Response to Prevent

Prevent is part of the UK Government’s anti-terrorist strategy (Part 5 of the Counter-Terrorism and Security Act 2015). Its goal is to “prevent people from being drawn into terrorism.” This is to be achieved by placing restrictions on “specified authorities”, such as universities. The legislation itself is quite short: it confirms that Academic Freedom and Freedom of Speech (as defined in various Education Acts) are protected, and then gives authority on the Secretary of State as to how the legislation is to be enacted. The Secretary of State has so far issued two sets of Guidance on Prevent: the first is a general guide, and the second is specifically for Higher Education Institutions (HEI). The Guidance documents confirm the inherent anti-Islamic nature of Prevent and call into question how much Academic Freedom and Freedom of Speech HEIs really do have. A slightly more in-depth background on Prevent has been published by the Union of Kingston Students.

The Union of Kingston students is against the Prevent legislation as it is Islamophobic, vague, and open to interpretation.

While the Prevent Duty itself does not specify groups of people who may be vulnerable to radicalisation or being drawn into terrorist activities, the Guidance documents make it quite clear that the legislation is aimed at monitoring Muslims and therefore promotes Islamophobia. It does this by naming not only “terrorist organisation in Syria and Iraq, and Al Qa’ida associated groups”, but also stating that Islamist extremists are those who “regard Western intervention in Muslim-majority countries as a ‘war with Islam’”. While possibly not intended, because of the growing unease around Islam in this country, this statement has the reverse implication that all Muslims who oppose Western intervention in Muslim-majority countries are extremist. There are mentions in the Guidance about threats from the “extreme right”, but the focus is clearly on anti-Islamic measures.

The Guidance confirms the Government’s definition of extremism with regards to the Prevent strategy as:

\[
\text{Vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faith and beliefs.}
\]

This definition is not only vague and begs questions such as whether a person disagreeing with a particular law is automatically an extremist, but is an obvious attack on Sharia law and therefore Islam.

The Prevent legislation is not only short, but extremely vague. The power in the legislation lies with the fact that it refers authority to the Secretary of State and does not state any limitations to their power or on how often they can revise the guidance. The various Guidance documents (two at the time of this publication) obviously explain the regulations in more detail than the legislation, but are also very vague. At times, requirements for
compliance with the laws are clearly stated, but there is a prevalence of conditionals and vague terminology in the Guidance:

would expect
should
consider carefully
sufficient
appropriate
awareness
understanding

The Guidance: for HEI explicitly states

Having procedures and policies in place which match the general expectations set out in this guidance will mean that institutions are well placed to comply with the Prevent duty.

When compliance with the legislation is questioned, who is to determine whether an institution has complied with the law? These terms are confusing and could leave many institutions open to penalties simply because they have a different interpretation of the law.

With regards to a university’s ability to decide the content that is taught in lectures, the Guidance: for Higher Education Institutions (Paragraph 8) states that

[The institution] clearly needs to balance its legal duties in terms of both ensuring freedom of speech and academic freedom, and also protecting student and staff welfare.

However, this balance is not clearly defined and is open to interpretation: despite a curriculum having been approved as ‘appropriate’ by a university, the government could deem it inappropriate and prevent it from being delivered.

This Guidance also gives advice aimed at Students’ Unions on how to decide whether to host a speaker (Paragraph 11):

[institutions] should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where [institutions] are entirely convinced that such risk can be fully mitigated...includes ensuring that...speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event

The ability to mitigate risk from speakers who carry an unacceptable risk of drawing people into terrorism is clearly stated in this legislation: those with controversial views are not banned from speaking at universities. However, this guidance is apparently still open to interpretation as we have seen from the media coverage on universities which have allegedly held events with speakers who had supposed extremist agendas.
Additionally, while the legislation states that compliance with Prevent will be monitored, they have not yet defined how this will be done (Guidance: for HEI, Paragraph 31).

Prevent was discussed with representatives of faith societies at the KU Advisory Group for Faith and Spirituality on 11 February 2015. A report was given outlining the draft guidance for Prevent and it was confirmed that Kingston University responded to this draft through multiple channels. A member of the University’s Senior Management Team relayed the thoughts of the SMT and the Vice-Chancellor, Julius Weinberg: universities exist to challenge assumptions honestly, openly, and freely. Professor Weinberg reiterated these thoughts to Parliament on 1 December 2015:

...parts of Prevent are counter-productive because one of the roles of universities, as J H Newman said in the 1850s, is through argument, through the clash of ideas, to bring forward truth. If our students … do not have the opportunity to have their views interrogated, tested, listening to within the confines of the university, they will merely hear a very narrow section of views elsewhere…

We are proud to be associated with a university whose Vice-Chancellor will defend Freedom of Speech and Academic Freedom when challenged by the Government.

