A DISPROPORTIONATE RESPONSE:

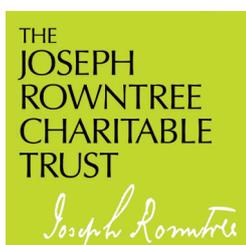## Five years of the Prevent Duty in Higher Education

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Foreword

In September 2020, the government announced a white paper on free speech and academic freedom expressing concerns about free speech on university campuses. In his introduction to the white paper, Secretary of State for Education, Gavin Williamson, stated that there are some, "who prioritise 'emotional safety' over free speech, or who equate speech with violence. This is both misguided and dangerous." Yet, since the Counter-Terrorism and Security Act 2015, the government has itself equated speech with violence. At least, it has argued that there is a 'pre-criminal space' of extremist views, which risk drawing vulnerable young people into violent extremism. As part of the act, 'non-violent extremism' has been subject to scrutiny under formal requirements of safeguarding mandated on providers of public services, such as schools, colleges and higher education institutions (HEIs). External speakers must be vetted, their online histories scrutinised, and the subject of their proposed talks submitted in advance. In higher education this is a requirement applied to student unions and academic departments alike.

This important Report is the first to detail the very extensive machinery associated with this scrutiny across HEIs in the UK. Ironically, precisely because of their longstanding commitments to academic freedom, HEIs have been careful in their implementation of the requirement and conscious of criticisms of the Prevent policy articulated by civil liberties groups. They have also been mindful of its perceived impact on Muslim students and staff (where self-censoring is also one of its consequences). There has been a difficult path to tread between statutory requirement and government guidelines for implementation. The latter can be resisted, but the former cannot. The Report also shows that individual members of staff and students are divided about the nature of safeguarding responsibilities. There is unease about the language of 'vulnerability' which the Prevent duty reproduces and proliferates. At the same time, ministers repudiate and diminish what they perceive as students' own concerns about 'emotional safety'. It is significant, as this Report shows, that support for the Prevent policies among students depends upon concerns about safety, specifically about terrorism.

The Report proposes greater participation in the determination of future policies. Yet Government seems to be moving in the opposite direction. At present, the substantive impact of Prevent within HEIs can be argued to be quite minimal — for example, when measured by referrals through Channel. But the machinery of surveillance and reporting is extensive and fully in place. In the meantime, the government is extending the definition of non-violent extremism to include aspects of environmental activism, anti-capitalism and anti-racism. It has also proposed new restrictions on protest within its Police, Crime, Sentencing and Courts Bill (2021). This is a new authoritarianism where government presents itself as the protector of free speech while seeking to undermine the expression of opposition to their policies. The threat to civil liberties and speech within higher education is real and operates most surreptitiously in the guise of public safety.

John Holmwood, *Emeritus Professor of Sociology at the University of Nottingham*

1 Executive summary

The Desecuritising Higher Education Project was a research project hosted at Birmingham City University and funded by the Joseph Rowntree Charitable Trust which ran between October 2018 and December 2020. The project sought to investigate the Prevent Duty within UK Higher Education and examine the attitudes and experiences of those impacted by it. In this report, we provide an overview of our findings, key of which were the following:

1 On websites and in policies, Higher Education Institutions (HEIs) have demonstrated their compliance with the Prevent Duty and reassured audiences about its purpose.

2 However, there were instances of HEIs being far more sceptical towards the Prevent Duty, demonstrating reluctant compliance or resisting elements of the law.

3 The Prevent Duty has introduced extra layers of responsibility that have expanded bureaucratic processes and increased managerial oversight.

4 Training was a prominent aspect of compliance with the Prevent Duty and was delivered extensively, in a range of different formats, and targeted to various audiences.

5 Despite the arrival of the Prevent Duty, referrals to Channel within HEIs in England and Wales remain minimal.

6 HEIs did not always disclose information in reply to FOIs because doing so was thought to risk national security or impede the prevention or detection of crime.

7 Staff were divided on the place of the Prevent Duty in UK Higher Education (UKHE) and its framing as safeguarding.

8 Both staff and students shared a scepticism about the ease and practicality of identifying the signs of vulnerability to radicalisation.

9 Both staff and students raised concerns about the possible negative effects of the Prevent Duty, including issues relating to the learning environment, freedom of expression, surveillance of populations and trust between students and staff.

2 Introduction

In 2015 the UK Government passed the Counter-Terrorism and Security Act into law, updating and enhancing the scope of UK counter-terrorism powers[1]. One unprecedented aspect of this law was to create a legal duty for various public authorities to pay, *'due regard to the need to prevent people from being drawn into terrorism'.*[2] This function is commonly referred to as the 'Prevent Duty' (henceforth 'the Duty') after one part of the UK's broader counter-terrorism strategy.

Desecuritising Higher Education was a research project that ran between October 2018 and December 2020. Our use of the term *desecuritising* is intended to highlight the security function Higher Education Institutions (HEIs) are increasingly being asked to perform and question whether such developments are required, justified or ethical. The project was hosted at Birmingham City University and funded by the Joseph Rowntree Charitable Trust under their Peace and Security stream. The project sought to investigate the Duty within UK Higher Education (UKHE) and examine the attitudes and experiences of those impacted by it.

There is a growing body of evidence reviewing the impact of the Duty. Our project contributes new insights to this by investigating how HEIs and the individuals working and studying within them have been affected by and are responding to the demands of Prevent.

Project aims and approach

- Undertake a critical analysis of Prevent Duty policies and guidance across UKHE providers.

- Explore the attitudes, values, beliefs and behaviours of those impacted by the Duty within UKHE.

- Evaluate the design, implementation and effects of the Duty across UKHE.

