

PREVENT DUTY GUIDANCE CONSULTATION

RESPONSE FROM LONDON SCHOOL OF ECONOMICS AND POLITICAL SCIENCE

General questions

1. *Are there other general points that should be addressed in this guidance?*

Yes. The 25 questions posed in the draft guidance entirely fail to recognise some of the most important issues for universities (and in some cases possibly other organisations covered by the guidance). LSE believes that the difficulties the draft guidance poses for universities are so great that it supports the proposal by the Joint Committee on Human Rights, supported by the million+ group, that the Counter-Terrorism and Security Bill be amended to remove universities from the list of specified authorities to which the new duty applies.

LSE regards the specific difficulties as follows and requests that they be taken into account should universities remain within the scope of the Bill:

- (i) Universities are required by the Education (No. 2) Act 1986 to ensure freedom of speech within the law on campus. In respect of terrorism, this university at least is reasonably comfortable in our ability to judge at what point a speaker might fairly be deemed to be promoting or glorifying terrorism and thus should be barred from speaking on our premises. But the draft guidance also states that Prevent “also means intervening to stop people moving from extremist (albeit legal) groups into terrorist-related activity” and would require universities to “exclude those promoting extremist views that support or are conducive to terrorism”. Universities need the freedom to allow - indeed encourage - free discussion of ideas, however radical, within the law. How can universities place limits on free speech which in itself does not risk breaking the law? Also, universities consider that democratic values are better promoted by engaging with extremist views rather than driving them underground. Recognising the nature of universities and in particular the sophistication of their staff and student bodies, LSE supports the call of the British Academy for reconsideration of the inclusion of legal, non-violent extremism in the scope of Prevent work in universities.
- (ii) The draft guidance says at paragraph 19 that Prevent “must not involve any covert activity against people or communities”. Consistent with earlier Prevent/Channel guidance, that paragraph goes on to refer to data protection and related legislation. But earlier guidance insists, and this draft guidance implies, that universities and other organisations may refer individuals into the Channel process, for an initial assessment by the police of their risk of becoming radicalised, without their knowledge and without contravening the legislation. Where there is no suspicion of illegal activity, we do not understand how it could be appropriate, or legal, to refer individuals into Channel without their knowledge.
- (iii) Following on from the previous point, we think that the draft guidance needs to state clearly what the “information sharing agreements” we are urged at paragraphs 19 and 60 to draw up should comprise. With whom should they be concluded and what should they contain?
- (iv) Staff and students at universities have already expressed considerable disquiet over the current non-statutory guidance. There is a widespread belief that once an individual is referred into the Channel process, even if the initial assessment deems them neither possibly guilty of illegal activity (in which case a police investigation is in order) nor vulnerable to radicalisation (in which case they are offered help under Channel), their name will remain indefinitely on a list of persons of interest, if not suspicion. This could lead to significant hindrances to their personal and professional lives in future, such as difficulties experienced in securing visas for travel to certain countries. This belief will strengthen once the guidance becomes statutory. The guidance should state what happens in such cases. A clear and reassuring statement that any personal information disclosed in cases where neither criminality nor vulnerability is assessed to exist will not be used or retained for other purposes could significantly improve trust in the appropriateness and proportionality of Prevent and Channel, thus acceptance of the work under their auspices among relevant communities.

- (v) Para 60 strongly implies that all staff of universities should receive WRAP training. This would be impractical: LSE is one of the smaller UK universities but still has over 3,000 academic and professional staff. More to the point, it would seem unnecessary as long as all staff can easily locate advice and support from a nucleus of trained and knowledgeable staff, which is what we aim to develop at LSE. We suggest the guidance be amended to require training only by as many staff as necessary to ensure the institution can meet its obligations.
- (vi) Para 66 enumerates some detailed ways in which universities will be expected to oversee speakers and events. Here and at some other points, the draft guidance moves from a focus on expected outcomes to micro-management of how institutions are meant to achieve them. LSE believes that, if universities have to be included in the guidance at all, the guidance should state expected outcomes but leave institutions to decide how best to achieve them, in their particular circumstances.
- (vii) While a definition of terrorism exists in English law, there are no widely agreed definitions of key concepts and phrases such as extremism or “an atmosphere conducive to terrorism”.

2. *Are there further areas of activity that should be considered as part of the central monitoring arrangements?*

No.

3. *Which inspection bodies are best placed to monitor compliance with this duty?*

Given the uneven spread of knowledge and expertise among local authorities and other members of Prevent networks, we would expect this to require the services of a central government department or agency.

Questions for HEIs

8. *Are there other institutions, not listed here, which ought to be covered by the duty? Please explain why.*

No.

9. *Are there other areas of activity, or examples of good practice, that should be covered in this guidance?*

Yes. See our answer to question 1 above.

10. *Do you agree that the Higher Education Funding Council for England is the appropriate body to monitor compliance with this duty?*

No. It is not geared up to the task.

11. *Are there other higher education regulatory bodies that should be involved in monitoring compliance?*

No. No higher education regulatory body has the necessary expertise for this.