

FRONTLINE SCOTLAND

"Secrets or Lies"

Reporter: Samantha Poling

SAMANTHA V/O: This man is convicted paedophile, accused of horrific sexual abuse. Yet instead of being a figure of hatred his case has attracted the most incredible support.

INTERVIEWEE V/O: I don't care what a jury say, I would leave my young children in his care.

SAM V/O: It's divided the families of those who've accused him.

INTERVIEWEE V/O: I believe my brother is lying a hundred per cent, em, he was never sexually abused and I think he's definitely doing it for the money.

SAM V/O: Exactly how safe is the conviction of John Porteous. Tonight, Frontline Scotland reveals evidence which the jury never heard and highlights the difficulties in defending child abuse cases from the sixties and seventies.

Frontline Scotland Titles.

SAMANTHA: This is Quarriers, a small village in the heart of the Inverclyde countryside. For over a hundred years it's been providing foster homes for children. It's also provided rich pickings for paedophiles with three men already serving sentences for abusing children in their care in the '60s. Yet there's one case which has left this tight-knit community feeling uneasy. In November the latest house parent to be convicted was John Porteous. Yet instead of the baying mob outside his home his case has attracted overwhelming support. His story begins with his wife Helen. She became a house parent here in Quarriers in 1965. These are pictures of Helen from a documentary filmed in Quarriers three years later.

Clips from documentary:

HELEN PORTEOUS: Some of the children crave for affection, others of them feel they don't need it. They call me what they want. Some call me mum, some call me auntie. Some of them feel the need to call me mummy

and some of them feel the only person they want to call mum is their own mum.

HELEN PORTEOUS: This was my first cottage with the children....

SAMANTHA: How many children did you have?

HELEN PORTEOUS: There were thirteen, and it was nice that there was families within the family. We were able to have groups of maybe four or five of the one family...

SAMANTHA: So you had brothers and sisters?

HELEN PORTEOUS: Yeh, that was nice to be able to keep these families together.

SAMANTHA: Helen was twenty-one when she met John Porteous. Both had been Quarriers children themselves. The couple married and overnight John became a house father to thirteen children.

HELEN PORTEOUS: He took to it like a duck to water. He would listen to their homework, just generally do what a father would do in a house.

SAMANTHA: The Porteous house quickly became one of the most popular in the village. The couple soon had a daughter of their own, but they showed no favouritism.

HELEN PORTEOUS: They were a happy group of children we had, and it was just like one - dare I say it - one, most of the time, happy family. It had its ups and downs, when the children cried you had to be there for them. When they laughed you were there for them. It was just generally like a family.

SAMANTHA: Andrew was one of the children in the Porteous house. He had been placed in care along with his two brothers, Robert and Paul. Their own parents had abused and neglected them. Some interviews in this programme have been filmed anonymously to protect their identities, and names have been changed.

ANDREW: Helen and John to me were always like real parents. I mean they were.....we certainly regarded them as our parents. You know, It wasn't just a childrens' home to us, it really was our own family.

SAMANTHA: And it was a family which children in other Quarriers homes were envious of. In their minds Helen and John Porteous were the perfect house parents.

PEARL: They all got on that well, they were able to do more than a lot of the other children in other units were. They got the best of all the activity, anything that was going on the Porteous families in their cottage, they got it all, you know we were a bit jealous sometimes.

SAMANTHA: Whilst Andrew settled in well his older brother Robert struggled.

HELEN PORTEOUS: Well when he first came into care he was very withdrawn he didn't speak to me for a month after he came into care. I actually heard him crying in bed one night and I went in to see him and he just.....he broke down then, and that was him....after that he began to settle into the cottage life.

SAMANTHA: Thirty years later Robert was to tell a very different story of the care he'd been given.

SAMANTHA: Also in the house at the time was a family of five sisters and a brother. We've also protected their identities.

SARAH: Fancy dress we used to have every year and em....everybody made their own costumes, Helen would get all the bits together and we'd actually help her make all the costumes. And I was a daisy (laughs). They made us feel safe and comfortable Helen and John, it was very safe and comfortable.

SAMANTHA: Sarah was particularly close with one of her sisters Janet.

