

THE PEOPLE'S ■
■ REVIEW OF ■
■ PREVENT

A Response to the Shawcross Report

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The People's Review of Prevent is an alternative review to the Government's Shawcross-led review. Our review provides a voice to the people most impacted by the Prevent Duty. You can read more about this and other reports here:

www.peoplesreviewofprevent.org

Prevent Watch is a community-led initiative which supports people impacted by the Prevent Duty. Established in September 2014, Prevent Watch has supported and documented hundreds of cases. For further information please visit:

www.preventwatch.org



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1. Preface

Prevent is the pre-criminal arm of the government's counter-terrorism strategy, Contest. It was introduced in 2003 and has gone through a number of iterations.

First commissioned by Home Secretary Sajid Javid in February 2019 as part of the passage of the Counter Terrorism and Border Security Act, the Independent Review of Prevent – finally published on 8th February 2023 – has been a long time in preparation.¹

Of course, Covid-19 intervened to cause delay, but the process was also disrupted by challenges to the first person nominated to head it, Lord Carlile. He was a former Independent Reviewer of Counter Terrorism legislation who endorsed the last internal review of Prevent by the Home Office in 2011. He stepped down from the role and was replaced by William Shawcross in January 2021 by then Home Secretary Priti Patel.

His appointment was seen by many groups who had initially welcomed the review as highly controversial, given his affiliation with neo-conservative think tanks and his very public hostile views toward Islam. A boycott of the review was called by over 500 civil liberties groups, Muslim-led civil society organisations and individuals.²

In response, the People's Review of Prevent was launched to ensure that a wider range of views about the operation of the government's Prevent strategy would be heard, especially those of individuals and families whose lives have been impacted by it.

Over a year ago, in February 2022, we published our report.³ It reviewed over 600 cases documented by Prevent Watch and other organisations involving individuals and their families caught up in Prevent. It also provided a detailed analysis of academic articles and policy reports about Prevent, as well as an analysis of the available data on its implementation.

The main conclusions drawn from our evidence-based report were that: i) Prevent does not stop terrorism; ii) it curtails human rights and civil liberties, and; iii) it harms individuals who are innocent of any offence, particularly Muslim children (the full list of conclusions is reproduced as an appendix to this document).

1 Independent Review of Prevent's report and government response (Gov. UK). <https://www.gov.uk/government/publications/independent-review-of-prevents-report-and-government-response>

2 Liberty International (Feb 2021) Rights Groups Boycott Prevent Review (Press Release). <https://www.libertyhumanrights.org.uk/issue/rights-groups-boycott-prevent-review/>

3 The People's Review of Prevent. <https://peoplesreviewofprevent.org/main-report/>

The headlines indicated that the government's review would also find that Prevent was not 'fit for purpose' and that this was a matter of 'public safety'.⁴

The rhetorical nature of the latter claim is shown by the fact that there was apparently no urgency to publish the government's review. By its own admission, much of the gathering of evidence had been completed before Mr Shawcross took up his appointment (during the short four-month tenure of Lord Carlile in the role before he stepped down), while the interviews, roundtables, and panel meetings he conducted had all been completed within 11 months. Newspapers to which the report was leaked reported that it had been delivered to the Home Office in April 2022.

However, the time taken to deliver the report and the manner in which it has been leaked and even made fully available to journalists⁵ six months before publication in Parliament make a mockery of the review's integrity and of the role of Parliament as its primary audience.

Importantly, we argue that the report lacks a sound basis in evidence and argument, and that its recommendations are unjustified. We summarise the key problems in our executive summary and substantiate our claims in the sections that follow.

The defects of the report are so substantial that Mr Shawcross's recommendations have no secure grounding. What is more damning is that a careful consideration of his evidence would lead to very different conclusions.

Based on this, and on our main arguments in this report, we call for the report to be withdrawn.

4 Malnick, E. (24 Sep 2022) 'Urgent overhaul planned for Prevent which is 'protecting terrorists and not the public' (The Telegraph). <https://www.telegraph.co.uk/politics/2022/09/24/urgent-overhaul-planned-prevent-protecting-terrorists-not-public/>

5 Op, cit. In the above referenced article (4) Mr Malnick stated that he was given the whole unredacted report prior to it being presented in Parliament.

2. Executive Summary

In this response to the Shawcross Report we subject it to a critical analysis of the arguments and evidence used as the basis for its recommendations. We show that the recommendations have no secure basis and, more than this, the evidence utilised in the report would in fact support different conclusions.

- 1 The report is framed by a neo-conservative ideology. This in itself is a problem because the report argues that terrorism should be understood as being driven by ideology. This neo-conservative notion leads the recommendations in a distinctly authoritarian direction, notwithstanding the claim that Prevent seeks to defend liberal values.
- 2 This authoritarianism is evident in proposals that Muslim-led civil society organisations are ‘extremist’ and ‘Islamist’ by virtue of their expression of Islamic normative commitments, and by virtue of their political activism, especially when opposing government policy.
- 3 The report is imbalanced in its approach to freedom of expression, which it defends for right-wing expression, but not for those expressing Islamic views and values, which it terms ‘Islamist’.
- 4 The argument that Prevent should focus less on right-wing extremism and more on ‘Islamist’ extremism also reflects the neo-conservative framing and is explicitly discriminatory.
- 5 The claim that the threat posed by ‘Islamist’ extremism is greater than that of right-wing extremism is not sustained by the data available to the report.
- 6 The report states that individuals deemed at risk of radicalisation should be treated as ‘susceptible’, rather than ‘vulnerable’. This argument, together with the argument that those who express vulnerabilities without a political ideology should not be brought under Prevent, logically supports the conclusion that the Prevent duty should be removed from schools and the health services.

- 7** The claim that recent high profile terrorist cases show that Prevent has failed is false. Most are indicative of failures in counter-terrorism policing and the security services. This was also the conclusion of the Manchester Arena Inquiry. Taken together, this suggests that a review of policing and the security services is required. The Shawcross Report's recommendation of enhanced policing and security services involvement in Prevent is misplaced and premature.
- 8** The recommendation to centralise Prevent under the Home Office and to reduce local authority autonomy by placing Prevent on a regional basis, reverses the existing direction of travel under Operation Dovetail and does so without a proper evaluation. It is also inconsistent with the implementation of Prevent under the devolved jurisdictions of Scotland and Wales.
- 9** Prevent represents a serious threat to civil liberties, yet the Shawcross Report places it under what is, in effect, a 'political commissariat' within the Home Office and refuses to provide for its review on a proper independent, statutory, and annual basis.

We call on Parliament to declare a moratorium on the implementation of the recommendations and to reject the report. We urge parliamentarians to consider the different recommendations put forward in our People's Review of Prevent, which are reproduced as an appendix to this response.

3. Responding to the Shawcross Report

The Independent Review of Prevent (hereafter, the Shawcross Report) has been long awaited, even if expectations were not high. The time taken to publish its findings and recommendations did not derive from the scale of the task the review team set itself, nor did it derive from an abundance of methodological caution. We say this because the report does not undertake a systematic review either of the academic literature, or of other reports into Prevent, whether commissioned by government bodies or produced in criticism of Prevent by civil society organisations.

For example, Mr Shawcross seems to be unaware that the community cohesion strand of Prevent – an important topic of his review – was organised under the umbrella of the Building a Stronger Britain Together programme, or that it was evaluated by Ipsos Mori in July 2021 during the period of his review.⁶

Absent, too, is a discussion of reports by, and, commissioned from, the Commission for Countering Extremism which was set up as an independent agency of the Home Office in 2017 to advise on approaches to counter-extremism.⁷

Pointedly, the Shawcross Report does not provide any analysis of the submissions made to the review team (unusually, they are also not listed in the report). They are cited as anecdote – in formats such as “an academic said ...”, “it was reported to me that ...” – without any triangulation with secondary data or other research reports.

In the methodological appendix, Mr Shawcross describes Phase 3 of his research process as “synthesis and debate”, involving a deep dive into published academic literature on the concepts and implementation of Prevent” (page 164). And yet, of the 333 footnotes, the majority of his references are to media reports, neo-con think tank reports and official documents; fewer than 10 academic sources are cited.

“Fewer than 10 academic sources are cited”

Media reports cannot be a secure basis for an official report since they are based on claims that have not been substantiated and frequently embody a political a

6 Evaluation of the Building a Stronger Britain Together (BSBT) programme (Gov. UK). <https://www.gov.uk/government/publications/evaluation-of-the-building-a-safer-britain-together-bsbt-programme>

7 Commission for Countering Extremism (Gov.UK). <https://www.gov.uk/government/organisations/commission-for-countering-extremism>

Nor do Mr Shawcross and his team undertake a systematic analysis of the available statistical data pertaining to the implementation of Prevent. Instead, at various points, they call for the Home Office to undertake further analysis of topics that were within Mr Shawcross's own remit, and for which the data would have been readily available within the Home Office for re-analysis. Crucially, it is data necessary to any independent evaluation of Prevent.

Unusually for an independent review, the Shawcross Report provides no details of the secretariat (that is, the advisers and researchers that assisted Mr Shawcross). The extensive citation of the think tanks Policy Exchange and the Henry Jackson Society in the report create some suspicion that these advisors and researchers were provided by, or at least heavily influenced by, these think-tanks who reside adjacent to the government and are organisations in which Mr Shawcross has held positions. Certainly, the report takes its ideological framing from them. Moreover, sections of the report are strikingly similar to separately published reports by Policy Exchange, especially those attacking what are deemed by these groups to be 'Islamist extremist' organisations (including the People's Review of Prevent) who have been critical of Prevent,⁸ and staff associations of Muslim and Black officers within the police.⁹

The report is of very poor quality, but it is also very dangerous. Its 34 recommendations are grounded in neither evidence nor sound argument, as we shall show.

