

CASE SUMMARY 18

Date Reported: 9 November 2017

Country: Vietnam

British Council Case Number: 441

Background

The British Council have been established in Vietnam since 1993 with our main offices in Hanoi and Ho Chi Minh City.

Today it is a large sized country operation employing 250 staff and approximately 300 part-time contractors as Teaching Assistants, invigilators, and interns/helpers. Of these, 62 are UK Nationals. We have 5 English Language Training (ELT) teaching centres and 4,324 registered young learners. We deliver English language, professional and university exams across Vietnam and in the past 12 months, we had 7,494 under 18 year old's (minors) taking exams, including IELTS, Aptis for teens, IGCSE and A levels.

Additionally, we deliver work in Arts, Education and Society in Vietnam. We currently have four programmes that are working directly or impacting on children.

Child Protection

There is inconsistent implementation of the national child protection response system in Vietnam. There is some law enforcement capacity, but it is also inconsistent. Corruption is considered widespread and the country has a partially visible and unregulated sex industry providing some offending opportunities and environments that can be exploited by offenders.

The British Council Child Protection Team has put in place one countrywide and five City specific, Child Protection Focal Points. The Child Protection National Working Group contributes to the British Council's child protection risk mapping and implementation and review of the national child safe action plan. Additionally, annual face to face training is delivered to all permanent staff and teaching centre temporary staff.

There is also a country-wide Safe Collection Policy integrated into the young learner registration process and into the induction and training schedules of relevant implementing staff. There is a strong communication strategy internally and externally, particularly with parents and students, as well as with third parties, such as partnership organisations who are responsible for delivering British Council operations involving young learners.

The British Council have implemented a case management system which systemises child protection incident referrals, investigation and response and includes local external agencies such as local Non-Governmental Organisations working with children. However, limitations remain in relation to the provision of national child protection services.

Allegations / Incident

In September 2017, a teacher based at a non-British Council language school in Ho Chi Minh City allegedly witnessed an adult male British expatriate interacting inappropriately with a child. The child was female, approximately 12 years of age, was unaccompanied and selling souvenirs outside a bar on De Tham street after midnight in District 1, Ho Chi Minh City. The teacher noted the conversation between the unidentified expatriate and the child to be flirtatious and he suspected that the expatriate was attempting to establish rapport with the child in order to abuse her. The teacher was sufficiently concerned about the interaction to take a photo of the expatriate.

In early October 2017, the teacher saw the same expatriate from the photo at his workplace. Assuming the man was a newly-hired teacher, the teacher reported his concerns to his Academic Manager who confirmed that the British expatriate had been employed by the language school.

The Academic Manager met with the British expatriate to discuss the photograph and allegation. There were other work-related issues regarding his performance which had raised red-flags after recruitment (including claims of being drugged and robbed in Ho Chi Minh City and putting his head through a window in a pub while drunk). None were related to Child Protection, although he mentioned that he had both a young wife and fiancé living in the Philippines. After the meeting the expatriate left the organization "by mutual consent".

The Academic Manager remembered seeing either "IELTS Examiner China" or "IELTS Examiner China British Council" on the expatriate's CV. Concerned that the expatriate may try to regain employment with the British Council, on 24 October 2017, the Academic Manager contacted his counterpart at the British Council in Ho Chi Minh City to share his concerns. The British Council Academic Manager in turn contacted the British Council Regional Child Protection Manager East and South Asia seeking assistance.

Investigation

An internal investigation was initiated by the British Council Regional Child Protection Manager. These established that on 1 November 2017, the expatriate had in fact applied to become a fulltime International English Language Testing System (IELTS) examiner with the British Council based in Guangzhou, China. His application was in the process of being reviewed. It was further established that since 2013 the expatriate had worked in various roles within teaching centres in Malaysia, the Philippines and China and had previously been

employed as an examiner by the British Council in Shanghai in 2015. In all roles he appeared to work with children. Further, his previous employment included Director of Studies at a Summer School based in East Sussex with which the British Council Philippines had a partnership programme, sending children to participate in the summer school every year over the European Summer.

