

Preventing extremism in schools: the legal duties and implications

January 2016

Foreword

Schools will be keenly aware of their duties to provide a good education to their pupils, to safeguard staff and pupils in their care and to support their communities. In fulfilling these duties, the threat posed by those with extremist views who are willing to resort to violence to promote those views is now at the forefront of the minds of school leaders.

The Department for Education is clear in its expectation that schools must have regard to this threat. Whilst the circumstances will be unique to every school and every community, there are lessons that can be learnt from those with first hand experience of the devastation caused by radicalisation. At the same time, these experiences will help us to determine how far these duties extend and what is reasonable precaution.

This 'White Paper', jointly produced by Winckworth Sherwood and Grebot Donnelly, offers advice, observations and specific comments from a legal and PR perspective in the hope that this will help schools manage the challenges facing them. The Paper draws on the experiences of Bethnal Green Academy; its Principal and CEO of Green Spring Education Trust, Mark Keary, comments as follows:

"This year we have faced unprecedented challenges. The threat of extremism is not new to any of us. All too regularly we see first hand the tragic consequences that extremist ideology and the lexicon of hate brings upon families and communities caught up in this international issue. Radicalisation via social media is a clear and evolving threat to our young people and one that cannot simply be addressed through increased safeguards.

Prevent can raise awareness among young people, families and communities of the danger of radicalisation and in individual cases where young people have become radicalised we can see that it can have a significant impact and help them to reconnect. However, Prevent will not bring those communities closer together or bridge cultural divides that have only grown in recent years. We won't find the answers in legislation. I believe education not only has the answer, but it is the answer."

Andrea Squires, Partner, Head of Education
Winckworth Sherwood
T: 020 7593 5039
E: asquires@wslaw.co.uk

Isabella Donnelly, Managing Director
Grebot Donnelly
T: 020 8892 2242
E: isabelladonnelly@grebotdonnelly.com

Contents

Introduction	1–3
Radicalisation and the impact on schools	4–12
1. Legal duties on schools	4
2. The Prevent duty	4
3. How can schools demonstrate that they are meeting this duty?	5
4. The practical challenges with the Prevent duty	8
5. Social media and IT	9
6. Behaviour and anti-bullying policies	10
7. Staff and governors	10
8. Community cohesion and multi-agency working	11
9. Identifying pupils at risk of radicalisation	11
Prevent and British values	13–19
1. The duty to ‘actively promote British values’	13
2. Departmental Advice	13
3. How is the duty enforced?	14
4. The Equality Act 2010	14
5. Guidance for schools on promoting British values	15
6. Effective communications in a crisis	17
Conclusions	20

Introduction

As governments worldwide struggle to comprehend and address the very public and devastating actions of those who use violence to promote extremist views, schools have found themselves at the forefront of the debate about how society should respond to the growing threat from terrorism and extremism and the risks this presents to pupils themselves and within their communities. From the so-called Trojan Horse concerns in Birmingham to reports about young people travelling to Syria, questions are currently being asked about what causes British youngsters to become radicalised and what can be done to stop this from happening. Such comprehensive debates and reports on radicalisation assume that schools are equipped to respond to society's needs and redress the problems associated with young people becoming involved in extremist organisations. Thus, at the heart of the Government's initiatives for schools to prevent radicalisation, is a belief that such establishments are able to give their pupils the knowledge, confidence and skills to challenge radical beliefs and philosophies.

In assessing how far schools can tackle the above issues, however, several questions and problems arise. The first is the extent to which schools have a responsibility and, more importantly, a duty to tackle these issues. In a world where young people can watch videos and communicate with people on the other side of the world by pressing a few buttons on their phones or where they can easily be influenced by beliefs held by family members in the privacy of their own homes, can and should schools intervene? The threat posed by social media and the fact that many young people are more proficient at using this form of communication than many adults, including their parents, means that young people are more susceptible to extremist propaganda in an online world which is very difficult for adults to monitor. At the very least, schools need to have in place a robust social media policy that attempts to contain the potential consequences of inappropriate usage of these channels by staff and pupils alike.

The second problem that schools need to deal with is the ever changing nature of the threat to young people, together with the ability to identify and interpret fundamentalist and extremist views. This means that schools have to be quick to respond. Identifying these threats requires a level of experience and intelligence which schools are unlikely to have, and indeed may be prevented from having, either because other agencies are not able or willing to share information, or because accessing that information crosses the line into what should properly be considered private. The debate rages about state intrusion into private lives and impacts negatively in this topic. At the same time, the threat is not confined to Islamic extremism, which tends to dominate media coverage. Certain right-wing and political views might also lead to a person developing 'extremist' views, as well as more fundamentalist interpretations of other faiths or ideologies. As a consequence, trying to draw the line between prevention and cure, innocence and fault, is getting much harder, since there is ambiguity.

The third inherent dilemma for schools is that some communities may be suspicious about a school's safeguarding 'agenda' and may be less likely to engage with the school if there are concerns at home about a young person becoming radicalised, particularly if they feel that it will lead to their family member being reported to other agencies (for example, Counter Terrorism, Police, Social Services). Effective communication between family and school is crucial if schools are to take a holistic approach to safeguarding issues. With schools finding communications with parents a challenge in some instances, this increases the need for an effective stakeholder communications strategy covering all forms of media and communication channels.

