

EIS Guidance on the Prevent Duty, Counter-Terrorism Legislation and Preventing Racial or Religious Discrimination

Introduction

1. At its January 2016 meeting EIS Council passed the following motion:

"That this Council is opposed to islamophobia and calls for a campaign of resistance against attempts to make training in Prevent strategies mandatory for all teachers and lecturers. Council rejects, and will campaign against, the threats to freedom of speech in educational institutions posed by the Scottish government guidance definition of extremism, because of the broad range of individuals and groups who may at some point fall foul of it."

This document is designed to advise members of the background to the EIS opposition and to the implications of Prevent Duty for schools, colleges and universities. The guidance also provides advice to members on what action to take when faced with Prevent Duty related issues.

2. The Prevent Duty forms part of the UK Government's most recent counter-terrorism and security legislation. This legislation has implications for the education system, because it introduced new responsibilities on schools, colleges and universities. The Prevent Duty has been widely criticised, not least for creating conditions in which racism, discrimination and Islamophobia are exacerbated.
3. The EIS opposes the Prevent Duty, and believes that the legislation should be repealed, but in the interim, it is important for teachers and lecturers to be aware of the Duty and its potential impacts. This guidance seeks to make members aware of the legal framework for Prevent Duty, the background to it, its potential impacts in educational contexts, and actions which could be taken in response.

Legislative Context

4. When reference is made to the 'Prevent Duty' this is in relation to Section 26 of the Counter-Terrorism and Security Act 2015¹, (henceforth CTSA Act), which came into force in February 2015. This Act places a Duty on certain bodies to have, in the exercise of their functions, "*due regard to the need to prevent people from being drawn into terrorism.*" Within the terms

¹ <http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted>

of the legislation, local authorities, independent and grant-aided schools, colleges and universities are subject to this Duty.

5. The Duty contained in S.26 does not confer new functions on any specified authority: it is used in the Act to mean that authorities should have “due regard” to the need to prevent people from being drawn into terrorism in the exercise of their existing functions (s.26(1)). The term “due regard” as used in the Act means that *“authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions”*, according to the accompanying guidance. It remains to be seen how “due regard” and “appropriate” will be interpreted in practice; however, this wording gives some leeway in deciding on how to respond to this Duty.
6. The UK Government, in conjunction with the Scottish Government, has issued guidance on the Prevent Duty for Scotland, and also sector-specific guidance for the HE and FE contexts. (See page 18, Further Information, for links).
7. Under Section 6 of the Human Rights’ Act “It is unlawful for a public authority to act in a way which is incompatible with a Convention right” i.e. a right under the European Convention on Human Rights” unless:
 - (a) As the result of one or more provisions of primary legislation, the authority could not have acted differently; or
 - (b) In the case of one or more provisions of, or made under, primary legislation which cannot be read or given effect in a way which is compatible with the Convention rights, the authority was acting so as to give effect to or enforce those provisions.

Background

8. The 2015 Counter-Terrorism legislation arose from the UK Government’s 2011 Prevent Strategy, an element of its overall counter-terrorism strategy, ‘CONTEST’. The aim of the Prevent Strategy is to “reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism.”
9. The legal definition of terrorism, as discussed in the CTSA, is as per the Terrorism Act 2000. In this Act “terrorism” essentially means the use or threat of seriously violent or disruptive action where the use or threat is designed to influence the government, or to intimidate the public or a

section of the public, or for the purpose of advancing a political, religious or ideological cause.