The Regional Child Protection Manager sought copies of the photographs and written accounts of the issues raised by the Academic Manager and Teacher from the language school in Ho Chi Minh City (non-British Council). The photographs showed the expatriate sitting at a table drinking beer with a young girl. The teacher's written statement confirmed that on 11 September 2017 at around 4:45am he observed the expatriate asking a 12 year old street girl to sit with him. He was overheard offering the girl money for sexual services. He reported that the girl appeared nervous. When the expatriate went to the toilet, the girl was told to leave. Sometime later he observed the expatriate leaving the area with two prostitutes believed to be around 20 years of age.

The Academic Manager's written account confirmed the above events as shared by the teacher.

Criminal Records Check and Employment History

A strategy meeting was convened between the Deputy Head of Child Protection, the Regional Child Protection Focal Point and the Academic Manager for the British Council in Ho Chi Minh City. It was decided to review the expatriate's employment history and employment documentation held by the British Council. These included previous references, copy passport, the probation report from his employment with British Council China South and Disclosure Scotland Certificate dated 15 November 2014.

The certificate indicated that no convictions or cautions had been brought against the expatriate, including the civil orders. However, the expatriate had not fully disclosed his employment history on his recent application for employment with the British Council. Further, it was clear that he regularly changed his job and moved between teaching centres across South East Asia and China. This raised concern within the Child Protection Team.

Referral to CEOP

A Child Protection Panel was convened consisting of the Head and Deputy Head of the Child Protection Team, Head of Legal, the British Council Academic Manager, Human Resources Director, Regional Director East Asia Examinations, Country Director and Regional Child Protection Focal Point. It was agreed that measures would be put in place to prevent the Expatriate's rehire into the organisation by entering the expatriate's details in Human Resources recruitment information and placing a 'Red Flag' against his name. Further, in accordance with Child Protection Response Plan, on the basis that it was considered that the expatriate posed a potential risk of harm to children, on 8 December 2017, a referral was made to the Child Exploitation Online Protection Command (CEOP) Tracker Team of the National Crime Agency (NCA) in the UK and to the Intelligence and Operations Directorate of NCA, South East Asia.

Outcome

CEOP acknowledged receipt of the referral and confirmed that the matter would be allocated to a case officer who would complete an initial assessment. On 31 January 2018, subsequent correspondence from a Senior Intelligence Officer CEOP, sought clarification as to whether the girl in the photograph and the teacher who reported the incident would be willing to provide witness evidence; whether local authorities and other teaching centres had been informed and the action taken by those organisations and whether British Council had interviewed the expatriate in respect of the incident.

On 6 February 2018, the Head of Child Protection responded confirming the action taken by the British Council. She confirmed that the expatriate was not an employee of the British Council, was deemed as unsuitable to be employed as a result of the incident and had not been interviewed in respect of the incident in order to prevent jeopardising any investigation by CEOP. Further, although the girl was not known to the British Council and had not been interviewed about the incident, the teacher from the non-British Council School had confirmed that he had retained the photographs and would be willing to provide a formal witness statement. Finally, local authorities and other teaching centres had not been informed, in order to not jeopardise the CEOP investigation.

On 19 April 2018, a formal Section 7, Crime and Courts Act 2013, request for information was received from the NCA seeking copies of the photographs and contact details for the teacher who initially reported the incident. A full response was provided. In July 2018, three months later, CEOP contacted the Head of Child Protection advising that the Response to the Section 7 Request has not been received. Further copies were sent together with the original email correspondence sent to CEOP containing the Response. CEOP confirmed that investigations were continuing.

To date no further information has been received from CEOP confirming the outcome of their investigation.

Measures remain in place to prevent rehire of the expatriate into the organisation.

Case Closure: As this case remains under investigation by CEOP, this case remains active on the Child Protection Case Management System.

EXHIBITS

1. British Council Child Protection Response Plan
2. Safe Collection Policy