Introduction

One fundamental problem for schools is the issue of reputation and how this could be tarnished for those who find themselves dealing with events related to radicalisation, with both short and long term implications for the success of the institution. The intense media interest in these issues, as well as the need to communicate effectively with stakeholders, means that schools have to be prepared to proactively manage their internal and external (including media) communications by having a clear strategy in place which includes getting support when needed. Whilst most school leaders will be experienced orators, specialist media training is advisable. A focused communications strategy will help to minimise the negative impact of any crisis and to lay the ground work for the rebuilding of a positive profile. Today's news is no longer tomorrow's fish and chip paper but a story, thanks to the internet, which never dies. Monitoring your school's online reputation is a critical factor in managing stakeholder perceptions and this becomes ever more important during a crisis.

Communications strategy planning is an investment of time resource only. Our recommendation is for a school to undertake stakeholder mapping. This is a review of all internal and external stakeholder groups including pupils, staff, parents, governors, trustees, local faith groups, community groups and the wider community.

PR Perspective

The impact of dealing with radicalisation or extremism in schools cannot be overestimated, not least because of the introduction of the Prevent duty in February 2015 which requires schools to 'have due regard to the need to prevent people from being drawn into terrorism'¹ and the requirement on schools to 'actively promote British values'. Whilst it is understandable that the Government wants to tackle the threat of extremist ideology which David Cameron has described as the "*struggle of our generation*", schools face many practical challenges in trying to implement both the Prevent duty and at the same time British values not least because they are open to interpretation and lack clarity.

In many cases, schools will have to make a judgement about where to draw the line between a pupil who may be particularly devout or conservative in their interpretation of their religion, which is protected by the Equality Act 2010 and the Human Rights Act 1998 and a pupil who is deemed to have views which are incompatible with British values. The added challenge for schools is that it is normal for young people, particularly teenagers, to start exploring these issues as part of their personal development so it can become even more difficult for schools to distinguish between a pupil whose behaviour changes because they have been radicalised and a pupil who is going through a normal phase of self-exploration as part of growing up. Many of these judgements will be subjective.

Moreover, given that British values is defined as including 'tolerance', there is a risk that enforcing these requirements could actually result in less tolerance for certain religions if the way in which people manifest their religious beliefs is deemed to be incompatible with British values. This could result in schools being at risk of more discrimination claims if a person feels that they are placed at a 'particular disadvantage' because of their religion or belief. It also raises the question about whether certain groups will feel alienated from the school community which could make them more vulnerable to being radicalised in a non-school setting. It certainly begs the question, how pre-emptive should schools be?

¹ Section 26(1) of the Counter-Terrorism and Security Act 2015.

Introduction

All the issues addressed so far in this introduction suggest the need for intelligent and supportive accountability. Nonetheless since many of these issues are subjective, the question arises as to whether some schools, particularly schools with a religious character, will be more vulnerable to an unfavourable Ofsted inspection if they have any policies or practices that are deemed to be incompatible with British values. Since Ofsted has always been located between the public, Government and educational practitioners, while there is an intrinsic fear of inspection in schools, a review of policies in this fast changing landscape is recommended. Indeed to counteract such fear, schools need to devise and implement policies related to radicalisation which create a balance between reflecting the religious requirements of the relevant faith with the need to encourage tolerance for others. Any school with a dominant culture which is reflected and reinforced at home will be vulnerable to a charge that pupils are not being given exposure to a wider range of beliefs and ways of life. At the heart of the debate about extremism is the need to tackle the causes of ignorance, which is more than a simple lack of understanding.

Finally, to overcome all the concerns raised thus far, there needs to be detailed guidance on dealing with radical and extremist issues in schools. Whilst there is some advice for schools on the Prevent duty² with support from the Department for Education's Due Diligence and Counter Extremism Group, which emphasises the need to implement risk assessments, undertake staff training and adopt appropriate IT policies for example, there is limited detailed guidance. Earlier this year the Gov.UK website stated, *"The Government is considering what more can be done to support schools and childcare providers in carrying out their safeguarding work including delivering training and ensuring schools have access to quality-assured classroom resources."* Our view is that Government-funded training which informs schools about their legal duties and provides practical examples to allow schools to learn from the experiences of others is crucial. We also feel that it is important some attempt is made to define more fully the duty on schools, which reflects the positive contribution that schools can make. An ill-defined obligation lessens the impact schools can have and exposes school leaders to unnecessary and unjustified criticism, which in itself is destabilising and counter-productive. School leaders can and often are champions for change but they must be supported in doing so.

Having outlined some immediate and obvious difficulties for schools with the onset of radicalisation and the serious issues it poses, this White Paper looks more fully at the Prevent duty and hopes to identify some good practice. For the purposes of this document, we use the term 'schools' to include maintained schools and academies (primary and secondary, including special schools and alternative provision) and independent schools.

² The Prevent duty – Departmental Advice for schools and childcare providers (Department for Education June 2015)

Radicalisation and the impact on schools

1. Legal duties on schools

- 1.1 Aside from the educational role that schools have to play in equipping young people with the skills they need to become well-rounded adults who can make a positive contribution to British society and the general duty to safeguard pupils, there are now legal duties on schools to:
 - 1.1.1 prevent people from being drawn into terrorism; and
 - 1.1.2 actively promote British values (see below).
- 1.2 Compliance with these duties is monitored by Ofsted so, aside from the obvious desire to safeguard pupils from radicalisation, a failure to pro-actively manage these issues could lead to an unfavourable outcome following inspection. This could be very damaging for a school's reputation and have a negative impact on the short and long-term success of the school.
- 1.3 There is also huge concern amongst the public about the idea of British youngsters being recruited to commit or facilitate acts of terrorism against the country they have been brought up in. **If there is a risk that some of these youngsters are being radicalised by their own families, then the question is to what extent the school becomes the next line of defence to try to reverse or interrupt the radicalisation process?**
- 1.4 There are a number of different sources from which legal duties on schools arise in this context. The Counter-Terrorism and Security Act 2015 (the 'CTS Act') includes what is known in the Act as the 'general duty' which is commonly referred to as the 'Prevent duty'. The relevant provisions that apply to schools became law on 1 July 2015.
- 1.5 This 'general duty' states that '*A specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism.*' A 'specified authority' includes schools and academies.

