

CASE SUMMARY 4

Date Reported: 4 July 2014 / June 2016
Country: China
British Council Case Number: 85

Background

The British Council has had a presence in China since 1943 and became established as the Cultural and Education Section of the British Embassy in 1979, with a small staff of 8 employees. Today, British Council China is our largest single country operation with 730 staff in offices in five cities; Beijing, Shanghai, Guangzhou, Chongqing and Nanjing. We currently have 163 UK nationals working with British Council China.

Since 1 September 2014, the exams operation in China has been operating as a Wholly Foreign Owned Enterprise (WFOE), under the registered trading name BC Education Consulting (Beijing) Co. Ltd. as the basis for building a sustainable platform for growing business. Although a Chinese legal entity, it remains a British Council organisation, thereby working to the standards and Codes of Conduct of the British Council. The exams business in China delivers English language assessment, professional and university exams across 88 test centres in China. During the past 12 months 57,196 minors have taken exams in these centres.

In 2017, the British Council opened a single English Language teaching centre in Nanjing. However, there is currently only one registered young learner; all other students are adults.

We also run programmes in Education and Society, the Arts and the Creative Economy in China. We currently have 29 programmes that are working directly or impacting on children including the Chinese Language Assistants programme, HSBC Kids Read Programme and the Premier Skills programme which has trained more than 2,300 football coaches across China, with ambitions to reach 5000 coaches by 2020, benefiting up to 5 million young people in China.

Child Protection: The age of consent in China is 14 years of age. There is inconsistent implementation of the national child protection legal and response system and there are sensitivities in relation to international intervention including a high level of government oversight, scrutiny & cautiousness in relation to engagement with foreign governments/agencies and their policies.

The British Council Child Protection work in China is extensive. A full time National Child Protection Manager has been in place since March 2016 and there is a Trained Child Protection Focal Point network (30 staff across all offices and areas of work) with clear terms of reference and child protection deliverables; network publicised to all staff.

A Child Protection Accountability Framework has been developed which includes regular Child Protection updates to China Management Team and China Strategy Team. Additionally, a Child Protection Focal Point National Working Group has been established to facilitate risk assessment around child protection and the implementation and review of the national child safe action plan. Child Protection face to face induction sessions are carried out for all new all staff and refresher child protection sessions in all offices at least once a year per office. Additionally, the British Council China operates a case management system which integrates with the global child protection unit with reporting channels publicised internally and externally and a China child protection intranet page has been developed to make child protection resources accessible to all staff.

Child Protection training is also provided to external partners on projects that are identified as key risk projects, e.g. Kids Read, Mandarin Excellence Programme, Premier Skills etc. Child Protection training materials (Chinese language) have also been developed for exams partner test centres and child protection clauses are included in contract templates and Child Protection policy included as an appendix to contracts.

Finally, regular contact is maintained with external social service organisations and legal experts in order to maintain up-to-date knowledge of the local and international child protection context and in order to identify organisations for referrals as needed.

Allegations

In July 2014, an anonymous referral was made to the National Examiner Manager / Child Protection Focal Point, China, that a freelance examiner aged in his 50s, working for the British Council and travelling to various British Council test centres, was conducting a relationship with a young woman whilst staying in hotel accommodation provided by the British Council. The girl was thought to be under the age of 18.

It was reported that the examiner told colleagues that he had arranged for his regular 'lady' visitor to join him at the hotel and that she was 16 years old. It was alleged that he told his colleagues that he had an ongoing arrangement with the girl, paying 6000 renminbi a month for her to visit him wherever and whenever he wanted. It was further alleged that he had stated that he was thinking of coming to an arrangement whereby he would pay 15,000 renminbi a month for her to permanently be in Beijing with him.

He told colleagues that when his visitor arrived at the hotel she had brought a 14 year old girl with her but that he had told the friend to go home.

At breakfast the next morning, it was reported that a young girl was with the examiner and raised an issue over 'payment'.

The examiner later sent an email to colleagues saying that he had exaggerated the ages of the girls and that they were in fact 19 and 22 years of age.

Investigation

The National Examiner Manager reported the incident to the British Council Child Protection Team in London. A panel consisting of Head of Legal, Head of Child Protection, Deputy Head of Child Protection, Head of Global Network, Director of Communications and the Director of Examination Operations, National Examiner Manager and Child Protection Focal Point in China was set up to investigate the allegations. In accordance with Child Protection procedures and the 'Speaking-Up' policy, the investigation was undertaken in Beijing and included interviewing 10 witnesses, including colleagues of the examiner. Interviews were conducted by the Deputy Head of Child Protection and the National Exam Manager, China. Five panel meetings were convened between the 4 and 24 July 2014 to agree, plan and direct the investigation.

Referral to CEOP

On 4 July 2014, the Head of Child Protection wrote to the Child Exploitation and Online Protection Command (CEOP) of the National Crime Agency (NCA) asking whether the examiner was known to them. On 10 July 2014 an Intelligence Officer confirmed that checks had proven negative but requesting details of specific allegations and details of any further action taken by the British Council.

Interviews

Interviews were carried out during the period 21 to 24 July 2014. One interviewee confirmed he had sat at breakfast with the girl and the examiner and noted that she did not speak any English and the examiner did not speak her language. The witness stated that the examiner referred to the girl as a hooker and reported that he accessed the girl from a hairdressing college in Shijiazhuang that was alleged to run a prostitution business. He stated that the examiner told him that he asked for 16 year old girls to be provided to him and checked their identification on their train tickets when they arrive.

Others interviewed had not heard anything being said on the bus to the hotel, nor had they ever heard anything untoward about the examiner. One interviewed stated that the examiner in question was not very popular and referred to him as arrogant. Another queried whether the allegation was based on a grudge. Two others stated that they had only heard him talk about religion or soccer.