10. However, the guidance to the CTSA Act refers to both violent extremism and, importantly, also to "*non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit.*" It has been suggested that "non-violent extremism" could potentially cover a wide range of activism, such as environmental activism or trade union activity, which is extremely concerning.
11. The definition of extremism used in the Prevent Strategy is "*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.*"
12. A number of issues have been raised in relation to such a definition. It has been suggested that this definition could potentially cover the behaviour of a wide range of political activists. It has also been pointed out that the values to which the definition refers are widely shared across nations; they are not unique or exclusive to Britain but are common to many whose nationality is other than British and to those who may have been born and who live in the United Kingdom but whose identity is not 'British'.
13. The EIS and others perceive aspects of the guidance and its potential effects to be Islamophobic. Four out of the five countries which are listed as the home countries of extremists and terror groups are predominantly Muslim. The England and Wales guidance contains content on monitoring the use of prayer rooms, which has been perceived as targeting Muslims although this is not contained in the Scottish guidance.
14. The EIS believes that the spirit of the Prevent Duty guidance has the potential to create a climate of suspicion which is likely to threaten staff relationships with pupils and students and with each other, and also pupils' and students' relationships with each other.
15. The developments around anti-terror legislation have occurred in a climate of increased monitoring and limiting of free speech and political actions. The Trade Union Act 2016, the Transparency of Lobbying, Non-Party Campaigning and Trade Union Administration Act 2014, and recurring discussions about possible repeal of the Human Rights Act 1998 all give cause for concern about growing restrictions on free speech and political campaigning.
16. These developments take place within a post 9/11 geopolitical context which includes terrorist activity at domestic and international level. The

causes of this terrorist activity and related narratives are, quite appropriately, important themes in the political discourse around contemporary international relations and domestic security. The discourse is hotly contested within the political community and in the media. The notion that this discourse can be kept at the classroom door is naive. The notion that the discourse should be kept at the classroom door runs counter to the GTCS standard for full registration. Moreover, in the setting of further and higher education, lecturers often have to have individual discussions with students on dissertations and projects that would involve such issues exercising the statutory principle of academic freedom.

Mechanisms for Reporting, Monitoring and Inspection on the Prevent Duty

17. Prevent activity in Scotland is overseen by the Prevent sub-group of the Multi-Agency Strategic CONTEST Board (MASCB) for Scotland. Local multi-agency CONTEST groups oversee Prevent activity in their area and provide progress updates on the local implementation plan. Local Prevent groups may also be convened, 'where required'. The guidance does not elaborate on what factors might mean that a local group is required. In addition to an objection in principle to this degree of monitoring, the EIS also has concerns that this could create a new layer of bureaucracy e.g. a referral point in each local authority.
18. The Scottish Government will draw together data about the implementation of Prevent from all partners and will submit an annual report of performance against the Prevent delivery plan to the Cabinet Secretary for Justice. The Scottish Government will also provide data on the delivery of Prevent in Scotland to the Home Office, whose Prevent Oversight Board may agree on further action to support implementation of the Duty. If Scottish authorities are to be discussed at the Prevent Oversight Board, Scottish Ministers will be consulted and will attend. The EIS will monitor these developments closely.
19. The guidance states that "*Where a specified body is not complying with the Duty, the Prevent Oversight Board may recommend that the Secretary of State use the power of direction under section 30 of the Act. Scottish Ministers would be present at the Prevent Oversight Board if the power of direction in respect of any Scottish specified authority is under discussion. This power would only be used when other options for engagement and improvement had been exhausted. The power would be used only to ensure the implementation and delivery of the Prevent Duty. The power of direction under the CTSA [as amended by The Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Amendment and Guidance) Regulations 2015] allows the Home Secretary to seek an order*

of specific implement from the Court of Session against authorities specified under the CTSA. These include local councils, the proprietor or governing body of higher and further education bodies and the proprietor or governing body of independent and grant-aided schools. The Act does not give the Home Secretary any power to seek an order of specific implement against staff members or trade unions"

20. The guidance states that "*central support and monitoring will be supported by existing inspection and audit regimes in specific sectors*" and that "*some sectors may see a parallel with the equality Duty and wish to explore whether or not they can use existing bodies that monitor compliance with that Duty for Prevent purposes*". The EIS will monitor developments in terms of inspection regimes and the Prevent Duty.