2. The Prevent duty

- 2.1 The Act gives the Secretary of State the power to issue guidance to specified authorities on how to exercise the Prevent duty. This guidance, called 'The Prevent duty – Departmental Advice for schools and childcare providers' (the '**Departmental Advice**'), was issued in July 2015 and is available [here](#). There is separate guidance on implementing the Prevent duty for all public authorities, which is available [here](#).
- 2.2 The Prevent duty does not confer any new functions on education providers, but the requirement to have 'due regard' means they must place an appropriate amount of weight on the need to prevent people being drawn into terrorism. **This means the approach by one school is not necessarily the right approach for another.**

Radicalisation and the impact on schools

- 2.3 The duty also reflects the increasing importance which Ofsted and the Department for Education attach to this issue – stating that protecting children from radicalisation is *‘similar in nature to protecting children from...drugs, gangs, sexual exploitation’*. Ofsted, when assessing schools, will want to see what steps are being taken and that risk planning is of a similar nature to other safeguarding issues.

3 How can schools demonstrate that they are meeting this duty?

- 3.1 The Departmental Advice states that schools are required to provide reports when requested to do so. It does not specify what form these reports should take, but a central record detailing any concerns that are raised, how they were dealt with and any on-going monitoring requirements may be a prudent way for schools to proceed until any further guidance is provided by the Government. The reports should also mention where a referral is made to the ‘Channel’ programme (see below).
- 3.2 The Act places a duty on local authorities to ensure ‘Channel panels’ (which must include the local authority and chief constable of the local police) are established. Channel is a programme which aims to provide support at an early stage to people who are identified as being vulnerable to being drawn into terrorism and is the mechanism for schools to make referrals to the appropriate authorities if they are concerned that an individual might be vulnerable to radicalisation.
- 3.3 The new duty also establishes that school staff should now understand when it is appropriate to make a referral to the Channel programme. There is a free, accredited 30-minute online training programme that staff can complete which help them identify the key factors which indicate whether an individual should be referred to the Channel panel.³
- 3.4 **Interesting questions arise as to whether making a referral to Channel means that a school has substantially discharged its Prevent duty under the CTS Act, and at what point should a referral be made? Does making a large number of referrals show that a school is being diligent in its approach or could it be used as a ‘red flag’ that there is an underlying radicalisation issue at the school which requires further investigation?**
- 3.5 It is also unclear whether schools should notify families before a referral is made and what the purpose of such notification is, for example, is it to ensure that families are informed about the referral or should it be an opportunity to open a dialogue with the parents who may attempt to persuade the school not to make a referral? It highlights the dilemma for a school as to whether it should undertake its own due diligence first in order to ensure that a referral is justified or should schools err on the side of caution and make a referral if they have any concerns that a young person is vulnerable to radicalisation? This contrasts with referrals to Local Authority Designated Safeguarding Officers (LADSO) where there is suspected abuse of children, where referrals are anonymous and schools are not expected to investigate first. A school may expose itself to more criticism if it attempts to deal with the matter internally rather than pass on to agencies who are likely to have more expertise and powers to properly deal with the matter.

³ http://course.ncalt.com/Channel_General_Awareness/01/index.html

Radicalisation and the impact on schools

It is important that in developing your key messages as part of the communications strategy that consideration is given to the multiple media channels and adapting the messages as appropriate.

PR Perspective

- 3.6 Either way, it is likely to lead to a strained relationship with the pupil's family and quite possibly the wider community.
- 3.7 There is mixed advice from local authorities as to whether schools should make a referral to Channel directly or the LADSO first. Notifying both at the same time would seem to be logical.
- 3.8 The Departmental Advice states that it is not necessary for schools to have a distinct policy on implementing the Prevent duty but it should at least be incorporated into the school's existing safeguarding policy.

Updating your school's safeguarding policy: a 10-point plan

- 3.9 The school's safeguarding policy should be regularly updated to take into account the different threats that arise from time to time. We suggest that the policy should include the following:
 - 3.9.1 what steps the school is taking to implement the Prevent strategy (e.g. annual staff training);
 - 3.9.2 how the strategy is integrated into the curriculum and extra-curricular activities;
 - 3.9.3 the name of the Prevent strategy lead;
 - 3.9.4 how the school is engaging with the local Prevent team;
 - 3.9.5 reasons why a young person might be drawn into extremism;
 - 3.9.6 early indicators of extremism;
 - 3.9.7 what to do if anyone has concerns about extremism;
 - 3.9.8 how risk assessments are conducted;
 - 3.9.9 the interventions that might take place if there are concerns about radicalisation (which must be proportionate); and
 - 3.9.10 the process for making referrals.

