

Dealing with PREVENT-related pressure

PREVENT is a reality on all of our campuses.

It shapes much of our engagement with our institutions, in particular our ability to hold events and run campaigns.

This briefing provides some guidance on how to deal with PREVENT infringing on our right to organise and being used to clamp down on events.

Restrictions on speaker events

- The [Prevent duty guidance](#) released by the government is used by institutions to interpret their responsibilities under the Prevent duty of the Counter-terrorism and Security Act 2015.
- The statutory guidance outlined a number of ways that institutions could manage events, particularly those involving external speakers, to comply with the Prevent duty.
- Since the introduction of the Prevent duty, many institutions have revised or bulked up their event and speaker approval processes, often adding extra layers of bureaucracy.
- Student-organised events may be bureaucratised and micromanaged by institutions to the point of being scrapped, or significantly altered.
- Reasons given could be the event/speaker being “controversial” – which is far from inviting ‘extremism’.
- Events run by Islamic societies, Palestine societies and/or otherwise featuring Muslim speakers, may be particularly targeted. These societies may face extra-long waiting times to hear back about event approvals, and monitoring of events by staff and at times PREVENT officers.
- According to the [NUS’ research](#), of the Muslim students responding as having been impacted by PREVENT, 1/3 of these included barriers to organising speakers and events on campus.

Below is a list of ways that universities could manage external speaker events as per the Prevent duty guidance:

Approving a request on the condition that a particular individual chairs the event, or in a particular format (e.g. a forced debate)

Making the event ticketed/for ID card holders only

Opening the event to the general public (and not allowing private meetings)

Imposing conditions on how the event is advertised (e.g. promotional material to contain translations if in a language not understood by staff)

Placing restrictions on the numbers able to attend or restricting the event to university staff and students only

Requesting a script or summary from the speaker outlining what they intend to say and forcing them to adhere to this

Restricting what materials are available at the event (e.g. CDs, DVDs, leaflets, memory sticks)

Host a speaker with a countering viewpoint to challenge the speaker
(for example demanding that for a pro-choice talk there must be an anti-abortion speaker;
for an anti-war event there must be a pro-war speaker!)

Knowing your rights

- Through such monitoring and restricting, PREVENT directly impacts the ability of students to politically organise on their campuses, and explore challenging ideas.
- PREVENT-related intervention and bureaucratic tricks can ruin events that you have put time and energy into.
- You may struggle to progress if it is not clear where authority for decision-making lies; the institution may claim their hands are tied due to the Prevent duty.
- At times, these can be the consequences of staff ignorance and just clear overreach, in an attempt to comply with PREVENT. This self-policing is an inevitability of the Prevent duty.
- You should use the legal context of the Prevent duty to support your arguments and challenge the institutional approach to the duty.
- More generally, it is important to make allies within institution staff (such as a lecturer) who can also support you when facing hurdles.
- If you or your student group are affected directly by PREVENT, seek support and contact Prevent Watch (see page 3)**

- The Prevent duty guidance says**

"[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 without cancellation of the event."

Education Act (No 2), 1986 (s.43)

"[Governing bodies of institutions] shall take such steps as are reasonably practicable to ensure that freedom of speech within the law is secured for members, students and employees of the establishment and for visiting speakers."

Butt v Secretary of State for the Home Department high court ruling (2017)

"The [Prevent duty guidance] are guidance and not direction, let alone free-standing ones; the obligation on [universities] is to have regard to them. Institutions are responsible for their own decisions, including those related to external speakers on campus.

[...]

The institutions are then entitled to say, having had regard to the application of the [guidance], that the freedom of speech duties and the academic freedom duties to which they have to pay particular regard, are more important."

Disclaimer: Below is an external legal opinion. Nothing in this briefing should be taken as legal advice from NUS. All opinions should be read in combination with Charity Commission guidance around campaigning.

Extract from legal opinion sought by NUS

"This strict threshold (requiring "full mitigation"), is in our view in potential conflict with the duty to take reasonable practicable steps to secure freedom of speech within the law in s.43 of the Education No. 2 Act 1986.