SARAH: I always looked to my older sister. Janet always wanted to be centre of attention - in school, at home, wherever we went, Janet had to be centre.

HELEN PORTEOUS: She was quite a happy wee child. I wouldn't have said I really had any real problems with her at all.

SAMANTHA: In fact nearly all the children in that family say the same thing, they were happy with the Porteous'. Yet, thirty years later, Janet was also to tell a very different story. There was another small family in the house - James and his sister Lorna. They had been sent to Quarriers after being abused by their own mother. One of James' childhood friends recalls his arrival.

PEARL: When there's new children come into Quarriers it's like flies round a honeypot. And this particular....James, it was a good looking boy, a lovely chap. And, of course, they all wanted to get to know them and, of course, there's only about a year between James and myself. We travelled to school together, we were one big happy close-knit family.

HELEN PORTEOUS: When we got James he came to us from another cottage, and we didn't read his records because we wanted to not pre-judge him. We thought we'd give him a fresh start and just see how things went with him. So we couldn't believe when we actually read, a month later, that James had actually taken a knife to his house parent and caused absolute havoc within the house.

SAMANTHA: Little did John and Helen Porteous realise then the significance of the knife attack against the previous house parent. Three decades later it would come back and help destroy them.

SAMANTHA: In 1974 Helen and John Porteous left the house. With the birth of their second child they felt they could no longer cope. The house children were devastated. For some Helen and John were the only parents they had ever known. Nevertheless many of them stayed in touch with the Porteous', including those who were to later turn against them.

HELEN PORTEOUS: We had included them in so many areas of our life, even after we left the cottage they still involved themselves with visiting us, with bringing their children to us, with being at their weddings, with....and Robert was there for every family occasion that we had, as were a number of the others.

SAMANTHA: To those looking from the outside in the Porteous' had provided those in their care with the very best of childhoods. The children

had all seemed happy and, after they left Quarriers, as we've heard, all of them returned at some point. Yet three years ago six of the children began telling a very different story - one of beatings, neglect and systematic sexual abuse.

SAMANTHA: Quarriers' reputation was changing and allegations of abuse by house parents were beginning to emerge. Two years ago two men were convicted of separate sexual offences against children in their care. Also that same year in 2001 Helen and John Porteous were to find themselves accused of equally horrific offences. Robert, now forty years old, began to make accusations of sexual abuse.

HELEN PORTEOUS: We just couldn't believe that this was happening to us. We had heard about it happening to other people that had worked in the village here. But we just couldn't understand it was now...seemed to be our turn to be targeted.

SAMANTHA: When the police did come they brought with them allegations of sexual abuse. According to Robert, John Porteous had subjected him to seven years of rape and abuse from the ages of eight to fifteen, much of it in this bell tower at Quarriers Church, and the cottage where they all lived. News of the allegations quickly spread through the village and many who knew John Porteous didn't believe them. And when Robert's brothers, who spent their childhood with him, heard the claims they immediately thought Robert was lying.

ANDREW (Brother): To speak out against him I feel it's something I have to do. John is innocent and equally I am wholly convinced that my brother has made up this.

PAUL (Brother): I was totally shocked when they actually told me, or he actually wanted to make the allegations. For sure he's lying.

SAMANTHA: Not surprisingly, as in most historic child abuse cases, there was no physical evidence. After all, thirty years had now passed. So police began to approach other children who'd been in the Porteous home. A few weeks later allegations from three women emerged. This time they also implicated Helen Porteous, accusing her of physical abuse, including beatings and neglect. One of the women accusing Helen was Janet who

also accused John Porteous of sexually abusing her. Her sister Sarah was shocked.

SARAH (Sister): I couldn't believe it. I wanted to phone her and say 'what are you doing?', but I didn't want to make things worse.

SAMANTHA: Did you think at that point that your sister was lying?

SARAH: Oh yes, totally. I thought she'd lost it.

SAMANTHA: Did you ever beat any of the children?

HELEN PORTEOUS: Never. No I did not beat children. As I said, I smacked children but I did not beat them.

SAMANTHA: Did you ever starve any of these children?