Potential Impacts of the Prevent Duty

Contractual issues

21. The Prevent Duty may have implications for teacher and lecturer contracts. The legal Duty rests with local authorities, the governors of independent and grant-aided schools, College Boards, and the proprietors or governing bodies of post-16 education bodies, not with the individuals who work in schools, colleges and universities.
22. However, teachers and lecturers are likely to be subject to an express or implied contractual obligation to take such steps as the school, college or university deems necessary to meet its statutory Duty.
23. The Prevent Strategy from which the subsequent legislation emerged specifically references school staff and suggests various actions:
 - Having awareness of Prevent and the risks it is intended to address
 - Ensuring that children are taught "*in a way that is consistent with the law and our values*"
 - Helping to identify and refer to relevant agencies "*children whose behaviour suggests that they are being drawn into terrorism or extremism.*"
24. The EIS believes that having awareness of the law; teaching in a way that is consistent with the law and with societal values as reflected in CfE and GIRFEC; and safeguarding children and young people from harm are fundamental to teacher professionalism and need not be specified in this way. The implied contractual obligation to assist a school, a local authority, a college or a university to comply with the Prevent Duty may therefore mean few or no changes in teacher or lecturer practice.

25. In line with the January 2016 Council Motion, concerns regarding the Prevent Duty should be communicated to employers to help them frame policies and procedures in relation to the Prevent Duty and to clarify that existing safeguarding training makes specific Prevent training unnecessary since existing safeguarding duties are entirely sufficient. If such persuasion is unsuccessful and the members wish to carry out a boycott of Prevent training this would amount to industrial action. In order to be lawful this would have to be sanctioned through due process as laid out by the Institute's policy on industrial action.
26. If teachers or lecturers fail to comply with their contractual terms or their employer's policies and procedures in relation to the Prevent Duty this may make them vulnerable to disciplinary procedures. If policies relating to the Prevent Duty are contractual, teachers or lecturers who fail to comply with those policies may be deemed to be in breach of contract.
27. In the context of Higher Education there is no specific mention of lecturing staff in the Prevent Guidance; it states that "Institutions should give relevant staff sufficient training". The content of lectures is not mentioned. In Universities it would be up to the employer to explain why it believed it was appropriate for a member of lecturing staff to undergo this training.
28. Teachers or lecturers who are instructed to attend training on the Prevent Duty or to participate in Prevent Duty related activities should contact their Local Association /Branch Secretary for guidance.

Professional learning

29. The EIS believes that staff development on anti-racist education and on anti-discriminatory practices is essential. The GTCS Standards directly address the themes of equality and social justice, in addition to the wellbeing of learners, and it is important for teachers and lecturers to have opportunities to access quality professional learning on equality matters.
30. For the most part, the EIS has not supported mandatory Professional Learning for teachers. Existing EIS policy views teachers as professionals who ought to have agency in identifying their own professional learning needs and in seeking the best means by which to address these. The EIS opposes attempts to make Prevent Duty training mandatory for all teachers and lecturers.
31. In addition to objections to the injustice of the Prevent Duty, there are workload implications of introducing any new stand-alone mandatory training on Prevent Duty, and it is vital that discussions about training take

place within the context of working time agreements. This is of particular pertinence to members in pastoral care roles.

32. The joint UK/Scottish government guidance suggests that schools may wish to develop training related to Prevent for Parent Councils. The EIS has concerns about the implications of this suggestion. The role of teachers is not to police, spy on or otherwise monitor their learners or their families, nor is it their role to train others to do so. Any member who is asked to participate in the development and/ or delivery of training on Prevent for Parent Councils or Student Associations should notify their EIS Rep within the branch.

Safeguarding

33. Learners have a right to be safe and respected in their educational establishments, and not to be seen through a lens of security as potential terrorists. Teachers and lecturers are professionals. Their role is not to police, spy on or otherwise monitor their learners. Teachers and lecturers are committed to the wellbeing of their students, and are adept at using their professional judgement to raise safeguarding concerns (of any kind) where necessary, through the appropriate channels.
34. The GTCS standards, GIRFEC and its associated practices, the Children and Young People (Scotland) Act 2014, and the focus of Curriculum for Excellence on responsible citizenship, provide a strong framework within which teachers and lecturers in education settings are able to ensure that learners are safe, enabled to learn, have their specific needs addressed, and equipped to contribute positively to their communities.
35. The EIS perceives no need for an additional layer of safeguarding procedures concerning the specific risk of involvement in terrorism, and has concerns that developing specific new approaches to address the Prevent Duty would inhibit progress with regards to race equality and would have significant implications for collegiality and trust within educational establishments, and for teachers' and lecturers' workloads. The Prevent Duty is neither required nor helpful in ensuring that a child's vulnerability to involvement in terrorism is addressed.

