

CASE SUMMARY 14

Date Reported: May 2016

Country: Spain

British Council Case Number: 224

Background

The British Council has been established in Spain since 1940. Today it is a large country operation. The British Council directly employs 796 staff in Spain, of which 399 are UK nationals.

We have 10 English language teaching (ELT) centres throughout Spain and 14,744 registered young learners (under 18 years). Of this total number, almost 900 are under 5 years old. We have an Infant School in Madrid city centre.

We also deliver a wide range of exams primarily for Aptis, IELTS and Cambridge in close to 50 towns and cities across Spain. We had 24,454 minors taking exams in the past 12 months. We have 1000 exam staff (venue staff and examiners).

There is a British Council School in Madrid which provides full-time education for almost 2000 children between the ages of 3 and 18 years old. It offers bilingual and bicultural education.

Additionally, we work in Arts and lead Her Majesty's Government education work in Spain. We currently have 9 programmes that are working directly or impacting on children including more than 900 partner schools.

The British Council has a full time National Child Protection Manager for Spain, as well as network of 27 designated Child Protection Focal Point officers across the nation. Additionally, the Child Protection National Working Group coordinates the implementation and review of the national Child Safe Action Plan, has strong links with local partners and provides child protection briefing sessions.

The British Council School in Madrid also has a safeguarding and wellbeing coordinator.

Child Protection Challenges

The age of consent is very low at 13 years old, providing temptation to sex offenders. In addition, strong labour and data protection law and solid European Works Council (EWC) presence has impacted the implementation of Disclosure and Barring Service (DBS) checks in Spain historically.

Allegations / Incident

On 18 May 2016, a 44 year old female teacher at the British Council School in Madrid kissed a 17 year old male student at the end of year school party. On 19 May 2016, the female teacher self-reported the incident to the Head of Secondary at the School.

The party was not held on school grounds but some teachers from the school attended the event. Contrary to underage drinking laws, alcohol was available to students (who were 17 and 18 years old). Both the teacher and the 17 year old student were drunk at the time of the incident.

The teacher was a UK national employed on a local contract at the School. As such, she was working in a regulated activity.

Investigation

The Head of School was informed of the incident and decided to dismiss the teacher immediately for gross misconduct in accordance with the British Council Code of Conduct and British Council Child Protection Policy. A copy of the British Council Code of Conduct and the British Council Child Protection Policy are exhibited to this case summary.

The incident was reported to the local Child Protection Manager, who in turn reported the incident to the Corporate Child Protection Team in London.

An investigation was opened and on 23 May 2016 a Child Protection Strategy Meeting took place to establish what happened at the event and to agree on any further action required to protect the welfare of the student. The Strategy Meeting included the Head of Child Protection, Regional Manager of Child Protection, Child Protection National Manager in Spain, Family School Lawyer, Head of School, Head of Secondary and Spanish Director Tecnico.

Witness evidence

It was established that two employees from the school had witnessed the incident. In separate meetings with the Head of Secondary, the witnesses confirmed that the teacher was drunk on the night of the party. One witness observed the teacher and the 17 year old student leaving the dance floor together after talking very intimately. The witness followed them outside and found the teacher and the student kissing on a bench. The witness intervened by asking them to stop but they both refused. The witness physically pulled the teacher away from the student and the student started following them questioning why the teacher was being taken away. The witness asked for help from another school employee (the second witness). The teacher disappeared and was found later kissing the student again. The two witnesses had difficulty separating the teacher and the student but eventually a taxi arrived and the witnesses left the party with the teacher whilst the student stayed behind.

One of the witnesses was the School's Leader of Teaching & Learning Second Languages (TLSL). He recalled that in November 2015 the teacher had informed him in writing that the student had made a number of

inappropriate comments toward her in the past. An email exchange documented four occasions where the teacher reported inappropriate comments from the student where he appeared to be flirting with or flattering her. The teacher sought advice from the TLSL Leader (as her line manager) and the two had developed a strategy to deal with the inappropriate behaviour. It was agreed that the teacher would speak to the student in the first instance but if any further comments were made the matter would be escalated to the Leader TLSL to speak to the student and decide on appropriate actions. Following the teacher's initial discussion with the student, there is no evidence that any further comments were made.

Meeting with the 17 year old student

On 23 May 2016, the Head of Secondary met with the 17 year old student and his mother. The student explained that he did not remember the incident but was told about it by his friends. The student's mother was informed of the incident and the Head of Secondary offered the support of the school counselling service.

Additional steps were taken to protect the welfare of the student, including briefing all secondary school staff to reinforce the need for confidentiality..

Referral to the Disclosure and Barring Service (DBS)

On the 25 May 2016, a second Child Protection Strategy Meeting took place and it was decided that the British Council would make a referral to the Disclosure Barring Service (DBS).

The British Council Child Protection Team made a formal referral to the DBS on 12 August 2016. This referral was acknowledged by a letter dated 25 August 2016.

Outcome

The DBS referred the matter to the National College for Teaching & Leadership (NCTL). On the 28th September 2016, the NCTL advised the British Council via letter that they would not be taking further action.

The NCTL noted that the British Council teacher did not meet the definition of a 'teacher' for the purposes of the *Education Act 2011*. That is, a person who is employed or engaged to carry out unsupervised teaching work at:

- A school in England
- A sixth form college in England
- Relevant youth accommodation in England
- A children's home in England

Therefore, the NCTL stated that they had no jurisdiction to consider the matter.

The case was closed by the British Council Child Protection Team on the 23 Nov 2016.

EXHIBITS

1. British Council Code of Conduct 2015
2. Child Protection Policy 2015