They are easily summarised:

- Re-focus Prevent away from right-wing extremism and provide more scrutiny of 'Islamist' extremism;
- Focus on extremist political ideologies and have less emphasis on matters like misogyny and 'incels' – these should be dealt with separately as hate crimes;
- Have less focus on "safeguarding of vulnerable individuals" and more on the "threats to public safety" posed by those under the influence of "extremist ideologies";
- Reinforce the role of counter-terrorism police officers within the multi-agency Prevent Panels;

8 Evaluation of the Building a Stronger Britain Together (BSBT) programme (Gov. UK). <https://www.gov.uk/government/publications/evaluation-of-the-building-a-safer-britain-together-bsbt-programme>

9 Commission for Countering Extremism (Gov.UK). <https://www.gov.uk/government/organisations/commission-for-countering-extremism>

- Reduce the role of local authorities in Prevent by re-organising it on a regional basis with regional commissioners directly responsible to the Department of Homeland Security within the Home Office;
- Remove specially designated local authority Prevent Priority Areas (there are currently 44 of them), as Prevent activities become the responsibility of the regional commissioners;
- Monitor and certify civil society organisations with which local communities and public authorities might engage and to which public funding may be given;
- Set up a unit in the Home Office that can rapidly counter criticism and “misinformation” about Prevent. It will also be responsible for “managing complaints”;
- Countering the “anti-Prevent agenda” in Higher Education, which is revised training for those overseeing events (recommendation 28) and the creation of a network of advisors in the DfE who can be invited to speak at Universities to promote Prevent (recommendation 33).

Among the many worrying recommendations is the new centralised and hierarchical structure within the Home Office. Existing entities, which otherwise might seem already to be providing some of the proposed functions, for example, RICU (the Research, Information and Communications Unit), are to be made subject to oversight by the Commissioner for Countering Extremism and his associated team (Robin Simcox has been confirmed in the role).

Buried away in the report is a sinister statement: “In 2015, the Counter Terrorism and Security Act made Prevent a statutory duty within specific public authorities. That year also saw the launch of the government’s first Counter Extremism Strategy. However, the legislation that would have served as the backbone of that strategy was never passed. In 2017, the government instead announced the creation of a Commission for Countering Extremism” (para 2.9).

In fact, legislation had been flagged in the Prime Minister's 2013 Taskforce on Extremism, which suggested that there might be laws in place to empower government to act against civil society organisations and put in place anti-social behaviour orders against individuals judged to be extremist.¹⁰ A legally sound definition of extremism could not be found, and so the 2015 Counter Terrorism and Security Act proceeded without one.

“The recommendation is that there should be oversight of Prevent by the Commissioner for CE, directly answerable only to the Home Secretary and responsible for ensuring the realisation of her political agenda.”

In the absence of a *legislative backbone*, the recommendation which has been proposed by Mr Shawcross and, indeed, accepted by the Home Secretary, is rather to establish a *political backbone*, one provided by the Commissioner for Counter Extremism in his new role. This recommendation has been made without any evaluation of the current role of the Commission for Countering Extremism.

The role of Commissioner was previously an external appointment as an adviser to the Home Secretary. Indeed, the role was part of a phenomenon, familiar to both the US and the UK, of the appointment of ‘policy Tsars’ to give direction to government policy from outside of the civil service or of the elected Parliament. This development in itself has been the subject of criticism (alongside the system of appointing special policy advisers, the mechanism through which think tanks gain influence over ministers), for its lack of transparency and the setting up of a competing advisory structure to that of the civil service.¹¹

The recommendation is now that there should be oversight of Prevent by an externally appointed official directly answerable to the Home Secretary and responsible for ensuring the realisation of her political agenda, within a newly centralised and separate Prevent architecture, with no statutory oversight. It is proposed that counter-extremism should no longer have a ‘Tsar’. Instead, a *‘political commissar’* for Prevent is to be created.

This is a dangerous and authoritarian development. It is accompanied by other government initiatives to reduce oversight of executive decisions.

10 HM Government (Dec 2013) ‘Tackling extremism in the UK: Report from the Prime Minister’s Task Force on Tackling Radicalisation and Extremism’. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/263181/ETF_FINAL.pdf See para 2.3.

11 Levitt, R., & Solesbury, W. (2012). Policy Tsars: here to stay but more transparency needed. King’s College London: https://kclpure.kcl.ac.uk/portal/files/14648049/Levitt_and_Solesbury_Tsars_Dec_2012.pdf

This is something that civil liberties organisations have pointed out would be a consequence of the proposed new Bill of Rights. It would make it more difficult for individuals and organisations to pursue and protect their rights just as those rights are under increasing threat, as the Law Society has observed.¹² This will include the rights of those affected by Prevent.

The Shawcross Report fails to meet its terms of reference where, “any recommendations should be evidence-based and proportionate, with consideration given to their implementation.”¹³

We demonstrate here how the Shawcross Report is neither evidence-based nor proportionate. Mr Shawcross does not present any evidence of a Prevent duty that is effective in its intended aim to stop terrorism. Notwithstanding, he makes recommendations that would further curtail civil liberties and human rights and exacerbate the documented harms of Prevent.

The Home Secretary has already stated that she will implement all the recommendations.¹⁴ None of them will require primary legislation and they will not be subject to parliamentary scrutiny. Nonetheless, we call on members of both houses of Parliament to reject the report and any recommendations derived from it.

12 Staff writer (Nov 2022) Human Rights Act Reforms and the Bill of Rights Bill (Law Society). <https://www.lawsociety.org.uk/topics/human-rights/human-rights-act-reforms>.

13 Independent Review of Prevent: Terms of Reference (Gov.UK). <https://www.gov.uk/government/publications/independent-review-of-prevent-terms-of-reference>.

14 HM Government (Feb 2023) The Response to the Independent Review of Prevent. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1134828/The_response_to_the_Independent_Review_of_Prevent.pdf.

4. Prevent and its Place in Counter-Terrorism

Prevent is one of the four component parts of the government's counter-terrorism strategy – CONTEST. It was first put in place in 2003 and has four strands.¹⁵ Protect, which is concerned with strengthening protection against a terrorist attack; Prepare, which is about the mitigation of the impact of a terrorist attack; Pursue, which is directed at stopping terrorist attacks; and Prevent, which has the purpose of stopping people becoming terrorists, or from supporting terrorism.

The Prevent duty derives from the 2015 Counter Terrorism and Security Act.¹⁶ Paragraph 26 sets out a general duty on specified authorities, that: "(1) A specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism." Nowhere in the act is extremism or counter-extremism mentioned. Guidance on these matters is provided by statutory instruments.

Prevent has undergone multiple iterations since 2003, but one feature remains consistent in its overall conception. Unlike the other strands, it operates 'upstream' of any intention to commit a terrorist offence. It is part of what criminologists call the 'pre-criminal space'.¹⁷ In other words, it is directed at behaviours and the expression of ideas that are, in themselves, lawful, but are believed to be possible precursors, to terrorist activities.

This is so, even as the scope of Prevent has been extended from measures to promote community cohesion to include, after 2015, a duty on providers of public services (health services, schools, universities, local authorities) to report individuals potentially at risk of radicalisation to Prevent for possible adoption into a Channel deradicalisation programme. Those judged to be at risk have committed no offence, nor indicated an intention to commit such. Were they to have done so, they would be subject to action within the criminal justice system and prosecuted for the offence. Where an offence has yet to be committed, there is sufficient legislation to prosecute the individual for what are termed inchoate offences (see, Box 1). Prevent, then, operates at considerable distance from any offence, including any intention of committing one.

15 See, Home Office (2011) Counter-terrorism strategy (CONTEST). <https://www.gov.uk/government/publications/counter-terrorism-strategy-contest>.

16 Counter-Terrorism and Security Act 2015. <https://www.legislation.gov.uk/ukpga/2015/6>.

17 Lucia Zedner (2015) 'Pre-crime and pre-punishment: a health warning'. Centre for Crime and Justice Studies, Issue 81. <https://www.crimeandjustice.org.uk/publications/cjm/article/pre-crime-and-pre-punishment-health-warning>.

Box 1. Inchoate Offences

Inchoate offences describe offences relating to criminal acts that have not, or have not yet, been committed. The three main categories of inchoate offences which sit under the Serious Crime Act 2007 are:

Intentionally encouraging or assisting an offence; encouraging or assisting an offence believing it will be committed; and encouraging or assisting offences believing one or more will be committed.

These offences, which replaced the law of incitement after 1st October 2008, allow for individuals to be prosecuted if they have assisted an offence even if the offence in question has not actually been committed or attempted.

It is often reported by advocates of Prevent, that Prevent is necessary to stop acts before they occur, but this legislation already covers acts which have not been committed and sit significantly upstream of the intended criminal act. The conflation and overclaiming of what Prevent can achieve is misleading.

Unlike Prevent and Channel, this legislation (Serious Crime Act 2007) contains safeguards that Prevent does not have. For example, a child who encourages or assists a sexual offence of which he or she was to have been the victim would provide a defence for this offence. However, under Prevent a child being groomed online would be viewed as 'likeminded' to the perpetrator committing the offence and of sound mind, as we already see in Prevent cases, and thus be considered for Channel intervention.

This situation is worsened with Shawcross's recommendations, where he claims these children should be treated as "susceptible" rather than "vulnerable" due to having "agency", further placing the burden of proof on the child and family.