Radicalisation and the impact on schools

- 3.10 It is very important that staff are trained on the changes to the safeguarding policy and that they have confidence in the school's procedures, including what they should do if they have concerns about a pupil who may be vulnerable to radicalisation. These concerns may arise, for example, as a result of conversations or views expressed in class or through changes in behaviour, although there is a risk that a pupil could be labelled as being at risk of radicalisation just because they express a controversial point of view, for example, about British foreign policy.
- 3.11 The Departmental Advice further states that *'Schools should be safe spaces in which children and young people can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of terrorist ideology, and learn how to challenge these ideas. The Prevent duty is not intended to limit discussion of these issues. Schools should, however, be mindful of their existing duties to forbid political indoctrination and secure a balanced presentation of political issues.'* However, the reality is that some young people who feel that they are being targeted by the Prevent agenda will simply not engage with the school regarding these issues or any questions they have for fear that they will be seen to have extremist views and reported to other agencies.
- 3.12 While stories of young people joining terrorist organisations are rare, there is also a wider issue of non-violent extremism, *'...which can create an atmosphere conducive to terrorism and can popularise views which terrorists then exploit'*⁴. The Prevent duty is aimed at tackling these issues as well as violent extremism.
- 3.13 Although the guidance does not set out what form the reports demonstrating compliance should take, it does specify the areas which schools are expected to address in fulfilling the Prevent duty. These are:

Conduct risk assessments – Assess the risk of children being drawn into terrorism in the local area by working with partners and creating a collaborative understanding of that area remembering that the causes of radicalisation are not simply commitment to an ideological belief system but are rooted in isolation and deprivation. Having *'robust safeguarding policies in place to identify children at risk, and intervening as appropriate'* are also recommended, but it does discourage teachers /staff from invasive intrusion into family life.

Working in partnership – Safeguarding arrangements should take into account the policies and procedures of the Local Safeguarding Children's Board. The guidance strongly recommends working alongside Home Office-funded Prevent co-ordinators, the police, civil service organisations and families. Whilst not in the remit of schools to be social workers, schools are expected to be pro-active in the way they engage with the other agencies.

Through staff training – As stated above, staff need to have the knowledge and confidence to identify those at risk of being drawn into terrorism, be equipped to challenge extremist ideas and should know how and when to refer them on for help. The duty places a new minimum threshold of the Designated Safeguarding Lead undertaking Prevent awareness training with a view to educating other members of staff. Senior staff should undertake crisis management training and dealing with the media in a crisis.

⁴ Prevent duty Guidance for England and Wales

Radicalisation and the impact on schools

Through the school's IT policies – Establish appropriate levels of filtering to ensure that children are not exposed to terrorist and extremist material. The duty strongly reinforces a school's role in educating pupils to stay safe online, inside and outside of school.

Through building children's resilience to radicalisation – Schools are expected to use Personal, Social and Health Education as an effective way of equipping pupils with the skills they need to build resilience. **There may be a temptation to avoid religious debate given increasing calls from some quarters that religion has no place in schools, this must be avoided. Pupils must have the language of faith in order to debate and rationalise their personal connection to a belief system.**

- 3.14 It is important to have a pro-active and effective media and communications strategy in place that ensures school leaders are equipped with the tools and understanding of how to act should a crisis affect /implicate their school.

4 The practical challenges with the Prevent duty

- 4.1 There is a need for more guidance and training for schools so that they can fully understand and implement the duty. Many school leaders will feel out of their depth when dealing with these issues, particularly if they have to make a judgement about whether a pupil's interpretation of their religion (which they may have only a limited understanding of themselves) is radical or not. More information is needed about what the early signs of radicalisation are, particularly when they could be confused with behaviour that is a normal part of growing up and self-exploration, for example, changes to the pupil's temperament or the way they dress.
- 4.2 As schools endeavour to find alternative sources of support and guidance to equip pupils with the knowledge they need to challenge the extremist narrative, there is a risk that they could be vulnerable to offers of support from groups whose agenda actually runs against the Prevent agenda which is why a Government endorsed approach is much needed in the sector. **If a school is in doubt about the credentials of groups or individuals who offer support, it should liaise with its local Prevent lead before allowing anyone access to the school or its pupils.**
- 4.3 Whilst compliance with the Prevent duty is judged by Ofsted, it remains to be seen whether its introduction will give parents a stronger basis to bring a claim against a school for breach of this statutory duty if they believe the school has failed to prevent their child from being drawn into terrorism. Such a claim would be very complex but schools should be prepared for a challenge from parents wishing to hold the school accountable, perhaps as a way to deflect attention from their own failings or simply a genuine lack of awareness of the risks to young people within their community. Given such challenges are likely to be made publicly, the accusation will be as damaging as any threatened legal proceedings. This risk further highlights the importance of effective parental communications in mitigating the damage caused by a crisis.