To address these three aims the project's approach entailed two phases each consisting of two forms of data collection. The first phase involved collecting and reviewing publicly available Prevent documentation on the websites of 158 HEIs across the UK as well as sending Freedom of Information requests (FOIs) to these HEIs[3]. The second phase sought to compliment this sector-wide approach with more localised insights and subsequently involved interviewing staff and students across four HEIs. The approach we adopted allowed us to gain a comprehensive view of the Duty and how it is impacting on many levels within UKHE.

The report

The project has produced a substantial amount of data, some of which has already been published elsewhere[4] and some planned for further forthcoming publications. In this report, we provide an overview of our findings across all

1 Counter-Terrorism and Security act, c.6 (2015) London: The Stationery Office, available at: **www.legislation.gov.uk/ ukpga/2015/6/contents/enacted** *[accessed 14/04/2021].*

2 Home Office (2015) Prevent Duty Guidance for Higher Education institutions in England and Wales, available at: **www.gov.uk/ government/publications/prevent- duty-guidance/prevent-duty- guidance-for-higher-education- institutions-in-england-and-wales** *[accessed 14/04/2021].*

3 Excluding HEIs in Northern Ireland where Prevent is not in effect.

4 See: Whiting, et. al. (2020) *The Prevent Duty in UK higher education: Insights from freedom of information requests*, The British Journal of Politics and International Relations, Online First, available at: **https://journals.sagepub.com/doi/ full/10.1177/1369148120968520**;

Whiting, et al. (2019) *Mapping the Prevent Duty within higher education: Initial findings*, available at: **https://bcuassets.blob.core. windows.net/docs/mapping-the- prevent-duty-in-higher-education- final-132495583267113144.pdf**

the project's aims and various methods of data collection. We have sought to draw out key findings and observable trends to better understand the impacts and effects the Duty has had within UKHE. To help bring together a large body work across various work packages we have focused this report on the issue of proportionality, to reflect on the Duty's existence within UKHE five years after its initial appearance. We hope the report can provide valuable insights into these issues and provide workable recommendations around pressing and contentious issues.

3 Method

The Desecuritising Higher Education Project consisted of two phases with two methods of data collection in each. In the first phase we sought to establish how the Duty had been rolled out across the sector and focused on how HEIs had enacted their duty in policy, guidance, training, etc. as well as how they presented this publicly. The second phase engaged directly with those working and studying in the sector and spoke with staff and students about their attitudes towards and experiences of the Duty.

Phase 1: Websites, institutional policies and FOIs

We began our research by visiting the websites of 158 HEIs across England, Scotland and Wales to explore how they were presenting their Prevent responsibilities publicly online. Our list of HEIs was drawn from the Higher Education Statistics Authority[5] and only excluded those where either the Duty did not apply (Northern Ireland) or where an institution was not beholden to the Freedom of Information Act (FOIA), for example, private institutions. To ensure maximal coverage of publicly available information relating to the Duty we used search engines both external and internal to the HEIs. This search typically provided information in the form of webpages dedicated to the Duty and/or institutional Prevent policies.

To complement this and to gain as deep an insight as possible into the way the Duty had been enacted across the sector, we also sought information from HEIs that was not accessible to members of the public external to that institution. We sent FOI requests to the 158 HEIs referenced above to which we received 157 responses. These requests asked questions about structure, guidance, training and referrals.[6]

5 HESA (2021) Higher Education Providers, available at: **www.hesa. ac.uk/support/providers** *[accessed 14/04/2021].*

6 A full list of the questions we asked is available on page 10.

Phase 2: Interviewing lecturers and speaking with students

Phase 1 returned valuable information and insights which we outline below as well as in some of our previous and planned future outputs. However, we also felt it was important to include the insights and attitudes of those who are working and studying in this space and have thus been co-opted by the arrival of the Duty. To recruit participants, we used our list of 158 HEIs to identify departments spanning a range of different academic disciplines and geographical regions within UKHE. From here we generated a list of Heads of Departments that we approached via email to introduce ourselves and our research project. When Heads of Department were receptive to taking part in the research, we requested the opportunity to advertise the study internally to staff and students via further emails and flyers. Where there was interest, we used a snowballing technique to increase participation.

Unfortunately, Covid-19 caused inevitable disruption to some of our planned data collection in phase 2 but we were able to conduct a series of interviews with academics across four institutions, all of whom had teaching and pastoral responsibilities as part of their job description (n = 11). These members of staff were working in a range of different disciplines including Criminology, Law, Education and Social Work in England and Wales. We also conducted focus groups with students at both undergraduate and postgraduate level across three different institutions in England and Wales (n = 5). We are grateful to those who gave up their time to speak with us and who were accommodating when data collection had to switch from in-person to online.

The questions asked of staff and students differed slightly to fit better with either the interview or focus group format, but each sought to explore attitudes towards the Duty and experiences of it. As part of these methods, we discussed awareness of the Duty, participants' evaluations of it and of concepts central to Prevent such as 'vulnerability'. The following sections discuss in more detail findings from each of these approaches.

4 Findings from HEIs' websites and Prevent policies

Phase 1 of the project was about establishing how HEIs reacted to the Duty as well as how they had put it into practice. One aspect of achieving this objective was to collect the information that HEIs had made public that spoke to these issues. Placing Prevent on a statutory footing within UKHE has been an unprecedented development as well as a controversial one, containing areas open to interpretation and discretion by HEIs. Via this exercise of collecting and analysing publicly available materials (webpages and Prevent policies) we sought to understand how they had navigated this and presented it to staff, students and the public.

Key findings

- ■ The majority of HEIs have embraced the framing of the Duty as safeguarding and have demonstrated their compliance on websites and in policies.

- ■ Mindful of longstanding criticisms and practical implications, HEIs have sought to reassure staff, students and the public about the purpose and impact of the Duty.

- ■ However, there were instances of HEIs being far more sceptical towards the Duty, demonstrating reluctant compliance or resisting elements of the law.