Even where the offences are outside of England, there are other tools in the legislation such as Section 1A of the Criminal Law Act 1977 which accommodates for conspiracy to commit offences in other jurisdictions outside of England and Wales.¹⁸

18 inchoate Offences (Crown Prosecution Service). <https://www.cps.gov.uk/legal-guidance/inchoate-offences>

This needs to be borne in mind when considering Mr Shawcross's wish to attribute agency and responsibility to those subject to a Prevent intervention. As Professor Conor Gearty KC said in a foreword to our People's Review of Prevent, "Prevent expands the frontiers of state power well past crime into that pre-criminal arena we used to call freedom."¹⁹

The location of Prevent in the pre-criminal space is of particular concern from the perspective of civil liberties. The criminal law provides protections for those accused of crimes, but there are few protections available to those accused of 'pre-crimes'. Indeed, Lucia Zedner has argued that many preventative interventions in the pre-crime space themselves constitute forms of 'pre-punishment'.²⁰

Because Prevent deals with ideas and behaviour that are lawful, all its interventions are supposedly voluntary (including participation in the Channel programme). This does not mean that there are no means to secure consent against desistance (including a new system of Police Led Partnerships which are not discussed by Mr Shawcross).²¹

Nor does the fact that they are, in principle, voluntary mean they are not also harmful. For individuals, the harms begin from the moment an individual is under consideration. These harms are associated with being interviewed by counter-terrorism police and assessed by multi-agency teams with the subject (including children) having their data records kept and potentially shared across those agencies. Yet, at no stage within the process – from initial consideration, referral to a Channel panel for assessment, and on to adoption onto a Channel programme of 'de-radicalisation' – has an offence been committed or intended.

"The harms of Prevent start from the moment an individual is under consideration, by being interviewed by CT police, and having their data kept and potentially shared. This includes children."

Mr Shawcross describes "diverting people away from being radicalised into terrorism" as a "more humane approach than waiting for them to cross a criminal threshold and then bringing punitive action" (page 3).²²

- 19 The People's Review of Prevent, p. 5. <https://peoplesreviewofprevent.org/main-report/>
- 20 Zedner, L. (2015) Pre-Crime and Pre-Punishment: A Health Warning. Centre for Crime and Justice Studies (81). <https://www.crimeandjustice.org.uk/publications/cjm/article/pre-crime-and-pre-punishment-health-warning>
- 21 The Police Led Partnerships monitor and risk manage those who refuse consent for Channel. We discuss this in our section on Health.
- 22 The report is formatted as numbered paragraphs, with the exception of the foreword, conclusion and recommendations. We cite accordingly.

With this statement, not only does he conflate Prevent and Pursue (two different arms of the counter-terrorism strategy, where the latter disrupts people before crossing a criminal threshold), but he also neglects to consider the well-documented harms of Prevent that we set out in the People’s Review of Prevent in his choice to describe it as being “more humane”.²³

It is into this vague and unlegislated space that Prevent assumes its own definitions of risk and criminality that are based on assumptions – often political and prejudicial – rather than relying upon reasonable evidence and due process. The effect of this cannot be anything other than harmful.

For communities – and in the UK this is primarily Muslim communities which are deemed to be milieux in which extremist ideas can flourish – the harm deriving from Prevent is to be publicly stigmatised as ‘suspect’, with everyday activities and beliefs placed under potential scrutiny as an object of government concern. This is also compounded by the representation of extremism as opposition to values, deemed to be ‘British’. Here, ethnic minorities, and minority religious beliefs, are represented as outside the mainstream and as potentially, in some way, threatening to the safety of that mainstream public.

“Being publicly stigmatised as ‘suspect’, is compounded by the representation of ‘extremism’ as opposition to values deemed to be ‘British’.”

In this way, the very action of identifying a particular community as posing a possible risk to others makes them vulnerable to hostile and abusive action. This is something that the Shawcross Report proposes should be intensified by a greater focus upon Muslims and the representation of legitimate activism and political grievances as potentially indicators of extremism.

Over the 20 years of Prevent, it has been subject only to one full review conducted internally by the Home Office in 2011. This is in marked contrast to counter-terror laws and their implementation.

23 The People’s Review of Prevent. <https://peoplesreviewofprevent.org/main-report/>

These are subject to a standing mechanism for review by a KC, the Independent Reviewer of Terrorism Legislation. The Reviewer is mandated to provide annual reports and can initiate reviews of specific aspects of concern, including measures that are part of CONTEST.²⁴

But, despite the fact that Prevent is part of CONTEST, it is specifically excluded from the mandate of the Independent Reviewer of Terrorism Legislation. Successive holders of that position have called for a similar arrangement – that is, a full review for the purposes of oversight – to be put in place for Prevent.²⁵

These calls included a report for the Commission for Countering Extremism (itself an independent agency of the Home Office set up in 2017 to provide advice) that set out the perceived risk to civil liberties from the policies and practices of Prevent.²⁶ The authors wrote that: “They can have unintended disproportionate impacts on rights such as those to freedom of expression, assembly, family life, and non-discrimination. The expanding remit of CE (and counter-terrorism) since 2001, but particularly since 2005 in the UK, means that state and security agendas now infuse many more areas of ‘ordinary living’ than would previously been countenanced.”

These calls, and the arguments supporting them, are ignored within the Shawcross Report, as are the commentaries by various special rapporteurs from the United Nations (see Box 2), all of whom have expressed concerns about the operation of counter-terrorism policies in the UK (as the report notes, the strategy does not directly apply to Northern Ireland).²⁷

24 There had been regular reviews of terrorism laws for a number of decades prior to the setting up of the CONTEST strategy, but since the early 2000s those reviews have been on an annual basis. See, <https://terrorismlegislationreviewer.independent.gov.uk/history/>.

25 For detailed discussion of these calls, see the People’s Review of Prevent. <https://peoplesreviewofprevent.org/>.

26 Brown, K. de Londras, F. & White, J. (July 2019) Embedding Human Rights in Countering Extremism: Reflections from the Field and Proposals for Change (Gov. UK). https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834398/Brown-de-Londras-White-Embedding-Human-Rights-in-Countering-Extremism.pdf

27 See, footnote 400, page 183.

Box 2. UN Report on the rise of right-wing extremism and risks to civil liberties and rights

The Shawcross Report's organising idea that 'Islamist' terrorism represents a greater threat than far-right terrorism is contradicted by his own evidence, which otherwise corresponds with the risks recently outlined by the Secretary-General of the UN in a recent report entitled, *Terrorist attacks on the basis of xenophobia, racism and other forms of intolerance, or in the name of religion or belief*.²⁸

This report acknowledges the continued risk of terrorist attacks in the name of religion but focuses on "terrorist attacks predominantly described as motivated by 'far-right' or 'extreme right-wing' ideology, as it is the transnational threat posed by individuals and groups resorting to that particular new and emerging form of terrorism that has increased" (para 4).

The report also warns against measures taken in the pre-crime space (where the warning is applied to measures applied to all forms of terrorism risk). It states, "broadly conceived or improperly applied counter-terrorism responses may result in adverse consequences, including restrictions on human rights, for conduct that is not criminal in nature or may even be protected under human rights law. This may occur on the basis of broadly defined terms in laws that are not necessary and proportionate to achieve a legitimate purpose as defined under human rights law and the possible selective de-platforming of specific groups, such as 'suspect communities', which may have a disproportionate impact on individuals from specific ethnic, racial or religious groups, including their enjoyment of the right to non-discrimination, and possible arbitrary or unlawful interference with the right to privacy (para 21).

The summary online introduction to the report states, "The United Nations Strategy and Plan of Action on Hate Speech has recognised the growth in xenophobia, racism, intolerance, violent misogyny, antisemitism and anti-Muslim hatred globally.

28 UNSC-CTC (Aug 2022). Secretary-General's new report highlights new, emerging form of "far-right" terrorism (United Nations Security Council Counter Terrorism Committee). <https://www.un.org/securitycouncil/ctc/news/secretary-general%E2%80%99s-new-report-highlights-new-emerging-form-%E2%80%9Cfar-right%E2%80%9D-terrorism>

In a same vein, civil society, academia, think tanks and other non-governmental stakeholders have been similarly seized of the phenomenon.”

The Shawcross Report does not consider this wealth of evidence and makes no reference to UN reports.

Indeed, in so far as any such issues are acknowledged by Mr Shawcross, it is in the idea that oversight of Prevent should include a mechanism for complaints (para 6.75). Although the terms of reference for the review proposed that the review should look into how to deal with concerns and criticisms, this is now to be made the responsibility of a new political directorate.

Ominously, the idea of addressing complaints is qualified by the idea that they should be “valid complaints” and run together with the function of rebutting “false claims” by what Mr Shawcross calls “bad faith actors”. He states, “as matters stand, it is not clear where valid complaints and concerns about Prevent should be raised, nor is there an independent process that can examine and rebut false claims disseminated by bad faith actors” (para 6.75). In other words, the mechanism for complaints is also there to reject complaints it alone deems are “invalid”.

“In this report, Mr Shawcross has denied the value and validity of independent review with government processes.”

In effect, in this report, Mr Shawcross has denied the value and validity of independent review with government processes.²⁹ In doing so, he has fulfilled the criticism that the review was only ever intended as a political exercise. This should raise concerns about the review process as a means of influencing policy, rather than assessing it and reviewing it with integrity, a troubling subversion of democratic process.

Worse, the report itself is full of false claims through which Mr Shawcross reveals himself to be a ‘bad faith’ actor.