It may also result in decisions that disproportionately interfere with the right to freedom of expression under ECHR Article 10 by requiring cancellation of events where risk is assessed as low but cannot be fully mitigated to the required degree of certainty specified in the [Prevent duty guidance].

As such, [institutions] may take the view that they will need to depart from a literal application of the strict approach outlined in the statutory guidance in order to ensure full compliance with their other binding legal duties."

In summary: Institutions should develop their own measures, with flexibility around implementation of the Prevent duty – and Freedom of Speech duties may take precedent over the guidance.



Enforcement

- In **Further Education**, compliance with the Prevent duty is monitored by **Ofsted**.
- In **Higher Education**, compliance is monitored by the **Office for Students (OfS)**.
- Charities, which many Student Unions are, are not bound by the Prevent duty.
- Rather, they are bound by Charity Law and regulated by the Charity Commission.
- They are subject to existing laws concerning 'terrorism', such as the Terrorism Acts.
- The Charity Commission's role is supposed to be ensuring that charities are being run efficiently and that trustees are being law-abiding – so, a 'supportive' body.
- However in recent years the Charity Commission has taken on a more aggressive position, and come to reflect the government's political agenda including on 'extremism'.
- In response to anti-PREVENT campaigning on campus, the Charity Commission may intervene to 'assess' the SU.
- **It is also possible that the Charity Commission could take more serious regulatory action, or launch an 'investigation' if a college or university were to argue that the SU had *blocked* them from exercising 'due regard' under the Prevent duty.**
- This may be viewed by the Commission as indicative of non-compliance with the Commission's guidance on extremism and demonstrative of unlawful activity (which would also comprise a breach of trust for charity law purposes).
- Seeking regulatory action by the Charity Commission is likely to be a last resort for an institution.
- If your SU or campaign group are approached by the Charity Commission, don't panic!
- Solidarity is our most powerful weapon, and this includes where our fellow students are being victimised.
- Often initial assessments by the Charity Commission are formalities, and no accusation of law breaking.

Prevent Watch documents case studies of Prevent in practice and is a useful resource and advice centre for individuals affected by it.

e: contact@preventwatch.org

t: 033 33 44 33 96

w: www.preventwatch.org



Pro-PREVENT groups

- There remains a concerted effort by the government and hardened advocates to promote PREVENT as successful.
- Often, this advocacy comes hand-in-hand with deriding campaigners against PREVENT's abuses as a "far-left lobby" or an "Islamist agenda".
- Certain groups have both political and financial incentives to promote PREVENT.
- Below are just a few examples of pro-PREVENT groups to watch out for when campaigning against its abuses

Student Rights



Claim to protect students from the threat of 'extremism' on campus —which according to their literature applies almost solely to Muslim speakers.

Disproportionately target Muslim speakers and those invited by ISocs — to the point of being described as a 'witch-hunt' by Muslim students.

Have privately lobbied Universities to cancel student events.

Have been influential on government counter-extremism policy.

Their former Director Raheem Kassam went on to serve as a senior advisor for UKIP and editor-in-chief at the alt-right Breitbart News.

Are a project of the 'Henry Jackson Society' right-wing thinktank.

Have been formally condemned by over 10 SUs, the NUS Black Students' Campaign and NUS NEC.

Henry Jackson Society (HJS)



A neoconservative thinktank whose membership includes a number of MPs.

Have had a significant influence on government's counter-extremism position through their political membership and role in Parliament.

HJS established Student Rights as a project to expose 'extremism' on campuses – yet for many years denied their relationship with the group.

Former policy members have described it as a "right-wing forum with an anti-Muslim tinge, churning out polemic and superficial pieces".

Their Associate Director Douglas Murray has said that "*conditions for Muslims in Europe must be made harder across the board*"

Quilliam Foundation



A 'counter-extremism' thinktank run by self-proclaimed 'ex-Islamists'.

Have received heavy PREVENT funding.

Are frequently described as having "no grassroots support" and being "loathed" by Muslim communities.

Controversially sent a secret list to a British security official smearing a wide range of Muslim organisations as sharing 'extremist ideology', which was branded 'McCarthyist'.

