuming person. She is a very personable type woman (and I say ‘woman’ because she is not a girl anymore) and I like her an awful lot. To have to listen to what has been said – even the slightest thought of an allegation against her I find totally and utterly ludicrous, because she is such a very, very nice girl – woman I should say – and I hope this doesn’t do her career prospects a downer, because as nursery nurses go she has got a lot more patience with younger ones than I ever, ever had. And I have done that job and, yes, I got a lot out of that job, but probably not as much as Dawn’s got out of the job with the [two to three year olds]. She has got the right personality for it. She is calm, she is cool, she is quiet, she is unassuming. I have a lot of children in my room who have been with Dawn, who are asking now, bit by bit, ‘Where’s Dawn? I haven’t seen Dawn for a long time. I like Dawn.

'She's nice'. Not being pushed or pressured by me, or any other member of staff to say those things. So in those respects Dawn is a very nice woman, and I miss her – miss her a lot, and I think we have a lost a very, very valuable member of staff'.

113. On 27 May 2002, Diane Wood gave evidence briefly before me. There is no doubt that her perception changed some time later. She told me that what came like a “bombshell” to her, in about October 1993, was when she learnt that the mother of one child in particular [Child 10] had begun to make allegations. Previously, she too had been supportive of Dawn Reed, and indeed wrote a letter of support to her when allegations began to be made. It seems to have been the fact that this mother had changed her mind that persuaded Diane Wood to change her own view. I need say no more about this for the moment (and the evidence in relation to Child 10 is considered in further detail later in the appropriate place), but in setting out the background prior to the events of April and May 1993, I believe it is worth noting the impression she was making on the colleagues with whom she had worked by that time for several years.

### **3) The Review Team's Report published on 12 November 1998**

114. The Review Team's report was eventually published on 12 November 1998.

115. Central conclusions with regard to the Claimants were as follows:

Children were hurt, they were hurt involving sexual acts, they were hurt both in the nursery and when they were taken out to other places, some of which were houses, flats and caravans. They were told that some of those places were libraries or Chris Lillie's home, sometimes other people were present and involved in the hurting, sometimes videos and photographs were taken of them, that the children were very frightened and many were most certainly traumatised by their experiences ( p.224).

That Chris Lillie and Dawn Reed, sometimes in conjunction with other people outside the nursery participated in sexual acts with children at times involved them in the making of illegal child pornography (p.228).

That Chris Lillie also regularly abused children acting alone both inside and outside the nursery. These sexual assaults took place in various places within the nursery, in particular in the toilets adjacent to the Red Room (ibid.).

In addition, the children were physically and emotionally abused both inside and outside the nursery by Dawn Reed and Chris Lillie in order to attempt to ensure the children's compliance and prevent disclosure of the abuses (ibid.).

There appeared to be a possibility that [the Claimants] had covered their abuse of the children by recording fictional accidents in the Nursery Records for the purpose of disguising either the physical signs of abuse or distress caused thereby (p.244).

From the evidence we have seen, it is clear that Chris Lillie and Dawn Reed had conspired as a pair to abuse children and it is also clear that people outside the nursery were also involved (p.264).

116. On 6 November 1998, it appears that three advance copies of the Report were sent from the printers to the Chief Executive of the City Council and one copy to the Social Services Inspectorate of the Department of Health.
117. On 9 November, a further copy of the Report was supplied to the City Council so that it could be forwarded to the parents of one child, who were by that time in New Zealand. It was accompanied by a letter from the Review Team responding to her parents' particular complaints.
118. On the publication date, 12 November 1998, the Report was placed before a meeting of the Council's Day Nursery Complaints Review Panel (a sub-committee of the Policy and Resources Committee). Copies were supplied not only to members of that sub-committee but also to any members of the press and other persons attending who wished to have one.
119. On the same day, the City Council also distributed it by post, courier or by other means to complainants, parents, solicitors and other persons who were perceived as having a legitimate interest in its contents. The Review Team's individual letters generally accompanied the copies of the Report supplied to the complainants.
120. It appears that the City Council was responsible overall for the distribution of 743 copies of the Report. The circumstances of publication will have to be considered carefully, category by category, when I come to address the arguments on statutory and common law qualified privilege. At all events, the impact of publication was immediate and devastating. It received massive publicity throughout the jurisdiction and, of course, particularly within the Newcastle area. That is hardly surprising. The subject matter of the report was of great interest to the public and the conclusions were striking and a source of great anxiety not only for the parents concerned in this case but also for parents of small children generally.
121. The Report has come under wholesale attack in the course of these proceedings from the Claimants, their legal representatives and expert witnesses. Their criticisms, however, were by no means the first.
122. Shortly after publication, the eminent leading counsel who had appeared in the criminal proceedings (Mr Patrick Cosgrove Q.C. for Miss Reed and Mr Aidan Marron Q.C. for the Crown) penned a letter to the Chief Executive of the City Council making plain their concerns over what they considered to be a travesty. Their letter was in the following terms:

“REPORT: ‘ABUSE IN EARLY YEARS’

Thank you for sending me two copies of the above report. The second I have passed on to Aidan Marron Q.C., who was Leading Counsel for the Crown in the criminal trial of Christopher Lillie and Dawn Reed.

Although I was Leading Counsel for Miss Reed in that trial, I have no continuing professional interest. My continuing interest is in helping to ensure that we can all learn from this case how best to improve the course of justice.

Rightly, there has been much praise of many of the people who were involved in the criminal investigation, such as police officers and social workers. They and others, such as the lawyers in the case, were edging forward in trying to improve their understanding and abilities in these difficult matters. No-one can doubt that the objectives are (a) to protect children, and (b) to do justice by all parties.

I could not agree more with the observation made at the beginning of the Report (page i), namely that: *“Given the proposed massive expansion nationally of day care provision in early years settings this case raises important lessons for consideration in relation to the delivery of services to young children outside their families.”*

It is tragic, therefore, that the Review Team has laboured for so long only to bring forward a report that is fundamentally flawed.

Both academic literature and forensic experience indicate that justice has been hindered by incorrect prejudices that sexual abuse doesn't happen in the family, or isn't committed by natural parents, or by women generally, or by a mother, or by caring professionals outside the home. Our increased understanding leads most of us to reject any such prejudices.

Modern prejudices are more likely to be twofold. At one extreme is the prejudgment that complaints of sexual abuse are likely to be the creation of some form of false memory syndrome. At the other extreme is the prejudgment that sexual abuse once suspected is present, and the only difficulty is in obtaining the evidence to prove it.

The Report's authors implicitly criticise unsolicited correspondents who fall into the trap of the former. There is considerable evidence throughout the Report that they themselves have fallen into the latter prejudgment.

The only safe approach is to keep an open mind in each case, to approach the evidence as objectively as possible in order to discover what it shows. In a free society that is the function of a Court, not the function of investigators, nor of persons with a therapeutic responsibility, nor of teams like the authors of the Report.

It is clear that Professor Davies (see the first paragraph of Appendix 6) has had sight of the Ruling of Mr Justice Holland in the criminal trial, given on 13<sup>th</sup> July 1994, but it is not clear whether the authors of the Report have read it.

If they have not done so, they have been grossly negligent. If they have read it, their conduct is disgraceful. Nowhere in the Report is there sufficient reference to the Ruling. That fact and the way in which the Report deals with the issues also dealt with in the Ruling lead to the inevitable misleading, even deception of the Report's readers.

It should be remembered that Mr Justice Holland delivered his judgment after careful consideration of the evidence.

The Crown Prosecution Service, no doubt acting on the advice of the police and of counsel, brought forward an indictment based on the six best cases (all of them involving Mr Lillie and four of them involving Miss Reed) from the point of view of the prosecution. No-one, to my knowledge, has questioned the industry or judgment of the prosecution in this case.

Of those six, one complainant (identified in the Report as Child F [now Child 14]) was taken as a 'test case' for preliminary submissions. The details of how this was done are set out clearly in Mr Justice Holland's Ruling. The Report's authors, to be fair, (see pages 148, 225 and 277) also appear to identify this young girl as providing the best evidence in the case.

It is helpful, at this stage, to set out what Mr Justice Holland said about this child's evidence. In the following quotation I have quoted the Judge

verbatim, except that I have substituted 'Child F' for the girl's real name. The passage is to be found at pages 17 and 18 of the Ruling.

*'It is convenient to start with the Crown's case against Miss Reed. As to this I do not regard any of the statement as set out by me, as disclosed by the recordings, potentially probative of anything at all against Miss Reed. It affords, in my judgment, no evidence upon which any reasonable jury could convict her upon Count 3.'*

They should pause in their righteousness and consider these questions. What if Child F is correct? What if Miss Reed is wholly innocent of any abuse? They have purported to find her guilty of a most serious criminal offence, and have done so in direct contravention of their terms of reference (see below), for which there can be no excuse.

Sexual abuse of children is horrendous. Few things approach it for awfulness. One that does is to be wrongly accused of it. There is no justice for abused children if a wrong person is accused, condemned, convicted and punished.

We do not need to look to America, to the Kelly Michaels case, for examples of how people can be falsely accused. Close to home there is the 'Bishop Auckland satanic abuse case', for example. And we need look no further than Cleveland to see how misplaced zeal can cause a counter-reaction, and confuse the cause of protection of children.

It may be that the Report's authors will claim that they could not refer to the Judge's Ruling because of their Terms of Reference, particularly term 1A (at page 5): "*it should be noted, however, that the Review cannot make any finding on matters dealt with by the Criminal Court*". If so, that claim would be specious.

In apparent disobedience of that term of reference, the Report does make findings on matters dealt with by the Crown Court, and does so in direct contradiction to the findings made by the Court, although the Report's authors do not have the candour to draw that to the attention of their readers. A classic example is to be found at page 148.

*During September a child who had previously been at the nursery began to disclose abuse by Chris Lillie and Dawn Reed. The child, Child F, was medically examined and clear physical evidence of sexual abuse followed. Over three video interviews, she detailed abuse of herself and other children by Chris Lillie, to a lesser extent by Dawn Reed, and she also mentioned other nursery staff's names. Her testimony in these videos, which we have seen, is extremely powerful and provided persuasive evidence of her abuse in the nursery and elsewhere.*

In at least one other respect there is a material contradiction between the conclusions drawn by Mr Justice Holland and the Report's authors, and, once again, they do not draw it to the attention of their readers. This concerns the existence or otherwise of any corroborative evidence. I quote (again verbatim) from page 8 of the Judge's ruling.

*"... save to the extent that the physical findings corroborate the fact of physical interference in the case of certain of the children and save to the extent that one child might provide 'similar fact' support for one or more of the other children, there is no corroboration of the allegations that are made. Indeed, to the extent that the children have provided detail as to venue and as to the circumstances of various incidents, no support has*

*emerged for their contentions, despite extensive enquiries to see whether any corroborative evidence is available.”*

The Learned Judge also gives significant details of the ages of the six ‘indictment children’, at various stages. Had they been included in the report, which they weren’t, readers would have been able to make their own assessments in the light of the valuable research reviews contributed by Professors Bull and Davies.

