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DPA

23.10.87

REPORT ON TRIAL OF

BERNARD HOLMES

**DPA**

(Previously Registered Foster Parent  
For Nottingham Social Services Dept)

DATE OF TRIAL: 23.10.87 at Nottingham Crown Court

- CHARGES:
1. U.S.I. RELATING TO **NO-A246** (PREVIOUSLY **NO-A246**)
  2. INDECENT ASSULT TO **NO-A246**
  3. INDECENT ASSULT **NO-A247**
  4. GROSS INDECENCY TO **NO-A247**

Mr Holmes pleaded Guilty to all four charges put to him.

The prosecution gave evidence relating to the offences. The evidence regarding the offences with [NO-A247] was taken from [NO-A247] statement at the time of his disclosure. The evidence regarding [NO-A246] was taken from Police interviews with [NO-A246] following the confession by Mr Holmes of intercourse with [NO-A246] whilst being questioned regarding the offences against [NO-A247].

[NO-A246] had said that the abuse had started within a month of her being placed with the Holmes', when Mr Holmes had asked her to take her clothes off for him. Mr Holmes said that he had done this as he wanted to see what her reaction was as he knew that she had been abused previously. [NO-A246] told the police she did not complain about the abuse by Mr Holmes as she felt no one would believe her [Irrelevant].  
[Irrelevant]

Mr Holmes had at first denied intercourse before [NO-A246] was sixteen and said that only partial penetration had taken place when he had asked her to sit on his knee with his trousers undone. Apparently Mr Holmes had contacted [NO-A246] following [NO-A247]'s disclosure and asked her to be careful what she said to the Police about when the abuse had started.

The Prosecution then stated that intercourse with [NO-A246] had taken place regularly about once a month. It does not appear that force was used at any time, but one must remember that Mr Holmes was in a position of power over [NO-A246].

The abuse of [NO-A247] commenced approximately three months into placement. Mr Holmes had [NO-A247] sitting on his knee in his pyjamas, and fondled his genitals. This developed into Mr Holmes masturbating in front of [NO-A247]. He never masturbated [NO-A247].

At some time during February of this year Mr Holmes got into the bath naked with [NO-A247] and asked him to masturbate him, [NO-A247] refused.

It was put by the Police to Mr Holmes that he had betrayed the trust placed in him by the foster children and by the Social Services, Mr Holmes agreed and said he didn't know how it had happened. He wished [NO-A246] had complained as it might have stopped him from going further. He said he had never forced himself on either [NO-A246] or [NO-A247].

The defence for Mr Holmes told the Judge that Mr Holmes accepted total responsibility and expressed deep shame regarding his actions.

However, in mitigation he wished the Judge to take several points into account.

1. No element of force was used in either case.
2. These are the only offences and are not the tip of an iceberg.

Prior to the offences coming to light Mr Holmes had led an exemplary life as a citizen and father and had brought up seven of his own children and five that belonged to a brother, plus fostering five other children. His wife had no knowledge of what happened and, therefore, the defence saw this as supporting the claim that these are the only offences, because his wife would surely have found out if he had been sexually abusing children over a long period of time.

The defence said he had evidence from two children who had been in his care that they had not been abused and had received only kindness and appropriate fathering from him. There was no reason to suspect any other abuse.

The defence could seek to challenge the frequency of abuse stated by the prosecution but would not do so as the fact that it had happened was enough.

The defence brought to the Judge's attention that the accused had lost a thirty-nine year old marriage, his home, and his job. Also all his children and grandchildren have ceased to have contact with him, this has been extremely painful as he has been used to being the centre of a large extended family. Only one niece is standing by him and says she has always received proper kindness from him.

The Social Enquiry Report concluded that Mr Holmes was a menace to society, however, the defence challenged this and it appeared that the Judge agreed with the defence.

There was also a report from a Dr Briggs who stated that Mr Holmes was not a menace and could find no explanation for Mr Holmes' behaviour. The doctor concluded that he could give no explanation, Mr Holmes was not a potential paedophile, or showed any other form of psychological disturbance. Dr Briggs, therefore, stated it was a non-recurring matter, from which the defence concluded that it was not likely to happen again.

In his judgement Mr Justice Paine said he was taking into account Mr Holmes' guilty plea and the fact that he had freely given information on **NO-A246**. However, he found his behaviour absolutely disgraceful especially as he was a trusted foster parent and it was this abuse of trust that had been placed in him by the social services and by the foster children that meant he was imposing a more severe sentence than normal on Mr Holmes. He was, however, aware that at the age of sixty-two a prison sentence will have more effect than on a younger person, but he would still impose the following sentence.

On charges one and two relating to **NO-A246** twelve months each to run concurrently. On charges three and four regarding **NO-A247** eighteen months to run concurrently. These concurrent sentences were to run consecutively, therefore, Mr Holmes received a total of thirty months imprisonment.

Following the sentence Mr Holmes collapsed in the dock and appeared to have fainted for several minutes before being revived by the Police. He was then led away.

**DPA**

Vicky Messon  
SOCIAL WORKER

Newark Area Office

VM/JS/26.10.87