Safeguarding

Despite Prevent being one part of the UK's counter-terrorism strategy CONTEST, the Government refers to Prevent's purpose in UKHE as being one of safeguarding rather than counter-terrorism. Wider commentary has questioned whether such a frame reflects the true purpose of Prevent[7] but surveying websites and policy documents revealed that Prevent as a safeguarding initiative is a framing that has been widely embraced by HEIs. HEIs were frequently very explicit about this and sought to cut through the ambiguity and uncertainty that exists because Prevent is simultaneously a part of CONTEST and safeguarding:

'… work to protect vulnerable individuals from violent extremism and the threat of radicalisation falls within the safeguarding arena and is no different to safeguarding individuals from a range of other forms of harm and abuse'.[8]

Understanding and presenting the Duty as safeguarding is helpful for HEIs as they already have a longstanding duty of care to staff and students. Consequently, the arrival of the Duty is often presented as 'business as usual', a new responsibility but one that can comfortably fit into existing frameworks: *'We therefore intend to implement our legal responsibilities as part of our existing policies and procedures, which we also consider to be the best way of ensuring a joined up approach'.*[9]

7 See: McGovern, M. (2016) '*The university, Prevent and cultures of compliance*', Prometheus 34(1): 49–62; Qurashi, F. (2017) *'Just get on with it: Implementing the Prevent duty in higher education and the role of academic expertise'*, Education, Citizenship and Social Justice, 12(3): 197–212.

8 Conservatoire for Dance and Drama (2019) *Prevent policy*, available at: **www.cdd.ac.uk/wp-content/uploads/2020/09/CDD-Prevent-Strategy-June-2020.pdf** [accessed 14/04/2021].

9 Cardiff Metropolitan University (2019) *Prevent policy*, available at: **www.cardiffmet.ac.uk/about/structureandgovernance/Documents/PREVENT%20Policy.doc#:~:text=1%20The%20Prevent%20Policy%20applies,drawn%20into%20extremism%20or%20terrorism** [accessed 14/04/2021].

Reassurance

Despite the popular framing of Prevent as safeguarding, HEIs are aware and mindful of the controversy surrounding the Duty and were keen to reassure their audience. One of the most common reassurances we observed was that of the need to *balance* the duty with academic freedoms in such a way that would not be, *'overburdensome for staff or students'*.[10]

Several HEIs also wanted to use the public forum as a space to address longstanding criticisms of Prevent. For example, when addressing the concern that Prevent primarily targets Muslims, Herriot Watt wrote that they, *'will not tolerate use of Prevent related activities as a method for targeting or marginalising individuals, groups, freedom of speech or academic freedom'*.[11] These sorts of responses provide reassurances but stop short of denying the legitimacy of the criticism. Others went further and addressed oft-cited criticisms as *'misconceptions'*, seeking to reassure their audiences as to what the Duty really is: *'There are many misconceptions about Prevent. What it is not may be as important as what it is: Prevent is not aimed at Muslims. It is aimed at terrorism of all sorts'*.[12]

Resistance

The majority of HEIs presented a compliant image towards this new Duty and, as stated above, often framed it as something that fitted in comfortably with their commitment to the welfare of students and staff. However, this tone and language was not consistent across the sector and HEIs also demonstrated dissatisfaction with the new responsibilities.

At Warwick, for example, the Vice Chancellor Stuart Croft is aware of the controversy surrounding the Duty and his message on Warwick's webpage is one of reluctant compliance:
'As a Vice-Chancellor, indeed as the head of a major organisation, I'm not doing this through choice or desire and it is not because we are part of the government machinery. I need to ensure that Prevent is implemented because it is a statutory duty; it is the law'.[13]

There are also those HEIs that use the public forum of their websites to critique the Duty or outright reject aspects of it. For example, LSE has made publicly available their responses to the Government as part of the Prevent Duty consultation in 2015. Within these documents they are vocal about their concerns and state that they support, *'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'*.[14]

Perhaps the clearest example of an HEI rejecting an aspect of the Duty comes from the University of Cambridge who, on the suggestion of a web filter on campus, write that they:
'...will not seek to apply web or email filtering as part of its response to the duty – despite government advice to consider it. The University was not persuaded that filtering could be used effectively to prevent access to certain material, notwithstanding the lack of clarity on what to filter'.[15]

10 London School of Hygiene and Tropical Medicine (2021) *Prevent Duty*, available at: **www.lshtm.ac.uk/aboutus/ organisation/governance/prevent-duty#:~:text=The%20Prevent%20 Duty%20is%20part,terrorism%20 strategy%20known%20as%20 CONTEST.&text=The%20Act%20 introduced%20a%20range,Higher-%20Education%20Providers%20 (HEPs)** *[accessed 14/04/2021]*.

11 Herriot Watt (n.d.) *What is the Prevent Duty?*, available at: **www. hw.ac.uk/uk/students/doc/how-the-university-is-responding-to-prev.pdf** *[accessed 14/04/2021]*.

12 The London School of Economics (2018) *Prevent at LSE*, available at: **https://info.lse.ac.uk/staff/ divisions/Secretarys-Division/ Assets/Documents/Prevent/2018-12-04-Prevent-at-LSE-overview-update.pdf** *[accessed 14/04/2021]*.

13 The University of Warwick (2019) **The Prevent Duty – Counter-Terrorism and Security Act 2015**, available at: **https://warwick.ac.uk/ services/wss/prevent** *[accessed 14/04/2021]*.

14 The London School of Economics (2015) *Prevent Duty guidance consultation: Response from London School of Economics and Political Science*, available at: **https:// info.lse.ac.uk/staff/divisions/ Secretarys-Division/Assets/ Documents/Prevent/CTS-Bill-statutory-guidance-consultation-LSE-response.pdf** *[accessed 14/04/2021]*.