*“It is true that the second video includes a description of the indecent assault by Miss Reed that is relied upon, but the first and second videos include, effectively, total exculpation of Miss Reed. One of the striking features of both the first and second videos is the insistence with which [Child F] seeks to exculpate her, and the fact that she does so upon her own initiative. Indeed, one of the points made by Mr Cosgrove in the course of his cross examination of WPC Foster and Mrs Lyon is that nobody picked up and sought to examine, in any way, this piece of initiative on the part of [Child F].*

*“The statement would only become potentially probative against Miss Reed if the graphic support for her that was initiated by [Child F] herself – and that is seen on videos one and three – is put aside. I can see no basis for doing so. I remind myself that no jury can convict Miss Reed upon count 3 without being sure and satisfied of her guilt. It is manifest on the evidence of [Child F] (as disclosed in the statement from the tree videos) that there could be no basis upon which they could be sure and satisfied. Indeed, there is a rather better basis for being sure and satisfied that she is innocent of that particular charge.*

*“Thus, in dealing with Miss Reed, I have no hesitation in ruling that Crown’s application to adduce that part of the video recordings as making a statement to be relied upon in the furtherance of their prosecution of her fails.”*

It may be that the Learned Judge made a slip of the tongue in the second paragraph quoted, and that he meant to refer to the first and third, not the first and second, videos. I rely on my memory for that, and I may be wrong.

In any event, in twenty two years of practice at the bar I have never heard a High Court Judge be so emphatic in an expressed view that the evidence pointed to someone’s innocence, as opposed to it being insufficient to prove his or her guilt.

During the course of the criminal trial, there were groups of people outside the Court protesting on behalf of the children. They had placards saying things like “*We believe the kids*”. On this point at least, Mr Justice Holland believed Child F. Why are others so reluctant so to do?

The Report gives the clear and unequivocal impression that the criminal case against both Defendants collapsed only because of the difficulties in getting children’s evidence admitted in criminal trials, and that, as a result, two guilty paedophiles have wrongly gone free. The final paragraph of the body of the Report (page 303) is an example of this:

*“Like many of the professionals who we have interviewed we share the distress of parents that the Shieldfield children were not able in the end to receive justice. We find that there was a failure of the adult world to provide the processes, systems and environment to ensure that child victims*

*of assault are not disadvantaged and are regarded as being as entitled to justice as adults.”*

Yet we can see from Mr Justice Holland’s Ruling that the primary reason why the not guilty verdict was entered against Miss Reed was that the evidence of the child pointed to her innocence. Why have the Report’s authors hidden that from their readers? Why have they deceived them into thinking otherwise? Why have they misled opinion formers and policy makers like the Council and Members of Parliament? Why have they fed the feeding frenzy of the tabloid press?

There are other elements of the Report which give rise to concern, but the ones canvassed above are particularly grave. The flaws are such that they must bring the reliability and integrity of the whole of the Report into dispute. This is a great pity, as it may well be that many of its insights and judgments have value. It would be a mistake to place reliance upon it, however, as (to adapt a line of the Report at page 130): *“Thus, if the [authors] were wrong with one thing they could be wrong and unreliable about everything else”*.

It would be wrong to pretend that any one of us has the answers to what happened, and what went wrong. That is why people were looking forward to the publication of the Report in the hope that it would give an indication of the best way forward. It is a matter of great disappointment that it does not.

What the Report does highlight is how many of the problems are not to do with the children or their accuracy or reliability, but with the adults, not least in their interpretation of what the child is trying to say. It is clear that the interpretation is not always as objective as the children and those caring for them have a right to expect.

One further area is of continuing concern. The parents of the children have suffered much anguish. The Report finds that children were subject to abuse by a paedophile group and were filmed for pornographic purposes. Given the other flaws in the Report, it would be foolish to rely upon these findings. They may or may not be true. If not true, the authors of the Report are guilty of unnecessarily causing yet more pain to the parents.

It is to be hoped that such a dangerous document does not have a lasting influence.

I appreciate that the Council is now in an impossible position, having agreed to publish the Report without any amendments. I do ask, however, that a copy of Mr Justice Holland’s Ruling (amended only by removing identification of the children) be appended to every copy of the Report that is published or distributed. In this way, readers will have a more balanced picture.

I have yet to decide to whom I will send a copy of this letter, but I would be grateful if you would draw it to the attention, at least, of the appropriate chief officers, the chairs of the relevant committees and to the Leader of the Council.

Within the constraints of time, I would be willing to expand upon any of the points raised, preferably in a face to face meeting.”

It was signed by both leaders.

123. Moreover, one of the City Council's officers, Mr Tom Dervin (Director of Social Services), expressed his own serious reservations about the content of the Report in no uncertain terms in a letter addressed to the Council Leader, the Chief Executive and the Chairman of the Social Services Committee on 22 January 1999:

“...I have spent many hours examining and evaluating the information in the Report and in the complaints, and I feel I must offer you my objective opinion on both of them.

In the context of equivalent major inquiry reports this to me is without exception the worst I have read. I mean the worst in terms of quality of information, consistency, judgment, evaluation etc. I think we should be beginning to find a position statement which allows us to accept the report without attributing any significant status to it.....

With regard to the Inquiry Team's responses to the individual complaints, I have the following observations:-

1. Similar complaints received from a number of parents were given different answers by the Team.
2. Some comments by parents were turned into complaints when it was not necessary to do so.
3. Some complaints were given responses even though the complaints were not recorded.
4. Some complaints were sustained when the reply had clearly shown that they couldn't be sustained.
5. Some complaints were not sustained but the Review Team merely introduced a parallel issue and turned that into a sustained complaint instead.
6. The Review Team said it couldn't comment on police matters and then proceeded to do just that.
7. Many parents made general statements about child care, or staff, or the nursery; these were not answered directly but turned into an opportunity for critical analysis.

My off the record conclusion:

I am certain that children received very poor care at the Shieldfield nursery and I do believe that various forms of abuse and ill treatment took place there. What concerns me in the analysis by the Team however is that they don't evaluate the whole disorganised and haphazard way things appear to have happened.

The context is one where all the symptoms are overt, e.g. the missing clothes, parents turning up for their children and nobody knowing where they are, children showing symptoms of inappropriate regression and so forth. The clear impression given is that Lillie and Reed were among the most disorganised and chaotic abusers in the history of child care, an unusual feature of abusive personalities.”

Mr Dervin gave evidence about this letter before me and I address that in due course (section 15 below).

124. The Report itself cannot be reproduced in this judgment and inevitably it is necessary to resort to summaries or extracts whenever addressing criticisms. This naturally gives rise to a risk of unfairness of which I am only too conscious. Those passages selected for complaint by the Claimants as being defamatory are set out in full at Section 5 below.
125. The criticisms levelled at the Report on behalf of the Claimants are essentially of inaccuracy, bias and (specifically in the context of malice) deliberate misrepresentation.
126. With the benefit of hindsight, it is indeed possible to identify a number of inaccuracies in the content of the report. Those are considered later (see sections 12 and 13).
127. I turn next to the allegations of bias. The Review Team considered it part of their responsibilities to enquire into the allegations of multiple child abuse and to arrive at conclusions which were tantamount to findings of guilt of rape, indecent assault and other offences (such as would probably have justified life sentences had the conclusions been reached in a criminal court). Whether this was appropriate at all is a question I shall consider in due course, but it surely goes without saying that anyone taking on such a task has to approach it with fairness and act in accordance with the principles of natural justice.
128. The four members of the Review Team were appointed from outside the City Council because it was regarded as necessary to ensure that the modified complaints procedure, which it was intended they would implement, should be, and be seen to be, independent of the Council itself. Commendable though this idea was in general terms, the Claimants and their advisers have always been troubled by the premises or pre-conceptions upon which they were appointed. The members of the Review Team applied to the City Council to be considered for the task and were interviewed for that purpose. As Councillor Flynn frankly admitted when the Report was published, "We commissioned this report with [the] firm belief in what the children told us and we continue to hold this belief. Our top priority was for the children, parents and carers....." The Review Team's task, in that context, was to conduct a review of the complaints made relating to the Shieldfield Nursery and specifically those of the parents. It is necessary, however, to have regard more fully to the vexed question of their terms of reference. I was told that these presented something of a moving target and were not actually finalised until shortly before publication. In a later section of this judgment I shall need to try to identify the precise scope of the Terms of Reference, to construe them in the context of a plea of qualified privilege and make an assessment of how important they were in the developing events with which I am concerned. For the moment, however, I shall merely attempt to set the scene.
129. In the final Report, as published, the Terms of Reference were identified as follows:
  - A. The investigation of specific complaints made by parents. It should be noted, however, that the Review can not make any finding on matters dealt with by the Criminal Court.
  - B. Consider and report upon relevant concerns raised by parents or person interviewed.
  - C. A review of recruitment, selection and vetting procedures as they relate to Social Services Nurseries in general and the relevant day nursery in particular.
  - D. An investigation into how an alleged abusive situation may have developed and whether or how it may have continued over a period of time without detection.

- E. A review of the way that the Social Services Department managed the post disclosure investigation, including Social Services' contribution to inter-agency collaborative working arrangements under Part 8, Working Together, and as outlined in Newcastle Area Child Protection Committee Procedural Manual.
- F. A review of the Department's response to parents' concerns once the allegations of abuse were made, including the continuing safety and welfare of children and babies still attending the nursery.
- G. To formulate appropriate conclusions and recommendations.

There then followed instructions as to how the investigation was to be conducted:

- a) The Complaints Review Team will be provided with accommodation located outside of the Civic Centre and secretarial/typing support.
- b) As the Team is being established under amended Complaints Procedures, it will not hear or take evidence in public. Team Members, accompanied as appropriate by an Independent Person from NCH, will visit all complainants and other interested parties in their own homes or other meeting place where evidential statements will be taken. All parties volunteering evidence may have a friend/advocate, legal or trade union representative present.
- c) All statements will be returned in typed format to the complainants or other persons or their representatives for them to check accuracy. Any additional information or evidence which an individual wishes to give outside of the formal interview should be added to the typed text in writing and clearly indicated as such.
- d) With the author's agreement, these statements may be published as part of the final Report.
- e) The Complaints Review Team as proposed is not an inter-agency or multi-agency collaborative venture, and as such, records and documentation belonging to third parties, e.g. health, police etc., have not been made available to the Team. Social Services Department records relevant to the Terms of Reference and subject to any public interest immunity issue will be made available to the Complaints Review Team. In addition, publication of certain material may need to be restricted until the final outcome of any criminal or civil cases relating to this particular nursery. Further, and again subject to their relevance to the Terms of Reference and any public interest immunity issue, individuals' personal files and other confidential person records, though open to scrutiny as appropriate by the Team, will not be available for publication.
- f) The Local Authority will fund the costs of legal representation for parents as stated in the attached Schedule.
- g) As part of the process of evidence, parents will be enabled to discuss with Members of the Complaints Review Team names of witnesses whom they would wish to see interviewed. Staff members who choose not to provide statements, if requested, will have this noted in the Report.

- h) In taking evidential statements, the Complaints Review Team will have the discretionary authority not to identify the source of the information, and to record that the statements were given anonymously. This will not apply to employees of the City Council, or former employees, or employees of other public sector organisations concerned with the relevant day nursery or the Child Protection Investigation relating thereto.
- i) Throughout this process, the Manager, Standards and Quality Assurance Division, will ensure that meetings are arranged between the Complaints Review Team and the parents involved and their representatives, so as to allow for discussion on progress being made. The Complaints Review Team will not, however, disclose statements made by individuals, or comment on their findings or view on events until their report is presented.

