

Bristol UCU Response - Requesting Views on the 2016 Prevent Annual Report to HEFCE

Preamble

UCU and Bristol UCU are opposed to the Prevent Duty. In the post-EU Referendum climate, one has:

- a rise in hate crime
- the anti-cosmopolitan statements made by the current government
- the increasing bitter debate around 'British values'
- increased government control over universities legislated for in the current Higher Education and Research Bill
- Organisations such as the Henry Jackson Society dedicated to intervene in universities using Prevent to do so

The Prevent Duty is a tool ripe for misuse.

As pointed out in the Open Society Justice Initiative report [*Eroding Trust: The UK's "Prevent" Counter-Extremism Strategy in Health and Education \[PDF\]*](#), Prevent 'suffers from multiple, mutually reinforcing structural flaws, the foreseeable consequence of which is a serious risk of human rights violations. These violations include, most obviously, violations of the right against discrimination, as well the right to freedom of expression, among other rights' (p. 16). Already in UK universities events on Islamophobia are being censored, seen as too risky by university managers, at Birkbeck and Huddersfield University.

We note at Bristol the 'liberal' amendments that have been made to mitigate authoritarian interpretations of new policies. See the External Speakers' Policy.

The University of Bristol's implementation of the statutory requirements of the Counter Terrorism and Security Act 2015 has displayed an overly cautious approach to risk management. The Prevent Duty has seen some very difficult receptions in other HEIs. The Kingston University Vice Chancellor Professor Julius Weinberg, for example, has spoken out publicly against the Duty and the rationale behind it. See also Warden of Wadham College, Oxford and former Director of Public Prosecutions, Lord Ken Macdonald.

The raft of policies approved over the course of this year at Bristol may be seen as the bare minimum required by law. And diligent University of Bristol governance has seen some important revisions. But as is, these Prevent suite of policies are the perfect opportunity for divisive, mainly extreme right forces to intervene in a University such as Bristol, in order to discriminate and to make life difficult for staff and students, as well as police the type of discourse we have in this University.

General Comments

Key points from the Annual Report of Compliance with the Prevent Duty are:

- The April summary report outlined the University's rationale for deciding not to filter web use/content
- The Board of Trustees approved the University's Freedom of Speech Code of Practice in July, and this was submitted to HEFCE shortly afterwards.
- The University attempted to set up a formal information sharing agreement with Avon and Somerset police who refused this arrangement.
- The response to the requirement that the University review and update its staff welfare policies in light of the Prevent Duty was to opt for a case by case approach, where managers are encouraged to informally resolve problems, working with HR.
- The Vulnerable Students' Support Service will not take on staff casework. Unlawful conduct by staff will be dealt with under the University's rules of conduct for staff (O28).
- The University has issued a plan for training of staff – currently out to consultation
- The University intends to integrate its Equality and Diversity policy into the Prevent risk assessment
- There have been no high-risk events that have been escalated to the highest level of approval since the inception of the Prevent Duty. No University of Bristol students have been referred to Channel.

The University's approach to implementing the Prevent Duty is relatively light touch and one that emphasises its obligations as regards Freedom of Speech.

Nonetheless, there are 3 broad areas that raise concerns.

1) Safeguarding

The university is presenting Prevent as a part of the University's broader safeguarding responsibilities (*see para 1.1. of the Proposed Prevent Duty training programme*) – in common with other institutions, and particularly within the education sector. This is evident also in the University's approach – see PC-LE/2 of the risk assessment.

There are some difficulties with this approach, however. The characterisation of Prevent as a form of safeguarding has been heavily criticised: the National Union of Teachers passed a motion at its last conference calling for the reform of Prevent, arguing that the implementation of Prevent in schools was not compatible with the understanding of safeguarding among teaching professionals (which places emphasis on creating safe spaces for children to express views or discuss difficult issues).

2) Equality and Diversity

The University's strategy for complying with the Prevent Duty does seek to emphasise its other duties in relation to Equality and Diversity legislation, and its action plan proposes that it will include a reference to Equality and Diversity legislation on its Prevent documents (*PC-WS/6*).

Whilst this is welcome, the obligations to ensuring equality need to go beyond statements and will require a strategy for ensuring their implementation; that is, running parallel with the Prevent compliance strategy, there should be a strategy for ensuring that the university's obligations in relation to equality and diversity legislation are not undermined by Prevent.

Additionally, the Prevent Action Plan makes reference to an assessment that Prevent does not contravene the university's E&D policy (*PC-WS/6*). As the development of the Prevent strategy is ongoing, the university should factor in the need for ongoing evaluation of the equality impact of Prevent and whether it is compliant with the University's Equality and Diversity Policy. E.g. Section 3 of its E&D policy outlines a responsibility to 'Foster good relations between people who share a protected characteristic and those who do not' (s3), whilst its policy on Unacceptable Behaviour suggests that unacceptable behaviour includes 'Overbearing supervision or other misuse of power or position' (s3.2).

