



Prevent Duty Policy and Procedures

Legal Context

The Counter-Terrorism and Security Act 2015, section 26 places a duty on certain ‘specified authorities’ including Relevant Higher Educational Bodies (RHEB) such as the Colleges and Universities, in the exercise of their functions, to have “due regard to the need to prevent people from being drawn into terrorism”. ICON College of Technology and Management as a RHEB is obliged to deliver this duty. This legislation is given specific statutory force through the Prevent Duty guidance for higher education institutions in England and Wales¹, referred to as the ‘Prevent Duty’.

Introduction

The College acknowledges and upholds the position that the definition of terrorism in the Terrorism Act is broad, in describing it as “the use or threat of action which involves serious damage to property; or endangers a person’s life; or creates a serious risk to the health and safety of the public or a section of the public; or is designed seriously to interfere with or disrupt an electronic system. The use or threat must be designed to influence the government or to intimidate the public and is made for the purpose of advancing a political, religious, racial or ideological cause.”

The government Prevent strategy was explicitly changed in 2011, and now it deals with all forms of terrorism and with non-violent extremism which could lead to creating an atmosphere conducive to extremism and terrorism. According to the updated statutory guidance (1 April 2021), the government Prevent Strategy has three specific areas to address:

1. Respond to the ideological challenge of terrorism and the threat we face from those who promote it
2. Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support
3. Work with sectors and institutions where there are risks of radicalisation that we need to address.

The underlying considerations adopted by the College in implementing the Prevent Duty are:

- a commitment to the safety and wellbeing of our staff and students and all those who interact with the College, including not being victims of, or complicit, with any activities linked to radicalisation;

¹ <https://www.gov.uk/government/publications/prevent-duty-guidance/revised-prevent-duty-guidance-for-england-and-wales>

- upholding the legislative requirements and champion the spirit of academic freedom and freedom of speech within the law and with the appropriate obligations and responsibilities arising from such freedoms;
(Further details are available in Annexure-2: Statement on Academic Freedom and Freedom of Speech)
- preserving equality, diversity and inclusion as foundations of College life, whilst ensuring these values are not threatened;
- supporting cohesion and harmonious relations across all parts of the College community;
- ensuring that the Prevent Policy is implemented in a proportionate and risk-based manner, relevant to the local context in which the College is based.

The government draws attention to any extremist ideologies and organisations, and defines it 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. It also includes call for the death of members of our armed forces”.

In accordance with this definition, the College considers that extremist ideologies, and those who express them, undermine the principles of freedom of speech and academic freedom. The College recognises that the freedom of speech and academic freedom as separate but interrelated liberties, and are key features of College-life.

(Further details are available in Annexure-2: Statement on Academic Freedom and Freedom of Speech which sets out the legal obligations, rights and responsibilities related to preserving this freedom).

Scope and Application

The Prevent Duty applies to all RHEBs in England and Wales which includes ICON College of Technology and Management. Therefore, this Policy applies to all staff, students and third parties of the College and to all College-controlled activities undertaken in the UK.

The Prevent duty does not apply to activities undertaken by the College in other countries, although the College would not expect any activities directly related to the College overseas to be at odds with this Policy.

The duty does not apply to Student Representatives either. However, the College is required to ensure that arrangements are in place to ensure that activities undertaken in its name comply with the Prevent duty.

The term “due regard” as used in the Act means that the RHEB should place an appropriate amount of weight on the need to prevent students and staff being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions.

Arrangements to Deliver the Prevent Duty

The implementing of Prevent duty involves undertaking a risk-based approach and therefore awareness and understanding of the risk of radicalisation at the College becomes a priority.

The dedicated Prevent Lead Team with necessary training and skills carefully assesses any risk of radicalisation of students and staff, to enable the College to deliver the duty effectively.