Supporting a positive learning environment

36. A positive learning environment and collegiate relationships within educational establishments are key to providing high quality education. The EIS has concerns that the Prevent Duty creates mistrust and suspicion, inhibits the fostering of an environment that is conducive to sound learning,

and undermines collegiality. In colleges and universities that now includes explicit restrictions and limits on external speakers being invited to address staff or students which is a direct attack on freedom of expression. Evidence from England and Wales bears this out in relation to the learner experience. The July 2016 'Preventing Education?' report by Rights Watch UK² highlights a number of concerning cases in which learners who have made innocent remarks that have been misinterpreted have been reported to various authorities. In all of the cases highlighted, the pupil or student was Muslim.

37. Pupils and students from particular ethnic minorities or religious groups may experience racial or religious discrimination and prejudice arising from current concerns and sensitivities about terrorism and security, and from application of the Prevent Duty. Teachers and lecturers can support those pupils and students in a number of ways, including:
 - Listening carefully and being supportive
 - Treating cases of racism and Islamophobia seriously and sensitively
 - Ensuring that all racist incidents are reported and recorded accurately by the senior management of the school/college/university
 - Being familiar with EIS policies on racism (e.g. our Challenging Racism guidance).
38. Teachers and lecturers can also support pupils and students by encouraging a climate and ethos which will prepare learners positively for the diverse society in which they live. There are various means of achieving this, ranging from curriculum design and delivery to developing partnerships with parents and the community. There is more information in the EIS 'Challenging Racism' guidance.

Tackling Racist Discrimination in Educational Establishments

39. The EIS strongly opposes race-based discrimination and has a long track record in combating racism in education. Challenging racism is part of our responsibility as educators. Creating a culture of equality and respect in which all learners can to achieve their potential is a fundamental aspect of the work of teachers and lecturers.
40. We encourage members to ensure that any activity undertaken in accordance with the Prevent Duty does not breach learners' rights to be protected from race-based discrimination. Race is a protected characteristic under the Equality Act 2010 and it is unlawful for someone to be treated

² <http://www.rwuk.org/prevent-report/>

less favourably because of their ethnicity, including their race, colour, and nationality, ethnic or national origins. This includes discrimination on the basis of a person's actual race (direct discrimination), their perceived race (direct discrimination by perception) or the race of someone with whom they associate (direct discrimination by association).

41. The EIS is concerned about the degree of scrutiny to which Black and Minority Ethnic (BME) learners and families may be subjected. It has been suggested that a disproportionate focus on security concerns as embodied by the Prevent Duty adds to fear and anxiety, particularly among BME staff, pupils and parents, and is likely to incite discriminatory practices. It will therefore be important for schools, colleges and universities to monitor the numbers of racist incidents in educational institutions and take action if a pattern of increased incidents is noted.
42. The EIS is concerned that the Prevent Duty and the current definition of extremism may exacerbate the issue of 'White privilege', whereby people from the ethnic majority are able to make political statements about government foreign policy, for example, which, if they were made by a Muslim or someone perceived as Muslim, would generate suspicion. We have concerns that the implementation of the Prevent Duty may disproportionately restrict freedom of speech for BME learners and EIS members.
43. It will be important for educational establishments to pay extra attention to safeguarding Muslim pupils or students and staff members, or those who may be perceived or misrecognised as Muslim, through a whole-school or college/university-wide approach. Leadership on this issue will be vital.
44. We encourage EIS members to make use of anti-racist education resources and to encourage open discussion of issues around racism including the myths and facts about immigration. (See links in Further Advice and Information section).