Directions were also given as to the Report itself:

- a) The final Report will be a typed document which covers and answers the areas included in the Terms of Reference.
- b) Specific complaints made by parents and their outcome will only be included in the Report with the complainant's agreement.
- c) With the authors' consent, and subject to public interest immunity, evidential statements may be published as an addendum to the main Report at the discretion of the Complaints Review Team.
- d) The Report will be submitted to the city council through the Chief Executive of the Authority. The Local Authority will determine its publication date, but will undertake not to amend the report, subject only to any public immunity issue.
- e) All parties to the report will have the opportunity to have their written observation on the Report considered in full by both Policy and Resources committee and the Social Services committee.
- f) A separate Report will be prepared by the Independent Person Scheme.
- g) Current legal advice indicates that the Review Team should not begin interviewing witnesses or taking evidence until the completion of all criminal cases relating to the Nursery.

130. An important bone of contention between the parties (having particular relevance to issues of qualified privilege and malice) is the extent to which it was appropriate (if at all) for the Review Team to make findings of "guilt" in respect of what were effectively criminal offences – in particular, those of which the Claimants had already been acquitted in July 1994. It was at least for a time something which troubled those who were responsible, ultimately, for appointing the Review Team. It was drawn to my attention that there had been a significant amendment in the draft terms of reference at that stage, because someone had apparently pointed out that it was going to be difficult for the Review Team to come to conclusions about how things went wrong, or how to avoid similar mistakes in the future, without determining what it was that had gone wrong and to what extent. Accordingly, the complete ban on investigating the subject matter of the criminal proceedings was relaxed. It was coming to be

recognised that some investigation would be integral to the task of establishing the facts and making recommendations for the future.

131. I was shown a document apparently from Bob Hassall dated 11 July 1994, in which the first paragraph in the draft terms of reference had been expressed in the following words:

“The investigation of specific complaints made by parents excepting any investigation into whether or not the alleged abuse occurred”

The last words were crossed out and new wording was substituted in manuscript. As a result of this change, the paragraph then read:

“The investigation of specific complaints made by parents. It should be noted, however, that the Review cannot make any finding on matters dealt with by the criminal court”.

That obviously corresponds to the final version of paragraph A of the Terms of Reference. It is not possible to say exactly when that amendment was made, but I note that the acquittal of the Claimants was recorded two days after Mr Hassall’s note. It is conceivable that somebody made that amendment once the outcome was known. The wording would appear to represent an unsatisfactory compromise between two irreconcilable positions. It was recognised, at least in general terms, that it would not be appropriate to go behind the findings of the court; on the other hand, it was perceived that meaningful recommendations could not be made on the basis of taking the Claimants’ innocence (or, for that matter, guilt) as a datum.

132. In their witness statements and in their oral evidence in this litigation the members of the Review Team have insisted that they went into the exercise with no preconceived notions and with open minds, as would befit anyone undertaking a quasi-judicial task. On the other hand, the Claimants’ case is that “Throughout the whole of the narrative of their Report, it is strikingly obvious that the Review Team were intent upon only selecting for inclusion material or interpretations of material which they could by some means use to destroy the reputations of the Claimants.... Alternative hypotheses involving the possible innocence of the Claimants were not explored or suggested at any stage throughout their Report.... The gravest assumptions of guilt were made without any warrant or evidential basis. All notions of fairness and justice towards the Claimants were abandoned in the effort to give authority to the guilty findings that the Review Team had pre-determined” (para. 4.2.1 of the Reply).
133. There is no doubt that the Review Team members were placed in an almost impossible position unless they were to assume guilt (in accordance with the City Council’s declared belief, originating at least as far back as February 1994, when the dismissals took place). They would otherwise have the task of carrying out an investigation into potentially hundreds of criminal offences without the power to compel witnesses or call for all relevant documents. For this reason alone, it is obvious with the benefit of hindsight (and indeed should have been obvious at the time) that they were simply not equipped for the task. In any event, none of them apparently had any expertise in conducting such an enquiry or in legal principles or processes (as to which, it emerges from their Report in several places that they were, in any event, quite disdainful).
134. The four members of the Review Team claimed that they were throughout fair and open-minded. The Claimants, however, never had any confidence in the outcome because they felt it was going to be a foregone conclusion. Their fears were undoubtedly confirmed by one incident which even the Review Team now recognises as a major embarrassment.

135. On 6 October 1997, the BBC broadcast a Panorama programme about sexual abuse perpetrated by women upon children and teenagers. This was, of course, some 13 months before the Report was published. Yet this apparently in no way inhibited the Fourth Defendant, Jacqui Saradjian, from participating in the programme, in the course of which the fact of child abuse at Shieldfield Nursery was taken for granted. It happens that Ms Saradjian had a special interest in female perpetrators of sexual abuse, and that is no doubt why she was invited to participate. What is clear, however, is that during the course of the programme two Shieldfield children and their mothers were interviewed and allegations were made against Dawn Reed to the effect that a knife and fork were inserted into [Child 4's] vagina, resulting in bleeding.
136. The appearance of Ms Saradjian on the programme led to a complaint to Dr Barker from Miss Reed's advisers on 17 October 1997:

“The Independent Complaints Review Team – Shieldfield Nursery Case

You will no doubt by now be aware of the fact that there was a program [*sic*] on Panorama entitled “the Ultimate Taboo” screened on the 6th October this year. We refer to your letter of 12<sup>th</sup> May in which you indicated that information leaks did not emanate from the review team and that we could reassure our client in that respect. However, you will agree that the program is likely to lead people to the assumption that at least one of the team members by commenting on child abuse matters on a program that was dealing almost specifically with the Shieldfield Nursery case could lead one to assume bias. At no time during the film was Ms Sardijian's [*sic*] connection with the Independent Complaints Review Team into this case made known. Whilst she did not comment directly on the Shieldfield case, clearly the researchers for the program must have interviewed Ms Sardijian prior to her taking part in the program and one could be forgiven for reaching the conclusion that perhaps information on this case would be made known to the program researchers.

The particular program was in itself alarmist and very damaging and you will forgive us for wondering about the independent stance of members of the review team who involve themselves in programs of this type which are commenting specifically on cases which they are reviewing.

You will now perhaps appreciate why our client has taken the stance that she would not be afforded a full and fair hearing by the review team ‘in private’ as you state in your letter of 12<sup>th</sup> May, notwithstanding it's terms of reference require it to do so.

As a result of this program, our client has now been convicted in the public's mind notwithstanding being cleared by the Court and with no means of defence.

We understand this matter has already been taken up with the makers of the program and with the complaints authorities but you will appreciate our concern in a member of an enquiry panel taking part in a television program which in effect, itself pre judged the outcome of that persons investigation. We look forward to hearing from you as to your thoughts in relation to this matter and how it can be resolved.”

137. Obviously, if a judge or juror in the midst of criminal proceedings had participated in such a programme, when charged with the responsibility of deciding those very issues, the trial would have been terminated and the person in question no doubt suitably chastised. It is surprising that even a lay person should think it appropriate to take part in a television programme relating, at least in part, to the issues which she herself thought she was responsible for impartially determining. She told me on 20

February that she had known from early Summer 1997 that the programme maker had been talking to Shieldfield parents. But she said she faced a dilemma because if she did not appear on the programme she would have no control over how her published work would be used on the programme and it might be sensationalised. I did not find this very compelling because once her work was in the public domain they would be able to refer to it in any way they thought right - whether she appeared or not.

138. It appears, moreover, that she discussed the invitation to participate in the programme with her colleagues on the Review Team. Professor Barker told me that he had indicated to her his preference that she should not accept, but left it to her professional judgment. Ms Jones took a similar approach. Mrs Saradjian thought she was given some encouragement by Mr Wardell, but he rapidly dissociated himself from that suggestion when he entered the witness box. He said she must have misunderstood him.
139. This one incident may be thought to demonstrate a particular mindset and a remarkable naivety over the concept of natural justice. Mrs Saradjian now accepts that it was unwise. She believes she was misled by the programme makers, and deeply regrets her involvement.
140. Needless to say, the Claimants' criticisms do not end there. A number of other matters are pleaded in the Reply and I summarise those below (Section 5).

#### 4) Media coverage of the case

##### The Newcastle Chronicle

141. Following the publication of the Report on 12 November 1998, the Newcastle Evening Chronicle published a large number of articles. In these proceedings each of the Claimants originally sought a remedy in respect of well over 100 articles against the Newcastle Chronicle and Journal Ltd. They were published between 12 November 1998 and 23 September 1999. Each article was given a separate number although on some occasions one edition of the newspaper contained several articles within it. In some cases, it is possible to say that the whole or part of an article consists of a report of or comment upon the content of the Review Team Report. In other cases, there is to be found coverage of issues which are undoubtedly related to the subject-matter of the report but do not derive from it. I was going to consider the issues as to meaning and the limits (if any) to the protection afforded by statutory and/or common law privilege.
142. On 24 February, however, when the evidence of the Review Team had been all but completed, the proprietors of the Newcastle Chronicle withdrew from the action on undisclosed terms. That left only the claims against the City Council and the Review Team. Up to that point, the Newcastle Chronicle, represented by Miss Victoria Sharp Q.C., had been advancing defences of both justification and privilege. It is not possible to put them completely out of sight and out of mind because they had participated in the trial for six weeks by that time. Miss Sharp had cross-examined and made various submissions of law. This contributed to my overall view of the case. Moreover, even after the departure of the Chronicle, Miss Page continued to rely on some of its coverage by attributing responsibility for it to the City Council and/or the Review Team. For the moment, I must attempt to summarise the content of the articles one by one.

##### Articles 1-4: 12 November 1998

143. The first article is headed “SHAMEFUL” and is accompanied by the sub-heading “Report reveals scandal of child abuse at nursery”. It is attributed to Mr Peter Young, the Political Editor. It is continued inside the newspaper with the heading “Years of anguish: We waited for nothing, say abuse probe families”. This comprises 23 paragraphs reporting upon and quoting from the Report, published earlier that day.
144. Alongside the continuation inside the paper, there are two subsidiary articles, headed respectively “Where are they now?” and “Scandal report a waste”.. The first was apparently also written by Mr Peter Young and the second by Miss Charlotte Gapper.
145. “Where are they now?” contains four paragraphs alongside photographs of Mr Lillie and Miss Reed. It points out that they have not been seen since the criminal proceedings “collapsed in 1994”. It asks readers “Do you know where they are now? If you have any information about them please contact the Chronicle newsdesk on 0191 201 6497”. This is a theme to which the newspaper returned on a number of occasions.
146. “Scandal report a waste” contains eight paragraphs with quotations from or on behalf of parents complaining of delay, absence of compensation and what is generally described as “a denial of justice”.

Articles 5-10: 13 November 1998

147. On the front page of this issue appears Article 5 under the heading “£7500 – That could be the price of a stolen childhood”. The article is described as an “exclusive” by Andrew McKegney. It consists of 10 paragraphs on the theme of the introductory words:

“TRAGIC toddlers who were systematically abused at a North East nursery will receive just a few thousand pounds in compensation, their solicitor revealed today”.

148. It goes on to allege that 65 children were abused by the Claimants over a three year period. Most are said to have been suffering nightmares after being taken to houses and, in some cases, used in pornographic films. Reference was made to damages measured in tens of thousands of pounds “for those who suffered extensive physical and psychological damage”. A mother whose daughter was said to have been “raped by Lillie” is quoted as saying:

“No amount of money would be enough but £7500 as a start is pathetic. My daughter was robbed of her childhood. Her family has been shattered by this”.

149. Article 6 was headed “Abuse robbed my son of his boyhood” and is attributed to Charlotte Gapper. It describes the consequences for one of the boys concerned and is introduced as follows:

“AN ANGUISHED mother told of her heartache today as she struggles to restore her son’s stolen innocence.

The mum, whose son was abused at the nursery, told how the ordeal threatens to tear her family apart. The mum-of-4 says her son was a normal little boy when he went to the nursery. Now he has severe behavioural problems and the mental capacity of a child half his age. He is being treated for hyperactivity and she said the things he suffered had robbed him of his childhood.