3) Extremism

The Prevent Duty places a duty on universities to 'have due regard to the need to prevent people from being drawn into terrorism' (s26.1). The Prevent Duty Guidance to HEIs seeks to go beyond this, however, to push universities to respond to a much broader (and more contentious) problem of extremism that goes well beyond concerns about terrorism or violent extremism, and includes a focus on "vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs".

This issue is one that raises particular tensions with universities' statutory obligations to ensure Freedom of Expression (which is a stronger duty than the duty to have due regard to the need to prevent people from being drawn into terrorism).

If these action points are implemented, they have the potential to undermine freedom of speech and expression in the university.

In relation to the Prevent Draft Action Plan, certain objectives reflect this broadened and pre-emptive/pre-crime approach, raising issues of freedom of expression, for instance:

- PC-MS/2 'Minimalise [sic] possibility that events promoting extremism or supporting terrorism are organised by students off University premises.'
- PC-MS/3 'Ensure that terrorist or extremist related material is not displayed on university premises' (this potentially curtails freedom of expression).
- Similarly, this can be seen in the objective and a measurable outcome to PC-C/1: where the objective is to 'Ensure the University's reputation is not damaged through linkage to individuals that might support or promote extremism or terrorism', and the outcome states 'Any references to the University related to potential terrorist or extremist activity that cause concern are referred for advice'.
- It appears in the specific actions for 16/17 for PC-IS/1, ICT and online research, which refers to '1) Complete review of IT policies in relation to Prevent. This might involve adding specific reference to Prevent and accessing terrorist or extremist material in the range of IT policies, or put a reference in each policy to an overarching Prevent policy' and '3) Update keeping safe online guides for students to explain what terrorist/extremist material looks like'.

The Risk Assessment also contains references to this expanded approach:

- PC-MS/1 risk where 'University premises are used to promote extremism or terrorism'
- PC-MS/2 risk of 'The promotion of extremism or terrorism by students away from University premises'.
- PC-MS/3 risk of 'Extremist or terrorist related material is displayed within college premises'
- PC-IS/1 'Access of extremist material online'
- PC-C/1 'The university's reputation is damaged by being associated with terrorism and/or extremism'. Here the proposed action relates to extremism and terrorism, rather than terrorism.

If the Action Plan points and risk assessment actions are drafted to incorporate a focus on extremism and terrorism, rather than terrorism/violence, then this potentially raises problems for the university as a guarantor of freedom of speech.

Specific Comments

These comments are limited to noting important points and/or revisions to the documents update this October i.e the appendices.

a) Prevent Action Plan - Appendix i

- PC-WS/2 University Security Staff to receive Prevent relevant training.

In solicitors Mazars's April Internal Audit, they identified the importance of Security Staff receiving special Prevent Duty-training because they are a 'distinct' group.

It should be stressed in any training that Security Staff receive that one should not be predisposed to police the academic business of the University, and that any intervention on their part is one of last resort.

The idea of Security Staff identifying suspects under some kind of Prevent Duty-related initiative, in addition to the supposed safeguarding remit of most University Prevent-related policies, is a chilling one.

Rather than just 'specific needs identified by the Head of Security Services' (*Proposed Prevent Duty training programme, p. 3*), mention should be made of both *a)* unconscious bias training and *b)* the presumption that most academic business is legitimate and intervention should only be on the grounds of violence or risk to life or limb. The notion of pre-criminality instituted by Prevent should not be further instituted by Security.

- PC-IS/1 Filtering

Bristol UCU supports the University continuing to view the filtering of material as a step too far.

b) Risk Assessment - Appendix i

- PC-WS/5 Line in Staff Conduct

The proposal to add a line about Prevent-related concerns is completely unnecessary.

Staff's need to comply with existing policy is sufficient and the addition of a Prevent-related reference would only confirm suspicions that staff need to be Prevent vigilant , as opposed to the principle that Tier 1 academic staff should continue their academic business, exercising their safeguarding responsibilities as they would normally.

c) Proposed Prevent Duty Training Plan - Appendix ii

The training given to Tier 1 should indeed be 'proportionate' and should not be too intense.

There is already a danger that Tier 2 staff (along with Security Services) display a disproportionate, overzealous approach to Prevent when the emphasis should be on minimising the disruptive effect of the Duty.

Moreover, there is next to no reference to unconscious bias training. Anti-discrimination training needs to be the heart of training around Prevent.