²⁹ Significantly, in a post-Shawcross Policy Exchange debate, ‘The Prevent Review: Where Next’, Lord Carlile specifically called for Prevent to be subject to statutory review similar to that of counter terrorism legislation. <https://www.youtube.com/watch?v=B-erDeXqanE>.

5. Ideological Bias and Bad Faith

The Shawcross Report is clear about the primary purpose of Prevent – its “first objective” – which is to stop terrorism by combatting “radicalisation”. Terrorism, it states, involves the pursuit of a political end by violent and/or undemocratic means and is clearly defined in statutes (indeed, those monitored by the Independent Reviewer of Terrorism Legislation): “Terrorism, as defined in British statute, is the use or threat of action designed to influence the government or intimidate the public for the advancement of a political, religious, racial, or ideological cause. Terrorism, therefore, is a very particular form of violent criminal activity” (para 3.3).³⁰

Terrorism, then, necessarily has an ideological component and the purpose of Prevent is to address what are deemed to be “extremist ideas” in order to disrupt the process by which individuals might move on to commit violent (or non-violent) terrorist offences.

Once again, it needs to be recognised that there is a spectrum of political ideas from left to right, and a variety of commitments from religious and ethno-nationalist motivations, as well as single issue causes, such as animal rights or environmental concerns, that can fall under this definition. For the most part, the expression of their associated ideas is lawful.

In fact, over the last decade, the range of terrorism offences has been greatly extended. As well as violent offences, there are now a range of non-violent offences that were previously not unlawful.³¹ This includes vocal support for terrorist organisations, as well as supporting organisations proscribed as terrorist. With Prevent, the idea is to intervene one step further back, to identify ‘ideologies’ that are lawful, but in theory overlap in some respects with those espoused by terrorist groups (see Box 3).

30 It may be worth pointing out that Mrs Thatcher denied that terrorism was political in a speech in Belfast in 1981; “there is no such thing as political murder, political bombing or political violence. There is only criminal murder, criminal bombing and criminal violence.” Margaret Thatcher Speech in Belfast March 5, 1981. (Margaret Thatcher Foundation). <https://www.margaretthatcher.org/document/104589>.

31 For example, the offences introduced by the very act from which the Independent Review of Prevent derives. See the briefings from Liberty International: <https://www.libertyhumanrights.org.uk/issue/terrorism-offences-briefings-and-reports/>.

Box 3. Arrests and the Terrorism Risk

The Shawcross Report lays great store by organising Prevent in relation to the terrorism risk. He deploys high-profile cases to suggest that they were somehow missed by Prevent.

However the data for those arrested under suspicion of terrorism offences (including non-violent terrorism) in the year up to end of June 2022 shows a different pattern of risk.³²

There were 203 arrests, of which 44 gave rise to a charge for a terrorism-related offence. Of the 203, 94 were released pending further investigation and 50 released without charge, with 10 either receiving a caution or returned to prison.

All in all, only 22% of arrests gave rise to a charge for a terrorism offence. The Home Office provides data on the age of those arrested, but not of those charged. Those 30 and over made up 41% of all arrests, the 18-20 age group made up 30%, while those under 18 made up 16%. This was a slight rise on the previous year, but this is explained by falls in arrests in older age groups.

Assuming similar patterns between arrests and charges (itself not the same as successful prosecution), this would mean around 5 or 6 individuals under 18 charged with terrorism offences.

This necessarily involves an intrusion into free speech, as is indicated by aspects of Prevent which justify the disruption of meetings, or which monitor and restrict supposed extremist speakers on university campuses.

In this context, we would expect Mr Shawcross to take some care in defining his terms, particularly those concerning extremism, for which there remains no legal definition (nor any agreed upon non-legal definition). In fact, he offers no definition of extremism, nor does he discuss any of the literature that has attempted to do so, including the reports of the Commission for Countering Extremism.

32 National Statistics (Sep 2022) Operation of police powers under the Terrorism Act 2000 and subsequent legislation (Quarterly update to June 2022). <https://www.gov.uk/government/statistics/operation-of-police-powers-under-the-terrorism-act-2000-quarterly-update-to-june-2022/operation-of-police-powers-under-the-terrorism-act-2000-and-subsequent-legislation-arrests-outcomes-and-stop-and-search-great-britain-quarterly-u-#terrorist-prisoners>

It is clear that Mr Shawcross is concerned about a problem of free speech in so far as it applies to right-wing speech, but he disregards that the same strictures apply to other positions to which he is less sympathetic. At least, that is the implication of the liberal principles to which he states his adherence.

His claim in the Foreword to his report is that, “my research shows that the present boundaries around what is termed by Prevent as extremist Islamist ideology are drawn too narrowly while the boundaries around the ideology of the Extreme Right-Wing are too broad” (page 3).

In fact, he offers no discussion of right-wing extremism at all, and – troublingly – even ignores recent violence committed by right-wing actors. Rather, he spends a lot of time arguing that the address of right-wing extremism within Prevent is disproportionate; this is something we shall challenge in a separate section by showing that the data he uses suggests the opposite.

For present purposes, a simple point is sufficient. An expanded definition of ‘Islamist extremism’ would likely give rise to a greater number of Prevent referrals of Muslims, but a decline in the proportion of them that would lead to adoptions onto Channel. For right-wing extremism, the opposite would be likely to occur; that is, that there would be fewer referrals, but a higher proportion of adoptions onto Channel.

In 2021/22, the last year for which there is available data, we see that 13% of all referrals are adopted onto Channel. Of these, 42% were for far-right extremism, while 19% were for Islamist extremism. Yet, the proportion of all referrals was similar for both categories (20% for right wing extremism, 16% for Islamist extremism). In other words, the implication already is the opposite of what Mr Shawcross claims; the definition is drawn broadly for ‘Islamist’ extremism and narrowly for right-wing extremism.

“Mr Shawcross ignores recent right-wing violence. Instead he argues that Prevent disproportionately targets right-wing extremism, when the data he uses suggests the opposite.”

Bear in mind, too, that the initial gateway assessment³³ – which determines whether someone should be moved directly to Pursue or referred to Prevent for consideration for adoption onto the Channel programme – involves counter terrorism police officers; current data shows that they are judging that those who express right-wing extremism more frequently represent a serious risk than those expressing what is deemed to be ‘Islamist’ extremism.

However, Mr Shawcross offers no discussion of these data, or reflection on the fact that a more expanded definition of ‘Islamist’ extremism would lead to an increased number of Prevent referrals alongside a declining proportion identified as serious cases (though we emphasise, once again, that those judged to warrant adoption onto Channel have committed no offence, nor formed an intention to do so).

But perhaps Mr Shawcross is thinking that the criteria for evaluating a risk of radicalisation needs to be modified in order to capture more of the right kind of extremists and fewer of what he deems to be the wrong kind? This is implied by his emphasis on the need for better training with regard to ideology. This training is likely to be heavily influenced by the new political directorate within the Home Office under the Commissioner for Countering Extremism acting in his new capacity.

Again, this is deeply problematic. Those who have the least rigorous training (albeit that the Home Office declared that over one million people working in the provision of public services had received training by 2019) are those involved in flagging up possible concerns. Any concern receives some initial assessment within a safeguarding team (usually involving the advice of a counter-terrorism police officer who may interview the individual), when a case may then be referred to a Channel panel for serious consideration. This is what constitutes the data on referrals and Channel adoptions; that is, they involve individuals with more rigorous training as an individual moves through the process, than that provided to the everyday public service employees trained to flag up concerns.

The implication is that, with the creation of a hierarchical ordering of Prevent on a regional basis and its control by a political directorate at the Home Office, direction will be exerted over the members of the Channel panel. Mr Shawcross is proposing that this direction should reduce the number of right-wing extremist Channel adoptions and increase those for ‘Islamist’ extremism.

33 The first check is whether an individual is already known to the police and, if so, whether that involves interaction with those under suspicion for terrorism offences.

“With the creation of the hierarchical ordering of Prevent and its control by a political directorate at the Home Office, direction will be exerted over the Channel panel.”

Rights and Security International have recently published an analysis based on data from FoI requests that suggests that there has been, for some time, a process where ‘Islamist’ extremism cases receive harsher treatment than ‘right-wing’ cases.³⁴ They conclude that, “referrals for ‘right wing extremism’ were directed away from the Prevent and Channel process at the initial stage compared to ‘Islamist-related’ concerns”.³⁵ Their FoI requests covered data from 2015-19 and showed harsher treatment of Muslims, alongside a rise in referrals for right-wing extremism.

There is some evidence that this tracks what Mr Shawcross is thinking when he proposes that fault lies with the Research Information and Communication Unit (RICU) at the Home Office. He refers to an examination of the reports produced by RICU and states that, “These products not only covered non-violent far-right extremism, but also examples of centre-right debate, populism, and controversial or distasteful forms of right-leaning commentary and intolerance. Some of this material falls well short of the extremism threshold altogether” (para 3.47).

But nowhere does he discuss what the appropriate threshold would be, nor does he refer to any literature on right-wing extremism and its threats, whether produced by academics or other bodies within Prevent such as the Commission for Countering Extremism. It should be noted that the issue of ‘extremist ideology’ is precisely the overlap between lawful expression and unlawful action.

In contrast to his treatment of right-wing extremism, Mr Shawcross provides a lengthy discussion of ‘Islamist’ extremism and proposes to have a more extensive focus upon it.