15 The University of Cambridge (2016) *Cambridge and the Prevent Duty: A briefing for all staff on how the University is responding*, available at: **www.cam. ac.uk/system/files/prevent_-_ explainer_-_how_the_university_ is_responding.pdf** *[accessed 14/04/2021]*.

Our findings indicate that there is hesitancy permeating some HEIs as to how best to deal with the responsibilities of the Duty. However, HEIs have clearly engaged with the Duty overall and have sought to publicise their action and approach. HEIs do their utmost to promote the Duty as a proportionate tool not to be applied without unjust purpose. In the following section we turn our attention to findings from our FOI requests and consider how the deployment of the Duty within UKHE matches this public message.

5 Findings from FOI requests

Surveying the publicly available Prevent materials provided a valuable first step in understanding how HEIs interpreted the Duty and their sentiments towards it. It also told us something about how they had gone about deploying it. However, to learn more about the effects and impacts of the Duty, we sent FOI requests to 158 HEIs (with 157 responses) asking questions about structure, guidance, training, and referrals to the Government's multi-agency support programme, Channel. The full list of questions is included below:

1. What is your organisation's Prevent Duty structure? (i.e. management structure and the title of the roles of those involved).

2. Does your institution hold Prevent Duty guidance on the University's intranet and, if so, can I receive copies of this material?

3. What training do you provide to your staff in relation to the Prevent Duty?

4. How many of your staff have received Prevent Duty training?

5. How many people has your organisation referred to the Channel programme since September 2015?

6. Of those referred how many were students?

7. What were the justifications given for the referrals?

Key findings

- The Duty has introduced extra layers of responsibility that have expanded bureaucratic processes and increased managerial oversight.

- Training was a prominent aspect of compliance with the Duty and was delivered extensively, in a range of different formats and targeted to various audiences.

- Despite the arrival of the Duty, referrals to Channel within HEIs in England and Wales remain minimal.

Where responsibility lies

Our first question sought to identify how the Duty was being organised and managed across UKHE. It was common for HEIs to have designated an existing member of staff as the Prevent Coordinator or Lead who serves as a single point of contact for Prevent. Sometimes this responsibility was broken down into multiple positions with specific strategic and operational oversight. *Figure 1* provides several examples of the sorts of employees who had taken on Prevent Lead responsibilities.

Figure 1
Examples of positions that have taken on Prevent lead responsibilities

These examples can tell us something about how the HEI understands their Duty. While all the positions in *Figure 1* represent seniority within the institution, examples like the Vice Chancellor or University Secretary demonstrate HEIs providing strategic oversight at the very highest levels. There are signs that other HEIs view their responsibilities towards the Duty as being primarily about legal compliance and mitigating against risk and reputational harm (e.g. University Solicitor and Head of Legal Services). Finally, some of the above positions demonstrate an institutional approach that aligns more closely with the Government's stated emphasis on student welfare and safeguarding, something we witness in the Head of Student Services, Deputy Secretary of Student Experience and Safeguarding Manager serving as Prevent Leads.

These individual positions are important to the overall management and oversight of the Duty within HEIs. However, the designated lead frequently makes up the top of a much more extensive management structure of which a Prevent

committee or steering group is a major component. The membership of these committees is diverse in both roles and responsibilities. The replies we received to this first question exhibits membership representation from practically every area of the institution including: academics, lawyers, student and staff union representatives, human resources, the Board of Governors, community and police liaison teams, and staff from health and wellbeing and equality and diversity departments. In addition to this, HEIs mentioned that meetings were sometimes attended by external individuals such as local counter-terrorism police officers and Department for Education Prevent coordinators.

The breadth of membership may present positives for how the Duty is deployed institutionally and help to avoid heavy-handed implementation. However, it also demonstrates just how extensively the Duty has become enmeshed within the structures and bureaucracy of HEIs, something we expand upon below when looking at training. The variation we witness between different HEIs also confirms that HEIs have exercised their autonomy on how best to manage the Duty in their own institution rather than there being a standardised 'one size fits all' model.

Training

Training was a prominent aspect of the Duty's installation and our third and fourth questions sought to provide an insight into the format and extent of training provided to staff. Only three HEIs refused to tell us anything about the training they offered, citing legal exemptions in the FOIA. Consequently, while the number of HEIs providing training is almost certainly 100%, we can only confirm information for one hundred and fifty-four of these (98%).

In total we recorded 103,854[16] units of relevant training[17] delivered by the one hundred and twenty-three HEIs (78%) who responded to our fourth question with a raw number. The total number of units delivered will be higher than this as not every HEI had information for every year and so could only give partial data. In addition to this, six HEIs refused to provide this information citing legal exemptions, seven omitted to answer this question, seven provided a response as a percentage of total staff rather than a raw number, and fourteen responded with phrases such as *'all staff'*.

When considering the format and extent of the training offered, we observed areas of broad similarity between many HEIs. For example, the use of online training was a popular means of delivery with one hundred and eighteen HEIs (75%) confirming that some form of e-learning was in place or soon to be deployed. HEIs were not always forthcoming with the specifics on this. However, in some instances particular online resources and packages were highlighted. For example, twenty-one HEIs (13%) referenced that the *Safe Campus Communities* online resources were being utilised, representing the most frequently cited package across the replies we received.

Seventy three HEIs (46%) spoke about different forms of Prevent-related training being provided without explicitly confirming the format of delivery, while forty five HEIs (29%) confirmed face-to-face training was in place at their institution. The *Workshop to Raise Awareness of Prevent* (WRAP) was confirmed in forty-six HEIs (29%).[18] Other examples such as unconscious bias training, controversial meeting training, or the use of a simulation game stood out as

16 This number is not synonymous with individuals trained but instead total number of training sessions delivered to individuals. The number will include instances where individuals have completed more than one form of training (e.g. e-learning and face-to-face) as well as refresher sessions.