Radicalisation and the impact on schools

5 Social media and IT

- 5.1 The popularity of social media makes the threat of extremism even more difficult for schools to manage. Young people are often one step ahead of adults when it comes to new technology and communicating with each other using apps and gaming sites. It is important that young people are educated about the risks of using this technology; although many children are more aware about other threats such as grooming, they might not realise how vulnerable they are to extremist ideologies being used as propaganda. **A robust social media policy for schools is also advisable in order to limit the usage of such sites within school premises (although an outright ban is unlikely to be an effective response).**
- 5.2 In addition, schools are well placed to educate parents on social media and how, in practical terms, they can monitor their children's use of technology. This could be done in conjunction with a Local Authority's Parenting Team. Parents are often told that they need to monitor what their children are doing online but this is very difficult if parents are not aware of what sites and applications pose a serious risk. Setting appropriate filters on home devices is important but unlikely to be a fail-safe solution. Parents, like schools, need to help children understand the dangers and to think for themselves. Practical sessions for parents run by the school – perhaps in conjunction with the Local Authority – may be well-received by parents. It is also important to think about how to reach out to parents for whom English is not their first language. Schools should be encouraged to reach out to their community to find ways to tackle the threats together. As we have noted elsewhere, the greatest risk is ignorance.
- 5.3 Another way of offering some additional protection to pupils while they are in school is to have a mobile phone policy which is rigorously enforced by staff. Many schools have mobile phone policies but do not rigorously enforce them because the use of mobile phones is so pervasive these days. Whilst it is difficult for schools to manage what young people do outside of school hours, a robust mobile phone policy, which is also reasonable and proportionate, could be a key tool for schools to narrow down the opportunity for youngsters to be influenced and radicalised when they are in school.
- 5.4 IT policies should also be regularly reviewed and updated to ensure that they are fit for purpose to take into account modern technology. Pupils should not be able to access social media using their school computers (unless tightly controlled for educational reasons) and appropriate filters must be used to protect pupils from extremist content. The legal implications for schools where school issued devices are used at home to access extremist material are untested. Some schools are reporting that there are many practical challenges in attempting to prevent extremist groups from using technology to influence pupils and there is ambiguity about the extent to which schools should monitor pupils' use of school computers. It is also very difficult for a school to assess whether a pupil who has apparently searched for further information on these issues is doing so to answer legitimate questions they may have (particularly in light of the sustained commentary in the media about extremism) or if such searches should be regarded in themselves as red flags.

Radicalisation and the impact on schools

6 Behaviour and anti-bullying policies

- 6.1 Schools should also update their behaviour policies so that they can take disciplinary action against pupils where their behaviour could put other pupils at risk. This would need to be handled very carefully to reduce the risk of a claim that the school has discriminated against a pupil on the grounds of their race, religion or belief. This in itself raises questions about whether schools are concerned about tackling issues due to perhaps a lack of understanding about certain cultures or beliefs or because they are concerned about being accused of being discriminatory in their approach. A consistent approach is vital. If a school does not understand a culture or belief, it is their duty to try and learn. Only by engaging with the student at all levels will radicalisation or extremism be avoided.
- 6.2 It would also be sensible for schools to update their anti-bullying policies to take into account any behaviour where young people seek to influence or pressurise others – including through use of social media or by sharing videos – in a way that could encourage others to develop extremist views or behave in a way that they do not want to. As above, this will need to be handled very sensitively but the key point is to develop a culture in school where pupils feel that they can speak out if they are coming under pressure from their peers or other sources to behave in a certain way. Schools should examine whether there is sufficient support for pupils to speak to someone in confidence if they have concerns about pressure they are receiving from friends or family, particularly when part of the issue is that they may have been told not to trust people in authority.

The way these issues are dealt with is crucial to ensure that young people are not marginalised, which may increase the threat of radicalisation.

7 Staff and governors

- 7.1 As well as addressing the risk to pupils from social media, schools also need to ensure that staff and governors do not behave in a way which undermines British values at the school. This is why it is important to have robust disciplinary and social media policies in place for staff so that they know what is expected of them and the school can take swift action if staff behave in a way that undermines British values. Whistleblowing policies should also be updated to include concerns surrounding radicalisation.
- 7.2 In addition, it is helpful to have a Code of Conduct for governors so that they are aware of what is expected of them in their education role and as ambassadors for the school. Having a strong governance team will also be a key way of giving Ofsted confidence that the school is well-equipped to respond effectively to these issues.
- 7.3 The Department for Education are tightening up their due diligence procedures in relation to governors – particularly for academies – and so it is important that schools develop their own ways of ensuring that governors are not using their position as a platform for furthering any extremist views they hold.

Radicalisation and the impact on schools

8 Community cohesion and multi-agency working

- 8.1 While schools have an important role to play in preventing extremism, it is unrealistic to think that schools can deal with these risks on their own. Schools need to find ways of continually reaching out into the community so that they become a trusted organisation for vulnerable families to turn to if they have concerns about their children becoming radicalised. Radicalisation happens within the community and schools may be well placed to identify where there is a risk of young people becoming radicalised and /or who might be responsible for radicalising others. Schools, like other authorities, must find the right balance between being seen as an ally in combating extremism and an enforcer of the rules. There may be a natural distrust and fear but continuous dialogue with parents and community leaders including those on the Channel panel will help to build effective links.
- 8.2 This will also help the school to be clear about roles and responsibilities with other agencies, which should ultimately feed into the school's safeguarding policy and help to define the school's legal duties.

9 Identifying pupils at risk of radicalisation

- 9.1 Whilst it might not be obvious to a school whether a young person has been radicalised, there might be other signs that should have been picked up as part of the school's general safeguarding responsibilities, which cumulatively might point towards a risk of radicalisation. For example, poor attendance should be followed up by the school and the parents informed if their child has not turned up. Equally, if a parent withdraws a pupil from school, the school must be satisfied that they are on the roll at another school so that they do not go 'missing' from the system. If a parent elects to educate their child otherwise than at school (i.e. home education), the school must ensure that the Local Authority are aware of this decision so that they can make the necessary enquiries to ensure that the pupil is receiving a suitable full-time education. **The family context needs to be understood: a different approach for specific members of the family, for example, should be questioned.**
- 9.2 Whilst there is a greater awareness in schools about radicalisation, equally those pupils who are becoming radicalised may be actively working to avoid detection, i.e., they have not openly voiced extremist or controversial views or expressed support for terrorism because they know that it will attract attention. In fact, pupils may maintain a mask of normality and continue to participate in school life while expressing extremist views in a private capacity.
- 9.3 This highlights the particular challenge for those dealing with radicalisation which is that those the duty is designed to protect, may in fact be the very party responsible for the harm. It is perhaps not unusual for schools to be seeking to protect pupils from themselves, but the degree of subterfuge that may be employed may be a surprise to many. There is no doubt, however, that the conversion of those with idealistic beliefs to individuals who act on those beliefs and resort to violence does not take place without a sophisticated network of support and schools should be on guard to identify the coordinated actions of individuals through peer and friendship groups, as much as the behaviour of an isolated individual.