HELEN PORTEOUS: Never. There was always plenty food in the house and the children were well fed.

SAMANTHA: Agnes Wards was a child in Quarriers and knew all the children in the Porteous house well. Janet was one of her friends. Agnes says that abuse did go on in the village.

SAMANTHA: If somebody was physically abused was it common knowledge?

AGNES WARDS: Yes, everybody knew about it.

SAMANTHA: Were you aware of John or Helen ever being abusive towards the children in their care?

AGNES WARDS: Never. Absolutely never.

SAMANTHA: Appalled by the allegations Helen Porteous began to contact some of the other children who'd been in the home at the time. One of them was James. But within two weeks of the call he too alleged John Porteous had abused him.

SAMANTHA: James' friend, Pearl Allison said she found the allegations impossible to believe.

PEARL: I don't believe James or the others were abused sexually or otherwise. Definitely not, not in the Porteous' unit, definitely not, definitely not. Because I was sexually abused myself as a child and physically abused and I know the signs. The only change I saw was when he moved from the Drennans into the Porteous' cottage. It's the only time and he became happy.

SAMANTHA: James' sister Lorna was equally shocked.

LORNA: I never suspected my brother was ever sexually abused by John Porteous. Ninety per cent I would think that John is innocent.

SAMANTHA: The situation began taking its toll on John and Helen Porteous.

HELEN PORTEOUS: We had treated them as though they were our own children and had loved them, loved them dearly, and stood up for them, were there for them through thick and thin, were there for them when their own parents weren't there for them.

SAMANTHA: Police checked Quarriers' records and found that John Porteous had been accused of abusing a boy earlier in the late '70s. John Porteous wasn't charged then because there was no evidence but, coupled with the testimony of Robert and James, it strengthened the prosecution's case. And John Porteous was now brought to trial. During the case all charges against Helen Porteous were dropped, but John Porteous remained in the dock.

SAMANTHA: On 7 November last year John Porteous was found 'guilty' of sexually abusing both Robert and James. He was acquitted of raping them and he was also acquitted of abusing Janet. He was sentenced to eight years in prison and he was now a convicted paedophile.

SAMANTHA: Yet, since the trial, we've uncovered evidence which the jury never heard. Testimony from witnesses which now cast doubt on John Porteous' conviction.

SAMANTHA: Both Robert and James claim the abuse took place in this church tower over an eight year period when they were clock winders. Yet, no one we've spoken to can recall either boy doing that job. And, what's

more, during most of the years they alleged the abuse took place John Porteous wasn't a church officer and his taking boys into the bell tower would almost certainly have aroused suspicions. Yet again, no one we've spoken to recalls seeing him do this. Billy O'Hara was James' best friend. He couldn't believe it when he heard what James was alleging.

BILLY O'HARA: Looking back we spent an awful lot of time together in the day and certainly the evening. We'd always be together most days of the week and I find it quite hard to believe that there's actually time for these allegations to have taken place because I was with him.

SAMANTHA: Billy O'Hara had never known James to take an interest in the Church, let alone wind the clock.

BILLY O'HARA: I do not remember him ever going to the Church other than the specific days that most of the kids went to Church.

SAMANTHA: And there were more problems with James' evidence. James alleged in court that John Porteous had beaten him with a Boys Brigade belt. We discovered that James had indeed been beaten this way, but by his own mother. That was one reason he and his sister Lorna had been put into care. Lorna recalls her mother's violence.

LORNA: She started getting into very violent moods for no reason at all, just shouting and screaming and...if you got sent to the shop or something and you got the wrong message, you came back and you got a good hiding. She would hit you with a belt which was a Boys Brigade belt. She would fling bottles at you. She would drag you by the hair. She would punch you. She would kick you. She would scratch you. She would just push you around.

SAMANTHA: John Porteous was a Boys Brigade leader and he did have a Boys Brigade belt. Could it be sheer coincidence that James was abused twice in exactly the same way. James' knife attack against his previous house parent also returned to haunt Helen and John Porteous. In court he alleged he had held the knife to Helen's throat, the reason, said James, that John had begun to abuse him. Yet Helen Porteous claimed this never happened to her.