Tackling Religious Discrimination in Educational Establishments

45. The EIS is opposed to religious discrimination, including Islamophobia. We encourage members to ensure that any activity undertaken in accordance with the Prevent Duty does not breach learners' rights to be protected from religious discrimination. Religion and belief are protected characteristics under the Equality Act 2010 and it is unlawful for someone to be treated less favourably because of their religion or belief. This includes discrimination on the basis of a perceived religion or belief (direct discrimination by perception) or discrimination on the basis of a person's

association with someone who has a particular religion or belief (direct discrimination by association).

46. The Scottish guidance notes that at times Prevent activity in Scotland may touch upon anti-sectarianism work, or vice versa. The EIS believes that work to tackle all forms of religious prejudice is important and recognises the role education plays in combating it. We encourage our members to find appropriate ways to challenge and address sectarianism and all other forms of religious prejudice such as Islamophobia, which we believe to be increasingly prevalent in Scottish society.

Freedom of speech and academic freedom

47. The EIS believes that the definition of extremism contained in the joint UK Government and Scottish Government advice is open to so many conflicting interpretations that it is meaningless at best and unhelpful and counterproductive at worst. Moreover, it poses a potential threat to freedom of speech in educational institutions. For example, if it was applied to the invitation of external speakers whole swathes of public policy or issues could not be challenged in an academic context.
48. The CTSA Act contains specific references to freedom of speech in universities and providers of further education, but not in schools. Section 31 of the Act states that when carrying out the Duty imposed by S.26 (1), authorities "*must have particular regard to the Duty to ensure freedom of speech*" and "*must have particular regard to the importance of academic freedom.*"
49. Further regulations amending the Act elaborate on the original provisions around freedom of expression and specifically mention "*freedom of speech within the law...for members, students and employees of the institution in question, and for visiting speakers.*"
50. It is helpful that this mentions students. The EIS are of the view that the Prevent Duty has the effect of silencing young people's and staff's questions and stifling debate and exploration. The EIS considers that to be intolerable. As is clear from the GTCS standards, teachers and lecturers in further and higher education should encourage learners to deepen their understanding of the world through questioning, discussion and debate, and it is vital for critical exploration of topical issues to be enabled and not suppressed.
51. EIS members may wish to use a children's rights approach to their work to allow questioning without fear of censorship or reprisal. Children have the right to free expression under UNCRC article 13, and under article 12 they

have the right to be listened to and have their views respected. UNCRC also gives children a right to an education that enables them to fulfil their potential. Arguably the opportunity to debate controversial, sensitive and political topics forms a crucial part of that education.

52. The ability to fully and freely debate such topics has also long been a fundamental element of adult education, and adults engaging in Further and Higher Education share the same right to express views and to be listened to in a respectful environment.

Compatibility with professional standards and teacher professional judgement

53. The GTCS standards set out knowledge and actions that teachers must demonstrate for full registration with the Council. These are standards of capability in relation to teaching in which learners, parents, the profession itself and the wider community can have confidence. The standards provide a clear and concise description of the professional qualities and capabilities teachers are expected to attain, maintain and enhance throughout their careers.
54. The standards have a strong focus on values, on critical thinking and on developing trust and respect in educational settings. They are underpinned by core values relating to social justice, valuing diversity, tackling real world issues, and respecting the rights of all learners. These values and standards could act as a bulwark against some of the practices that might otherwise result from discriminatory legislation such as the Prevent Duty. EIS members may find it useful to make reference to GTCS standards within any professional dialogue relating to Prevent.
55. Key professional standards/actions relevant to challenging racism and prejudice and which the EIS views as being incompatible with the Prevent Duty:
 - Embracing locally and globally the educational and social values of sustainability, equality and justice and recognising the rights and responsibilities of future as well as current generations
 - Create a safe, caring and purposeful learning environment
 - Committing to the principles of democracy and social justice through fair, transparent, inclusive and sustainable policies and practices in relation to race, ethnicity, religion and belief...
 - Political insight and understanding into (sic) policy development and implementation through critical questioning
 - Demonstrating openness, honesty, courage and wisdom