As per statutory guidance, the College focuses on three key areas underlined along with other necessary themes as noted below:

1. Risk Assessment and Safeguarding
2. Effective leadership
3. Working in partnership
4. Building capabilities
5. Sharing information

Risk Assessment: The College has undertaken a Prevent Duty Risk Assessment of how and where students and staff might be drawn into terrorism, including violent and non-violent extremism, and an associated action plan to mitigate risks along with safeguarding measures. *(Further details are available in Annexure-2: Safeguarding Policy and Procedures)*

The Risk Assessment addresses the adequacy of institutional policies and arrangements regarding the campus and student welfare, including equality and diversity and the safety and welfare of students and staff.

Effective Leadership: The Management Board (MB) has the responsibility to ensure the College satisfies the requirements of the Prevent Duty, with leadership and implementation delegated to the Principal as the Authorising Officer for Prevent-related matters. The College has a dedicated functioning Prevent Lead team consisting of the principal, senior managers, academic and admin staff members and a student representative. The Prevent team is highly committed to the cause and ensure that the entire College staff, both academic and admin are aware of the issues of radicalisation and terrorism and are provided periodic training which help identify any signs of extremism.

Working in Partnership: The College Prevent team is required to work with external stakeholders to ensure smooth implementation and successful outcomes. This requires us to produce a productive co-operation and collaborative partnership framework to demonstrate effective compliance with the Prevent duty. Our local authority, London Borough of Tower Hamlets remains the key partner along with the Police with whom the College has established formal partnership. Senior Prevent Lead members regularly meet with the relevant members of local authority and other Community Safety Partnerships.

Building Capabilities: The College recognises that it is extremely important for the frontline and academic staff to understand and identify any signs of radicalisation to prevent students from being drawn into terrorism.

In order to provide all the necessary help and support to the vulnerable students, the College management along with the Prevent team ensures that the frontline and academic staff receive a 'Refresher Training' on a regular periodic basis. The objective of the training is to identify any emerging trends which challenge an extremist ideology.

The College is committed to continue to carry out a number of wide-ranging initiatives and activities to build on its capabilities to understand the causes and, prevent students and staff being drawn into radicalisation or involvement in extremist activities.

Sharing information: The College will share all the necessary information with the relevant partners in accordance with the (Statutory Guidance: 1 April 2021).

All the shared information will be assessed on a case-by-case basis governed by a legislation such as Data Protection Act 1998. In any case, the Prevent delivery will not involve in any covert activity against individuals or communities, to protect the rights of individuals. The College will ensure that the all the shared information has been agreed at a local level as required. The College will be obliged to report to the police, if anyone is identified as engaged in an illegal terrorist-related activity.

- Necessity and proportionality: personal information will only be shared where it is strictly necessary to the intended outcome and proportionate to it. Professional judgement of the risks to an individual or the public will be applied here;
- Consent: consent of the person concerned should be obtained whenever possible;
- Power to share: public sector bodies require the existence of a power to do so and meet the requirements of the Data Protection Act 1998 and the Human Rights Act 1998;
- Data Protection Act and the Common Law Duty of Confidentiality: when it involves non-public bodies, the College will consider its own responsibilities under the Data Protection Act 1998 and any confidentiality obligations that exist.

Referral and Reporting Procedure

The College recognises the sensitive nature of assessing an individual as being drawn into radicalisation and mindful of the fact that some of the factors which may appear as signs of a person's potential radicalisation might, in fact, be signs of a wide range of other support needs on the part of that individual. The Prevent Lead team, therefore, recognises the difficulties in defining attitudes and behaviours which may suggest someone has been, or is being, drawn into terrorism but would encourage concerns to be reported as shown below.

Where an individual is thought to be at imminent risk of harm to themselves or others, the Chair of the Prevent Lead team (the College Principal) should be contacted immediately on 24-hour emergency number: 07956869751 or call the emergency number 999 (police) and in his absence, the Managing Director should be contacted immediately on 07812507863.

For Prevent Duty related concerns about students where there is not perceived to be an immediate threat to the individual concerned or others, the College Student Welfare Officer should be contacted directly by dialling 020 7 377 2800. The Student Welfare Officer, who is a member of the Prevent Lead, will liaise with the chair of the team.