The boy, now 10 joined the nursery when he was 18 months old. His mum said ‘he started coming home with blood on his nappy so I went to speak to the people in charge but nothing was ever done about it.

On several occasions I sent him to the nursery dressed as a boy and he came back dressed as a girl. I went back to the nursery but nobody knew what happened to his clothes.”

150. In the midst of that article appears a further notification to the readers about the two Claimants’ change of identity and the latest information of which the newspaper has knowledge. They are once again invited to “Contact the Chronicle newsdesk”. That article, however, is not complained of in these proceedings.

151. On the same page there is an article spread across two pages under the heading “It’s time for some answers”. There is a sub-heading “Authorities must come clean over damning report which has shocked the region”. This too is by Charlotte Gapper. It is 23 paragraphs long and contains a whole lot of questions to be answered by “the authorities”. It is introduced by the following allegations:

“TODAY the Chronicle challenges the authorities to answer the following questions. An appalling catalogue of child abuse, by two nursery nurses was exposed yesterday in a damning report which criticised staff and

managers. Christopher Lillie and Dawn Reed were part of a paedophile ring which abused children as young as two in the nursery where they worked. The 400-page report has taken three years to produce and although it is extremely detailed it has thrown out lots of questions which we want officials of the city council and other organisations involved to answer”.

152. The article is set alongside photographs of the Claimants with the caption:

“ACCUSED – Nursery nurses Christopher Lillie, left and Dawn Reed, right, are branded abusers in the council-commissioned report, but escaped prosecution as children were ruled too young to testify”.

(That purports to be a summary of the ruling of Mr Justice Holland in July 1994.)

153. Article 8 (published on the right hand side of the two-page spread) is under the heading “Long chain of incompetence” and is not attributed to any particular journalist. It consists of nine paragraphs complaining of “a chain of incompetence and ignorance” relating to a number of Council staff, such as Joyce and Susan Eyeington and Mr Brian Roycroft, the former Director of Social Services. There is a photograph published alongside of “a mother of one of the abused children” comforting her youngster.
154. Article 9 (on the same page) is also unattributed and appears under the heading “Former boss is under attack”. It is mainly concerned with Mr Brian Roycroft, whose photograph appears alongside. It consists of nine paragraphs relating to the “heavy criticism” directed at him in the Report.

Articles 11-12: 14 November 1998

155. The front page of this issue contains Article 11 within a box described as an “exclusive” by Charlotte Gapper. The heading is “WE WANT ACTION!” There is a sub-heading “Parents demand new police probe into nursery sex abuse scandal”. There are 15 paragraphs calling for further police investigations and prosecution of Mr Lillie and Miss Reed. One of the mothers is quoted as saying, “I want to see a lot of heads roll”. The article again accuses them of having abused “60 children over a three year period” and of having taken children to houses where they were “abused by a paedophile ring” and, in some cases, “used in porn films”. The article also contains quotations from a “spokesman” to the effect that there had been no evidence to support any other charges than those originally brought. The police enquiry was described as “thorough and complete”.
156. Alongside the article there are again photographs of Mr Lillie and Miss Reed, with the caption “WALKED FREE – The case against Christopher Lillie and Dawn Reed was halted”.
157. On page 5 of the same issue appears Article 12 under the heading “Under fire bosses still working with children”. This is attributed to Andrew McKegney. There are 18 paragraphs, mainly directed towards the fact that some of the individuals criticised in the Report were still working with children (Audrey Palmer, formerly Deputy Head of the Nursery, and Joyce Eyeington). There are again photographs of the Claimants with the caption “DEPRAVED – Nursery workers Christopher Lillie and Dawn Reed systematically abused as many as 65 children as young as 2-years-old and took youngsters to home where they were raped and abused by a ring of paedophiles”.

Articles 13-15: 16 November 1998

158. Article 13 is by Charlotte Gapper and appeared on page 5 of this issue under the heading “Abuse replies leave a lot to be desired”. It contains 21 paragraphs and complains that satisfactory answers

have not been supplied by the “authorities” to the questions posed by Chronicle on 13 November. In the midst of this article appears Article 15, returning to the theme of “Where are they now?” and inviting readers to supply information as to the Claimants’ whereabouts.

159. Article 14 appears on the same page under the heading “Sacked from chef’s post” and was also written by Charlotte Gapper. There are 10 paragraphs purporting to describe comments by a “former boss” of Christopher Lillie and an attack upon his “lover Lorraine Kelly”. It alleges that the former employer only discovered Mr Lillie’s “sordid background after sacking him”. He is quoted as saying that he had worked as a trainee chef for four months but had been asked to leave because “he wasn’t good at his job”. There then follow two paragraphs:

“I had no idea who he was until a gang of guys came in asking for Christopher Lillie. Within days it all came out and I felt sick.

The girlfriend of one of the chefs who worked for me had a daughter at the nursery and he was physically sick outside when he realised he had been friendly with him.”

160. The article continues by asserting that Lorraine Kelly “knew about his terrible past before he was branded a child abuser in the Report”. It continued:

“It was claimed Lorraine Kelly only found out about his involvement in a paedophile ring when the report was published on Thursday. But experts who investigated the child abuse scandal said nursery nurse Lillie developed a relationship with Miss Kelly while he worked at the nursery. According to reports yesterday Lorraine Kelly moved out of the house she shared with Lillie in Gateshead last week”.

Precisely what is being alleged there is unclear.

Articles 16-18: 17 November 1998

161. On page 5 of this issue appeared Article 16 under the heading “Tots are targeted in pioneering project”. This too is by Charlotte Gapper. There are 16 paragraphs on the following theme:

“The Newcastle nursery where Christopher Lillie and Dawn Reed abused more than 60 children in their care has been running a pilot scheme which will soon be extended across the city.

It targets tots aged 18 months to four years and encourages them to tell someone if they have been frightened”.

162. Article 17 is unattributed but appears on the same page under the heading “Mum’s horror find”. It consists of seven paragraphs alleging that a “mum whose son was abused by Christopher Lillie has discovered video footage showing the nursery nurse with youngsters at a party parents knew nothing about”. It suggests that Mr Lillie had “dressed up as Santa”.

163. Article 18 is also unattributed and appears on the same page under the heading “Inquiry demand made by City MP”. There are six paragraphs describing how a local member of Parliament, Mr Brown, had called upon the Law Society to investigate circumstances in which local firms of solicitors had represented Mr Lillie and Miss Reed, despite the fact that they had connections with people who had served on the City Council.

Articles 19-20: 18 November 1998

164. In this issue there is, in effect, one article beginning on the front page and continued on page 2. On the front page there is a box containing the introduction with the headline “A MUM’S TORTURE”, and on page 2 it is continued under the fresh heading “Mum in abuse probe agony”. The article was written by Charlotte Gapper, again described as an “exclusive”.
165. There is a photograph of each of the Claimants on the front page with the caption “EVIL PAIR – nursery nurses, Christopher Lillie and [*sic*] Dawn Reed abused up to 60 or so young children in their care”. The article consists overall of 17 paragraphs and describes the agony of a “tragic mum” who was deeply troubled by the allegation in the Report that Mr Lillie and Miss Reed had used children for obtaining pornographic photographs for the use of a paedophile ring. The effect of it may be summarised by reference to the fifth paragraph:

“She hopes she will finally be able to end her anguish by discovering if her son was abused in any of the films made by nursery nurses Lillie and Reed”.

The article also contains quotations from the Review Team Report.

Articles 21-24: 19 November 1998

166. On the front page of the issue of 19 November 1998 appeared an “Evening Chronicle comment” (unattributed) under the heading “A CAN OF WORMS”. There is a sub-heading “Council chiefs should hang heads in shame”. There are eleven paragraphs devoted to criticising various people including the Northumbria Police, the City Council and the “boss of the college” where Mr Lillie and Miss Reed trained (for apparently having lost their “training records”). The introductory paragraphs give the flavour:

“IT is hard to imagine a more shabby and shameful episode.

Up to 60 children are abused by the people who are meant to be caring for them, nursery nurses, Christopher Lillie and Dawn Reed. The men and women running the Newcastle City Council – they presided over this nightmare – can’t even bring themselves to say sorry!

They should hang their heads in shame.

From the moment this can of worms was opened, the powers that be have done nothing but wriggle.”

167. On pages 8-9 of the same issue there is a two page spread (Article 22) under the heading “Why can’t they say sorry?” This is attributed to Peter Young and Charlotte Gapper. Again Mr Lillie and Miss Reed are accused of having caused “up to 60 ruined lives”, and the bulk of the article is devoted to asking why the City Council had failed to apologise to the parents of those alleged to have been abused. Alongside that there is another box inviting readers to call the Chronicle newsdesk if they had any information as to the Claimants’ whereabouts.
168. Article 23 appears on page 8 of that issue under the heading “College boss is still in the dark”. There is an eight paragraph article by Charlotte Gapper about Mr Paul Harvey of the North Tyneside College (where both Claimants trained as nursery nurses). It contains a summary of the criticisms as to the lack of information available about their training. The Chronicle apparently paid £20.00 for a copy of the Review Team’s Report so that he could respond to the “slamming” and “rapping” given to his college. He is quoted as saying:

“My main source of what has been said is the Chronicle. The college will take seriously any criticisms and a full action plan will be prepared.

These particular students were at the college eight years ago and lots of changes have been made since then. The way we monitor courses and students has changed.

We will be looking to see if points have been addressed and if they haven't I will be dealing with them with the utmost priority.”

169. Article 24 appears on the same page and contains eighteen paragraphs under the heading “Children let down by error after error”. Again the author is Charlotte Gapper. It summarises in eighteen paragraphs “some of the more shocking findings” of the Review Teams Report.

Articles 25-30: 20 November 1998

170. On page 1 appears Article 25, by Peter Young and Charlotte Gapper under the bold headline “SORRY – Chronicle shames council bosses into issuing an apology to nursery abuse families”. It consists (together with “Article 28”) of a total of seventeen paragraphs recording how “Council bosses bowed to public pressure today and said sorry to the families whose lives had been ruined by the Newcastle child abuse scandal. An eight-year-old is quoted as telling the Chronicle, “I am glad they have said it today. It is a good birthday present that they have said sorry but they should have said it ages ago”.

171. Article 26 appears inside the paper under the heading “How many more of our children were abused?” There is the usual box containing photographs of Mr Lillie and Miss Reed with the caption “WHERE ARE THEY NOW? If you have any information about Dawn Reed or Christopher Lillie call the Chronicle newsdesk on 0191 201 6497”. The main body of the article contains twenty two paragraphs devoted to the theme that hundreds of other children could have been abused by Christopher Lillie but that their parents were not even told that he was under investigation. There is reference to the schools at which Mr Lillie took student placements during his training and the newspaper adds:

“The Chronicle believes parents have a right to know which schools are involved as the local authorities have not said they will tell the mums and dads”.

172. It is said that the Report revealed that the two Claimants came into contact with 1,450 children in various locations and that, according to the Review Team, there was evidence to indicate that some of the children in those settings “were possibly abused by Lillie or Reed”.

173. On the same page appears Article 27 under the heading “Social Worker is suspended”. This is unattributed and contains nine paragraphs referring to the suspension of Joyce Eyeington “in the wake of the Newcastle nursery abuse scandal”. It refers also to the earlier suspension of Audrey Palmer and Maria Buck.