HELEN PORTEOUS: That happened not to me. It happened to the previous house parent he had been with.

SAMANTHA: We're not allowed to see confidential records of children who are placed in care. Yet James' close childhood friend recalls the incident well..

PEARL: That was Mrs Drennan.

SAMANTHA: So he put a knife to Mrs Drennan's throat?

PEARL: Yep, oh yes, aha. It wasn't the Porteous'. That was why he was moved to the Porteous'.

SAMANTHA: Could James, like many other victims of abuse, be transferring blame from the real perpetrator to someone else? Ray Wire is a world renowned expert on paedophilia and is also a police adviser in sexual offences. He says it's not uncommon for distant childhood memories to become confused.

RAY WIRE, Sexual Crime Consultant: To try and remember incidents becomes incredibly difficult and if they do they mix them up. That can, therefore, end up with people either misbelieving them or, alternatively, it can make people begin to just ask questions about the credibility.

SAMANTHA: This is one of the biggest problems in historic child abuse cases. Prosecution and defence must rely on the memories of those involved. John McCormick is a Solicitor Advocate who currently has around ninety of these cases on his books. Although he admits it can be difficult for the prosecution, John McCormick says he's more concerned that those accused can have either little or no defence.

JOHN MCCORMICK, Solicitor Advocate : One of the best ways that I explained to clients predicaments in which they find themselves is this, that if somebody made an allegation against them last week it is likely that they would know where they were, who they were with, and what they were doing. If it was last year they may have to consult a diary. The difficulties in doing so ten, fifteen, twenty years later are immense.

SAMANTHA: So what possible defence could somebody have?

JOHN MCCORMICK: Well they have to lead the evidence as best they can and trace the medical records, the social work records, and the witnesses

who were there and present at the time. Beyond that they have to trust the jury and trust the system.

RAY WIRE: Where you have a person in court crying, talking about things that are too hard to hear, I have no doubt it can lead a jury to feel that why would this person be going through all of this if they had not been abused.

SAMANTHA: John Porteous was convicted because both James and Robert told similar accounts of how the abuse had happened. This is corroboration. But if the accusers have had close contact with each other they also have an opportunity to compare stories.

RAY WIRE: There is no such thing as corroboration if there has been contamination of that corroboration. That's why if you are having people come forward and giving their testimony it is important that you know that as individual isolated non-contaminated testimony. The moment they start to talk to each other and giving information to each other then really the corroboration begins to fail. It still may be true, but from a legal point of view I think you have to be incredibly careful.

SAMANTHA: We know that Robert, one of the main accusers, and Janet, who had also made sexual allegations against John Porteous, had not only kept in contact with each other, but had gone on to have an affair. And, according to those we've spoken to, contact remained right up until the night before the trial. Robert and Janet were put up in the same hotel.

ANDREW: The night before the trial, certainly two of them, my brother and Janet, spent half the night together in their hotel room. They had actually been put up together in the same hotel and, to me, that was long enough to, if you like, decide what they wanted to say in court.

SAMANTHA: The court knew of this contact but, of course, we don't know whether Robert and Janet talked about the case the night before the trial. We've also heard that James had tried to arrange a meeting between himself and Janet so they could talk about the case. Although the meeting never took place this was something the court wasn't told. The jury also heard that Janet has a history of making accusations which have never come to court. We know that over the years, according to her family, she's accused numerous men of sexually abusing her, including her own father.

SARAH: Janet's accused family members, my dad, two ex-husbands, friends of hers, boyfriends.

SAMANTHA: Was this just physical abuse?

SARAH: No, mostly what she said was sexual.

SAMANTHA: John McCormick says he's seen a marked increase in historic child abuse cases over the last ten years.

JOHN MCCORMICK: People who were abused are coming forward, but that may be encouraging others to jump on that particular bandwagon. There are other reasons why people may come forward. For example, for financial gain, through the Criminal Injuries Compensation Authority, or suing the abuser, or suing the employer of the abuser.