For concerns about staff where there does not appear to be an immediate threat to the individual concerned or others, the chair (the College Principal) should be contacted immediately with details of the concern. The chair will liaise with the members of the Management Board as it may require referral to the external authorities, including the police.

It is recognised that allegations against, or concerns about, staff and students may be submitted via other routes. In turn, these may be raised anonymously, in which case these will be raised as per the relevant routes above.

Allegations or concerns which are raised by anonymous individuals will be investigated where there are sufficient grounds or scope to be able to do so, based on the information provided.

If an allegation is made frivolously, in bad faith, maliciously, or for personal gain or revenge by a student or staff member, disciplinary action may be taken against the person making the allegation. However, no action or detriment related to employment or study respectively will be taken against any member of staff or student who raises a genuine concern that proves to be unfounded.

The disciplinary procedures will be followed against any member of staff or student who is found to have committed criminal acts or any other activities related to terrorism, in the Course of their studies or work activities, which may result in expulsion or dismissal through the hearing of the Misconduct Committee.

The College has a legal duty to share information – in confidence – within the College, and with external authorities, on matters related to individuals assessed as vulnerable to being drawn into terrorism, or at risk of being complicit in terrorist activity. Confidentiality cannot be guaranteed if, as a result of an investigation, individuals are requested to participate in subsequent investigations by the statutory authorities.

A confidential record of all internal and external referrals made under this policy will be kept. In reaching any decision about external referral, the College will have regard to its obligations under its Data Protection Act 1998 and the Human Rights Act 1998. Concerns will only be shared externally where there is a clear and compelling requirement to do so.

Annexures:

Annexure-1: Statement on Academic Freedom and Freedom of Speech
Annexure-2: External Speaker Policy and Authorisation Procedures.

ANNEXURE-1

Statement on Academic Freedom and Freedom of Speech

Introduction:

The Counter Terrorism and Security Act 2015, section 26 places a duty on Higher Education amongst others, to 'have a due regard to the need to prevent people being drawn into terrorism' Furthermore, section 31 of the act requires that in meeting the section 26 duty, institutions must have;

- Particular regard to the duty to ensure freedom of speech
- Particular regard to the importance of academic freedom.

The College has developed this statement to demonstrate its commitment to promote Academic Freedom and Freedom of Speech within the law for its members of staff, students and external speakers who make use of College facilities

The statement has been established in order to further meet the following statutory requirements:

- The revised Prevent Duty Guidance: for England and Wales 2021.
- The Education Reform Act 1998.
- The Equality Act 2010
- Human Rights Act 1998

In order to promote this commitment, the College will not deny any registered student, employee of the College, or any individual or body of persons invited onto the College premises, on any grounds relating to their beliefs, views or policies, except insofar as their expression of such beliefs, views or policies shall be unlawful. Where it is reasonably anticipated that their expression of such beliefs, views or policies shall be unlawful, the College will prevent access to its premises.

The College commits to not restrict debate or deliberation simply because the views being expressed may be considered unwise or offensive, and therefore expects any registered student, employee of the College, or any individual or body of persons invited onto College premises, to show commitment to the same principle by not obstructing or interfering with the rights of others to express views with which they may disagree.

ANNEXURE-2

External Speaker Policy and Authorisation Procedures

Introduction

The College is committed to the principles of free speech and freedom of expression; it fully supports the free expression of opinions within the law, and upholding of the principles of academic freedom in all the activities detailed in its Statement on Academic Freedom and Freedom of Speech.

The College is also required by the Counter Terrorism and Security Act 2015 to have in place policies and procedures to mitigate the risks of people being radicalised or drawn into terrorism. This includes making sure that risks around external speakers and events are rigorously assessed and managed.

All staff and students have the right to study without fear of intimidation, harassment and threatening or extremist behaviour.

Having regard to the provisions of relevant legislation, the College seeks to prevent the exploitation of academic freedom, by way of tolerance and respect for diversity. Intolerant behaviour, motivated by prejudice or hatred that intentionally demeans individuals and groups defined by their ethnicity, race, religion and/or belief, sexuality, gender, disability, age or lawful working practices and which gives rise to an environment in which people will experience, or could reasonably, fear harassment, intimidation or violence will not be tolerated by the College.

