

Counter-Terrorism and Security Bill

A UCU fact-sheet – December 2014

The University and College Union (UCU) has concerns about the government's Counter-Terrorism and Security Bill which is currently going through parliament and will be further debated in the Commons on 15 and 16 December before being considered by the Lords in the new year.

Part 5 of the bill seeks to place a new duty on 'specified authorities' (including universities, colleges, school and prisons) to 'have due regard to the need to prevent people from being drawn into terrorism'.

Although this is only a small part of the bill, UCU feel it is important that any new obligations do not undermine the academic freedom enjoyed by staff and students in UK universities. These underpin not just our global reputation but also our country's liberal and democratic values.

Guidance is already in place, with Universities UK (UUK) publishing *Promoting good campus relations: dealing with hate crimes and intolerance* in 2005 which provided advice on how to combat political or religious extremism. This was updated in 2007, and in 2008 the government published guidance for further education colleges on the prevention of extremism, *The Role of Further Education Providers in Promoting Community Cohesion, Fostering Shared Values and Preventing Violent Extremism*.

The Government's 2011 *Prevent strategy* discussed the role of higher and further education institutions in preventing extremism and accepted that in higher education there must be a careful balance between prevention and freedom of speech:

'Although it is vital that universities and colleges must protect academic freedom, it is a long-established principle that universities also have a duty of care to their students. Universities and colleges – and, to some extent, university societies and student groups – have a clear and unambiguous role to play in helping to safeguard vulnerable young people from radicalisation and recruitment by terrorist organisations.'

Part 5 of the Counter-Terrorism and Security Bill would in effect put this into legislation, by placing a duty on 'specified authorities' to have due regard to the need to prevent people from being drawn into terrorism.

Universities and staff already take their responsibilities seriously but the question must be asked as to whether it is reasonable to expect institutions to actively prevent young people being drawn into terrorism and what specifically constitutes terrorism in its broadest sense.

Security minister James Brokenshire MP recently gave evidence to the joint human rights committee on the bill and implied that university vice chancellors could be found in contempt of court if they fail to implement ministerial direction, although this is likely to be as a last resort. During the meeting he also said, 'There might be someone whom a lecturer has concerns about, not simply because of one particular lively debate, but because they are becoming withdrawn and reserved, and perhaps showing other personality traits'.

Other areas of concern:

- the bill provides the Home Secretary with wide-ranging new powers
- more clarity is needed on the proposed new legal duties of affected organisations
- proposals are needed on how the new duty is expected to be monitored or enforced within institutions
- clarification is needed on how universities are expected to balance their duties under the 1986 Education Act to ensure freedom of speech, whilst preventing people 'from being drawn into terrorism'.

Draft guidance on the legislation is due in the coming weeks and UCU will be following the bill as it progresses.