

Equality Impact Assessment

NAME	Dr Timothy Jones
DEPARTMENT	Senior Management Team
POLICY	Counter-radicalism and counter-terrorism: the Academy's Prevent Duty and development of a Prevent Duty Compliance Action Plan

Description

The Counter-Terrorism and Security Act (2015) introduced a series of duties relevant to further and higher education with the Prevent Duty, clause 21(1) of Act, requiring such institutions to have 'due regard to the need to prevent people from being drawn into terrorism'. HE and FE institutions became subject to the new duty on 18 September 2015. Published guidance defines extremism as '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'. National guidance acknowledges that educational institutions need to balance prevent duties with their responsibilities regarding freedom of speech and academic freedom. Monitoring compliance of the Prevent Duty has been delegated to HEFCE.

The Academy's initial risk assessment audit and subsequent Prevent Duty Compliance Action Plan looked at a number of key areas;

- Institutional leadership and management
- Staff training.
- Code of practice for ensuring freedom of speech on campus.
- Arrangements for sharing information internally and externally about vulnerable individuals.
- Arrangements to protect the importance of academic freedom.
- Policies and procedures for approving external speakers/events on campus.
- Arrangements for pastoral care and support for students.
- Policies for the use of the institutions computer facilities to include filtering arrangements.
- Policies for engaging with students' union and societies with regard to the Prevent Duty.

Progress on the Prevent Action Plan

Senior Management and Governance: The Academy's Governing Body and Senior Management Team have been briefed on their responsibilities with regard to the Prevent Duty by the Academy's designated Prevent Officer (Deputy Principal Programmes and Research). The terms of reference of the Governing Body and Audit Committee have been revised so that they explicitly set out the oversight and responsibilities of the Governors and Senior Management Team.

Staff training: Institutions are required to 'undertake Prevent awareness training that could help staff prevent people from being drawn into terrorism and challenge extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups'. As at September 2016, 46 members of Academy staff, including those from senior management, academic, administrative, estates/security and student support services had completed the Jisc Workshop to Raise Awareness of Prevent (WRAP) – see Appendix 1. Heads of Departments also received information on 'Channel' referral, with referral undertaken via various government agencies and the designated Prevent Officer.

The terms of reference of the Academy's Academic Board, Research Committee, Museum and Library Committee, Artistic Planning Group, Student-Staff Liaison Committee and Equality and Diversity Committee have been revised so that they explicitly take due care of Prevent duty when approving Academy events. Procedures for sharing information about external speakers with other institutions are in place, co-ordinated via Conservatoires UK.

Arrangements for pastoral care support for all students was reviewed by the Academy's Prevent Officer in September 2016.

Arrangements for the review of information technology policies, to include filtering arrangements, was completed by Technology Committee in January 2016.

Could the Prevent Duty and development of a Compliance Action Plan have impact on equality in relation to:

- **Age**
- **Disability**
- **Gender or Gender Re-assignment**
- **Marriage or Civil Partnerships**
- **Pregnancy and Maternity**
- **Race**
- **Religion or Belief**
- **Sexual Orientation**

Age: Radicalisation can happen at any age, but current evidence suggests it is teenagers and young adults who are more likely to be influenced. The Academy's Prevent Duty Compliance Action Plan applies equally to students/staff regardless of age.

Disability: No perceived impact.

Gender: Recent evidence has shown that both genders are at risk of radicalisation. The Academy's Prevent Duty Compliance Action Plan' applies equally to students/staff regardless of age.

Gender Reassignment: No perceived impact.

Marriage and Civil Partnership: No perceived impact.

Pregnancy and maternity: No perceived impact.

Race: The national Prevent strategy identifies that individuals from the South Asian, Middle Eastern or African heritage groups and perceived to be at a greater risk of radicalisation. However, the Jisc WRAP training (see staff training above) addresses this and emphasises that the Prevent Duty applies equally to anyone at risk of radicalisation regardless of race.

Religion or Religious Belief: There is a perception that the national Prevent strategy focuses on the followers of Islam and that this could lead to unfair discrimination of this group. The Academy's Prevent Duty Compliance Action Plan applies equally to students/staff regardless of religion or religious beliefs and the Jisc WRAP training addresses this and emphasises that the Prevent Duty applies equally to anyone at risk of radicalisation.

Sexual Orientation: No perceived impact.

In consideration of its Prevent Duty and compilation of its Prevent Duty Compliance Action Plan the Academy has followed the national guidance which states 'we do not envisage the new duty creating large new burdens on institutions and intend it to be implemented in proportionate and risk-based way.' In doing so the Academy has paid due consideration to the Education Act 1986, the Equality Act 2010, the Public Sector Equality Duty as defined by the Equality Act and the Data Protection Act 1998.

Institutions have a duty under the Education Act 1986 to take 'such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students, employees... and visiting speakers.' The Academy has complied with this in the fulfilment of its Prevent Duty.