- Critically question assumptions, beliefs & values of self and system...
- Acting and behaving in ways that develop a culture of trust and respect through, for example, being trusting and respectful of others within the school...
- ...interact productively with learners...
- Demonstrating a commitment to engaging learners in real world issues...
- Have high expectations of all learners

Specific issues for the FE and HE sectors

56. The joint UK/Scottish government's sector-specific guidance on Prevent sets out some specific considerations for the FE and HE sectors, including:
- Having clear and visible policies for managing whistle-blowing
 - Ensuring policies are in place for students using IT equipment to research terrorism and counter terrorism in the course of their studies
 - Risk assessing the physical management of the institution's estate
 - Having robust procedures for sharing information about vulnerable individuals
 - Putting in place a system for assessing and rating risks associated with any planned events, including events involving external speakers
 - Having clear and widely available policies for the use of prayer rooms and other faith-related facilities.
57. The EIS believes that having clear and visible policies and procedures for risk assessment, information sharing; and meeting the needs of students from all religious backgrounds would constitute normal good practice. The implied obligations to assist a college or a university to comply with the Prevent Duty as described in the guidance may therefore mean few or no changes in teacher or lecturer practice. It is not clear from the Government guidance that lecturing staff would need to undergo specific training to comply with these considerations.

Conclusion

58. The EIS and other trade unions continue to campaign for the repeal of the Prevent Duty in the longer term, and to campaign against mandatory training in Prevent Duty. In the meantime, the EIS will monitor the implementation of Prevent Duty and will attempt to reduce the potential harmful impact wherever possible.

59. We believe that there is a role for trade unions in seeking to oppose the delivery of Prevent training. Appendix 1 provides examples of how Prevent training was successfully removed from Safeguarding training as a result of EIS pressure.
60. A summary of advice for members and EIS representatives is provided in the following section of this guidance.
61. The EIS will issue further advice to members as necessary about Prevent and will support members and branches which raise concerns about the implementation or training where they believe this may:
 - i. Breach human rights laws and principles
 - ii Encourage the racial profiling of students
 - iii Encourage the targeting or victimisation of students for reason of faith, culture or legitimate political expression.
62. The EIS re-affirms its opposition to mandatory training in Prevent strategies; urges branches to resist any attempt by employers to impose such training, and will support branches in doing so.
63. For the avoidance of doubt, and notwithstanding our position of opposition to the Prevent Duty, we must advise members that they should not refuse to attend training on Prevent Duty unless their refusal is due to official industrial action.

SUMMARY OF EIS ADVICE

Advice to EIS Members

64. All teachers and lecturers are advised to:

- Participate in professional learning on anti-racist issues
- Make use of anti-racist education resources to challenge all forms of racism and religious discrimination, including Islamophobia
- Ensure that racist incidents are reported and recorded using appropriate formal procedures
- Pay extra attention to safeguarding Muslim pupils and students, or pupils and students who may be perceived or misrecognised as Muslim, who may be at greatest risk of experiencing discrimination in general, and as a result of the Prevent Duty
- Be aware of the added vulnerabilities of certain groups, such as ESOL and EAL learners - such groups may already be vulnerable to racism and Islamophobia, less able to communicate concerns and at greater risk of misunderstandings leading to increased monitoring
- Use a children's rights approach to encourage free expression and open discussion
- Notify and seek advice from your establishment-based EIS representative if you are instructed to attend training on the Prevent Duty, or to engage in other Prevent Duty related activity. However, you must comply with any lawful instruction from your employer in relation to this.