34 RSI (March 2023) Rights & Security International raises concerns about Prevent and Channel referrals data on race (Press Release). <https://www.rightsandsecurity.org/impact/entry/rights-security-international-raises-concerns-about-prevent-and-channel-referrals-data-on-race>

35 Derfoufi, Z. & St Vincent, S. (Feb 2023) ‘Analysis of FOI 63470 data on the ethnic composition of Channel cases, and a comparison to the composition of terrorism-related criminal sanctions (Rights and Security International)’. https://www.rightsandsecurity.org/assets/downloads/RSI_FOI_63470_data_analysis_-_final.pdf

The difference in treatment is clear. He is arguing for a communications strategy beyond what is already provided by RICU, and he looks to neo-conservative think tanks, such as Policy Exchange and the Henry Jackson Society to provide the analysis. However, even here he provides no discussion of how a threshold should be set, except that it will be a matter for the new political directorate.

What is missing is any discussion of definitions of what constitutes 'Islamist' extremism (or, indeed, of right-wing extremism) that would guide this new engagement. This is problematic when it will include repudiation of Muslim civil society organisations (see Box 4). Perversely, given the nature of his concern, Mr Shawcross believes that this can be done under existing definitions of extremism, albeit that he does not provide them: thus Recommendation 7 is to "keep current terminology to describe Islamist and Extreme Right-Wing ideology to ensure language is accurate and accessible for practitioners, public sector staff, and the wider public". This provides wide scope to arbitrary action on the part of those directing Prevent who will decide both its direction and the validity of any criticisms.

Box 4. The Manchester Arena Inquiry and the Shawcross Report

The Shawcross Report makes very serious claims that some Muslim-led civil society groups are undermining counter-terrorism activities through their criticisms of Prevent.

He states, “Challenging extremist ideology should not be limited to proscribed organisations but should also cover domestic extremists operating below the terrorism threshold who can create an environment conducive to terrorism” (paragraph 1.5).

Two organisations are singled out in the Shawcross report – MEND and CAGE – though a separate report by Policy Exchange extends the accusation to other organisations in an indication of what is to come.³⁶

The clearest statement by Mr Shawcross is in his discussion of the Manchester Arena Bombing provided in a box within his report, entitled ‘The case of Salman and Hashem Abedi’ (pages 138-40).

It states, “Information in the public domain suggests that Salman may have started to become more radical in 2013, and that the plot itself began a year in advance, in May 2016. For much of that period Salman was enrolled as a student at the University of Salford. This could have been an opportunity for someone to have observed signs of Salman’s radicalisation, and to have made a referral. No referral was made, and during these years there was intense anti-Prevent activism at the university. In November 2015, the anti-Prevent campaign group MEND held an event there, hosted by the students’ union. Months later, in February 2016, the students’ union passed a motion boycotting Prevent and committing to educate students about the “dangers” of the scheme. In May of that year Salman dropped out of his course and, with his brother, began to take steps to plan their attack. The evidence suggests the signs the brothers were becoming radicalised were there to see.”

Shawcross cites evidence presented to the Manchester Arena Inquiry, but published his report three weeks before the final report of that inquiry was published on March 2nd – Manchester Arena Inquiry V3: Radicalisation and Preventability.³⁷

³⁶ Jenkins, J. et al. (April 2022) Delegitimising Counter- Terrorism. (Policy Exchange) <https://policyexchange.org.uk/publication/delegitimising-counter-terrorism/>

³⁷ <https://manchesterarenainquiry.org.uk/>.

One section addresses the institutions with which Salman Abedi was engaged. The findings are very different from those of the Shawcross Report: “None of the educational establishments that SA attended were at fault in failing to identify him as being at risk of being radicalised or drawn into terrorism. No single institution had a comprehensive-enough view of SA’s behaviour, family situation or potential risk factors, over a sufficiently long period of time, to recognise his descent into violent Islamist extremism” (page 28).

Equally, “The mosques attended by SA and HA were not an active factor or cause in their radicalisation” (page 28).

In so far as blame is attached, it is to the Prison Service and to the security services in their handling of Salman Abedi when he was a Subject of Interest and might have been referred to Prevent.

Mr Shawcross seems to have believed that the Manchester Arena Inquiry would support his own claims. It does not. It is evident that the Shawcross Report is tendentious and smears organisations in an unwarranted and inflammatory manner.

The Shawcross Report’s cavalier approach to evidence is indicated by the fact that a very large proportion of his citations are to media reports. These do not contain statements of fact that have been tested. Nonetheless, it is clear that the report uses their claims to justify the declaration that individuals and organisations should be publicly described as ‘extremist’ and, in effect, ‘de-platformed’ from participation in public life.

At a minimum, Mr Shawcross's expanded focus on 'Islamist' extremism includes ideas that would fall well short of the extremism threshold that he proposes where "distasteful" right-wing commentary and intolerance is concerned. More importantly, he represents the expression of Islamic values in the public sphere and their role in civil society organisations as falling within the focus of Prevent. This represents a much-expanded understanding of 'political Islam', which is directed at democratic political expression by Muslim-led organisations.

Furthermore, this means there is one standard for right-wing organisations, which are held to be part of mainstream public debate, and another for Muslim-led organisations which are deemed to be 'extremist' by virtue of bringing their Islamic values into the public square.

In fact, the absence of any definitions indicates that all the decisions on which groups to target will be unchecked political decisions by the new commissariat in the Home Office.

6. The Policy Spiral 1: Community Cohesion

Prevent was first introduced in 2003 and has been subject both to changes in orientation, and to new parts being added on without regard for coherence among the different elements. In this section, we will set out how Mr Shawcross fails to disentangle the different parts of Prevent and, in consequence, commits serious errors of understanding and fact.

The academic literature on public policy sometimes refers to a ‘policy cycle’. This describes a process where an agenda is set, policies formulated, and decisions taken, implemented, and evaluated.³⁸ This cycle is also understood to be necessarily evidence-led.

In contrast, Prevent has developed in a reactive fashion. There has been no effective evaluation of its holistic impact, and only aspects of the strategy have been evaluated, and – we contend – it has never been effectively reviewed. The last review in 2011, in fact, represented the setting of a new agenda – a security focus on extremism – not an evaluation; this review was also not independent.

Indeed, Clive Walker has argued that Prevent has been involved in its own policy spiral, which he describes as involving, “a policy which lacks clear initial purpose or subsequent direction, progression, control and reflection”. He comments further that, a policy spiral is “susceptible to unresolved contradictions or gaps, dramatic direction changes, and uncertain outcomes”.³⁹

Mr Shawcross believes that criticisms of Prevent derive from “bad faith actors”, but Walker suggests that it is a feature of policy spirals to produce “inexact and contested meanings, objectives, and mechanisms which generate dynamics of suspicion as much as persuasion”.

Indeed, one of the consequences of a policy spiral is that the implementation of the policy becomes increasingly opaque, even to those working within it. They will have a grasp of their role in enacting the policy, but not how their part fits with other parts.

38 W. Jann and K. Wegrich, ‘Theories of the policy cycle’ in F. Fischer, G.J. Miller and M.S. Sidney (eds), *Handbook of Public Policy Analysis* (Boca Raton: CRC Press, 2007), p.43.

39 Clive Walker, ‘Counter-Terrorism and Counter-Extremism: The UK Policy Spirals’, (March 4, 2018). [2018] Public Law 725-747, Available at SSRN: <https://ssrn.com/abstract=3278296>

This problem is not only a practical problem of implementation; it is also a problem for evaluation. This besets the Shawcross review, precisely because his methodology involves interviews with practitioners within what RUSI has called a “flourishing industry”,⁴⁰ which, even he admits,⁴¹ are frequently private consultants drawing their livelihoods from the policy he is meant to be independently reviewing.

However, Mr Shawcross stops short of considering how this might affect the nature of the responses they provide to his questions. Much of his ‘evidence’ consists of ‘hearsay’ comments made at ‘roundtables’ and ‘panels’ which are reported without context, and which confirm Mr Shawcross’s own biases and well-known prejudice against Muslims. This is not evidence-led policy, but ideologically-led evidence.

Let us break Prevent up into some of its component parts, with a particular emphasis on the consequences of the introduction of the Prevent Duty in 2015. Simply, this divided Prevent into two streams, one associated with promoting community cohesion within local communities (especially those identified as Prevent Priority Areas), the other with challenging extremism.

This was a distinction put forward in the 2011 Prevent strategy review, but not enacted until 2015. In 2011, it was argued that it was necessary in order to avoid the ‘securitisation’ of community cohesion efforts.

Community cohesion was brought under a single, umbrella programme in the Home Office. This was flagged in 2015 and enacted in 2016 as Building a Stronger Britain Together. This was organised through local Community Co-ordinators supported by local advisory groups. It is puzzling, and striking, that Mr Shawcross does not refer to the Building a Stronger Britain Together programme. Indeed, he seems to be unaware of its existence. Yet it published an interim report on its activities in 2019.⁴² Another report commissioned from Ipsos Mori evaluated the programme and was published in July 2021, during the Shawcross review period.⁴³

‘Much of his evidence consists of hearsay comments reported without context... This is not evidence-led policy but ideologically-led evidence.’

40 Michael Jones (2020). Assessing communications-based activities to prevent and counter violent extremism, Royal United Services Institute (RUSI). <https://www.rusi.org/explore-our-research/publications/commentary/assessing-communications-based-activities-prevent-and-counter-violent-extremism>.

41 See, para 6.150: “Also problematic is the significant amount of public money that goes to outside consulting firms to assist Prevent’s work. Several external commercial partners have been granted budgets running into the millions to do work for Home Office Prevent and RICU.”