Radicalisation and the impact on schools

- 9.4 There have been reports in the media that some schools are reluctant to make referrals to the Prevent agencies when they have concerns about a pupil in case it leads to the pupil or their family becoming criminalised. While making a referral is understandably a difficult decision to make, any school with concerns must make a referral, as would happen with any other safeguarding case. The consequences for the school could be very serious if a school is 'on notice' that a young person has been radicalised and a referral is not made. The Department for Education have set up a dedicated helpline and email address for schools to contact if they have concerns: **020 7340 7264 / counter.extremism@education.gsi.gov.uk**

Prevent and British values

1 The duty to 'actively promote British values'

- 1.1 The requirement to 'actively promote British values' is separate to the Prevent duty but the two are inextricably linked because a school that cannot demonstrate that it is actively promoting British values runs the risk of being accused of creating a vacuum for extremist views to flourish. Schools therefore need to understand the significance of the British values duty and how they can demonstrate compliance with this requirement.

It is now a statutory requirement that schools demonstrate how they are promoting British values on their own website and failure to do so could have a direct impact on an Ofsted inspection outcome. This should be an explicit part of your school's marketing that goes beyond the website.

PR Perspective

- 1.2 British values are defined as democracy, the rule of law, individual liberty, and mutual respect and tolerance of those with different faiths and beliefs.
- 1.3 The Government says that the reason for placing a more proactive requirement on schools to promote British values is to target schools that were barely meeting this standard without taking positive steps to embed those values throughout the ethos of their school. **However, the question inevitably arises as to how schools can demonstrate that they are complying with this standard and what the consequences are for failing to do so.**

2 Departmental Advice

- 2.1 The Government has issued non-statutory advice called '[Promoting fundamental British values as part of SMSC in schools](#)' and supplemental advice, '[Improving the spiritual, moral, social and cultural \(SMSC\) development of pupils](#)' (November 2014) (the '**SMSC Departmental Advice**'), which has been produced to help schools to understand their obligations under the standard for the SMSC development of pupils.
- 2.2 The SMSC Departmental Advice states that schools should have a 'clear' strategy for embedding fundamental British values and '*...be able to show how their work with pupils is effective in doing so.*' Whilst the Departmental Advice does not say that the strategy should be in writing, we suggest that schools should have a strategy written down to avoid any ambiguity about whether a clear strategy is in place or not. However, simply having a written policy is not sufficient; schools must be able to demonstrate how the strategy manifests itself.

Prevent and British values

- 2.3 Paragraph 7 of the Departmental Advice sets out the understanding and knowledge that is 'expected' of pupils as a result of schools meeting this part of the standard. This includes, for example, an understanding that there is *'...a separation of power between the executive and the judiciary and that whilst some public bodies such as the police and the army can be held to account thorough Parliament, others such as the courts maintain independence.'* Given that the standards apply equally to primary and secondary schools, it is conceivable that even high-performing schools could struggle to demonstrate that pupils have acquired this level of understanding without taking some steps to ensure these requirements are being covered at school in a way that is demonstrable to third parties. It would be risky for any school to assume that it is already complying with the standards; a detailed analysis of the Departmental Advice is necessary.

3 How is the duty enforced?

- 3.1 The current [Ofsted Inspection Handbook](#) (updated September 2015) also sets out various ways in which inspectors will assess the SMSC development of pupils in schools and it is important that schools are familiar with the assessment criteria. In addition, the Ofsted Handbook specifically states that inspectors will consider how well the school prepares pupils positively for life in modern Britain and that leadership and management, *'...promotes the fundamental British values of democracy, the rule of law, individual liberty and mutual respect for and tolerance of those with different faiths and beliefs and for those without faith.'*

4 The Equality Act 2010

- 4.1 The challenge for schools in light of the increased focus on British values will be balancing it with the requirements of the Equality Act 2010. It is conceivable that there will be a tension between the need on one hand to ensure that a broad and balanced curriculum is provided so that pupils are properly prepared for life in modern Britain with the need to respect the rights of pupils and parents under the Equality Act 2010 and the European Convention of Human Rights. By way of example, a letter from Sir Michael Wilshaw to Rt Hon Nicky Morgan dated 21 November 2014 regarding school inspections in Tower Hamlets refers to a Year 1 pupil who believed that participating in music and dance was wrong, with the implication being that the school was not providing the pupil with an appropriately broad and balanced curriculum. Yet it is not unusual for schools to receive such requests from parents who wish to withdraw their children from music, dance and certain aspects of science lessons because it is against their religious beliefs.
- 4.2 These are very difficult issues for schools to deal with; if a school refuses to agree to such a request from a parent, they risk a discrimination claim that they have breached their human rights by forcing the child to participate in an activity against their religious beliefs (although every case is different and must be considered on the facts). However, schools may now be concerned that introducing flexibility to the curriculum to accommodate religious beliefs will attract criticism from Ofsted for failing to provide a broad and balanced curriculum.