174. Article 29 consists of a leader on page 27 of the same issue under the heading “Evening Chronicle says A Good Man”. It praises the “dogged but gentle expertise shown by the men and women investigating the case” and, in particular, Detective Inspector Campbell Findlay who, the Chronicle declares, “can retire, with his head held high, knowing that Newcastle’s trail-blazing child protection work has shown those youngsters that the world is not all bad – and shown it in a way they can understand”.

175. Article 30 is by the Chronicle's chief features writer Emma Andrews under the heading "Tough task to protect the young". It too consists of a paean of praise for Detective Inspector Findlay, on the verge of retirement, who had "the heartbreaking task of telling the young victims that the people who had hurt them were not going to prison". He is described as the man who led the harrowing investigation into "one of the most shameful episodes in the history of childcare – the man who fought to bring perverted nursery nurses Christopher Lillie and Dawn Reed to justice".

Articles 31-32: 21 November 1998

176. On the front page of the Chronicle for 21 November 1998 there appeared an article, by Peter Young, under the heading "I'LL MEET TRAGIC FAMILIES – Council boss will meet nursery abuse scandal mums and dads". In the eight paragraph article, the Chronicle reveals that Mr Tony Flynn, the City Council's leader, will have a face-to-face meeting with parents and families "devastated by the child abuse scandal". It was said that the Council would be seeking a change in the law so that young victims of abuse would be able to give evidence in court. This is in the context of Mr Lillie and Miss Reed "walked free" from Newcastle Crown Court "after a Judge ruled video evidence from a four-year-old was inadmissible".
177. Article 32, also by Peter Young, appears on page 5 of the same issue under the heading "I'll meet parents". There are a series of questions posed by the Chronicle and brief answers from Mr Flynn. There is also the usual call for information as to the whereabouts of Mr Lillie and Miss Reed.

Articles 33-35: 23 November 1998

178. On page 7 of the issue for 23 November 1998 appears Article 33 "Battling for justice as victims speak up". This article is by Julie Cush, and is largely devoted to allegations about a Mr Leslie Newton, who had pleaded guilty to some 23 charges involving eight children between 1974 and 1995. It is introduced, however, by reference to a solicitor called Clare Routledge who is said to be representing 27 families whose children were assaulted by nursery nurses Christopher Lillie and Dawn Reed. Alongside, appears Article 34 "Warning signs ignored". This is a short article, also by Julie Cush, in which it is said that Mr Lillie and Miss Reed were, in 1990, asked to help a mother with two young sons. It is alleged that, after they helped bath and put them to bed, one of them had displayed "sexualised behaviour", but the allegations were never followed up.
179. On page 5 of the same issue Article 35 appears under the heading "My first boyfriend – a monster in disguise". Described as an "exclusive" by Charlotte Gapper, the article contains allegations made by an anonymous former girlfriend of Mr Lillie, detailing her "shock at finding former sweetheart ruined children's lives". There are 27 paragraphs in all, introduced as follows:

"HE LOOKS like a normal young man enjoying himself at his girlfriend's birthday party.

But the person in this exclusive picture is Christopher Lillie, former nursery nurse responsible for the abuse of up to 60 Newcastle toddlers.

And there are no happy memories of that night for the young woman who joined Lillie to celebrate her 18<sup>th</sup> birthday. She can no longer bear to look at the pictures after just finding out that her first boyfriend was a pervert who preyed on little children.

The woman, who does not want to be named, contacted the Chronicle to express her disgust at the crimes committed by the man who was her first boyfriend".

Articles 36-38: 24 November 1998

180. On page 2 of the issue for 24 November 1998 there was published article 36, believed to be by Mr Peter Young, headed “Abuse scandal staff will not be rapped”. This consists of seven paragraphs complaining that senior staff criticised after the “child abuse scandal” will escape disciplinary action. It is said, however, that most of them have left the Council, “which ran the nursery where more than 60 children were abused”..

181. Article 37 appears on page 7 of the same issue headed “We warned of evil abusers years ago”. Once again there is a box in the middle of this article inviting information as to the whereabouts of Mr Lillie and Miss Reed. The article is by Charlotte Gapper and consists of 22 paragraphs describing how a couple, whose children were alleged to have been abused by Christopher Lillie and Dawn Reed, claimed to have blown the whistle on “the evil pair” two years before they came under suspicion. They are alleged to have raised concerns with social workers in 1990 after one of their four children received cuts and bruises while living in a children’s home and attending the Shieldfield Nursery. It continues:

“But they said their complaints were dismissed and it meant Lillie and Reed were able to go on and abuse dozens more children”.

182. The article is based upon a section of the Review Team Report quoted as follows:

“We have been told that Chris Lillie took a particular interest in the youngest little boy and that they cared for the children away from the other residents and staff group in an old staff flat which had a separate entrance.

Thus during the day the children saw them at the nursery and in the evenings they were on their own with them from around 6 o’clock through bathtime until when they put him to bed.

One little boy who was cared for by Dawn Reed exhibited sexualised behaviour which concerned staff and was recorded.

A little girl was recorded as being distressed and collecting flowers for her mother whom she seemed to think was dead”.

183. Article 38 appears on the same page, also by Charlotte Gapper, headed “We stand by decision”. There are six paragraphs referring to City Council condemnation of the Chronicle for identifying the other premises where Mr Lillie and Miss Reed had worked earlier in their career. It is said that the Chronicle’s actions can only have the effect of creating unnecessary concern and distress among the parents and carers of the children who attended those premises. The Chronicle defends its position by saying:

“We took the decision to name the other three as parents were not told their children could have been abused by Lillie. The Report into the scandal reveals social services staff failed to trace youngsters who were at schools where Lillie carried out student placements. In the face of the council’s inactivity, we felt those parents had a right to know. We stand by that decision”.

Articles 39-40: 26 November 1998

184. On page 2 of the issue for 26 November 1998, there is an unattributed article, possibly by Mr Young, headed "Council repeats abuse apology". This alleges that "City Council chiefs" were not admitting anything which could lead to compensation being paid to the families involved, despite repeating their apology and pledging a detailed response to criticism. It yet again repeats the allegation that "more than 60 children were abused at a council run nursery". At the foot of the article appears an invitation to turn to an article on page 9 in the words "PERVERT FLEES". On page 9, Article 40 is headed "Flat abandoned as abuser Lillie flees". There is also above it a small heading "EXCLUSIVE: Dozens of video tapes left behind as nursery attacker vanishes". There is a photograph of Mr Lillie dressed as a chef, with a knife in front of him on a table, and the caption "DISAPPEARED – Pervert Lillie pictured recently before leaving hotel where he worked as a chef". There are also photographs taken inside the flat where he had been living with his girlfriend, Lorraine Kelly. He said in evidence that permission for those photographs must have been given by the landlord. There is a caption underneath in the words "HOME OF SHAME –Christopher Lillie's flat left abandoned as if he and his partner were forced to leave quickly".

185. The body of the article, by Andrew McKegney, consists of eleven paragraphs introduced as follows:

"VILE Christopher Lillie has fled his Tyneside home with his new partner, leaving behind a flat full of videos.

The couple have not been seen at the upstairs Tyneside flat since the nursery abuse scandal broke.

And after learning the true identity of his tenant Lillie's landlord has revealed that he will not be renewing the lease and has boarded up the flat. Lillie, 34 had been living at the terrace in Gateshead with Lorraine Kelly for 18 months under his new name Christopher Allen.

But his landlord said he never knew who he was and said the discovery that his tenant was the man who abused dozens of children in his care had left him stunned."

186. The article also repeats the allegation (to be found in the Report) to the effect that Mr Lillie "also filmed his crimes with fellow worker Dawn Reed". Reference was also made to the fact there were two television sets, two VCRs and dozens of tapes. These were said to be the subject of police enquiries "as a result of information received from the Evening Chronicle".

Article 41: 27 November 1998

187. On page 2 of the issue for 27 November, there appears Article 41, "Storm erupts over abuse case". There is a photograph of Sir Jeremy Beecham, a former City Council Leader, who is also a solicitor. The caption is "NO CONFLICT – Sir Jeremy Beecham says any enquiry will conclude that he acted properly in the matter". The criticism was directed to Sir Jeremy because he was a partner in the firm of Newcastle solicitors which was representing Mr Lillie at one stage.

Article 42: 30 November 1998

188. On page 11 of the issue for 30 November 1998, Article 42 was published under the heading "End of the line". This article is by a new journalist, Miles Starforth, and reports an announcement by the Secretary of State for Health of a "Nationwide plan to drive out the evil abusers". There is a photograph of Mr Frank Dobson, the then minister, next to a photograph of Miss Reed. The caption is "READY TO ACT – Frank Dobson wants action to stop abusers like Dawn Lillie [*sic*] right, preying on children". There is also a photograph of Mr Lillie with a caption "SET FREE – former nursery

nurse Christopher Lillie pictured when he worked as a chef at a Sunderland Hotel". The body of the article consists of 16 paragraphs describing the launch, in the wake of the Newcastle nursery scandal, of a "blue print to protect children from cruelty and sex abuse". In the middle of the article there is a strap heading "Dismissed" followed by these words:

"Nursery nurses Christopher Lillie and Dawn Reed walked free from court in 1994 after indecency charges were dismissed after inadmissible evidence.

But an independent report out two weeks ago [*sic*] disclosed the full extent of the abuse at the nursery and revealed proper recruitment and selection procedures had not been adequately followed".

Articles 43-44: 2 December 1998

189. On page 5 of the issue for 2 December 1998 appeared an article by Mr Peter Young under the main heading "Blunder threatens youngsters' parties". It is reported that various youth projects were being closed down because of a failure to clear the backgrounds of volunteer workers. These developments are the main focus of the story but there is a third paragraph which makes reference to the Claimants:

"It comes with the Council still reeling over the damning report on serial child abusers Christopher Lillie and Dawn Reed employed at a city nursery".

190. In paragraph eleven it is said that:

"Nursery nurses Lillie and Reed are accused of child abuse but walked free from Newcastle Crown Court when the case against them collapsed".

191. It is also alleged that Mr Lillie was unqualified and had spent two years under the supervision of a social worker after appearing in court accused of theft.

192. On the same pages appears Article 44, "No action sparks fury". This is a short article (unattributed) which refers to parents yet again "reacting with fury", for the reason that no action was being taken against a police officer who had refused to co-operate with the Review Team inquiry. The article continues:

"Det. Con. Peter Smith declined to be interviewed by the Inquiry Team which investigated how nursery nurses Christopher Lillie and Dawn Reed were able to abuse more than 60 children in their care. Det. Con. Smith was one of only seven witnesses, including Lillie and Reed who refused to help the Inquiry Team, which praised other police officers. He declined to be interviewed or provide a written statement".

Article 45: 3 December 1998

193. Article 45 was also apparently by Andrew McKegney and appeared under the heading "Inquiry misled". The newspaper raises a series of questions to be asked of Sir Jeremy Beecham's partner, David Lamb, resulting from a mistake he made when he informed the Review Team of the date on which he began to act for Christopher Lillie. It appears that he gave the date 9 November 1993 when in fact he had taken the case up on 21 September. The questions posed by the Chronicle to Sir Jeremy Beecham and David Lamb are not complained of in these proceedings. The principal article consists

of ten paragraphs setting out the mistake and appears under small photographs of the two Claimants with the caption "ABUSERS – nursery workers Lillie and Reed".