17 We say *'relevant training'* here rather than *'Prevent training'* because not every instance of training was a bespoke Prevent offering. In some instances HEIs included examples of broader safeguarding training of which the Duty was a part, or other forms of training such as unconscious bias training.

18 Combined percentages provided on training exceed 100% as HEIs often confirmed multiple forms of training were in use, for example, e-learning and face-to-face.

being unique and appeared to demonstrate some of the autonomy HEIs have as well as the variation that exists across the sector.

HEIs often deployed training in tiers based on a member of staff's role. For example, those with more student-facing responsibilities might expect additional training. Consequently, different staff within HEIs and across the sector will have been trained to differing extents and in different formats. This excerpt below from Glasgow Caledonian University provides a good example of this trend:

'The University has a multi-tiered approach to training by ensuring that general briefing and awareness information on the Prevent Duty were delivered to all staff while in-depth training on the specific obligations under the Prevent Duty was provided to Senior Management Groups, other managers and key front-line staff throughout the institution to ensure that they are able to respond appropriately to any concerns within the University which may need to be addressed further in accordance with the University's Prevent Duty.'

Finally, while we did not ask about whether training was a compulsory aspect of employment, thirty-seven HEIs (24%) confirmed that Prevent training had been incorporated into the induction or probation either for all staff or identified key staff. Broadening this criterion to include those HEIs who did not refer to probation or induction but instead to training as 'mandatory', 'compulsory', 'required' or 'essential' expanded this to fifty-eight HEIs (37%).

Referrals to Channel

Our questions about referrals specifically focused on Channel[19] and so were not of relevance to institutions in Scotland where there is an equivalent process in place. Of the one hundred and forty HEIs we contacted in England and Wales, twenty-three (16%) confirmed they had made a referral, eighty-nine (64%) told us they had not, twenty seven (19%) refused to provide any information citing exemptions and the remaining institution told us they do not have this information on record (1%).

Where HEIs cited exemptions as to why they would not disclose information to us they typically referred to Sections 24, 31 and 40 of the FOIA. These exemptions cite concerns of: safeguarding national security; not prejudicing law enforcement; the possibility of impeding the prevention or detection of crime; and protecting the privacy of the individual. Referrals were made for a mixture of reasons including behaviour witnessed on campus, accessing of extremist material online and social media activity.
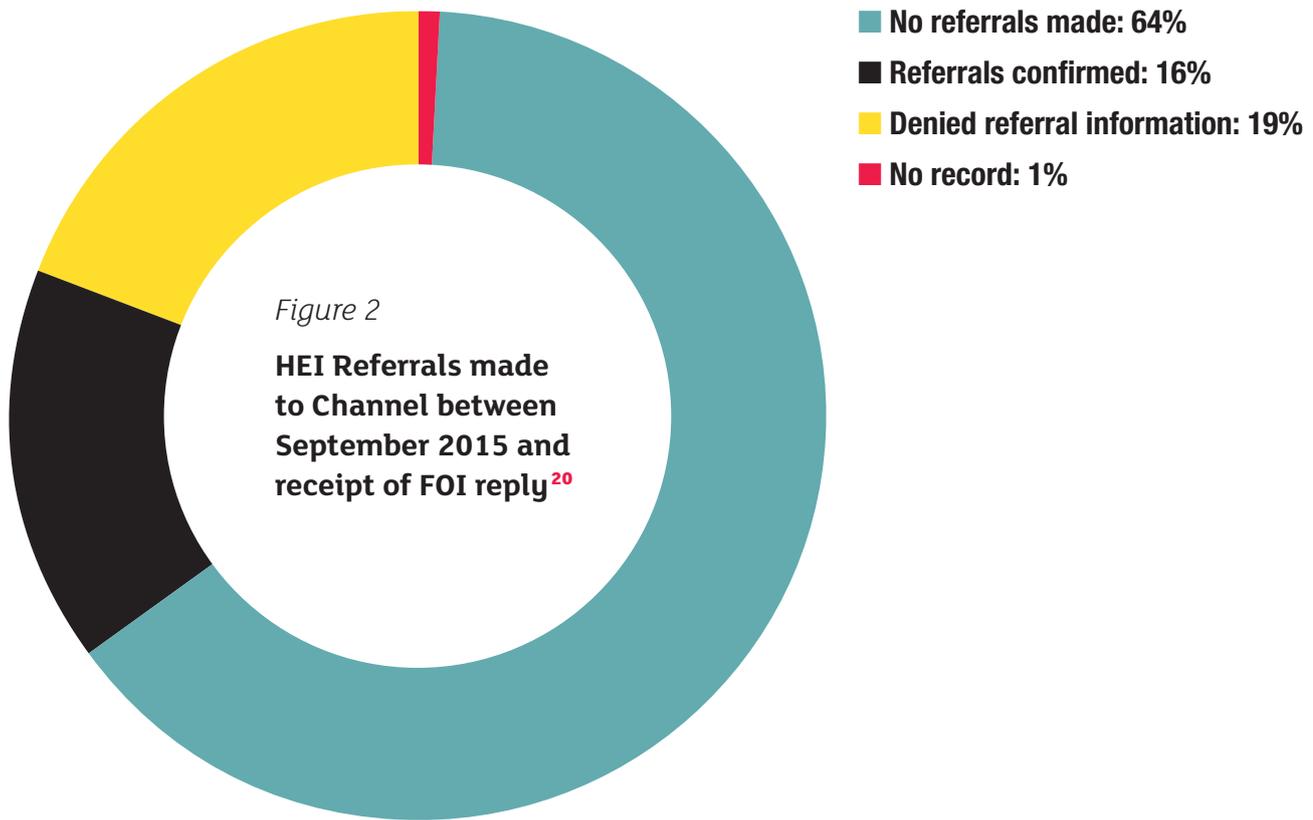
Even where HEIs confirmed referrals had been made, a specific number was not always provided to minimise the risk of identifying individuals. Consequently, while we know that this number will be bigger, we could only confirm 25 individual referrals to Channel between September 2015 and when we received replies in late 2018 and early 2019[20] (see *Figure 2* overleaf), Of these twenty-five referrals, two were not students and presumably refer to members of staff or other key workers. As a proportion of the total staff and student population across these one hundred and forty HEIs, the twenty-five confirmed referrals in our replies is incredibly small, around 0.00001% going by HESA statistics from 2017.[21]

