

Given that an interim order will be made before the court has heard and tested all the evidence, British Council accept that great care must be taken to ensure that such a course of action is justified and must be balanced with the respondent's rights to liberty or private and family life (protected by Article 5 and Article 8 of the European Convention on Human Rights (ECHR)) and must be necessary and proportionate to the prevention or detection of crime, the rights and freedoms of others. Interim orders are, arguably, a major restriction of liberty imposed on people who have not been charged or found guilty of any offence.

It is not known to the British Council why the man now convicted, was not thought to pose a risk of significant harm or considered a flight risk such that bail conditions were not imposed. However, he was pending trial for serious child sexual offences and was travelling to a country with low socioeconomic conditions, a low age of consent, no offender management regime or extradition treaty in place. It is known that such countries offer greater opportunity for child sexual offenders. Given the circumstances, the British Council would welcome the wider use of the civil orders framework, including the use of interim orders, to ensure an effective regime is in place to prevent likely predatory or opportunistic offenders travelling to high risk/vulnerable countries. Additional clarity detailing when orders are imposed and the context in which orders are enforced, would be helpful to organisations operating overseas.

*INTERPOL Green Notice 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.

Exhibit:

Case Summary 11

Investigation Process

In the UK, the duty to investigate child abuse, and the prosecution and conviction of child sex offenders, is underpinned by a joint investigative process which combines the police and children's social work services. Information and evidence gathering, as well as assessments of risk, are undertaken under the direction and provision of S. 47 of the 1989 Children Act. This Act (and the accompanying guidance), clearly sets out timescales, roles and responsibilities, processes that must be followed and rules of confidentiality, that are statutorily prescribed.

The investigation process involves the contribution of a multi-agency team of professionals who may be involved with the child. This child protection process is carried out by trained professionals following clear and established child protection procedures. In carrying out investigations, there is strict adherence to the operation of professional judgement of the investigators and professionals involved and the application of the 'balance of probability' threshold in decision making, acknowledging the need to protect children where evidence, particularly from children, is difficult to establish.

In many countries in which the British Council operate, no such system exists for the investigation of abuse allegations in respect of children abroad. This is highly problematic in the international sector. Without procedures to follow, people and information do not get the same protection or attention and there is often a clear limitation on the application of due process and accountability. Given the complexities when operating across jurisdictions, it is evident that our international systems are not as responsive and accountable as those being applied to children in the UK.

From a Child Protection case management perspective, none of the procedures followed in the UK have been applied to cases referred to the NCA CEOP Command. Further, when referring allegations of child sexual abuse in which the British Council Child Protection Team consider the alleged behaviour may raise a 'significant risk of harm' to children, there is limited guidance and/or feedback from the police. Additionally, the sharing of any intelligence which might help in applying judgement or decision making is rare.

The British Council Child Protection Team are not aware of any Multi-Agency Public Protection Arrangements (MAPPA) processes that may have been convened on cases which we have referred. The processes and safeguarding afforded to domestic cases are not applied: timescales routinely are not considered resulting in very long gaps between our referral and CEOP response. As a matter of course, British Council Child Protection professionals are not involved in strategy meetings with the CEOP Tracker Teams and therefore subject discussion and critical examination of information does not take place. Further, the process for establishing the threshold for referral to NCA CEOP Command has never been disseminated which leaves the accountability for what to refer with a single agency.

The result is that it is very difficult for the British Council Child Protection Team to progress cases in which allegations for child sexual abuse are raised. We are often left with an organisational decision to dismiss an employee for breach of code of conduct for inappropriate behaviour, rather than progress our child protection investigation.

The British Council works in over 115 Countries, many of which have low socioeconomic conditions, a low age of sexual consent, high numbers of vulnerable children, a partially visible and unregulated sex industry, weak child protection law, poor governance and weak law enforcement. This type of environment can engender free abandon to predatory offenders and prove tempting to situational and opportunistic offenders. Gathering intelligence from appropriately coordinated international Child Protection investigations, informed by organisational decisions such as dismissal for code of conduct breaches (or criteria agreed by relevant stakeholders), if used as a threshold to instigate a police investigation could be a very useful first step in the proactive regulatory investigation of child abuse abroad. Generally speaking, establishing some degree of threshold with CEOP for each stage of an investigation would be very helpful.

In summary, the British Council consider that systems of international child protection should be at least as responsive and accountable as those applied to children in the UK. We would welcome a more interactive investigative approach to gather information and evidence; clear guidance on processes followed, thresholds to be met and clearly sets out timescales.