

In conclusion, Ms Williams said it was the belief of the management team that [LA-A26] had suffered sexual abuse on more than one occasion at Ivy House, committed by [LA-F12]

### Defence

Mr Williams said he felt it his duty to bring to the attention of the Panel a number of cases highlighting the importance of the burden of proof. He cited a case of Hampshire County Council and quoted a number of passages relating to the burden of proof, and said his submission was that the Panel could not find [LA-F12] guilty unless they were convinced of his guilt.

Mr Williams said it was not part of his task to argue that sexual abuse had not taken place, but the question the Panel had to decide was whether or not [LA-F12] was guilty of the allegation.

He felt the Panel may be satisfied that sexual abuse had taken place, and they may be satisfied that it took place at Ivy House. He did not believe, however, that the Panel could be satisfied that [LA-F12] committed the sexual abuse. He said he did not believe the Panel could come to that conclusion because:

- a) there was no evidence
- b) there was no medical evidence
- c) there was no evidence from staff at Ivy House.

Some of the staff admitted that all things were possible, but did not see how it was possible. Mr Williams said that he did not feel that possibility was part of the tribunal - the Panel had to be convinced that [LA-F12] was guilty.

Mr Williams reminded the Panel that after two lengthy interviews, the Police had not found any evidence against [LA-F12]

Mr Williams said that the Management Team had presented hearsay evidence - whilst he agreed it was admissible at a Disciplinary Hearing, he felt the weight attached to such evidence was questionable. He added that second hand hearsay had also been presented to the Panel - for example, what [LA-A26] allegedly said to her mother is double hearsay. He reminded the Panel that there was no evidence other than hearsay.

Mr Williams added that the more serious the allegation, the more careful the Panel would have to be in making their decision.

Mr Williams said the Panel had heard about the changes in [LA-A26]'s behaviour. He recalled that one member of staff from Ivy House had said that she had noticed no change in [LA-A26]'s behaviour. What evidence was there of changes in her behaviour but hearsay from the management team.

He added that the management team had said they had no doubt that [LA-F12] was guilty - that was improper, as it is not their decision but the Panel's.

Mr Williams said that as far as Ms Bannister's evidence was concerned - she had said that Ivy House was the most likely place that the abuse occurred, not, as Ms Williams had said, the certain place of abuse.