Prevent and British values

- 4.3 In these situations, schools should generally try to find a balance between these competing requirements. For example, in the situation described above, it might be that parents are more comfortable with certain styles of dance or music compared with others so schools can often find a solution by working closely with parents and understanding their concerns. However, it is easy to see how this issue could cause problems for some schools and specific guidance from the Department for Education on this issue would be welcome.

5 Guidance for schools on promoting British values

- 5.1 Schools should not take it for granted that they are already doing enough to comply with the requirements to actively promote British values. As well as reading the SMSC Departmental Advice mentioned above, schools should also consider the following:
- 5.1.1 Have a written strategy for how the school will actively promote British values; this should also be evident on the school website and other promotional materials.
 - 5.1.2 Ensure that members of staff are aware of the 'Keeping Children Safe in Education' advice and that they receive training on how to deal with concerns that pupils have developed extremist views or are vulnerable to radicalisation. Staff should be aware of the Local Authority's 'Prevent' strategy.
 - 5.1.3 Where any particular pupils or groups of pupils have been identified as vulnerable or resistant to British values, carry out a risk assessment to record, manage and address the risk.
 - 5.1.4 Have a pupil council to encourage pupil participation in a democratic way.
 - 5.1.5 Update the staff disciplinary policy, safeguarding policy and the behaviour policy for pupils to give the school the power to take appropriate action if necessary.
 - 5.1.6 Ensure there is a way of checking that members of staff do not promote partisan political views or that when political issues are discussed, a balanced presentation of opposing views is achieved.
 - 5.1.7 Ensure that systems are in place to check the suitability of external speakers who come to the school.
 - 5.1.8 Carry out appropriate background checks on members of staff, including those who have lived or worked overseas.
 - 5.1.9 Is there sufficient focus on critical thinking?
 - 5.1.10 Consider holding assemblies on radicalisation / extremism.
 - 5.1.11 Consider holding drop-in sessions run by staff where pupils can ask questions in a safe space about radicalisation.
 - 5.1.12 Provide staff with resources to enable them to answer questions that pupils might have about ISIS (Daesh) / Syria / other extremist ideologies (ideally approved by the Prevent lead at your Local Authority) and allocate suitable time for discussion.
 - 5.1.13 Consider staff training from the Home Office intervention provider.

Prevent and British values

- 5.1.14 Ensure that governors have sufficient experience and accurate systems for checking the school's effectiveness. They should not be reliant only on reports provided by the senior leadership team.
- 5.1.15 Obtain legal advice if the school is asked by a parent to make an adjustment to the school's curriculum or activities to accommodate pupils' religious beliefs; this should help to reduce the risk of a discrimination claim and also provide the school with a justification if challenged by Ofsted.
- 5.1.16 Ensure that the school is complying with the requirements to publish information under the Public Sector Equality Duty.
- 5.1.17 Arrange training for the governing body and senior leadership team on Prevent and the duty to promote British values.

- 5.2 The Government has understandably acted to tighten-up controls to ensure that the spiritual, moral, social and cultural development of pupils is met within a broad and balanced curriculum. It is likely that many schools will feel that the principles of tolerance and respect for others are already inherent in the ethos of the school and the attitudes held by governors, staff and pupils. The challenge is being able to point to something tangible to show that this is an 'active' process and, for that reason, schools should not assume that they are automatically compliant or continuing to be compliant. Neither should a school assume that this will only be an issue in schools with a high proportion of multi-cultural pupils. Aside from the risk of being put into special measures, an Ofsted report which criticises a school for failing to comply with the requirement to promote British values will cause significant reputational damage to the school.
- 5.3 Only time will tell whether this is an issue limited to a handful of schools or if an increasing number of schools will come under scrutiny for failing to actively promote British values so it is best for schools to be prepared and to ensure that they are taking steps to meet this duty.

A good reputation is important to the success of a school. Community and public perceptions are the most effective builders of reputation as well as the most effective destroyers.

PR Perspective

Prevent and British values

6 Effective communications in a crisis

- 6.1 As well as reflecting on whether the school is doing enough to meet the Prevent duty, schools also need to consider how they would cope if they had to deal with a crisis involving extremism, particularly one which attracts local, national or international media interest, including how equipped they are to manage communications with all stakeholders and the wider community.
- 6.2 This is not just about managing a school's media relations; the way a school responds to a serious crisis will have an impact on the level of confidence that key stakeholders have in the school and whether an issue is an isolated case or if there are systemic problems at the school. Negative reports in the media pose a risk to the reputation to the school and will impact on what people think about the school's ability to keep their children safe. Therefore, ensuring that media enquiries are dealt with appropriately can be crucial in securing the short, medium and long-term success of the school.