SAMANTHA: If you've been the victim of sexual abuse it's possible to sue the institution where the abuse took place. This can lead to payments of over one hundred thousand pounds. You can also apply for compensation from the Criminal Injuries Board where you can receive a pay-out of around eight thousand pounds. We know that of the three brothers Robert hadn't fared as well as Andrew and Paul. Often unemployed he had also spent time in prison. His last conviction was for abusing his own girlfriend's daughter. Robert's younger brother Paul recalled a strange conversation he'd had with Robert four months before he'd made the allegations against John Porteous.

PAUL: He said to me that he had abused his girlfriend's daughter and she was seven or eight year old...so, well I was shocked. I remember him telling me that social workers had been in touch with him, he did mention to me that they had mentioned to him that there was compensation for children who had been abused. Then I said to Robert, I said: 'look well, I think this is to do with money then, is it?'

SAMANTHA: Robert's family say he's already been awarded Criminal Injuries compensation, money which his brother Andrew says would have been incentive enough for him to lie.

ANDREW: Five pounds is an incentive for somebody that's been down on their luck as my brother has been over the years. I just find it quite

incredible and it's enough to convince me that a lot of this has been fabricated.

SAMANTHA: We understand that James is now suing Quarriers for compensation, although how much for we don't know. Ray Wire believes it's a flawed system, one which is open to abuse itself.

RAY WIRE: We have to be now very, very careful how we deal with allegations of abuse of a historical nature. The moment you have compensation you give reasons as to why a person might lie about abuse.

JOHN MCCORMICK: I know of at least one case where somebody has approached myself to say that the allegations which they had made were simply without foundation.

SAMANTHA: And why did they make them?

JOHN MCCORMICK: Financial gain in that example.

SAMANTHA: We contacted Robert, James and Janet and we asked them for an interview or even for a statement. They refused to comment. But we understand they're sticking by their allegations that John Porteous had systematically sexually abused them as children.

SAMANTHA: We travelled to Peterhead Prison where John Porteous is serving his sentence. It's the first time cameras have been allowed into the prison to interview a convicted sex offender.

Samantha talks to John Porteous in Peterhead Prison

SAMANTHA: Did you abuse any of those boys?

JOHN PORTEOUS: I didn't, no I did not. And I can tell you straight from the heart I didn't do any abuse to them.

SAMANTHA: You were accused of abusing these boys over a long period of time.

JOHN PORTEOUS: Yeh....

SAMANTHA: And it was physical abuse as well as sexual abuse...

JOHN PORTEOUS: No, I'm not a physical man at all. I know what subject you're talking about, this belt thing. Never in my life would I use a belt, never. I maybe clatter, but not belt anyone.

SAMANTHA: Could that be misconstrued as abuse perhaps?

JOHN PORTEOUS: Today it would be, yes, it would be. But in the 1960s no, it wouldn't be, it would just be that you're taking somebody away from a danger, that said...but today I would imagine yes, you would call it physical abuse.

SAMANTHA: Have you ever sexually abused anybody?

JOHN PORTEOUS: No I have not. I'm not that way inclined that way.

SAMANTHA: Have you ever sexually abused any of the children in your care?

JOHN PORTEOUS: No I have not. No, I know for a fact I haven't and hand on my heart I did not.

SAMANTHA: Of course experts will say that paedophiles will often protest their innocence remaining in a state of denial. Yet the testimonies that we've heard do cast doubt on the conviction of John Porteous and his case has certainly highlighted the difficulties in defending allegations of historic child abuse.

RAY WIRE: Whether you're a Cub Leader, whether you're a choir master, whether you're a Scout Leader, of a youth club leader you are having to deal with the possibility of people questioning your motive, and also living with the possibility that one day somebody will make an allegation that you sexually abused them knowing that there's nothing much you can do to defend yourself.

JOHN MCCORMICK: My main concern is that whilst there's no doubt that the guilty should be convicted the innocent may not have a fair trial.

SAMANTHA: The Home Affairs Select Committee is now looking into the safety of historic child abuse convictions because they're concerned that this kind of case carries an unusually high risk of miscarriage of justice. John

Porteous is to appeal his conviction, but it's likely only legal points will be heard. The evidence we've shown you in this programme, the brothers and sisters who say the accusers are lying the confused memories and the role compensation may have played will not be considered.

ENDS/