42 Building a Stronger Britain Together (BSBT) progress report 2019 (Gov.UK) <https://www.gov.uk/government/publications/building-a-stronger-britain-together-bsbt-progress-report-2019>.

43 Evaluation of the Building a Stronger Britain Together (BSBT) programme (Gov. UK). <https://www.gov.uk/government/publications/evaluation-of-the-building-a-safer-britain-together-bsbt-programme>.

The latter review was broadly positive and raised none of the issues that Mr Shawcross levelled against civil society organisations. It recommended that there should be greater engagement, specifically related to local needs. The programme seems to have been quietly closed thereafter, and the network of local coordinators disbanded – at least there have been no recent calls for funding (these had been on an annual basis, while the Ipsos Mori report had recommended that individual programmes should be funded on a multi-year basis, as does Mr Shawcross in Recommendation 13). In contrast, Mr Shawcross is recommending greater central control.

The Shawcross Report levels serious criticisms against programmes funded to support community cohesion, but these criticisms are mostly derived from a set of reviews of individual programmes by the Behavioural Insights Team undertaken in 2017 and reported in the media in 2018. (Mr Shawcross also does not provide a detailed breakdown of the costs associated with Prevent, which would be expected in a competent report. This is not surprising, however, since he appears to be unaware of the main programme through which it has been delivered since 2016.)

There were around 33 of these reviews and Mr Shawcross complains that there was no overall report received by the Home Office, but that the finding was that “95% of them were ineffective” (para 3.68). His source is an article in the Times newspaper. Nonetheless, Mr Shawcross says he undertook an evaluation of “several” reports and found that, while two of them were judged to be positive overall, “five of the projects were assessed to have a negative impact on the participants’ level of support for freedom of speech and expression if it offended others” (para 3.70).

In contrast, the Ipsos Mori review evaluated 252 projects involving 240 civil society organisations in 40 local authority areas with local Community Coordinator posts and 12 national and local campaigns.⁴⁴ All of this activity passed by Mr Shawcross and his team, and no-one at the Home Office seems to have missed this gap.⁴⁵

The Building a Stronger Britain Together programme was also advised by the Commission for Countering Extremism. The latter is currently described on the government website as operating “independently and at arm’s length from government, providing the government with impartial, expert advice and scrutiny on the tools, policies and approaches needed to tackle extremism”.

44 Ibid, Page 9

45 The Home Secretary at the time, Priti Patel, participated in the Policy Exchange debate on ‘The Prevent Review: Where Next?’ cited earlier, and strongly endorsed the Shawcross Report’s recommendation of multi-year funding of community projects, despite the fact that she did not act on it when made by the earlier report. <https://www.youtube.com/watch?v=B-erDeXqanE>.

That description will shortly change as the Home Office implements the recommendation that there be a political commissariat responsible for Prevent across government departments and between national to local levels. The first commissioner, Sara Khan, left her post in March 2021, and was replaced, initially on an interim basis, by Robin Simcox. The activities of the Commission – its reports and commissioned research – ceased after she left (her last reports were published in June 2021). However, the Shawcross Report provides no evaluation of that research, or of the effectiveness of the Commission, despite recommending a radical change and enhancement of its role.

“The Shawcross Report provides no evaluation of the effectiveness of the CCE, despite recommending a radical change and enhancement of its role.”

It is difficult to see how any credence can be attached to his claims about community cohesion programmes under Prevent, except that they reveal his animus towards Muslim-led civil society organisations.

7. The Policy Spiral 2: The Prevent Duty

In the last section, we set out how Prevent has evolved to separate out two distinct strands. One is involved with community cohesion and the other with security. The first, as we have seen, involves projects that would – it is suggested – promote better understanding among different groups. The second strand is directed at individuals perceived to be vulnerable to radicalisation.

This second aspect of Prevent was first set out in the 2011 Prevent Strategy. It sought to separate the two aspects, to avoid what it called the ‘securitisation’ of community cohesion.⁴⁶ For example, paragraph 3.14 states that “Prevent depends on a successful integration strategy. But integration alone will not meet Prevent objectives. And Prevent must not assume control of or allocate funding to integration projects which have a value far wider than security and counter-terrorism: the Government will not securitise its integration strategy. This has been a mistake in the past.”

Mr Shawcross, as we saw in the last section, does not believe in the wider value of integration policies, valuing only security and counter-terrorism. He promotes a strong security-based perspective on community integration, albeit that he fails properly to understand what is involved and is unaware of the main umbrella programme that has been directed towards this, namely, Building a Stronger Britain Together.

It was not until 2015, however, that the Prevent duty flagged as necessary in the 2011 strategy was introduced in a comprehensive manner as part of the Counter-Terrorism and Security Act. This established a duty to ‘safeguard’ individuals who were deemed to be ‘vulnerable to radicalisation’. The idea is that providers of public services – schools, colleges and universities, health services, social work, etc – should monitor individuals (pupils, students, patients, and clients, but also other employees) for signs of extremism. They would then be subject to referral to Prevent for possible adoption onto the Channel deradicalisation programme.

46 HM Government (June 2011) Prevent Strategy Review. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf.

It is difficult to separate community cohesion aspects from the security aspects of Prevent, and this has been an inherent problem. As far as schooling in England is concerned, for example, the Prevent duty operates alongside a Duty to Promote Fundamental British Values. This is a community integration initiative introduced in the wake of the Birmingham Trojan Horse affair in 2014.⁴⁷

What is significant, however, is that, independently of the nature of the statutory duty on schools to promote them, “opposition to fundamental British values” is the only definition of ‘extremism’ available in government documents. For example, the 2011 Strategy defines extremism as “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas”.⁴⁸

This is the template against which the expressions that are indicators of possible ‘radicalisation’ are to be measured. But how they are to be assessed in different contexts, including by people of different ages and backgrounds, is a crucial issue.

For the present, our purpose is to show that the separate domains in which the Prevent duty operates have different implications which need to be disentangled if a proper understanding is to be achieved. Simply, the Shawcross Report should have considered how the duty operated in its different domains and disaggregated Home Office data accordingly. Mr Shawcross does not do this.

“Mr Shawcross should have considered how Prevent operated in different domains, with people of different ages and backgrounds, and disaggregated HO data accordingly.”

We have argued that the focus of the Prevent duty is the pre-crime space, but that is not strictly correct as far as two sectors are concerned. These are sectors where Prevent preceded the wider adoption of the duty, and they contribute to how Prevent is understood to stop terrorism. However, the duty has a much more extensive reach into the pre-crime space, and there is no evidence to prove that it “stops terrorism” a claim on which its supporters continue to rely.

47 Gov.UK (Nov 2014) Guidance on promoting British values in schools published (Press Release) <https://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published>.

48 HM Government (June 2011) Prevent Strategy Review. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf. Page 107.

For example, the Prevent duty applies within the criminal justice system as a mechanism for assessing offenders and determining appropriate probation monitoring and support on release. One category of offenders is those sentenced for non-violent offences under the Terrorism Act. By virtue of their conviction for an offence, they have been deemed likely to go on to commit a terrorist offence even where they have not engaged in violence.

In fact, the diagnostic tool for identifying risks of radicalisation – in its original context, defined as shifting from non-violent to violent offending – was developed in research on a small sample of non-violent offenders for use in the prison and parole systems. This is the ERG22+ checklist of signs of extremism which forms the Vulnerability Assessment Framework (VAF) for Channel adoptions.

Mr Shawcross accepts that the evidence basis of the VAF is weak. At paragraph 4.27 he states, “I recognise there is dissatisfaction with the evidence base used by VAF to assess individuals referred to Channel, which is currently classified and subject to critique from academics and Islamist campaign groups such as CAGE.” Then he adds: “With the framework being based on such a small sample size of cases, there are difficulties in producing empirically-driven analysis.”

Mr Shawcross does not discuss the implications of how the VAF is constructed for its use in settings outside the criminal justice system, such as schools and in mental health. Instead, he contents himself with ad hominem observations about CAGE that do not bear upon the validity of the VAF.

The VAF includes ideological factors and environmental factors (family situation, mental health, etc). It is this diagnostic tool that is used as the basis for the development of training manuals and toolkits for use in a range of other settings. Not all the indicators need to be present to trigger a concern, while Mr Shawcross, as we shall see, wants to downplay environmental factors without any discussion of evidence associated with the instrument itself.

“It is in the claim about the failures of Prevent where Mr Shawcross reveals his lack of command of his subject.”

The police are also able to make referrals for consideration for adoption onto the Channel programme. Indeed, in 2021/22, the police were responsible for 28% of all referrals.⁴⁹ This is important because some of those referrals will derive from counter-terrorism policing and the security services under the Pursue strand of CONTEST.

In other words, police might identify an individual within a counter-terrorism inquiry (say, as a consequence of the individual being a close acquaintance of someone involved in terrorism offending). Where there is no evidence for criminal charges, police can move the individual from Pursue to Prevent for further consideration. Similarly, the security services (MI5) might identify an individual as a Subject of Interest (SOI) and transfer them to a Multi-Agency Centre (which is not itself part of Prevent), if they are considered lower risk.

This is important because Mr Shawcross argues that the failures of Prevent include individuals who were known to Prevent, but who went on to commit a terrorist offence. He is silent about how they came to be referred to Prevent, but, in most cases, it was a consequence of counter-terrorism police determining that they did not warrant remaining under Pursue and posed a lower risk, or they were being monitored under Prevent by the probation services.

It hardly needs to be said that attributing these as “failures” of Prevent is problematic. Nor could the problems be resolved by increased involvement of the security services or counter-terrorism police since they are already fully involved. Nor does it provide much insight into the operation of Prevent in other domains and any supposed failings these sectors may exhibit.