At interview, the examiner stated that he had met the girl on a registered dating site two years previously, that she was 20 years old, had arrived in Beijing about a year previously and had been his girlfriend. He confirmed that he had paid for her transport to the hotel and that she had only stayed one night and left the following morning as her father had become ill. He had given her 5000 renminbi to help pay for his treatment. He hadn't heard from her since, but nothing had gone badly wrong and they hadn't argued.

On the basis of the interviews conducted, it was confirmed that a girl did join the freelance examiner in the hotel during the period 25 to 27 June 2014, but her exact age could not be established. It was thought that she could be anywhere between the ages of 16 and 22 years.

On the 29th July 2014, the interviewers received an email from the examiner confirming that he had paid medical expenses for a girl who had accompanied him while on British Council exams business, staying at the

Wuhan Renaissance, a month later during the period 18 to 20 July 2018. It was therefore apparent that the examiner had been involved with two girls for whom he had paid medical expenses.

Outcome

Whilst breach of British Council Child Protection Policy could not be established, the investigation concluded that the behaviour of the examiner raised serious concern. The panel considered the behaviour of the examiner amounted to a breach of the IELTS Examiner Code of Practice and compromised the professional reputation of IELTS. Recommendations were made to withdraw the IELTS Invitation to Examine (ITE), ensuring that the examiner was no longer eligible to examine at any IELTS centre worldwide.

The examiner was immediately suspended pending a Professional Support Network (PSN) disciplinary interview to consider the allegations of examiner misconduct.

An email was sent to the examiner inviting him to attend a PSN interview on 27 August 2014 and setting out the basis of the issues to be addressed, i.e. whether section 9.1 of the IELTS Code of Practice '*Maintains and enhances the integrity of IELTS at all times*', had been breached and whether the examiner's actions may be considered gross misconduct. The letter also reaffirmed that by signing the IELTS Invitation to Examine, examiners agree to act in accordance with the Code of Practice, the Examiner Handbook and the PSN Manual. It was noted that the examiner had signed the IELTS Code of Conduct on 18 February 2014.

In response to the invitation to attend a PSN Disciplinary Interview, the examiner wrote two long detailed emails. The first raised issue as to how the investigation had been conducted, noting that the investigations by the Child Protection Unit had been found to be completely unfounded, raising racial prejudice against the Chinese women he was involved with as the basis for the allegations and confirming that he would be seeking compensation for loss of earnings and loss of reputation under UK, EU and Chinese law. The second email again raised issue as to the conduct of the investigation but additionally sought clarity on the legal status of BC Education Consulting (Beijing) Ltd and whether it would maintain responsibility for any action brought by the examiner, disclosure of the regulations applicable to the PSN disciplinary interview and seeking access to the Examiner Handbook and Code of Practice in advance of the PSN Interview.

The examiner failed to attend the PSN interview arranged for 27 August 2014. A communication was received from his lawyer confirming that he was not well enough to attend. Despite alternative arrangements being made, on 27 October 2014, the examiner notified the National Examiner Manager, China, that he was suffering from stress related symptoms as a result of the investigation and had received medical advice not to attend an interview until January/February 2015.

On 22 December 2014, a strategy meeting was convened with Head and Deputy Head of Child Protection, Director of Exams and the Child Protection Focal Point, China. It was agreed to offer the examiner a further interview in February 2015 and again in March 2015. Despite the offers, he did not attend. In accordance with

the Policy guidance contained within the PCN Manual, the examiner's Invitation to Examine was withdrawn. He was notified in writing on 19 March 2015.

On 8 May 2015, The Deputy Head of Child Protection sent a copy investigation report to CEOP confirming that the examiner's license to work as an IELTS Examiner had been withdrawn. On 5 June 2015, CEOP confirmed that they were continuing to investigate the Teaching Centre Manager. No further correspondence from CEOP has been received since.

June 2016

On 15 June 2016, Senior Legal Advisor for the British Council notified the Head of Child Protection that a person with the same name as the Examiner and based in Beijing, had created a web tutor profile which detailed his occupation as an IELTS Examiner working for the British Council. The profile had been developed in 2015. Investigations were undertaken which confirmed that the examiner was not working for the British Council.

November 2016

On 8 November 2016, the British Council IELTS Regional Manager South East Asia, received an email from the Quality and Compliance Coordinator at [Company Y] ([Redacted]), confirming that the examiner was advertising himself as an IELTS Examiner and had applied for work with [Company Y] where he was volunteering.

[Company Y] were notified that the examiner's ITE had been withdrawn and employment would not be possible. The examiner sought clarification from [Company Y] as to whether he could 're-train' at [Company Y]. He was advised to contact the British Council who had withdrawn his ITE.

Cambridge ESOL confirm registration as an IELTS Examiner required for employment and provide certification. In addition, both [Company Y] and British Council IELTS record information such as withdrawal of ITE on their databases. Accordingly, all databases were checked and the IELTS Global Examiner Manager for the British Council provided written confirmation that the examiner's ITE withdrawal had been recorded by Cambridge and [Company Y] and on the British Council's Examiner Database.

On 26 November 2016, the Senior Examiner Administration Manager, British Council China, sent an email to the examiner confirming that as his Invitation to Examine had been withdrawn for reasons of Gross Misconduct, he would not be able to reapply to become an IELTS Examiner for the British Council or [Company Y] Centres anywhere and at any point in the future. She additionally confirmed that he would not be eligible to retrain.

No further action or contact.

EXHIBITS

1. Child Protection Policy 2011
2. Child Protection Response Plan
3. Speaking Up Policy
4. IELTS Examiner Code of Practice
5. IELTS Invitation to Examine
6. Guidance: IELTS Examples of Examiner Misconduct