Advice to members in leadership posts

65. The Scottish guidance on the Prevent Duty includes specific recommendations for those in leadership posts. It states that those in leadership posts are expected to:

- Establish or use existing mechanisms for understanding the risks of radicalisation
- Ensure staff understand the risk and build the capabilities to deal with it
- Communicate and promote the importance of the Prevent Duty
- Ensure staff implement the Prevent Duty effectively

66. The EIS advises members in leadership posts to:

- Discuss the implications of the Prevent Duty and this guidance with the EIS Rep/Local Association Secretary/Branch Secretary

- Ensure that all equality practices and policies in their establishment are current and reflect best practice, and, in the case of school leaders, are congruent with local authority policies
- Ensure that mechanisms for recording and dealing with racist incidents are robust
- Establish an ethos of trust and respect in which prejudice is challenged
- Seek to provide leadership on the safeguarding of learners with added vulnerabilities, e.g. Muslim learners or learners who may be perceived to be Muslim
- Ensure that professional learning opportunities which support anti-racist education are made available to staff

General Advice to School Reps, Local Association and Branch Secretaries

67. Branch Secretaries and Local Association Secretaries are advised to discuss with management at the appropriate level the issues contained in this advice and to point out in particular that safeguarding is already covered in existing training packages, e.g. on child protection, preventing the grooming of children and young people for exploitation, IT literacy and online safety etc., rendering Prevent Duty training unnecessary.

Specific Advice for School Reps

68. In particular, School Reps are encouraged to:
- Hold a Branch meeting to discuss the implications of this advice and any appropriate action that the branch may wish to take
 - Inform the Local Association Secretary in the event of any member(s) being instructed by the management of the school to undertake Prevent training
 - Inform the Local Association Secretary in the event of a member in your establishment being at risk of disciplinary proceedings as a consequence of the implementation of the Prevent Duty
 - Discuss with school management the effectiveness of current anti-racist approaches
 - Ensure that the school leadership team has robust mechanisms in place for reporting, monitoring and responding effectively to racist incidents and incidents of religious discrimination
 - Discuss with management how pupils and students at greatest risk of discrimination are being supported
 - Encourage the provision of professional learning on anti-racist education

- Contact the local Equality Rep(s) for general information and advice related to anti-racist education, policy and practice
- Ensure that any training to be delivered at establishment level in relation to the Prevent Duty is consistent with local authority approaches as agreed within LNCTs- contact the Local Association Secretary if in doubt
- Emphasise the importance of a respectful, trusting and collegiate learning environment
- Maintain an overview of developments relating to the Prevent Duty at establishment level
- Seek further advice as required from the Local Association Secretary.

Specific Advice for FE/HE Branch Reps

69. In particular, Reps in colleges and universities are encouraged to:

- Hold a Branch meeting to discuss the implications of this advice and any appropriate action that the branch may wish to take
- Discuss with the college/ university management the effectiveness of current anti-racist approaches
- Ensure that the college/ university leadership team has robust mechanisms in place for reporting, monitoring and responding effectively to racist incidents and incidents of religious discrimination
- Discuss with management how students at greatest risk of discrimination are being supported
- Encourage the provision of professional learning for staff on anti-racist education
- Seek to influence the content of locally-delivered training around the Prevent Duty, including through the use of Equality Impact Assessment
- Bear in mind that EIS Equality Reps are able to support the work of FE and HE Branches in this area
- Emphasise the importance of a respectful, trusting and collegiate learning environment where students are encouraged to develop critical thought
- Maintain an overview of developments relating to Prevent at establishment level
- Monitor the blocking of any invitations to external speakers
- Inform the Area Officer/National Officer in the event of any member(s) being instructed by the management of the college/ university to undertake Prevent training

- Inform the Area Officer/National Officer in the event of a member in your establishment being at risk of disciplinary proceedings as a consequence of implementation of the Prevent Duty
- Seek further advice as required from the Area Officer/National Officer or EIS HQ.