In fact, Mr Shawcross reveals his lack of command of his subject. Basically, the terrorist attackers at Fishmonger’s Hall, Westminster and the Manchester Arena were known to MI5 and CT Police, but not always known to Prevent.⁵⁰ There were at the time no pathways from Pursue/MI5 into multiagency management of individuals. This was put into place following internal inquiries by MI5 and Counter Terrorism police. As a consequence of Multi Agency Public Protection Agency reforms, pathways were put into place and further developed as part of the Police Crime Sentencing and Courts Act 2022.⁵¹

49 Home Office (Jan 2023) Individuals referred to and supported through the Prevent Programme, April 2021 to March 2022 (Official Statistics). <https://www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022>.

50 We discuss the implications of the Manchester Arena Inquiry later.

51 Police, Crime, Sentencing and Courts Act 2022. <https://www.legislation.gov.uk/ukpga/2022/32/contents/enacted>.

Mr Shawcross might reply that these recent reforms apply to Pursue, which is outside his remit, but it is he who confused the matter by making the issues associated with these high-profile cases about failures within Prevent.

The sectors that lie fully outside the criminal justice system are public services like schools (including nursery and primary schools), colleges and universities, health services (including mental health services), social work, etc. Here an initial report of concerns about an individual will be made to an internal ‘safeguarding’ team, usually involving advice from a counter-terrorism officer and interviews with the individual.

Once a referral is made to Prevent, every referral is then vetted, by a counter-terrorism officer, to decide whether the individual should be referred to a Channel panel (again including counter terrorism officers) with the possibility of recommendation for adoption onto the Channel programme for support with ‘de-radicalisation’.⁵²

It should also be emphasised that, if we call those cases that do not proceed to adoption onto Channel “false positives”,⁵³ even those who are adopted have not committed any offence, or formed an intention to do so, but are simply exhibiting ‘symptoms’ held to indicate their ‘vulnerability to radicalisation’. In a strict sense, all cases considered by Prevent are “false positives”, in that the ‘signs’ bear no causal relation to the commission of terrorism offences.

Home Office data for the last two years (2020/21 and 2021/22) showed that approximately 13% of Prevent referrals were adopted onto Channel. In previous years, since data became available in 2016, the adoptions onto Channel were consistent at approximately 5% of all referrals. In other words, we are already witnessing a process of re-definition, albeit one that is increasing the number of far-right referrals, which is contrary to Mr Shawcross’s wishes.

We can assume that Prevent referrals from education or health care are deemed to be lower ‘risk’ than those from the prison sector or the police. Mr Shawcross thinks that there are too many low-risk, or trivial, referrals to Prevent and that this potentially distracts counter-terrorism policing from more serious risks.

52 For further discussion, see the section on Health.

53 Medact (July 2020) False Positives: the Prevent counter-extremism policy in healthcare. <https://www.medact.org/2020/resources/reports/false-positives-the-prevent-counter-extremism-policy-in-healthcare/>.

However, from this standpoint, he does nothing to disaggregate Home Office data and to make his recommendations on the basis of available data. In fact, one of his recommendations is that the Home Office should supply fully disaggregated data (recommendation 16).

He does not think that this might have been something his review should have undertaken.

We know the proportion of referrals that come from some of the different sectors. And we know the proportion that are adopted onto Channel, and their categorisation by type of ideological concern. But we do not know the distribution of Channel adoptions, except by ideological type. Mr Shawcross observed just six Channel Panels in England and Wales (and two equivalent Multi Agency Panels in Scotland), but he does not say anything about the type of cases that were being considered and from where they had been referred.

The ages of those referred are given in three ranges – under 15, 15-20, and over 20. Given that the age for compulsory education and training in England is 18, this does not enable us to identify those in the 15-20 group who are referred or adopted onto Channel, who are currently within the school system, or the sectors from which they have been referred. Pointedly, it also hides the true number of children (those under 18) who are being referred to Prevent.

We do know that those aged 15-20 made up the largest group at 30% of all referrals, while those aged under 15 made up 29%, and those aged 21-30 made up 16%. Those aged 15-20 also made up the largest group adopted onto Channel at 32%.

Home Office data also provides the median age by sector of those adopted onto Channel. It ranges from 14 years for referrals from the education sector, to 26 years for the police, 27 years for the health sector and 30 years for the prison service.

“1152 children under 14 were referred to Prevent in 2021/22. This means that at least 6 children are referred for each school day in England.”

Although the focus in Prevent has tended to be on ‘Islamist’ extremism or right-wing extremism, around half of all referrals were for mixed, unclear, or unstable (MMU) ideology. Of these, 33% were for individuals with a vulnerability present but no ideology or counter-terrorism risk (some of these will be Muslim by faith background).

We suggest that these variations indicate that there is no general risk of extremism that is being picked up across sectors, but that the distributions by category are to a significant degree an artifact of the sectors in which the Prevent duty operates and the characteristics of the users of the service. It is troubling, and an indication of the lack of seriousness of the Shawcross Report, that his team treated the data as ‘real’, rather than an occasion for a deeper interrogation of their meaning.

The Shawcross Report’s concern that too many people are being referred because of mental health vulnerabilities without a clear ideological manifestation is also an artifact of Prevent being a duty for providers of health services.

Mr Shawcross wishes Prevent to have a clear focus on public safety and the risks of terrorism, rather than on the ‘vulnerabilities’ of the individuals who are subject to Prevent interventions (see Box 5). What is evident, however, is that the domains in which Prevent is most extensively implemented is education, and schools in particular.

All children are subject to scrutiny under the Prevent duty from the moment they start school until they leave. The education sector provides over a third of all referrals (36%). At the same time referrals are younger than from other sectors – the median age being 14, means that half of all referrals are under 14, which equates to over 1000 children under the age of 14 years referred in a single year via the education sector.⁵⁴ It was 1152 children in 2021/22. That represents around five children for each school day in England.

54 The median is the midpoint of a frequency distribution, so half of the case are below it and half above.

**Box 5. ‘Vulnerable’ or ‘Susceptible’;
a conflict between reviewers?**

Mr Shawcross does not discuss the reports of the Independent Reviewers of Terrorism. However, there is a necessary overlap between a discussion of terrorism legislation and discussion of measures to prevent individuals committing terrorism offences.

This absence is also surprising, given that Mr Shawcross regards those offences as crucial to assessing the ‘risks’ that should shape the Prevent strategy. Many of these offences are associated with activity online, but his discussion of online extremism is very weak and occupies just eight paragraphs (6.306 – 6.314) to conclude that many of those addressed in Prevent in relation to online activities may be exhibiting other vulnerabilities and, therefore, not be appropriate for Prevent.

However, the recent report for 2021 by the Independent Reviewer of Terrorism Legislation, Jonathan Hall, (published on March 7th 2023 after the Shawcross Report)⁵⁵ suggests something quite different.

Offences involving the internet are more likely to bring children and young people into the criminal justice system (para 5.8). Mr. Hall comments, “Ultimately, the crude but intuitive response is legitimate: something appears to be going profoundly wrong when children are being arrested for terrorism” (para 5.14).

He also argues that these are offences that are less likely to lead on to violence (para 5.35). He suggests that custodial sentences will not be appropriate in many cases, especially for children and young people, and doubts if even charging is appropriate (para 7.68 and following).

However, because they have committed offences, a Prevent referral will not be suitable (not least because of its design for people who have not committed offences).

Mr Hall cites (para 7.58) the UN Committee on the Rights of the Child, “which recognises the ability of terrorist groups to recruit children online and states that ‘...children accused of criminal offences in that context should be treated primarily as victims but, if charged, the child justice system should apply.’” If charged, he suggests they be charged with ‘non-terrorism’ offences (para 7.60).

55 https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/1140911/E02876111_Terrorism_Acts_in_2021_Accessible.pdf.

The conclusion is that, “if the destination of most criminal prosecutions is some form of non-custodial sentence comprising positive obligations, it is better to reach that point sooner. If that can be done without the stigma of a terrorism conviction, so much the better” (para 7.89).

In contrast, in relation to online ‘radicalisation’, Mr Shawcross mobilises the fact that most of those caught up in Prevent for online activities are associated with right-wing extremism, and uses it as an opportunity to bolster his argument that there is an imbalance in how right-wing and ‘Islamist’ extremism is treated.

The conclusion of Mr Shawcross’s discussion of online ‘radicalisation’ is “that there is the possibility of large numbers of individuals with general non counter-terrorism vulnerabilities and personal difficulties being viewed as – theoretically – at risk of radicalisation, and therefore wrongly classed as suitable for support from Prevent” (para 6.314).

Mr Hall is arguing about real offences under existing terrorism legislation; that is where, in Mr Shawcross’s terms individuals have shown themselves to be susceptible. Where children and young people are concerned, they should be addressed from the perspective of safeguarding.

In effect, where Mr Hall is expressing the need to have a child-centred, safeguarding approach, Mr Shawcross argues against the latter. Where ‘independent reviewers’ disagree, what is the government to do? There may be a clue elsewhere in Mr Hall’s report.

Mr Hall recognises that where someone moves offline to conduct some activity, then there may be reason to consider their ‘recruitment’ under the Modern Slavery Act 2015, which he describes as intended to act as a “sword and a shield” where the latter facilitates a situation in which “the law is intended to be more accommodating to the special position of victims than previously has been the case” (para 7.90). He recommends that, “Schedule 4 Modern Slavery Act 2015 is amended to include all terrorism offences” (para 7.133).

