

"medical" for them. In the case of [RO-A67] it was the touching of the naked stomach to check his breathing and the "punishment" of [RO-A51] for his misbehaviour.

9. S's response to the accusations made is by no means convincing. He simply made a general sweeping response that he had never behaved in any indecent way to any of them. Significantly, he has not addressed the specific misconduct, attributed to him by each of the boys effectively he has exercised his right to silence. Regrettably, however, no inference can be drawn from that.
10. I have arrived at the firm view, having regard in particular to the number and nature of the complaints and how they came to be made, that there would be a realistic prospect of conviction in respect of a number of indecent assaults. I accept that when the advice was given in 1970, reservations were expressed as to this prospect because of the lack of corroboration, the lapse of time between the alleged offences and the timing of the complaints and the character of some of the complainants. However, I am conscious, as I have said earlier, that corroboration is very often not available to support misconduct of the type complained of. The lapse of time is no longer as important as it was. A lapse of five or six years would not automatically preclude proceedings. Furthermore, there has been a marked change of attitude in the criminal justice system towards cases of this kind in which those in positions of authority have taken advantage of it to commit offences on a wholesale basis against those who are vulnerable and in their care. I have already mentioned that each of the complainants with convictions would be open to challenge on their accounts but I hold to the view that they are reliable in terms of consistency of account, which cannot be explained by contamination or conspiracy.
11. My view as to the realistic prospect of a conviction is based upon the evidence at its highest. In other words, I have reached that conclusion on the basis that all the complainants would now be both willing and able to give evidence. Of course, only one complainant has resurrected his complaint out of eight and it may well be that some of the witnesses may no longer be alive. The strength of the evidence would diminish in direct proportion to the number of complainants willing and able to give evidence and the availability and willingness of other witnesses to give evidence.
12. Should proceedings be instituted against S now? It was not entirely clear to me in what circumstances the investigation has been resurrected but I now understand from you that one of the complainants has come forward in response to a general invitation to do so.

I note that S was seen by Detective Superintendent Leach on 25th March, 1970 and advised that "it was not intended to take any further action in this matter". It follows that he has relied upon what he was told then for something in the region of 27 years. There is, of course, a general presumption that once a defendant or suspect has been informed of a decision not to prosecute, that decision should not normally be revoked. This doctrine of legitimate expectation must be balanced against the principle that in certain, very limited circumstances the maintenance of public confidence in the criminal justice system may demand the institution of proceedings against someone who has previously been advised that proceedings would not be instituted.