

CASE SUMMARY 6

Date Reported: October 2012

Country: China

British Council Case Number: X38

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 / Issue

On 22 October 2012, the British Council Language Assistants' team in China received an email from a fellow British Council English Language Assistant (ELA) based in China making allegations about another ELA also based in China. The email alleged that the ELA concerned had invited an underage boy, who he had met on the internet, to travel to England and stay in his room. It was believed that the parents of the boy alerted the UK authorities and the police attended the ELA's house. It was reported that the ELA was charged with a criminal offence but was found innocent.

The ELA had been recruited by the British Council and was on the British Council Assistantship Programme, but he was not directly employed by the British Council. Rather, the ELA was contracted to a school in China through the British Council's relationship with China Education Association for International Exchange (CEAIE). The CEAIE is British Council's partner responsible for ELA's based in China.

Investigation

In line with the British Council's Child Protection Response Plan, initial enquiries into the allegations were conducted to further understand the nature and extent of the concerns. British Council's Child Protection Response Plan is exhibited to this case summary.

Referral to CEOP

On 24 October 2012, the ELA's name was referred to the Child Exploitation and Online Protection Command (CEOP) at the National Crime Agency (NCA) to establish whether the ELA had ever been charged with an offence under the *Sexual Offences Act 2003*.

Criminal Record Clearance

The ELA's was working in a regulated activity and had regular contact with students aged between 12 and 15 years old. Despite it being British Council policy that all CEAIE schools complete a Criminal Record Bureau (CRB) check for Language Assistants, it was established that the receiving CEAIE school in China had not completed the checks and accordingly, a CRB had not been obtained for the ELA concerned.

On 31 October 2012, it was decided that all ELAs in China would need to apply for up to date criminal record bureau certificates. The British Council took steps to facilitate this but timeframes for completion could not be confirmed (it was estimated that CRB checks on all ELA's in China would take approximately 60 days to complete).

Interviews

To move the investigation forward and agree upon next steps, a Child Protection Strategy Meeting took place on 12 November 2012. The meeting consisted of British Council Director South China, Director of Resources China, Director Schools Programme China, Head of Contract Management Programmes & Projects, Deputy Head Product Delivery Programmes & Projects, Senior Legal Advisor, Head of Child Protection and Regional Child Protection Manager.

On 15 November 2012, the British Council Acting Director China and British Council Assistant Director of South China interviewed the ELA. In the interview the ELA explained that he had developed an online friendship with a Singaporean he thought was 18 years of age. When he discovered the person's true age (15) he broke off the friendship. The ELA and the 15-year-old had arranged to meet in person, but the ELA said that the meeting never took place. He stated that he was reported to the police by a disgruntled flatmate but police dismissed the allegations and he was never charged with a crime.

CEOP Report

On 20 December 2012, the British Council received a report from the CEOP which provided a different version of events and confirmed that the ELA was arrested in 2011 after being found in the company of a 15-year-old boy alone in his bedroom. According to the report, the facts are as follows:

- On 1 June 2011, Police attended the home address of the ELA and was found in his bedroom with a 15-year-old male who had travelled to the UK from Singapore the previous day;
- The subsequent police investigation sought to establish if sexual activity had taken place;
- The 15-year-old boy's age was verified by his Republic of Singapore passport;

- The 15-year-old boy and the ELA explained that they had met via the internet and formed a relationship. The ELA had visited the 15-year-old in Singapore meeting the boy's family. On this occasion the ELA had paid for the boy's flight to the UK;
- Neither the ELA or the 15-year-old boy admitted any sexual contact took place, both denied this. The 15-year-old boy stated that he had told the ELA that he was in fact 16 years of age and this was evidenced in a text message;
- The ELA was not subject to any criminal charge or subject to any criminal proceedings.

Outcome

The Head of Child Protection and Acting Country Director agreed that the ELA would be disqualified from the ELA programme on the basis that a) he withheld relevant information at the time of his application; and b) he provided inaccurate information in his meeting on the 15 November 2012.

On 21 December 2012, the ELA was advised of this outcome via telephone. The ELA was very upset and claimed that he did not tell the truth in the first instance because he knew his CRB check would be clean (as he was not charged) and he did not feel comfortable disclosing the details of the arrest as he was trying to put the past behind him. Despite this, the British Council maintained that the ELA should be disqualified from the ELA programme.

Further Child Protection Strategy Meetings took place on the 11 January 2013, 16 January 2013 and 21 January 2013 to manage final actions. As the ELA was recruited by the British Council but not employed by the British Council, any disciplinary action needed to be taken by the school where the ELA was employed. Considering the British Council's relationship with its partners and the culture in China, it was agreed that the British Council would provide the CEAI and the school where the ELA was contracted with information about the internal investigation to assist the school's decision making. The British Council informed the CEAI that the ELA had been disqualified from the programme and subsequently, the school terminated the ELA's contract.

On 18 Jan 2013, the ELA wrote to the British Council Country Director South China, the Head of Contract Management Programmes & Projects and the Deputy Head Product Delivery Programmes & Projects expressing his dissatisfaction toward the investigation and its outcome. He stated that the result was unjustified and maintained that that he did nothing wrong. The Deputy Head Product Delivery Programmes & Projects responded to the ELA's email reiterating the reasons for the decision to disqualify and proposed a meeting upon the ELA's return to UK to help resolve his concerns. The ELA was also offered assistance in returning to the UK, but he did not take up this offer.

The ELA was disqualified from the British Council ELA programme and his contract was terminated at the school where he was working in China.

Lessons Learned

The investigation established that CEAIE school where the ELA was employed had not carried out a Criminal Record check for the teacher concerned. It is British Council policy that all CEAIE schools complete a Criminal Record check for ELAs employed. Accordingly, British Council's partner responsible for ELAs based in China, CEAIE, were contacted and it was agreed on 31 October 2012, that all ELAs in China would need to apply for up to date criminal record bureau certificates.

Case Closure: On 20 January 2013

EXHIBITS

1. Child Protection Policy 2011 and Reporting Flowchart