

A number of factors have previously militated against some children and young people being regarded as credible victims of sexual abuse...

These factors have tended to be seen as undermining the credibility of the victim's account. However, these factors may, in fact, point the other way and could be seen as supporting the allegations of sexual abuse, not least because the behavior set out above are often seen in victims of abuse. Police and prosecutors should therefore look to build a case which looks more widely at the credibility of the overall allegation rather than focusing primarily on the credibility and/or reliability of the child or young.

The victim may be reluctant to co-operate with those in authority or to participate in the criminal justice process. Inconsistent accounts are not uncommon in victims of child sexual abuse, especially during initial interviews, possibly because of an 'allegiance' to their abuser. The length of time between an alleged incident of sexual abuse and giving the account to the authorities is not a reliable indication of credibility".

7. The Guidance contains an annex setting out common myths and stereotypes in child sexual cases. Prosecutors are now told to proceed on the basis of a notional jury which is wholly unaffected by any myths and faithfully apply directions from the judge.
8. In 1992 the prosecutor obviously did not have had the benefit of this guidance. He raised the following evidential issues;

i) There is no corroboration of the indecent assault

I set out in my previous statement that the issue of corroboration was a valid concern at that time. A prosecutor today should not be troubled by the absence of corroborative evidence since the abolition of corroboration warnings. The current guidance issued in 2013 (Child Sexual Abuse: Guidelines on Prosecuting Cases of Child Sexual Abuse) states that prosecutors should guard against looking for 'corroboration' of the victim's account or using the lack of 'corroboration' as a reason not to proceed with a case.

ii) There is no medical evidence that an indecent assault had occurred

In my view the prosecutor fell into a hitherto commonly held stereotype that medical evidence would prove or disprove a complainant's account. A prosecutor today would not expect there to be medical evidence arising from an indecent assault of the nature alleged by the complainant and would be aware that the absence of such evidence is not evidence of no assault having occurred. A paediatric report nowadays would explain that absence of any physical evidence of abuse does not mean that it did not occur.

iii) The case depends upon the credibility of a 10 year old boy/ the suspect is of good character

Whilst prosecutors are still encouraged to consider the reliability and credibility of witnesses, I suggest the prosecutor here placed undue weight on this factor. A prosecutor today should focus on the wider credibility of the overall allegations not primarily on the credibility/reliability of the child or young person.

The prosecutor today would also be a specialist Rape and Serious Sexual Offences (RASSO) specialist who would also be aware of the range of special