Article 46: 4 December 1998

194. Article 46 is headed "Angry parents seeking answers" and consists of eleven paragraphs about the meeting of Mr Tony Flynn with "Families devastated by the Newcastle nursery scandal". It refers to invitations having been sent out to parents "of more than 60 children sexually abused by nursery nurses Christopher Lillie and Dawn Reed". The fifth paragraph contains the following:

"One mum, whose daughter was raped by Lillie, says 'I want to ask the leader if the council has any intention of stopping this pair working with children again. It's terrible to think that other children could be at risk'".

195. One of the main themes of the article is that the press were not permitted to be present for the meeting with Mr Flynn.

Article 47: 8 December 1998

196. The next article is also by Andrew McKegney and headed "Don't lose out on showdown". This is an eighteen paragraph article reporting fears expressed by a "self-help group", Parents Together Working Together, that few of the parents involved would accept the invitation to meet Mr Flynn. It was suggested that as few as six families might be represented. There are also pictures alongside of Christopher Lillie, with the caption "ABUSER – Nursery nurse Christopher Lillie", and of Dawn Reed with the caption "ASSAULTS – Dawn Reed".

Article 48: 9 December 1998

197. Andrew McKegney is also the author of this article published in the issue for 9 December 1998 under the heading "Parents take fight to the top". There are eighteen paragraphs, underneath photographs of Mr Flynn, Mr Brian Roycroft and Sir Jeremy Beecham. The parents of "young children abused at a Tyneside nursery" are reported as having demanded "showdown talks" with two men at the centre of the scandal (namely, Mr Tony Flynn and Director of Social Services, Mr Tom Dervin).
198. The newspaper reported that many parents came away thinking that the meeting with those two representatives had been helpful, but anger was said to have been expressed at the fact that Mr Roycroft and Sir Jeremy Beecham had not been present. There is reference in the body of the article to the meeting having been called "to meet parents whose children had been abused by nursery nurses Christopher Lillie and Dawn Reed".
199. One woman is referred to in the context of her nephew having been "abused at the age of two". Another "mum" is described as having a daughter abused by Lillie when she was four. She is quoted also as saying:

"He said as far as he was concerned abuse had happened and they had no doubt that these two had done it and that was as much as they could say".

Articles 49-52: 11 December 1998

200. The story returned to the front page of the issue of 11 December 1998 under the large headline “WE’LL SEE YOU IN COURT – Abuse families reject council’s fast-track compensation offer”. There are nine paragraphs on the front page, but the story is continued (“Article 52”) on page 7 under the heading “Speedy moves”. The article is mainly concerned with the dispute between parents/carers and their representatives, on the one hand, and the City Council on the other as to the matter of compensation. The direct references to the Claimants are to be found in paragraph two:

“Newcastle City Council said it is keen to settle compensation claims by parents abused by perverts Christopher Lillie and Dawn Reed out of court”.

201. The next paragraph refers to “one of Britain’s worst cases of child abuse”.

202. In the continuation article it is said:

“It remains unclear how many of the other 1,162 children Lillie and Reed may have come into contact with in the years before they were arrested in 1993 will be re-visited”.

203. On page 6 of the same issue appear articles 50 and 51 under the headings, respectively, “Quick cash for abuse victims” and “Angry parents lash former Council Chief”. Only the first is formally attributed (to Mr Peter Young). It consists of twenty two paragraphs reporting that the Council has not admitted negligence or any form of legal liability “ for the abuse of more than 60 children at a city day nursery”. It refers back to the Review Team Report and their conclusion that “... the pair took children out of the nursery to be abused by a paedophile ring”.

204. There is another paragraph headed “Investigating further possible cases of abuse”, containing the following allegations:

“There are 1,162 children who may have been in contact with Lillie and Reed and the council says this requires further consultation with the Social Services Inspectorate to see whether the investigation needs to be re-opened.”

205. Article 51 is set in a box on page 6 under photographs of Mr Lillie and Miss Reed, each captioned “Abuser”. The article reports criticisms, once again, of the two Claimants being represented, at various stages, by firms of solicitors with partners who happened to be members of the City Council.

Article 53: 12 December 1998

206. On page 13 of the issue for 12 December 1998 there appears an unattributed article under the heading “Whistle blowers’ charter to foil abuse”. Once again photographs of Miss Reed and Mr Lillie accompany the article with captions, respectively, “ABUSER – Dawn Reed” and “PERVERT - Christopher Lillie”.

207. There are thirteen paragraphs in the article, reporting a proposal to create an official charter encouraging council workers to inform on colleagues having affairs or relationships. It is described as a “charter for whistle blowing” and was supposed to deal with problems arising where personal relations had developed between colleagues. The relevance of this is that the Review Team referred to the one time “close personal relationship” between Mr Brian Roycroft, former Director of Social Services, and Joyce Eyeington. It was alleged that she was appointed without the job being advertised and without an interview. The Report is described in the article as following “their lengthy probe into

the horrific actions of perverts Christopher Lillie and Dawn Reed”. The seventh paragraph contains the following allegation:

“The inquiry also found once she was established in the job, Eyeington went on to employ five of her relatives, including her niece who incompetently managed the nursery where Reed and Lillie preyed on youngsters”.

208. An element of bathos was introduced at the end of the article where Mr Roycroft is quoted as saying that the relationship between him and Joyce Eyeington had taken place “25-30 years before the abuse happened”.

Article 54: 14 December 1998

209. Article 54 in fact consists of a letter published on the correspondence page on 14 December 1998, under the heading “Such a shock”. It was signed by a Mr R. Kirkwood of North Shields. It contains the following passage:

“The actual case of multiple sexual abuse is terrible and the families of the victims have every right to feel hatred and bitterness and all right thinking people will feel revulsion at the behaviour of Christopher Lillie and Dawn Reed. They have escaped conviction and some of the frustration resulting from this has caused the anger to be displaced from the perpetrators on to Brian Roycroft and the staff who have been suspended”.

Article 55: 17 December 1988

210. On page 19 of the issue for 17 December 1998 there appeared an unattributed article (in fact by Mr McKegney) entitled “We won’t let this ever happen again”. It consists of twelve paragraphs about “council moves to prevent a repeat of the Newcastle nursery scandal”. It reminds readers that the Review Team Report had investigated Mr Lillie and Miss Reed “... who abused dozens of youngsters in their care at a council run nursery”. There is a photograph of Mr Lillie alongside the article with the caption “ABUSER - Christopher Lillie carried out sex attacks on kids”.

Article 56: 24 December 1998

211. Article 56 was published on Christmas Eve with the heading “Pictures of Santa reminds city child of sex assaults”. The article is attributed to Charlotte Gapper and is accompanied by two photographs. That of Miss Reed appears the caption “I WISH SHE WAS DEAD – How one mother of a victim feels of Dawn Reed”. The picture of Mr Lillie bears the caption “DRESSED AS SANTA – Former nursery nurse and abuser Christopher Lillie”. There are nineteen paragraphs, reporting that “The only thing on the tortured youngster’s present list was a desperate plea for justice”. It is a reference to what is alleged to have been the only Christmas wish of a boy abused during the Newcastle nursery scandal”. The boy’s mother is said to have been moved to tears because all her son is asking is why Christopher Lillie and Dawn Reed are not in jail. The mother is further quoted:

“If Reed and Lillie were found that would be our best Christmas present. I want them to go through some of what we are going through.

My son asked me if they were in jail and I had to say no. He asked if we could move house because he is frightened that they will come and get him.”

212. The article later contains the allegation that “Lillie and Reed abused more than 60 children in their care but they escaped prosecution because the victims were too young to give evidence”. One of the mothers from the Parents Together Working Together is quoted as saying:

“The best Christmas present would be for Reed and Lillie to be locked up or found dead. They have caused so much heartbreak and broken so many families up.”

Article 57: 26 December 1998

213. On Boxing Day article 57 appeared on page 3 under the heading “Probe attack”. It was reported in a small article that a former Assistant Director of Social Services, David Johnstone, had attacked Brian Roycroft “for his alleged failure to help investigators probing abuse case nursery nurses Christopher Lillie and Dawn Reed”.

Article 58: 2 January 1999

214. Article 58 appears as a small item within a larger “Review of 1998”:

“PARENTS demanded justice after nursery workers Christopher Lillie and Dawn Reed were condemned as being child molesters who escaped prosecution because their victims were too young to give evidence. A damning 312-page report laid much of the blame at the doors of the Newcastle City Council which ran the nursery”.

Articles 59-60: 7 January 1999

215. Although described as Articles 59 and 60, there was in effect only one article published on 7 January 1999 under the heading “PROBE INTO SPORTS CENTRE CHILD ABUSE”. It was attributed to Charlotte Gapper and was published on pages 1 and 2. The article was apparently reporting a “new abuse alert” in relation to allegations of a sports centre coach abused of indecently assaulting children. On the second page the following four paragraphs appear:

“It also follows the damning report into the Newcastle nursery abuse scandal which revealed a catalogue of errors made by the City Council.

One of the mums whose child was abused by nursery workers, Christopher Lillie and Dawn Reed while they worked at the council run nursery, said ‘You would hope the City Council would now have in place a rigorous system of checks on those employees who worked with children and young people’.

The inquiry team investigating the scandal concluded proper recruitment and selection procedures were not followed in the case of Lillie and references and police checks were not followed up.

The council is supposed to carry out checks with police on staff working with children and young people every three years”.

Article 61: 13 January 1999

216. On 13 January 1999 an article appeared on page 18 headed “Parents Together”, attributed to Charlotte Gapper. The main focus of the piece is the “latest council abuse probe” concerning the Scotswood Sports Centre. The Parents Together Working Together Group was inviting concerned parents to get in touch with them. There was a passing reference to Mr Lillie and Miss Reed in the context of how the group came to be set up after the allegations against them first came to light.

Article 62: 15 January 1999

217. On page 2 of the issue for 15 January 1999, there appeared an article by Peter Young and Charlotte Gapper with the heading “A war of words over probe into ex-leader role”. It returns to the theme of Sir Jeremy Beecham and the allegation of conflict of interest. Sir Jeremy is said to have been “totally vindicated” after a council investigation into an allegation that he breached a code of conduct because of his firm’s taking on the case of Mr Lillie, “one of the two nursery nurses accused of child abuse at a council day nursery”.

Article 63: 19 January 1999

218. An article under the heading “Vetting for councillors” was published on 19 January 1999. The article was unattributed and referred to the fact that councillors who would come into regular contact with children and elderly people had volunteered to be vetted by police. The background is said to be criticism of the City Council “after a probe into the case of nursery nurses Christopher Lillie and Dawn Reed, pictured left, accused of sex abuse”. On this occasion, there are no captions to the photographs.

Article 64: 22 January 1999

219. On 22 January 1999 an article was published, attributed to Peter Young, under the heading “Bitter abuse row is over at last”. The story is about a councillor, Norman Povey, who is reported as having decided not to pursue a complaint against the former City Council Leader, Sir Jeremy Beecham, in the wake of the Newcastle child abuse scandal. Although the story refers to Councillor Povey not having had the chance to “state his case properly and put a series of questions to the Chief Executive Kevin Lavery”, the article recognises that Sir Jeremy was “cleared of breaching the code of conduct”. The article contains background references to the fact that Sir Jeremy’s firm had acted for Mr Lillie following the accusations of child abuse against him.

Article 65: 25 January 1999

220. On 25 January 1999 Article 65 appeared, written by Charlotte Gapper, under the heading “Parents seek more answers on abuse”. There are three photographs alongside the article. The first appears under the heading and has attached to it the caption “STILL IN THE DARK – Parents attack a police van outside Newcastle Crown Court during Lillie and Reed’s trial”. The second photograph is of Christopher Lillie with the caption “Paedophile ring”, and the third is of Dawn Reed with the caption “Shamed nurse”. The main body of the article consists of thirteen paragraphs describing how parents were at that time seeking a meeting with councillors over “some unanswered questions”. The article quotes “one of the mums” as saying:

“We still want to know who the other people in the paedophile ring with Christopher Lillie and Dawn Reed were and why they were not investigated”.

