

CASE SUMMARY 12

Date Reported: 20 February 2015

Country: Mexico

British Council Case Number: 124

Background

The British Council has been established in Mexico since 1943. Today it is a medium country operation.

The British Council currently employs 118 staff in Mexico, of which 26 are UK nationals. We have one English Language Teaching Centre in Mexico City, which currently has 1550 registered young learners annually (approximately 310 learners per term, 5 terms per year). We deliver English language, professional and university exams across Mexico. During the past 12 months, we had 13,020 minors taking exams. We also deliver teacher training and direct training through partnership organisations and through our teaching centre.

Additionally, we deliver work in Arts, Education and Society in Mexico. We currently have five programmes that are working directly with or impacting upon children.

The British Council has a designated Child Protection Focal Point in place and two Deputy Focal Points. Additionally, the Child Protection National Working Group coordinates the implementation and review of the national Child Safe Action Plan, has links with local partners and provides child protection briefing sessions.

Child Protection Challenges

The age of consent in Mexico is very low at 12 years old and existing child protection legislation is weak, poorly implemented and monitored. Corruption is considered widespread and law enforcement activity is limited. There is a culture of violence and crime is widespread. The country also has a visible and unregulated sex industry.

Incident / Allegations

On 20 February 2015, the Country Director for Mexico contacted the Regional Child Protection Manager seeking advice having received notification of a news item which indicated that the British Council had aided a person pending trial for Child Sexual Offences to enter Mexico.

Background to Incident

On 8 October 2014, Philip Pickett, travelling with the New London Consort Orchestra, was detained by the Mexican Authorities on his arrival at the airport. A representative from Cervantino Festival, (the organisation sponsoring the London Consort Orchestra's stay in Mexico), who was waiting at the airport to meet the Orchestra, contacted the Head of Arts at the British Council Mexico, to request assistance in helping Mr Pickett enter the country.

The Head of Arts contacted the Country Director. The Country Director contacted the Immigration Police and spoke with Philip Pickett. Mr Pickett confirmed that he was known to INTERPOL having been arrested in the UK for historic Child Sexual Offences whilst teaching at the Guildhall School of Music and Drama, but stated that he was not prevented from travelling, adding that he had just returned from Hong Kong.

The Country Director contacted the Consul to seek further assistance for Mr Pickett. The consul provides assistance to British nationals abroad. Subsequently, Mr Pickett was allowed by the Mexican authorities to enter the country.

In February 2015, Mr Pickett was sentenced to 11 years imprisonment at the Old Bailey for raping two teenage girls and indecently assaulting two other girls.

Investigation

Following notification of the news item, the Country Director Mexico raised the issue with Child Protection Team who instigated an investigation to identify the following:

- a) How Mr Pickett was able to travel whilst pending trial for Child Sexual Offences and in circumstances where he was known to INTERPOL;
- b) Why a British Council employee had aided Mr Pickett to enter Mexico despite pending trial; and
- c) What vetting and recruitment checks had been carried out by the Partnership Organisation, Cervantino.

Country Director

The Country Director confirmed that; a) the Immigration authorities had contacted the British Council as a Green Notice had been issued against Mr Pickett on which they required further information; b) she had spoken with Mr Pickett whilst he was detained at the airport by the Mexican Immigration authorities and he had confirmed he was pending child sexual offences but had not been convicted and was allowed to travel; and b) she had subsequently contacted the consul seeking further assistance for Mr Pickett.

INTERPOL

On 26 February 2015, the Regional Child Protection Manager contacted the Child Exploitation and Online Protection Command, (CEOP) at the National Crime Agency (NCA) seeking advice and clarity in relation to INTERPOL's notification processes, in particular in relation to the issuing of a Green Notice which provides

warnings and intelligence about persons who have committed criminal offences and are likely to repeat these crimes in other countries and should prevent offenders from crossing borders. In addition, an internal search was carried out to identify what was known about the musician.

As no response from CEOP was received, on 17 March, the Regional Child Protection Office contracted the Foreign and Commonwealth Office (FCO) seeking clarification as to INTERPOL's notification processes. Further chaser correspondence was sent to the NCA on 17 April 2015.

On 20 April, the NCA responded to confirm that a Green Notice would apply to someone likely to commit offences against children and that this is a common method used to alert countries of sexual offenders. However, they confirmed that it would be rare for a person who had been charged but not yet convicted of an offence to appear on a Green Notice. They would anticipate that bail conditions would restrict a person leaving the country of origin and therefore negate the need for such a Notice to be issued. Further, upon a person arriving in a member country, it would be the decision of that country to refuse entry based upon the information contained in the Green Notice. There is no requirement for the member country to advise INTERPOL of their decision to refuse or grant permission to enter the country.

INTERPOL's Rules on the Issuing of Data, is exhibited to this Case Summary. Section 3, Article 89, Green Notices (pages 37 & 39) sets out the criteria for issuing a Green Notice.

Employment

Additional investigations were commenced by the Director of Music, Global Network Team and Arts to establish what was known to the British Council about Mr Pickett. It was established that the British Council did not have direct links to the London Consort Orchestra but provided funding via a UK Agency, the Anglo Mexican Foundation, to Cervantino Festival, the partnership organisation who had engaged the Orchestra in Mexico. The British Council paid 50% of the cost of flights for the Orchestra to the Agency in the UK. The Mexican Government paid the Orchestra fees.

It was established that as the British Council did not directly employ the musician, they were not responsible for carrying out any vetting or criminal records check.

At the time that Mr Pickett travelled to Mexico, he was pending trial for child sexual offences and no civil order had been brought against him.

Outcome

A Case Panel was convened consisting of the Head of Child Protection, Head of Employee Relations Human Resources, Head of Legal and the Regional Child Protection Manager. It was noted that when this incident was reported to the Head of Child Protection, Philip Pickett had already been charged and sentenced to 11 years imprisonment.

It was agreed that there was learning for the organisation in respect of this incident. It was agreed that the Head of Learning and Development should be engaged to assist with capacity building in relation to contracts with partners, specifically in relation to how to deal with Child Protection, safeguarding and assessment of risk. Further, it was agreed to follow up with the Arts Music Department and Regional Director, Americas, to share learning and reinforce the need for early reporting of Child Protection concerns. Finally, it was agreed to share the details of the case with the Head of Human Resources for Arts, in order that the Senior Arts Management Team could engage in a learning and awareness raising session.

Case Closure: 30 June 2016

EXHIBITS

1. INTERPOL International Notices System Fact Sheet
2. INTERPOL's Rules on the Processing of Data [III/IRPD/GA/2011 (2016)]