

FOI data on the Prevent Duty in universities raise serious questions about necessity and proportionality



Drawing upon 157 responses to Freedom of Information Requests sent to UK Higher Education Institutions, [Andrew Whiting](#) discusses how the Prevent Duty has been enacted within the sector. He explains that the legislation has brought further bureaucratic conservatism across the sector and that a low number of referrals have been made since 2015.

The UK's counter-terrorism strategy consists of four different parts: Protect, Pursue, Prepare and Prevent. Each of these addresses different challenges posed by terrorism, with Prevent framed as a safeguarding initiative that seeks to '[support vulnerable people to stop them from becoming terrorists or supporting terrorism](#)'. In 2015, the government [expanded the scope of Prevent](#) to make it a legal requirement that public sector institutions have 'due regard to the need to prevent individuals from being drawn into terrorism'. This statutory responsibility is known as the *Prevent Duty* and affects schools, universities, and hospitals as well as other parts of the public sector.

Prevent has been a controversial part of the wider counter-terrorism strategy and the Duty has been no different in this regard. Defended by the government and advocates as being a vital means of intervention and support for vulnerable people, critics have accused the policy of expanding the securitisation and surveillance of civil society. With this debate in mind, we set about trying to better understand how the Prevent Duty has been enacted and the effects it has had within one specific sector: UK Higher Education (UKHE). To achieve this, [we reviewed replies to 157 Freedom of Information Requests](#) that we sent to Higher Education Institutions (HEIs) across the UK between November 2018 and February 2019. In the FOIs we asked questions about structure, guidance, training, and referrals. Below we outline our main findings and reflect on what this tells us about the workings and effects of the Duty five years after it passed into law.

The Duty has permeated widely across HEIs and has brought further bureaucratic conservatism across the sector.

Our responses reveal the restructuring and repositioning that has occurred in response to the requirements of the Duty. Committees, policies, and processes have been developed afresh or expanded to ensure compliance with the law, while members of staff find themselves with new training requirements, responsibilities, and workloads to manage. Committees designed to manage the Duty had a wide-ranging membership, including among others, staff from the Vice Chancellor's Office, the Office for Student Experience, Safeguarding, Equality and Diversity, Health and Wellbeing, Campus Security, and local Police Officers.

Prevent training was another prominent feature that demonstrated how the Duty had been installed. We were informed about several different packages being offered across the sector, including those that focused on various audiences, for example, 'Prevent for support staff' and 'Leadership and the Prevent Duty'. Other training aimed at issues like how to implement the Duty while upholding the principles of academic freedom, appeared to be responding to specific anxieties that have been voiced about negative consequences the Duty may have within UKHE.

The need to be compliant with the law has also necessitated additional policies and processes that often emphasise oversight and risk mitigation with potential implications for core university functions. Inviting external speakers, booking rooms, using multi-faith facilities, submitting a research ethics application and the use of IT are all examples of areas that have seen additional scrutiny.

Framing Prevent as safeguarding has proved popular across the sector but there were instances of ambiguity and uncertainty.

HEIs have adopted the government's framing of Prevent as safeguarding and have approached the Duty as an extension of their existing duty of care. Given this footing, relevant staff have been co-opted into the Duty's implementation, bespoke training has been produced linking Prevent and safeguarding, and guidance has been disseminated emphasising staff's need to be observant to signs of vulnerability and where to go with concerns.

Having Prevent reside as a part of the duty of care provides a seamless entry point into the sector. However, it is important to remain mindful to what deploying the discourse of safeguarding can obfuscate, namely, its ability to present a controversial political endeavour (Prevent) in a manner that is politically neutral and ultimately positive (safeguarding). Indeed, there were some instances of institutions exhibiting evidence of a more explicitly counter-terrorist framing, for example, stating that the Duty was being managed by a 'Deterring Terrorist Activities' working group. Such examples, while less common, provide an interesting contrast with institutions where the Duty has been brought wholly within existing wellbeing agendas. The government's guidance allows for HEIs to exercise their own discretion on how to best implement the Duty within their own institution. Whether such differences reflect this discretion or a deeper difference of opinion / uncertainty as to what the Duty is will likely have implications on how HEIs are operationalising it.

Referrals to Channel are incredibly low across the sector.

Our questions about referrals specifically focused on [Channel](#), the government's multi-agency support programme in England and Wales, and so were not of relevance to institutions in Scotland where there is an equivalent process in place. Of the 140 HEIs we contacted in England and Wales, 23 confirmed they had made a referral, 89 told us they had not, and 27 refused to provide any information citing exemptions that covered justifications such as national security or not wishing to prejudice law enforcement. The remaining institution told us they do not have this information on record. 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. Of these 25 referrals, two were not students and presumably refer to members of staff. It probably goes without saying that this is an incredibly small number, around 0.00001%, of the total staff and student population of these 140 HEIs going by [HESA statistics](#) from 2017.

Prevent and proportionality

Our findings make clear the extent to which Prevent has been tied to the fabric of the University in the five years since passing into law. It has brought an unprecedented degree of oversight across teaching, research, events and student/staff interaction that threatens to have an inhibiting effect across the sector. Clearly, universities have a duty of care to their students and staff. Academic staff frequently have formal pastoral responsibilities as part of their contracts and can come to expect more informal emotional labour and support when working alongside students who are often at a transitional stage of their life. The issue then is not whether universities 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. Prevent is due to undergo an independent review soon. If this is to be conducted in a meaningful way, it is vital this does not take for granted Prevent's expansion into UKHE but explores how the Duty is functioning and listens to the experiences and concerns of those working and studying in the sector.

Note: the above draws on the author's [co-authored work](#) in the *British Journal of Politics and International Relations*. You can learn more about the project on which the above draws [on the relevant website](#) and on [Twitter](#).

About the Author



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