The External Speaker Policy and Authorisation Procedures have been produced to ensure that all external speakers comply with the College's policies, procedures and conduct principles.

Scope:

This policy applies to all staff, students, visitors and external speakers participating in events organised in the College.

Procedure for authorising Guest/External Speaker

The process for authorising the use of a guest/external speaker at the College, or at any event in the College name, will comprise of 5 stages: Identification, Assessment, Authorisation, Monitoring and Review.

Stage 1 - Identification

Where a member of staff, student or student representative individual or group wishes to use an external speaker for an activity in the College. they must first complete section A of the 'Guest/External Speaker Consent Form' and submit it to the Principal of the College.

The consent form should be received by the Principal at least 10 working days prior to the event. However, the College reserves the right to delay any proposed guest/external presentation or speech until a full and satisfactory assessment has been carried out.

At this stage, a file of documentation and actions will be created and retained by the Principal

Stage 2 – Assessment

Upon receipt of the consent form the Principal, supported by any individual or body that s/he deems appropriate, such as members of College staff, members of the Senior Management Team, Independent Advisor, Local Authority Prevent team, the Police, or Home Office, will conduct open research and carry out a due diligence check on the speaker and decide if the guest/external speaker has any potential to be inflammatory. This research may include: published materials, known affiliations, previous speech content etc.

The member of staff or student who has requested consent to use an external speaker, should provide as much detail as possible as to the content of the guest's or external speaker's proposed delivery, and where possible, any documents to be distributed.

Stage 3 – Authorisation

Upon completion of the assessment, the Principal will either authorise or refuse the event and complete Section B of the 'Guest/External Speaker Consent Form'.

In all cases, a refusal decision will be made where the guest/external speaker:

- has been or is currently associated with: Home Office Proscribed Organisations, Organisations which advocate acts of terrorism, or any organisation whose beliefs contradict the College's Equality and Diversity Policy.
- has expressed an opinion/interpretation in public, which: Contradicts the College's Equality and Diversity Policy in any way, Advocates involvement in violence abroad, promotes the isolation of members of society from others, or, is likely to isolate any individual/group of individuals within the College
- proposes to use content, which is likely to undermine the College's Equality and Diversity policy.

Documentation relating to assessment and the decision to authorise or refuse will be retained by the Principal for 5 years following the decision to authorise or refuse the event.

Stage 4 – Monitoring

Where the use of a guest/external speaker is authorised by the Principal, the presentation given will be attended by at least one member of the staff designated by the Principal. The member of the staff will be expected to monitor the event and complete section C of the 'Guest/External Speaker Consent Form'.

Where it is decided to authorise a guest/external speaker and either the speaker or subject matter of the presentation has been highlighted as having the potential to be controversial, the Principal may prescribe monitoring of the presentation by way of video camera or audio recording. In order for the College to protect itself from any subsequent challenge or adverse

publicity regarding the authorisation of an event involving a guest/external speaker, and to assist in any subsequent investigation, the final decision on this matter will rest with the Principal and will not be negotiable.

The completion of Guest/External Speaker Consent Form provides documentation to review the monitoring process.

Stage 5 – Review

Within 10 working days of the conclusion of the event, the member of staff designated to monitor the event will complete section D of the 'Guest/External Speaker Consent Form'.

The review will summarise the event monitoring, and feedback received (both positive and adverse) and make a justified recommendation for future invitations of the guest/external speaker and the suitability of the subject matter for future guest/external presentations.

Records:

All records and forms are kept centrally and are subject to audit, discussion and sharing of good practice.

Monitoring and Review of the Policy

The Senior Management Team will monitor the procedures annually to ensure that they are robust.

The policy is reviewed annually to ensure that it is in line with any changes made to legislation.

The final responsibility for the maintenance of this policy rests with the Board of Governors.