Evident from the data our FOIs have produced are questions of disproportionality

19 Channel is the Government's multi-agency support programme in England and Wales, see: **www. gov.uk/government/publications/ channel-guidance** *[accessed 14/04/2021].*

20 Replies to FOIs should be received within twenty working days of the request. Many were returned within this timeframe but there were some HEIs that experienced delays based on resource and time constraints they faced. Consequently, the receipt of these replies spanned across late 2018 and early 2019.

21 HESA (2021) *Where do HE students study?*, available at: **www.hesa.ac.uk/data-and-analysis/students/where-study** *[accessed 14/04/2021].*

Figure 2

HEI Referrals made to Channel between September 2015 and receipt of FOI reply[20]

- No referrals made: 64%
- Referrals confirmed: 16%
- Denied referral information: 19%
- No record: 1%

where, as we attest, a substantial system of oversight, bureaucracy, training and monitoring still results in low rates of reporting. This, of course, may be due to low incidence levels or low levels of reporting. Yet our data has also shown there is extensive training offered and high levels of participation in this and so it is reasonable to expect staff should have the skillset to report accurately. This poses serious questions as to the utility of the Duty and what it adds to safety and wellbeing for all the additional deputisation and oversight it brings. These concerns have important ramifications for UKHE but do not take into consideration the thoughts of staff and students who work and study in the sector. In the following two sections we consider both groups, starting with staff.

6 Findings from staff interviews

To understand how staff and students experienced and felt about the Duty we supplemented the two techniques covered above with conversations with these groups. We conducted eleven interviews with academic staff across four separate departments, talking to those with expertise in Law, Social Work, Education and Criminology. Staff provided valuable insights across a range of topics as diverse as safeguarding, trust, vulnerability and surveillance. In this section we outline key findings under three headings that cover the appropriateness of the Duty in UKHE, challenges in identifying vulnerable people, and negative consequences that could stem from its implementation.

Key findings

- Staff were divided on the Duty's place within UKHE and its framing as safeguarding.
- Staff raised concerns around the plausibility of identifying vulnerability.
- Staff highlighted negative consequences that could stem from implementing the Duty.

The place of the Duty within UKHE

Staff were divided as to whether the Duty had a place within UKHE. In some instances, staff were understanding of the Duty's arrival in the sector and saw it as a formalisation of a pre-existing responsibility:

> '... it's my duty as a lecturer, as a tutor, as an academic tutor to be mindful that there may be radicalisation among the students that I come into contact with.'
>
> Respondent 8, Female, Education, South-East

Other staff were against the Duty as part of their job, *'Well, my personal ideological view is it shouldn't be part of my job'* (Respondent 1, Male, Law, Wales). Similarly, *'I wouldn't consider it to be part of my role as an academic specifically'* (Respondent 2, Male, Law, Wales). It is important to stress that in both instances the respondents recognised the duty of care HEIs have towards students but felt the Duty was problematic as a formal statutory component of their staff role.

Whether staff viewed Prevent as safeguarding and therefore a comfortable fit with their role appeared to be key in whether they saw Prevent as having a place in UKHE. Even so, there was an acceptance that problems persisted with how it was 'used':

> *For me it fits in under safeguarding definitely. I think people are vulnerable and it's that vulnerability that we need to, perhaps, be aware of and support people with... It can also be used in a different way in terms of, perhaps, criminalising certain people... And I think then it can feel less safeguarding and more that actually we're trying to hunt down people who are going to put us at risk.'* Respondent 10, Female, Social Work, Midlands

The challenges of identifying vulnerability

When asked about the practicalities and functioning of the Duty, staff spoke of an unease or uncertainty with how best to identify a student who might be vulnerable to radicalisation. In some instances, this was based on the realities and practicalities of staff/student interaction at university and the amount of time an academic member of staff might have with a student during their studies:

> *I think implicit in these as well is that there's a close relationship between the student and the member of staff ... the reality of university life is that you don't know students that well... we don't have that close relationship with the vast majority of our students.'* Respondent 1, Male, Law, Wales

A related concern was what vulnerability to radicalisation actually looked like. As part of this question we asked that respondents review some of the publicly available guidance that outlines aspects of the Channel vulnerability framework and share their thoughts.[22] The breadth and therefore dubious utility of the framework was one common reflection amongst staff, and as one respondent put it, *'These are the signs of someone vulnerable to radicalisation. But these are the signs of someone vulnerable to all sorts'* (Respondent, 5, Female, Criminology, Midlands). A staff member from a different institution added:

[22] The resource we used in our interviews is the *Could you spot the signs* poster produced by the organisation **Let's Talk about It** which includes the thirteen 'Engagement' factors that are included in the Channel vulnerability framework. The resource can be found at the following link: **www.ltai.info/wp-content/uploads/2018/04/LTAI_spot_the_signs.pdf**

> *I don't quite know how convincing any of those would be and I don't know, is it the idea that if you see X number of these that you're supposed to report it?... So not many of those signs I'm convinced are particularly helpful and the ones that are potentially more specific, social networks' involvement in extremism, well I'm never going to see those because I don't hack into my students' accounts.'*
> Respondent 2, Male, Law, Wales