With regard to the sharing of information 'when it is necessary to prevent people from being drawn into terrorism' it is clear that every decision in compliance of this duty will have to be considered on its own particular circumstances and with due attention to the Academy's existing Confidentiality and Safe Guarding policies. However, it is clear that, in particular scenarios, the sharing of information will be fully justified as S38 of the Terrorism Act 2000 states that it is an offence to fail without reasonable excuse to disclose to the police, as soon as reasonably practicable information which might be of material interest in preventing an act of terrorism.

The Public Sector Equality Duty requires institutions to have due regard to the need 'to foster good relations between persons who share a relevant protected characteristic and persons who do not share it' and it could be argued that this conflicts with the Prevent Duty requirement for institutions to have 'due regard to the need to prevent people from being drawn into terrorism.' It was concluded, however, that there should be no conflict between the Academy's Public Sector Equality Duty and Prevent duties as the Prevent Duty applies to all forms of terrorism and is therefore applied in a non-discriminatory manner. National guidance states the Prevent Duty 'deals with all forms of terrorism and actions which can create an atmosphere conducive to terrorism and can populate views which terrorists can exploit.'

Equally the policy and procedure for approving external speakers/events on campus where 'the university needs to balance its legal duties in terms of both ensuring freedom of speech and also protecting student and staff welfare' should not conflict with Public Sector Equality Duty as national guidance only extends to challenging extremist views 'where they are used to legitimise terror and are shared by terrorist groups.' The Academy's procedure for the approval of external speakers and events provide a formal process for the vetting of speakers to ensure that no events which seek to discriminate against the protected characteristics as set out in the Equality Act, promote intolerance of other beliefs or incitement violence or criminal action take place.

In conclusion it is envisaged that the implementation of the Prevent Duty Compliance Action Plan will further nurture an environment where students feel comfortable and able to express themselves without fear of discrimination or intolerance.

What evidence has been considered in the above?

The Academy's Prevent Duty and Prevent Duty Compliance Action Plan was considered by the Academy's Equality and Diversity Committee (October 2015 and April 2016).

Consultation with the Academy's Student Union took place through existing Senior Management Team/SU liaison.

Consideration of sector wide research e.g. the Prevent Duty Guidance Consultation document prepared by Old Square Chambers, London for the University and College Union (January 2015).

Senior Management Team staff attended HECFE briefing sessions (September 2016).

Is a full Equality Impact Assessment required?

No; the annual monitoring process requires the Academy to submit an annual Governing Body report to HEFCE demonstrating how the Academy has 'actively delivered the Prevent Duty'.

Date 2/11/2016

Appendix 1: Jisc Workshop to raise awareness of Prevent (WRAP)

Prevent is the non-criminal area of the UK government's counter terrorism strategy. This strategy looks to prevent all forms of extremism including far-right activity, animal rights and environmental terrorism; any extremism in fact which encourages violence. WRAP aims to provide an understanding of the 'Prevent' strategy and of the processes used by terrorists to radicalise individuals. It encourages the use of existing expertise and professional judgement to recognise vulnerable individuals who may need support, and provides a guide to referral mechanisms and details of agencies to contact for further help and advice.

FE and HE institutions have the duty to protect the rights of all individuals including their freedom of speech. This freedom must not, however, be used to express views which look to incite violent action in others. Once views become extreme, and specifically incite violence they become illegal hate crimes.

Safeguarding is a means to support vulnerable individuals who may be radicalised. Often these individuals feel lost, socially excluded and have a sense of injustice or irrational hatred. Through persuasion and bullying they can be drawn into a world where they perceive a new purpose and sense of reward through criminal damage or terrorism. Extremists use networks to recruit and radicalise and control these vulnerable individuals. In the early stages this can be seen as benign friendship and as help or support with drug or other personal issues, meaning that the vulnerable individual may feel they are simply being befriended.

Factors that make someone vulnerable at risk of exploitation and radicalisation towards crime or terrorism can include emotional issues, peer pressure, guilt, a sense of loss, the need to seek acceptance and the need to achieve as a sense of self-worth/esteem.

Behaviours which may give rise to concerns could include: emotional or physical behavioural changes or the expression of extreme views. It is possible that changes could be linked to a personal crisis, a drugs problem, stress or many other issues not necessarily linked to terrorism, so careful consideration is required before drawing any conclusions.

If you become aware of behavioural changes in an individual, and have concerns as to their own self well-being and/or that of others, it is essential that you do something and ensure that the individual is supported and helped to move away from a radical path. The need to build up trust and confidence is vital, in this process.

The safeguarding process is 3-fold: Notice (when someone notices and reports behavioural changes in an individual) Check (when someone checks on what has been happening) and Share (when the concerns are shared with relevant members of staff). It is important that this process is embedded in staff training and institutional policy/procedure. The Share component of Safeguarding can extend to sharing of information and concerns outside of the higher education institution e.g. with health, education authorities, police and security services etc.