221. There is a further paragraph, in the third column, alleging that the Review Team had revealed Mr Lillie and Miss Reed as having “procured other young children for paedophiles”. The reaction of Northumbria Police is also given; namely that they would not reopen their investigation unless new evidence was produced.

Article 66: 30 January 1999

222. A short piece was published under “Local News” in the issue for 30 January 1999 with the heading “Nursery abuse parents hit back”. The article refers to a meeting which parents had apparently had with one of the Newcastle members of Parliament, Mr Jim Cousins, to discuss their continuing concerns. Although parents are described as wanting to see Mr Lillie and Miss Reed “brought to justice”, it is once again recorded that the Northumbria Police would only re-open their inquiry if new evidence came to light. Mr Cousins is described also as wanting to press for a change in the law to deal with the admissibility of children’s evidence.

Article 67: 3 February 1999

223. On page 13 of the issue for 3 February 1999 there appeared an article by Charlotte Gapper with the heading “We warned of abuse”. The usual photographs of Mr Lillie and Miss Reed appear, with the captions “CHILD ABUSER” in each case. There is also a photograph of people standing with a large banner saying “We believe the kids!” and the caption “FURY – protesters demand action over the scandal”.
224. The article consists of eleven paragraphs describing how a family plans to sue the City Council and to apply for compensation from the Criminal Injuries Compensation Board. The article is about the couple who “raised fears about child abusers Christopher Lillie and Dawn Reed two years before they were suspected”. Their complaint is that they were still being ignored by the City Council. The article continues:

“Their four children were living in a residential home where Reed and Lillie worked and told social workers of their fears in 1990.

Dismissed.

One of their sons received cuts and bruises and when he came home is behaviour was very aggressive.

But they claimed complaints were dismissed and Lillie and Reed went on to abuse at least 60 children in the Newcastle nursery scandal”.

Article 68: 4 February 1999

225. On page 5 of the issue for 4 February 1999 an “Exclusive” was published by Charlotte Gapper. The article consists of eleven paragraphs and is headed “Ex-Tory leader calls for new abuse probe”. There is a large photograph above the article with the caption “TEARS FOR ABUSED CHILDREN – Parents still feel that the full facts of the nursery abuse scandal have still not been revealed”. A Mr Mike Summersby is reported as having called for a government investigation into the Newcastle nursery abuse scandal following a meeting with parents. He is a former conservative leader from the North East and is quoted as saying:

“The more you hear about the details the more shocking and distressing the whole thing is”.

The following words are attributed to him:

“This is a national disgrace not just a local one and I think these parents have a right to a proper hearing of their situation.

Even at this late stage there has got to be intervention. It screams out for justice and proper regard for the facts. It’s my intention to involve national politicians”.

226. The article concludes as follows:

“The inquiry team found that Lillie and Reed procured young children for other paedophiles but Northumbria police said that they would not re-open their investigation unless new evidence was produced.

Fighting

Mr Summersby said: ‘I cannot understand why the police cannot pursue people named’. One of the mums added: ‘It was a very constructive meeting. I hope we can finally get something done after all these years of fighting’.”

Article 69: 9 February 1999

227. On page 20 of the issue for 9 February 1999, in the “Any Other Business” column, Peter Young returns to the theme. Yet again he raises to the allegations about Sir Jeremy Beecham and claims that Labour councillors have been involved in a bitter, behind-the-scenes row. The article was introduced as follows:

“FAMILIES involved in Britain’s worst case of multiple child abuse can only sit helplessly on the side lines as councillors squabble over the rights and wrongs of the affair.

Parents are still awaiting some sort of justice six years after their children were badly abused at a council-run Newcastle day nursery. If ever a group have been betrayed by the system and the authorities, it’s them. Two nursery nurses accused of abuse, Christopher Lillie and Dawn Reed, walked free after the case collapsed. No one has been brought to justice, despite claims a paedophile ring was in operation.”

Article 70: 11 February 1999

228. There is a feature article by Noreen Colman appeared in the issue of 11 February 1999 with the heading “When cash pay-outs just don’t add up”. Her theme is developed in a sub-heading:

“A WOMAN who took ecstasy tablets and fell ill is to receive £250,000 pay-out for her suffering, yet the families of those involved in the Newcastle child abuse scandal will get as little as £7,000 each. NOREEN COLMAN asks: Is our compensation system falling apart?”

229. The main article consists of 32 paragraphs developing her arguments and referring to examples of personal injury compensation. The article includes reference to a “Julie Smith” whose son is said to

have suffered years of sexual abuse at the hands of his nursery school carers. It is said that “mum Julie”, aged 50, will be picking up the pieces for years to come. He is said to have been abused by “nursery carers Dawn Reed and Christopher Lillie”, and she feels the system has let her down.

Article 71: 13 February 1999

230. In the issue for 13 February 1999 under “Local News” appeared another article by Charlotte Gapper, “Dream trip is planned for abused kids”. She describes how parents were aiming to raise cash for a “Disney Holiday”. There are nine paragraphs describing how members of Parents Together Working Together were organising fund raising events to collect money for a trip to Disneyland Paris. The planned trip was for the purpose of helping to “heal wounds”. The article includes the following passages:

“At least 60 children were abused by Christopher Lillie and Dawn Reed and many of them still suffer from severe behavioural problems. They have told how they were taken out of the nursery, molested in houses and flats in the neighbourhood, and there is evidence they were used in pornographic films.

Lillie and Reed were dismissed by the City Council for gross misconduct but walked free from court in 1984 when a Judge ruled as inadmissible video evidence from a four-year-old”.

231. There is also a photograph of the banner (“We believe the kids”) with the caption “OUTRAGE – Protesters outside Newcastle Crown Court where nursery abusers Christopher Lillie and Dawn Reed were on trial”.

Article 72: 19 February 1999

232. On page 2 of the Chronicle for 19 February 1999 appeared a two paragraph article with the heading “Abuse parents meet”. It refers to a second meeting between Mr Flynn and “mums and dads” to discuss what was described as the “council’s action plan”. The introductory paragraph contains the assertion that “children were abused by Christopher Lillie and Dawn Reed in the Newcastle nursery scandal”.

Article 73: 23 February 1999

233. Charlotte Gapper produced another article for the issue of 23 February 1999 under the heading “We’ve been snubbed again – abuse parents”. There are the usual photographs of Mr Lillie and Miss Reed – this time with the captions, respectively, “CHILD ABUSE – Former nursery nurse Christopher Lillie” and “NURSERY SCANDAL – Dawn Reed abused children in her care”.

234. Once again Miss Gapper returns to the theme of parents who are said to have raised fears about Christopher Lillie and Dawn Reed two years before they were suspected of abusing children. They were complaining that they were not aware of the Review Team investigation until they saw a report on television about it, despite the fact that it mentioned their children.

Article 74: 24 February 1999

235. Another short piece appeared on 24 February 1999 under the heading “Focusing on abuse”. It describes a call for the installation of CCTV in nurseries from parents whose children were alleged to have been abused by Christopher Lillie and Dawn Reed.

Article 75: 1 March 1999

236. Charlotte Gapper wrote another piece in the issue for 1 March 1999 headed “New rules aim to weed out perverts”. Yet again the photographs are published each with the caption “ABUSER” attached. The article itself describes how colleges across the North East were drawing up new guidelines for vetting students in the wake of the “Newcastle nursery abuse scandal”. The theme is summarised in the heading “Colleges link up to make sure abusers cannot join child courses”. There is a reference in the middle of the piece to Mr Lillie and Miss Reed having “abused at least 60 children in their care”.

Article 76: 19 March 1999

237. Charlotte Gapper wrote another piece dated 19 March 1999 alongside the usual photographs with the captions “ABUSER”. It describes the fight for compensation under the heading “Abuse families could fight all the way”. Again the accusation is repeated that they abused “more than 60 youngsters” at the Newcastle nursery. One “mum” is quoted as saying:

“My son was terrified out of his wits physically and sexually abused and still suffers flashbacks. He’s still got to live with that for the rest of his life.

I don’t want to settle but fight through the courts and sue the council because of what they have done”.

A little later she adds

“My child didn’t ask to be raped and this is what I am fighting for. I hope the other parents stick it out and take it to court”.

Articles 77-78: 26 March 1999

238. Peter Young published another “Exclusive” on the front page of the Chronicle for 26 March 1999 under the heading “Child abuse fury”. There were six introductory paragraphs on the front page with the “full story” inside on page 2. The front page piece covers a “furious row” because the Council would not admit liability for “what happened at one of its day nurseries when children were abused”. The reason given was that such an admission could invalidate the insurance policy which would be used for covering the compensation claim. An angry parent is quoted as saying:

“The children were taken out of the nursery and abused so they can’t say they weren’t negligent.”

239. Inside on page 2 appear the usual photographs with the usual captions “ABUSER”. There are eighteen paragraphs under the heading “Families’ fury over report on nursery”. Once again Mr Lillie and Miss Reed were said to have taken children out of the nursery and abused them. A representative of Parents Together Working Together is quoted as saying:

“Had the nursery been run correctly, that would not have happened. As soon as they saw the children returning in a distressed state, something

should have been done. Somebody has to be liable for the management of the nursery”.

240. Again reference was made to the Review Team’s conclusion that they had been involved in paedophile ring that abused children.

Articles 79-80: 27 March 1999

241. On page 17 of the issue for 27 March 1999 there is a Chronicle comment under the heading “Video nasty”. The point was made that had CCTV cameras been installed outside the nursery “...Reed and Lillie would have been captured on film taking children away to carry out their wicked attacks”. The introductory paragraph observes:

“PARENTS of children who suffered at the hands of evil nursery nurses Christopher Lillie and Dawn Reed have every right to be disappointed by Newcastle City Council”.

That is because their pleas for cameras to be installed have “fallen on deaf ears”.

242. Article 80 was published on page 13 of the same issue under the heading “Parents’ spy hope bites dust”. There are 18 paragraphs devoted to the City Council’s reaction to the call for the installation of CCTV cameras. There are also the usual photographs. This time the caption for Miss Reed was “ABUSE – Nursery nurse Dawn Reed” and for Mr Lillie “EVIL - Christopher Lillie later became a chef”.

243. The article was introduced as follows:

“A CALL for spy cameras in council run nurseries in wake of Newcastle’s child abuse scandal looks set to fail. Parents asked for cameras to protect children after the case of evil nursery nurses Christopher Lillie and Dawn Reed.

The pair were accused of abusing children at a council-run day nursery six years ago, but walked free after a crown court case collapsed”.

Article 81: 29 March 1999

244. On 29 March 1999 a two page feature appeared in the Chronicle by Noreen Coltman under the heading “Dealing with evil when little children are suffering”. There are 49 paragraphs dealing with the general problem of paedophilia, and how to deal with it, and a new campaign which had been launched by the NSPCC to tackle child cruelty. The article concludes by reference to a woman whose son was said to have been physically and sexually abused by Christopher Lillie and Dawn Reed. She is quoted as saying that “only one thing can cure paedophiles” and adding:

“Some people argue chemical castration but I think they should have their arms and legs chopped off to stop them getting anywhere near children. When I think what my son went through it really is unbelievable that these beasts got away with what they did for so long.

My son was two and a half when the abuse started and he's nine now and he is still suffering".