For one respondent, the issue was that the combination of the simplification of the message and the statutory footing of the Duty could lead to, *'people worried about if they're doing the right thing and going to lose their job because they haven't complied with the Duty or over referring'* (Respondent 3, Female, Law, Wales). They went on to add that, *'if you start giving people these posters, tell academics you're under this statutory duty like putting the fear into people that's where you end up with over referrals.'*

Negative consequences of Prevent in UKHE

When reflecting on how it might feel to be referred through Prevent one respondent said it could be:

> *... really scary and therefore it needs to be very delicately and sensitively done by people who do have a much more holistic approach and are looking at the vulnerability of that person.'*
> Respondent 9, Female, Social Work, Midlands

Such excerpts speak to the mindfulness staff had towards the negative consequences that could occur without a very careful implementation of the Duty. For example, staff were acutely aware of concerns that Prevent represented a mechanism of surveillance, and reflected on the potential harm the Duty could have on trust and expression: *'if you've got a student who thinks that this is targeted in a certain way it might discourage freedom of expression'* (Respondent 6, Male, Criminology, Midlands).

Similarly, there were concerns that the arrival of Prevent, its association with national security, but its presentation as safeguarding, risked undermining established pastoral efforts:

> *... it's a different sort of relationship isn't it? It's kind of spying on them when actually our relationship needs to be, and is encouraged to be by the university, one about pastoral care of having the students at the forefront.'*
> Respondent 8, Female, Education, South-East

One staff member identified the issue as one of not being adequately qualified or trained in such matters: *'staff or people, personnel who are not trained are being lumped with the obligation to do something which could in itself be harmful... and could create a situation of mistrust'* (Respondent 4, Female, Law, Wales).

Staff understood the stated objectives of the Duty as being about the safety of their students and colleagues but were divided as to its place within UKHE. There was a persistent unease about how they are expected to perform their Duty roles and consequential impacts on their pastoral commitments. Our findings suggest staff experience anxieties concerning how best to perform their Duty roles, as well as possible negative repercussions if they are performed inadequately. In the section that follows we turn to student perceptions of the Duty.

7 Findings from student focus groups

We conducted five focus groups with students across both undergraduate and postgraduate levels. These were conducted at three institutions and included students studying Law, Criminology and Education. As the predominant group considered at risk/risky within the Duty's mandate a key motivation of the project was to provide a further avenue in which students could voice their experiences of the Duty and their feelings towards it. In this final section we outline key findings under the same headings as used with staff insights above.

Key findings

- When considering the Duty and its stated objectives, the students we spoke with were broadly favourable to its placement with UKHE.

- The breadth and ambiguity around how vulnerability manifests was a point of contention for students.

- Students raised concerns about the negative effects the Duty could have in University.

The place of the Duty within UKHE

Students tended to be less familiar with the Duty compared to staff and generally responded more favourably to the Duty's place within UKHE. Often this was rationalised with reference to the possible consequences of not intervening:

> '*It's important to stop radicalisation, terrorism in its tracks before it's actually happened. It's all well and good to charge terrorists after they've killed twenty people, but obviously, you don't want them to kill people so you need to enforce the idea of looking out for potential terrorists and people being radicalised to stop those things from happening.*' Focus group 1, Wales

Another student expressed a similar sentiment when they remarked: '*From my perspective, preservation of life is more important at the end of the day*' (Focus group 5, South-East).

Students referred to terrorist events and used this to communicate the importance of the Duty. The exchange between two students included below provides one example of this:

> ❝ Student 1: *'Even if they do just find that one person, it is probably worth putting that Duty on.'*
>
> Student 2: *'What was the Manchester bomb in total? I mean, catastrophic.'* Focus group 1, Wales

Emphasising the possibility of being 'isolated' and 'alienated' when going to university, one student singled out university as a space of particular importance for the Duty: *'I feel like putting it into higher education is definitely an essential.'* (Focus group 2, Wales).

The challenges of identifying vulnerability

While we found a more positive response from students compared to staff when asked to consider the necessity of the Duty within UKHE, as the conversations moved to the specifics of the policy the evaluations became gradually more critical. As with staff, assessing vulnerability was an area of discussion across the focus groups.

The breadth of the factors was an area of contention, *'I don't think it gives particular guidance because it gives a number of factors which are incredibly broad'* (Focus group 1, Wales). When reviewing some of the factors on the vulnerability framework and arriving at *'a desire for political or moral change'*, one student remarked, *'yeah, that's every university student, the majority of university students'* (Focus group 1, Wales). Similarly, sentiments were expressed with other factors such as *'a need for identity, meaning and belonging'* and *'a desire for excitement and adventure'*.

Definition was also an issue for students. For example:

> ❝ *It also says as well, "susceptibility to indoctrination", how do you define susceptibility to indoctrination? How do you define susceptibility? What are the physical factors, what are the characteristics?'* Focus group 2, Wales

Linked to this were instances where students disagreed with some indicators such as, *'a need to dominate and control others'* (Focus group 2, Wales) and offered additional factors that they felt were missing from the framework such as being

bullied, secretive or introverted (Focus group 3, Midlands). Students provided minimal reasoning for why these factors should be considered but the willingness to do so perhaps provides an illustration of what one student offered as an overall assessment of how people assess vulnerability: *'most of it is going to be a gut feeling, isn't it?'* (Focus group 1, Wales).

Negative consequences of Prevent in UKHE

Outside the issues surrounding identifying vulnerability, students expressed other concerns that could stem from the Duty within UKHE. For example, some were sceptical as to the effectiveness the Duty was likely to have and the likelihood of particular groups becoming the focus of observations:

> *I don't know how much of an effect this is actually going to have. If someone does just start looking at people in that way all the time, there's got to be some sort of profiling of some sort going on, whether it's biased or not or subconscious.'* Focus group 1, Wales

Another student was more specific in who they felt would receive the gaze of the Duty, *'I would say one of the groups that they are actually targeting more is Muslims because of what's happening'* (Focus group 4, South-East). One student, remarking about the need to observe said, *'it just seems a bit like Gestapo'y with everyone reporting on each other'* (Focus group 5, South-East).