6.3 Factors that need consideration include the following:

- 6.3.1 Who is responsible in a crisis? Have they received the appropriate training and do they know which agencies to engage with when the crisis hits? This is not as straightforward as it might first seem. For example, if there is a high-profile safeguarding issue relating to a pupil, is the Head of School in charge, the Executive Headteacher or the CEO of the Academy Trust? A good crisis management plan should set this out.
- 6.3.2 How is the school co-ordinating with other agencies that are likely to be involved including the Local Authority, the Police and Counter-Terrorism Officers and the Department for Education / Regional Schools Commissioner?
- 6.3.3 Does the school need authorisation from any other agencies before it makes any public statements (bearing in mind that a public statement does not just involve press conferences but will also include any communications with stakeholders which could be picked up by the media)?
- 6.3.4 What information is confidential and what can be shared with third parties?
- 6.3.5 Is the school being kept updated with information from the other agencies? In a fast-moving or complex investigation, lines of communication can become blurred so it is important that the school is pro-active about being kept up-to-date as a passive approach is unlikely to protect the interests of the school. Whilst the school must not do anything which might undermine a Police investigation, it does have an important role in working with the Police to engage with families and the community, as highlighted in a recent Home Affairs Select Committee report, *'Schools and the police must inform parents immediately, and work together when there is even the smallest hint of radicalisation, or a close association with someone who is thought to have been radicalised.'*⁵ In the absence of real information, stakeholders are likely to resort to unofficial channels in an attempt to find out what has happened / is happening fuelling unhelpful speculation and potentially scaremongering existing and prospective pupils, families and staff. This can be ruinous for a school's reputation both in the short and longer term.

⁵ [Home Affairs Committee, Counter-terrorism: foreign fighters Nineteenth Report of Session 2014–15](#)

Prevent and British values

- 6.3.6 What are the school's internal and external communications strategies? These will need to evolve and the timing and the order of communications and messaging will be as important as the channels and varying modes.
- 6.3.7 How will the school respond to enquiries from the media? Who can respond to enquiries from the media?
- 6.3.8 Who will be responsible for monitoring the media coverage, including social media, and how a story is unfolding in the public domain? It is important that this is tracked as it could inform future messages and strategy development.
- 6.3.9 What are your current communication channels and are they being effectively managed; responding proactively and efficiently with factual and /or good news will support your strategy for managing your school's reputation and countering inaccuracies (if they present themselves).
- 6.3.10 How robust are your current media and communications protocols; do they need to be reviewed and updated?
- 6.3.11 What happens if the school is closed e.g. school holidays?
- 6.3.12 Have key individuals at the school received media training?
- 6.3.13 What is the school's communications strategy for stakeholders (e.g. parents, pupils, staff, governors, the local community)?
- 6.3.14 A school that is responding to a radicalisation issue will also need to ensure that its response is methodical and professional – particularly if there is a Police / Counter-Terrorism investigation. Issues that might need consideration include:
 - Has the school's safeguarding policy been updated and has it been followed?
 - What is the chronology of events? This will need to be captured early on and updated as events unfold. It will also need to be very detailed; much more detailed than many schools will be used to. Think about who, what, why, where and when. It can be very difficult to remember what happened – especially if events are fast-moving – and this detail can be extremely important to the Police investigation and the school's own investigations.
 - Has the school got access to advisors, in particular, legal and media / communications advisors. A wrong move early on could cause a huge level of damage to the school.

Depending on the crisis, there could be peaks of interest again which restart the cycle of media interest.

PR Perspective

- What steps is the school taking to ensure that, as far as possible, there is business continuity? Do staff or pupils need access to counselling?

Prevent and British values

- What is the school's record keeping policy, for example, are records kept if there are meetings or telephone calls with parents or third parties? It is crucial that the school keeps a paper-trail of all correspondence with third parties; if you have a telephone call with someone, make a (legible) note or confirm the contents of your conversation in an email.
- Does the school have appropriate administrative and logistical support in order to respond effectively to a crisis? Are telephone calls fielded appropriately and does the school have secure systems in place to allow staff to work remotely if required?
- Is there another school from whom to learn and apply lessons learnt and best practice?

Conclusions

It is clear that schools have to grapple with an unprecedented and uncertain threat and many will be unclear and concerned about the extent of their legal duties in preventing terrorism, particularly when faced with challenges and complaints by third parties. In a climate where many schools are facing pressure on budgets, we believe that a Government or Local Authority-funded training programme would be beneficial to provide schools with the knowledge they need in order to deal with these issues confidently. Such training should also include crisis management and media training, which would be beneficial for schools who need to deal with the media in any school-related crisis.

We also believe that schools would benefit from the following additional support and guidance:

- A digest of relevant legal expectations on schools;
- Likely support needed and where it might come from (this relates to the need described above for more clarity on roles and responsibilities between multi-agencies and a strategic approach to handling a crisis of this magnitude);
- Interaction with the Local Authority; who takes the lead on what and how is proper co-ordination achieved;
- Specific and on-going guidance for schools on carrying out risk assessments with a focus on the threats posed by social media;
- Guidance for schools on the extent of the Prevent duty and practical guidance on how to implement it, particularly in relation to social media and engaging with communities for whom English is not their first language;
- The option to call on more direct support from the DfE and other agencies and guidance on what external advice schools might need in similar situations;
- Support for schools about the need to be more proactive in developing a communications strategy. In a world of social media and 24-hour rolling news, schools need to be more sophisticated about their approach to managing these issues. Otherwise it is easy to quickly lose control of stakeholders' perception of the school which can have negative consequences in the short, medium and long-term. This also impacts on the general public perception of the education sector and the level of confidence that people have that schools are managing these issues appropriately.

Longer-term reputation management: the impact of a crisis may not be known for a period of time after the dust settles. Schools who have found themselves on the receiving end of a crisis should pro-actively manage their reputation in the months and years to follow; protecting themselves for any adverse and longer-term effects on stakeholder engagement and external perceptions.

PR Perspective

For more information or advice, please contact:



Andrea Squires, Head of Education,
Winckworth Sherwood:
asquires@wslaw.co.uk
020 7593 5039



Isabella Donnelly, Managing Director,
Grebot Donnelly
IsabellaDonnelly@grebotdonnelly.com
020 8892 2242