Specific advice for Local Association Secretaries

70. The following may be useful to Local Association secretaries:

- Discuss this advice with the local executive committee/ committee of management and any appropriate action that it may wish to take
- Inform the Area Officer in the event of a member in your local association being at risk of disciplinary proceedings as a consequence of the implementation of the Prevent Duty
- Discuss within LNCTs/JNCTs the effectiveness of current anti-racist strategy, policies and approaches in operation within the authority
- Ensure that the local authority has robust mechanisms in place for reporting, monitoring and responding effectively to racist incidents and incidents of religious discrimination
- Discuss how those at greatest risk of discrimination are being supported
- Encourage the provision of professional learning for staff on anti-racist education
- Seek to influence the content of locally-delivered training around the Prevent Duty, including through the use of Equality Impact Assessment
- EIS Equality Reps are able to support the work of the Local Association in this area.
- Emphasise the importance of a respectful, trusting and collegiate learning environment
- Maintain an overview of developments relating to Prevent at local authority level and across EIS branches
- Seek further advice as required from Area Officer or EIS HQ.

Advice for Equality Reps and Learning Reps

71. Equality Representatives may particularly wish to query how local authorities intend to mitigate the possibilities for incitement of prejudice-based discrimination within their establishments created by the Prevent Duty; to advocate for the provision of high quality professional learning for teachers and lecturers on anti-racist approaches; and to support the provision of anti-racist education for pupils and students.

72. Learning Representatives may particularly wish to query how local authorities and college management teams intend to respond to the Prevent Duty in terms of professional learning, and to support the provision of professional learning on anti-racist approaches and tackling religious discrimination or prejudice.

Further Information

Information is available from the following website sources:

<http://www.eis.org.uk> – for EIS policy and advice

<http://www.eis.org.uk/Equality/Anti-racism.htm> - for EIS anti-racism work

<http://www.stuc.org> – for general trade union policy and advice

<http://www.legislation.gov.uk/ukpga/2015/6/contents/enacted> - Counter Terrorism & Security Act 2015, as enacted

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445919/Prevent_Duty_Guidance_For_Further_Education_Scotland_-_Interactive.pdf – sector specific guidance (FE)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445921/Prevent_Duty_Guidance_For_Higher_Education_Scotland_-_Interactive.pdf - sector specific guidance (HE)

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/445978/3799_Revised_Prevent_Duty_Guidance_Scotland_V2.pdf - general Prevent Duty guidance for Scotland

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf - the Prevent Strategy

http://www.unicef.org/crc/files/Rights_overview.pdf- an overview of the UN Convention on the Rights of the Child

<http://www.theredcard.org/educational/teachers-area/home> - Show Racism The Red Card - for anti-racist education resources

<http://www.legislation.gov.uk/ukpga/1998/42/contents> Human Rights Act 1998

<http://www.legislation.gov.uk/uksi/2015/928/contents/made> - The Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Amendment and Guidance) Regulations 2015.

Appendix 1

Example of how staff safeguarding training was adapted to exclude Prevent:

Case study 1

BEFORE: A female Syrian student (35) tells a member of staff that her husband who currently lives in Syria has threatened to kill her because of family 'honour'. She said he is travelling to Scotland and is going to cause trouble in the college. She has told the police but still feels scared.

AFTER: A female student (35) tells a member of staff that her husband has threatened to kill her. She said he is going to cause trouble in the college. She has told the police but still feels scared.

Case study 2

BEFORE: A tutor receives a telephone call from the Social Work Department requesting an attendance report for a female student (21) whose family are originally from Sudan. The tutor refuses the request on the grounds of data protection. The social worker then says this is likely to become a police investigation.

AFTER: A tutor receives a telephone call from the Social Work Department requesting an attendance report for a female student (21). The tutor refuses the request on the grounds of data protection. The social worker then says this is likely to become a police investigation.

Case study 3

BEFORE: A young male student (17) tells his lecturer that he no longer wants to progress into the second year of his course. His career plans had been to go into the police force but he felt that this no longer was for him, that it no longer mattered to him although not long before he had been full of enthusiasm for the idea. When pressed he volunteered the information that he was going to Pakistan with his parents and did not know when or if he would be back.

AFTER: A young male student (17) tells his lecturer that he no longer wants to progress into the second year of his course. His career plans had been to go into the police force but he felt that this no longer was for him, that it no longer mattered to him although not long before he had been full of enthusiasm for the idea.