Some of the issues stemmed from the appropriateness of staff taking on a counter-terrorism function far beyond their job description:

> *I think there's an issue there, they're putting a legal obligation on people who are firstly trained in a completely different profession, they don't know anything about radicalisation, and I think there's always going to be over-reporting. I mean, people in new sectors, they have too much work already, they have now a legal obligation.'* Focus group 2, Wales

The motivations and rationale for the Duty was also questioned:

> 'It's got committee thinking all over it, hasn't it? And again that strikes me as the, sort of, thing that is a stick to beat people with once something's gone wrong even if we don't predefine it and then if something does go wrong you say, well, you didn't have due regard and you can't have done otherwise it wouldn't have happened.' Focus group 4, South-East

It would appear compliance and the anxiety around having *'due regard'* is manifesting in the classroom. For example, one student voiced frustrations in relation to the trepidation with which their lecturers and seminar tutors approach issues relating to terrorism:

> 'I think also there's an issue on the other side of things with the teaching, that it can impede teaching a bit, because one frustration I've had on this course ... is the teachers being so worried about showing anything to do with terrorism, doing a big speech before it, then showing it, 'don't get your phones out', and it's almost taking up so much of the class time. Like and I'm talking from my perspective as a white woman, so it's probably not so much of an issue to me, but it does frustrate me a lot that I just feel like it's very unnecessary red tape.' Focus group 2, Wales

As with staff interviews, the students we spoke to were receptive to the stated objectives of the Duty but shared similar concerns to staff once we considered the Duty in more detail. Students were sceptical as to the ease and practicality of identifying indicators of vulnerability and were wary of how particular groups could be targeted for perceived difference or uniqueness. Students voiced anxieties as to the place of the Duty within UKHE and the resulting impacts that its arrival may have on teaching and learning about contentious subjects.

We now move to our conclusion and offer the final observations of the report.

8 Conclusions

The Desecuritising Higher Education Project has sought to reveal new insights into how this law is operating and being received across the sector. Our project has delivered unprecedented coverage across UKHE and we plan to provide further analysis of our findings in forthcoming outputs. However, reflecting upon the findings presented in this report reveals important considerations as to the proportionality of the Prevent Duty.

The findings from our review of HEI websites and Prevent policies demonstrate that HEIs are mindful to public anxieties around the impact of Prevent within UKHE as well as the potential harms that could result from a disproportionate or heavy-handed deployment. The Government's framing of Prevent as safeguarding has allowed for the Duty to be received and presented by HEIs as 'business as usual'. However, there was evidence of dissent and disagreement as to this framing and indeed the overall place of the Duty within UKHE. Examples such as these may, in part, be related to the sorts of findings we revealed via our FOIs, interviews, and focus groups. Whether it was the extensive restructuring and repositioning of staff and services that has been necessitated by the Duty, uncertainty from staff as to whether the Duty made sense in UKHE, or concerns from students as to negative consequences that could stem from it, our project revealed the impact the Duty is having and the questions it has raised.

The Desecuritising Higher Education Project has identified the effects and impositions the Duty is having and yet, if referrals to Channel are an indication of the most significant cases, our findings reveal these were incredibly low within UKHE. Proponents will perhaps argue that referrals are only part of the story and this low number is an indication of HEIs managing welfare and safeguarding effectively. We agree, but the question remains, what additional value does Prevent bring and against what benchmarks are we evaluating its effectiveness? Clearly, HEIs have a duty of care to their students and staff. The issue then is not whether they should support staff and students but whether a specific, sector-wide terrorism-related initiative that imposes so much and co-opts so many is necessary, proportionate, or effective in achieving its own stated objectives.

9 Recommendations

1 Deliver the independent review of Prevent and include the Prevent Duty

In 2019 the Government committed to carrying out the independent review of Prevent. This was positive news and such a review is long overdue. Delivering on this commitment should be a priority for Government but it is imperative that it is done in a manner that is genuinely independent and free from political influence. Any review must address some of the issues concerning how the Duty component is currently being implemented within Higher Education.

2 Allow staff and student voices to inform future reviews

The Duty within UKHE places additional responsibilities on staff and frames students as risky/at risk. If the Government is serious about conducting a meaningful evaluation of the Duty within UKHE it should proactively seek the views of staff and students as well as their representative unions. Enfranchising students and staff in discussions is not only the ethical thing to do but these groups are also uniquely placed to speak on its functioning and effects. These insights will be necessary as part of an inclusive and robust review of the law.

3 Creating a new definition of vulnerability

Vulnerability is at the heart of the Duty and provides the rationale for assessing individuals as well as justifying possible interventions. Given the importance of vulnerability for the rationale and operation of the Duty, far more needs to be understood about this concept. We propose that the Government works more closely with practitioners and diverse expertise across the social sciences to devise an evidence-based understanding that relies less on broad and ambiguous behavioural factors. Instead, a new definition of vulnerability should focus less on risk factors and more on the root causes and ideological factors of radicalisation.

4 Properly fund and resource mental health and welfare services within UKHE

If the Government is serious about safeguarding people from being drawn into terrorism then they must adequately fund, resource, and support mental health and wellbeing services across the sector and be willing to do so without insisting these efforts be tied to Prevent. HEIs have a long-established duty of care to staff and students but the additional responsibilities brought about by the Duty risk stigmatisation and will continue to look like counter-terrorism on the cheap until the Government delivers more to help HEIs combat the mental health crisis across the sector.

Project team, contacts and acknowledgements

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