245. It is said that the woman's son was one of 60 pre-school children abused by Mr Lillie and Miss Reed.

246. The mother was also quoted as saying:

"My son not only suffered terrible sexual abuse which led to him having to have an aids test and treatment for a venereal disease, but he also had a knife held to his throat and was told his eyes would be cut out if he ever spoke about it".

Article 82: 30 March 1999

247. On page 33 of the issue for 30 March 1999, Miss Gapper published an article headed "Abuse row parents win their battle to be heard". Once again the photographs appear with the captions "PERVERT" for Mr Lillie and "ABUSER" for Miss Reed. Miss Gapper focused once again upon the family who claimed to have "blown the whistle" on child abuse by Mr Lillie and Miss Reed back in 1990. It was said that her complaints were ignored, "allowing Lillie and Reed to go on to abuse dozens more children at a Newcastle nursery". She also is quoted as describing the Report as a "joke".

Articles 83-84: 2 April 1999

248. On the front page of the Chronicle for 2 April 1999 appeared another article by Charlotte Gapper under the heading "Abuse pair fight claims". There are eight paragraphs by way of introduction with the "Full Story" (article 84) appearing on page 2. The introduction on the front page was in these terms:

"STUNNED parents of abused nursery children were left reeling today after paedophiles Christopher Lillie and Dawn Reed protested their innocence. The pair, who abused more than 60 children in a Newcastle council-run nursery are preparing to clear their names".

249. There is reference to a fax from their then solicitors Bindman and Partners, indicating that in due course Mr Lillie and Miss Reed would be responding in full to all the allegations.

250. Inside there is an 18 paragraph article under the heading "Nursery abuse duo say they are innocent". This time the photographs appear with captions "NOTHING WRONG" for Mr Lillie and "I'LL CLEAR MY NAME" from Miss Reed. Parents were described as being shocked by the "claim of innocence" made by the "couple... accused of abusing as part of a paedophile ring in Newcastle". Reference is made back to the Report and its conclusion that they were involved in the paedophile ring "which abused at least 60 children at the nursery". There is also a quotation from "one of the mums whose child was abused":

"I don't know why Reed is going to comment after all this time.

It would be interesting to see what they say and it would be really good if they went back to court. It seems really strange that they want to clear their names at this point."

Article 85: 7 April 1999

251. On 7 April 1999 Charlotte Gapper wrote a piece, eight paragraphs in length, under the heading “Lawyer in vow to clear abusers”, in which she reported an announcement by Mr Geoffrey Bindman who was at that stage instructed on behalf of Mr Lillie and Miss Reed. The third paragraph includes the following allegation:

“He said that the hated pair, accused of being part of a paedophile ring which abused children at a Newcastle nursery are in hiding in fear of their lives.

But a representative of the Parents Together Working Together action group said: ‘they have had six years to clear their names and have said nothing. If they were innocent they should have been screaming it from the rooftops.

Now, six years down the line, when things are getting too hot, they are saying they are not guilty.

There is no way my child made these things up. They were found not guilty in a court of law on a technicality because the children were too young to give evidence”.

252. It did not seem to occur to anyone that they had been acquitted in 1994 and did not need to “scream their innocence” until the Review Team Report was published at the end of 1998. Accordingly, Mr Bindman was quoted as saying, “They have contacted me since there was a barrage of press comment about them. They obviously have become extremely worried”.

Articles 86-87: 20 April 1999

253. Article 86 was published on pages 20-21 of the issue of the Chronicle for 20 April 1999 and attributed to K. Jordan. The two page spread consists of 25 paragraphs under the heading “Dreaming of a day when child abuse nightmare is ended”. It consists of an interview with Margaret Asquith, who had just taken over the newly created post of head of children services for Newcastle. It does not actually refer to Mr Lillie or Miss Reed directly but is introduced by reference to “the Newcastle nursery abuse scandal”.

254. Article 87 is headed “Inquiries uncovered the scale of abuse”. The article is not attributed to anyone, but consists of seven paragraphs referring to how the whole nation was shocked when the Report “into the Newcastle nursery abuse scandal” was published. It reports, and adopts, the suggestion that children were taken from the nursery and molested in houses and flats in the neighbourhood, and “evidence” that they were sometimes filmed. It also included a final paragraph referring to the fax from Mr Bindman’s firm.

Article 88: 23 April 1999

255. There is a short article in the issue for 23 April 1999 under the heading “Raped worker leaves”, which is unattributed. This announces that Joyce Eyeington, suspended the previous November, has finally “quit”. It alleges, on the basis of the Report, that her relationship with Brian Roycroft had “harmed the investigation into the abuse by Dawn Reed and Christopher Lillie, whose trial collapsed in 1994”.

Article 89: 26 April 1999

256. Another short piece appeared in the Chronicle on 26 April 1999 under the heading “Parents’ fury”. It is alleged:

“The parents of 60 youngsters suspected of being abused by Reed and Lillie have been invited to a meeting of the charity Childline and are furious that an organisation called ‘Relatives and Friends of those falsely accused of sexual abuse’ are to demonstrate on behalf of the pair”.

Articles 90-91: 30 April 1999

257. On 30 April 1999 two articles appeared on page 5 of the Chronicle, both apparently by Julie Cush and Penny Spiller. Article 90 is headed “Lost tot scandal” and consists of 16 paragraphs. It refers to an incident where nursery school teachers were alleged to have taken a group of toddlers to a supermarket and lost one of them. A terrified three year old girl is alleged to have been left “wandering around the store’s aisles for about 20 minutes”. This provided an opportunity to refer back to “the wake of the Newcastle nursery abuse scandal”. The other article (article 91) is headed “Parents standing by nursery staff”. This contains nine paragraphs set in a box on the same page. It is introduced as follows:

“THIS is the second scandal to rock the city’s nursery school system and comes after a damning probe into the abuse scandal.

Then, inspectors found that Dawn Reed and Christopher Lillie systematically abused youngsters in their care at a city nursery”.

Article 92: 12 May 1999

258. Julie Cush wrote another article in the issue for 12 May 1999 under the heading “Blunder staff to go”. The theme is summarised by the smaller heading, “More teachers are being removed from nursery after girl abandoned”. This is a reference back to the “Lost tot” story but includes a paragraph in the following terms:

“The case comes in the wake of the Newcastle child abuse scandal, when toddlers at a council-run nursery were taken out and abused by perverts in a paedophile ring”.

Articles 93-94: 17 May 1999

259. On the front page of the Chronicle for 17 May 1999 a three paragraph article appeared under a large headline “5 years too late”. There is another heading in smaller type at the top of the page: “Fury as child abuse pair break their silence”.
260. There is a photograph of Mr Lillie with the caption “WHY DID IT TAKE SO LONG? – Christopher Lillie has protested his innocence at last”. There is a smaller photograph of Miss Reed with the caption “DENIAL – but Dawn Reed is accused of abusing children at a Newcastle nursery school”. The substance of the article is as follows:

“A CLAIM that two Tyneside nursery nurses accused of child abuse are innocent sparked uproar today. The row followed an investigation which said the Independent Inquiry that concluded Mr Christopher Lillie and Dawn Reed were guilty was flawed. The pair walked free 5 years ago when a court case against them collapsed. They protested their innocence but angry families are challenging them to go back to court”.

There is an invitation to turn to the full story on page 5.

261. The article on page 5 is attributed to Peter Young, Dave Clark and Andrew McKegney. It is headed “Families’ fury”. It is also said in a smaller headline that “Claims that city nursery abuse duo are innocent, condemned by parents”. There is a large photograph of Miss Reed over the article with a caption “DID SHE DO IT? – A new report says Dawn Reed was wrongly accused of child abuse”. There is a smaller photograph of Mr Lillie alongside the text with the caption “BRANDED A CHILD ABUSER- The latest picture of Christopher Lillie”. The article is in the following terms:

“OUTRAGED families today condemned attempts to rubbish the enquiry into the Newcastle child abuse scandal.

Families remain convinced that the report reached the correct conclusions in branding nursery nurses, Christopher Lillie and Dawn Reed, guilty of child abuse.

The case against them, at Newcastle Crown Court, collapsed after video evidence from alleged child victims was ruled inadmissible.

Shocked

An independent inquiry team later concluded children at the nursery were abused by Lillie and Reed and the victims of a paedophile ring.

Parents were shocked by a report in a national Sunday newspaper following an investigation by journalist, Bob Woffinden, and author, Richard Webster suggesting inquiry conclusions were flawed.

Reed, 28 and Lillie, 34 are protesting their innocence, but the families are asking why they refused to give evidence to the independent inquiry, chaired by Dr Richard Barker of the University of Northumbria. They also want to know if the authors spoke to any parents or members of the inquiry team. And they said Lillie and Reed should not be afraid to stand up in court and be cross-examined.

Mr Woffinden, who campaigns against alleged miscarriages of justice, said today he believes Lillie and Reed are innocent.

His information will be passed to Bindman & Co, the London lawyers representing Lillie and Reed. Mr Woffinden declined to say if he had spoken to parents or the enquiry team.

Mr Woffinden said ‘the families of the children have been through hell but the important thing is to make sure this story is told correctly and properly. The truth should never hurt anybody.’

Opportunity

But one angry representative of the Parents Together Working Together group, fighting for justice for the families involved, said ‘Parents will be

outraged at this. Lillie and Reed have had every opportunity to protest their innocence at the independent inquiry but they kept quiet’.

One parent who believes her son was abused by Lillie and Reed condemned the claims and said ‘I helped out as a volunteer at the nursery at the time and I could see what they were like.

If they wanted to clear their names, why didn’t they come before the inquiry I’m sick of it – every time this comes up there is more sleepless nights’? ”

Article 95: 18 May 1999

262. The next day Dave Clark and Peter Young returned to the same theme in an article on page 2 of the Chronicle. The headline was “Where do they get the cash?” There is another smaller heading “Abuse families demand to know who is backing the pair”. There is a photograph of Miss Reed standing by a tree with an inset photograph of Mr Lillie. The caption is “MAINTAINING INNOCENCE – nursery nurses Dawn Reed and, inset, Christopher Lillie who were cleared of abusing children in 1994”.
263. The article consists of 13 paragraphs. The article queries how the “pair” can afford to be represented by Mr Bindman, or whether they are being represented free of charge. Once again, the point is taken that they should have spoken out a long time ago.
264. It is said that families of the abused children are “outraged that doubt should be cast over the findings of the inquiry”.
265. The article concludes as follows:
- “The parents would like to see Lillie and Reed back in court so they could be cross-examined, but the only way that can now happen is through the civil action. That is still possible but it would take big money, the sort of money Lillie and Reed would appear to have found to sustain them”.

Article 96: 21 May 1999

266. Article 96 appeared in the issue of the Chronicle for 21 May 1999 under the heading “Court bid by Lillie and Reed”. It is attributed Charlotte Gapper and appears underneath photographs of Mr Lillie and Miss Reed. Above the photographs appears a heading “Nursery abuse pair in new legal threat”. Underneath there is a caption “BRANDED – Nursery nurses Christopher Lillie and Dawn Reed were named as child abusers in an independent report which rocked Newcastle City Council”. The article consists of ten paragraphs. It quotes Mr Bindman as saying:
- “They are people without resources and in hiding and unemployed and in a very weak situation.
- I have only been involved for quite a short time. There’s no evidence against them except very confused statements by very small children and in most cases made long after the event.
- There are statements by other children saying that Dawn and Chris did nothing to them at all. The evidence against them is incredibly weak. Of





































































































































































































































































































































































































































































































