The Union of Kingston Students has had, for many years, policies and procedures to help ensure that external speakers with agendas of spreading messages of hate are not allowed to present on campus. The legal team at Kingston University has worked with the Union’s Societies Coordinator to ensure our existing policies were in compliance with the new Prevent legislation. The University is therefore fulfilling their legal obligation to Prevent with regards to the Union of Kingston Students.

However, external speakers organised by sports clubs and societies are not the only interaction that the Union of Kingston Students could have with Prevent legislation and Kingston University. One of the key services that the Union provides is independent, impartial advice to students on a wide range of issues that could impact their studies and their time at Kingston. If a student is concerned about infringement on the rights of Freedom of Speech or Academic Freedom in their classes – or even discrimination against themselves as a result of Islamophobia because of the Prevent Duty, the Union is unable to offer the student any meaningful advice on how to approach the subject with the University. This is because, aside from a training session in April 2015 which two members of staff attended, Kingston University has not made any attempt to inform the Union of their policies and procedures for staff members with regards to the implementation of Prevent within the classroom and other areas of the university where Prevent might apply.

We realise that Kingston University has no legal obligation to inform the Union of these policies and procedures, but students who feel marginalised because of this legislation are naturally going to feel more comfortable seeking advice from the Union before approaching the University. The officers and staff of the Union who are in the most contact with students must be able to respond to concerns from students; we must be able to have a chance at recognising when there is a real issue that needs to be addressed, as opposed to a potential misunderstanding.
Universities are required under the Prevent legislation (*Guidance: for Higher Education Institutions*) to provide training for all ‘appropriate’ members of staff; while there is no definition for an ‘appropriate’ member of staff, the *Revised Guidance for Prevent in England and Wales* specify that training must be given to “frontline staff who engage with the public”. As this document gives general guidance, it could be reasonably assumed that for universities ‘frontline staff’ are those who engage with students. Unfortunately we do not know how Kingston University is interpreting these clauses or which members of staff are given mandatory training on Prevent. As the duties of universities are to prevent students from being radicalised and to refer those at risk to the local authority under the Channel legislation, there is potentially a large number of staff at Kingston University who could be required to receive this training.

The Union of Kingston Students cannot properly advise students with concerns about the implementation of Prevent at Kingston University until their policies and procedures – including knowledge of staff training – are shared with us. We feel one of the best ways for us to know what information is given to staff at KU is by our staff attending the same training as theirs – not to criticise or start any discussions against Prevent – but simply to have the knowledge how staff are advised to deal with issues that could fall under Prevent legislation. Additionally, while officers and staff members sit on various University committees to ensure students are represented at every level of the university, no one from the Union has been asked to sit in on meetings regarding the creation of policies and procedures with regards to Prevent. The Union is concerned at this lack of transparency and we demand to be included in the narrative around Prevent and be given the chance to actively engage with the University on their new policies and procedures.

In Solidarity,

Lily Reif
Roehampton Vale Officer

Erin Miskell
Knights Park Officer

Aika Bugibayeva
Kingston Hill Officer

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Further Reading

The various guidance documents for Prevent can be found online at

Guidance for Channel can be found online at
https://www.gov.uk/government/publications/channel-guidance

Factsheets on Prevent, Channel, and the Counter-Terrorism and Security Bill can be found online at

The full text of the Counter-Terrorism and Security Act (2015) can be found online at
Chapter 5 includes the Prevent Duty and Channel

The National Union of Students (NUS) has published a handbook ‘Preventing Prevent’ which can be downloaded here: http://www.nusconnect.org.uk/resources/preventing-prevent-handbook

VC Called as Witness in Investigation on Countering Extremism:
https://mykingston.kingston.ac.uk/Pages/VC-called-as-witness-in-investigation-on-countering-extremism-.aspx

Information on how to obtain advice from the Union of Kingston Students can be found here:
http://www.kusu.co.uk/advice