Given the Shawcross Report, and given that the government has just proposed to disapply the Modern Slavery Act to refugees arriving in the country by ‘irregular routes’,⁵⁶ we can guess the likely response to this recommendation.

Mr Shawcross ignores the wealth of case studies showing the harm of Prevent across society and he does not consider the implications of Prevent for education. We visit this subject in the next chapter.

We began our discussion of the policy spiral that is the government's Prevent strategy with an argument that it was necessary to disaggregate the different sectors that have been added to it over the years. We proposed that this would be necessary for a proper appreciation of the risks and harms associated with it. We also referred to the obligation of a review to make recommendations that were both grounded in evidence and proportionate.

Judged against this obligation, Mr Shawcross clearly fails. His approach involves a sensational appeal to high profile cases where, allegedly Prevent "failed". We have shown that Mr Shawcross's claims about Prevent cannot be sustained with evidence, nor are his recommendations proportionate as he has ignored key areas of concern that will have far-reaching impacts on society.

56 <https://www.gov.uk/government/news/ground-breaking-new-laws-to-stop-the-boats>.

8. Schooling and the Prevent Duty

Among the headlines that preceded the publication of the Shawcross Report was one in The Telegraph that proposed that Prevent was “protecting terrorists and not the public”.⁵⁷ The article went on to argue further that Prevent seemed more intent on “protecting those referred into Prevent from harm” rather than “protecting the public” from potential terrorists.

Media reports since the publication of the Shawcross Report have continued this chorus. However, examination of his evidence and his arguments shows that these claims cannot be sustained. In this section and the next, we will consider two sectors where the Prevent duty plays a major role to reveal both the serious flaws in his argument and egregious errors. Those two sectors are education (schooling, in particular) and health services. Both are discussed directly in Chapter 6 of the Shawcross Report.

Let us recall that the Prevent duty operates in the pre-crime space and that interventions under Prevent are initiated when no offences have been committed, nor has an intention to commit an offence been formed. The trigger for an intervention is an indication that an individual may be vulnerable to radicalisation; that is, that they are appearing to express ‘extremist’ ideas that are seen to be associated with a future act of terrorism.

Notice, that the individual is not being accused of radicalising others, but – by virtue of some ideas they have expressed that are deemed ‘extremist’ and also some aspect of their personal lives or identity – they are seen as ‘vulnerable’ to being ‘radicalised’.

In expressing his distaste for the language of ‘vulnerability’, Mr Shawcross reveals a significant conflation of the process that he is supposed to be considering. He argues that terrorists should be considered as responsible agents, as, indeed, they are already within the criminal justice system. However, those under consideration for Prevent are not terrorists. In fact, they are not even showing any intention of being such. If we were to treat such individuals as agents responsible for their own ideas and actions, we would treat them as agents with the right to the expression of their lawful views.

57 Malnick, E. (24 Sep 2022) ‘Urgent overhaul planned for Prevent which is ‘protecting terrorists and not the public’ (The Telegraph). <https://www.telegraph.co.uk/politics/2022/09/24/urgent-overhaul-planned-prevent-protecting-terrorists-not-public/>

However, Prevent is seeking to justify an intervention. It is also seeking to encourage professionals and others within each sector to engage with Prevent and report others for what are ostensibly lawful views and for which there is no evidence to suggest those views would deem them a future threat.

It is precisely this that explains why the Prevent duty is couched in terms of ‘safeguarding’. Those working in schools and the provision of health services are very aware of the requirement to safeguard children or their patients from harm – whether that be domestic abuse, neglect, or risks associated with drugs, knife crime and the like. In this context, the basis for intervention is suggested to be in the interest of the individual to safeguard them from some harm.

Indeed, Prevent has a degree of legitimacy among teachers and health care professionals precisely because it is presented as ‘safeguarding’.⁵⁸ Part of Mr Shawcross’s concern is that the emphasis on safeguarding has gone too far, especially as evidenced by his examination of official Prevent training material (para 4.4). He states, “It is my belief that references to ‘vulnerability’ in Prevent should be limited to the genuinely vulnerable, reserved for discussions relating to welfare concerns and circumstances beyond an individual’s control” (para 4.13).

Schooling, which produces a high proportion of referrals, and which is closely involved with children and young people, is one of those settings (as are health settings). This is something Shawcross comes to recognise when he considers it directly. But before turning to what he says about schooling, let us examine a little more his purposes in trying to downplay ‘vulnerability’.

His emphasis on responsible agency is to do with his concern to establish that Prevent should be about extremist ideologies, and the use of violence to promote a political cause. We have seen that he wishes to draw the definition of right-wing extremism more narrowly and that of ‘Islamist’ extremism more broadly. But he also wants to tackle the fact that one very significant group of referrals is associated with Mixed Unstable and Unclear (MUU) cases.

58 For example, in 2010, Paul Thomas described Prevent as ‘failed and friendless’ because its ‘monocultural’ emphasis on Muslims was at odds with its ostensible purpose of community cohesion. <https://journals.sagepub.com/doi/10.1111/j.1467-856X.2010.00422.x>. In later research, Thomas and other authors found that, “situating Prevent as ‘safeguarding’ appears to have played a fundamental role in allaying anxieties about the duty and leading staff to see this as a continuation of their existing professional practices” (page 7). <https://eprints.hud.ac.uk/id/eprint/32349/1/The%20Prevent%20duty%20in%20Schools%20and%20Colleges%20Report.pdf>.

In 2021/22, this category was disaggregated into separate parts (in 2020/21, it made up 51% of all referrals, compared with 25% for right-wing radicalisation and 22% for ‘Islamist’ radicalisation; in 2021/22 the numbers for the latter two categories were 20% and 16% respectively). With the MMU category disaggregated in 2021/22, 33% (2,127) of referrals were for individuals with a vulnerability present, but no ideology or counter-terrorism risk.

In his discussion of this category at paragraph 4.45 to 4.59, Mr Shawcross cites the fact that only 30% of MUUs were adopted onto Channel, suggesting that the “MUU category is facilitating large numbers of individuals being unnecessarily referred to Prevent” (para 4.48). This would be equally true of those referred for ‘Islamist’ extremism, based on the statistics pertaining to this group, while the ratio of referrals to adoptions for right-wing extremism would, by the same logic, suggest that too few are being referred.

But Mr Shawcross has a deeper objection. The fact that the ideological motivation under MUU is unclear means that it shouldn’t really come under counter-terrorism. Thus, he states, though he doesn’t cite the source, that “I have seen demographic analysis of those referred in the MUU category that indicates that these individuals often have social and behavioural issues, as well as mental health and neurodevelopmental conditions. These cases are unlikely to have ideology as the primary factor driving them towards supporting or engaging in terrorism” (para 4.52).

He also cites a RICU report (this time, favourably), that “the Counter Terrorism system would not class a school massacre attack as terrorism, because this phenomenon is not an ideology and is typically motivated by personal grievances rather than a political, religious, or ideological motivation” (para 4.53). He also notes that RICU includes misogynistic, Incel online subculture as ‘unclear’ within the MUU classification.

Overall, then, he suggests that MUU captures ‘vulnerabilities’ that should be addressed outside Prevent, through hate crime legislation and, “by including MUU within Prevent’s remit, a large number of referrals are made of individuals of doubtful relevance to the national counter-terrorism strategy” (para 4.59).

We will pause on the uncomfortable fact that, subsequent to the Shawcross Report, the head of counter-terrorism policing stated that eight late-stage school massacre plots had been foiled last year.⁵⁹

59 <https://www.telegraph.co.uk/news/2023/02/16/school-massacre-plots-foiled-britain-counter-terror-police-reveal/>

According to Mr Shawcross, Prevent is, nonetheless, appropriately concerned with vulnerabilities in some settings, including schools. Thus, he writes that, “As schools and registered childcare providers look after children, i.e. those considered to have a ‘statutory’ vulnerability, viewing Prevent through a safeguarding lens is appropriate here” (para 6.34). He comments further that, “I understand the difficulty for frontline staff in identifying radicalisation-related concerns aside from influences and welfare issues that can be particularly pronounced amongst children and young people” (para 6.35).

Since it is schools that are also confronting issues of misogyny and Incel subculture, could that be an indication that safeguarding in schools more broadly might properly be conducted outside Prevent, and as a matter of directly addressing the needs of children and young people?

“Safeguarding in schools might be conducted outside Prevent, with a general focus on different types of hatred.”

Were they to do so, then there might be a general focus in schools about different kinds of hatred, including misogyny, homophobia, anti-semitism, anti-racism and Islamophobia. Despite identifying MUU as involving these kinds of issues, Mr Shawcross has nothing to say on how schools might tackle the topic, only that it should be outside Prevent.

In fact, Mr Shawcross’s knowledge about schooling in England is very sketchy. He acknowledges that schools also participate in the community cohesion strand of Prevent through the teaching of Fundamental British Values. He is very supportive of this, but he seems unaware that it is a statutory duty on schools, or that it is necessarily a ‘whole curriculum’ approach.

He writes, “there is currently no requirement for schools to use the phrase ‘Fundamental British Values’, and no prescriptive way in which schools must demonstrate their promotion. Some schools choose to teach them, for example, as part of citizenship lessons, and others via extracurricular activities” (para 6.39).

In fact, a statutory Duty to Promote British Values has existed for schools in England since 2014,⁶⁰ when it was introduced in the wake of the Birmingham Trojan Horse affair. Their role in the curriculum is provided under section 78 of the Education Act 2002 which requires a school to provide, “a balanced and broadly based curriculum which— (a) promotes the spiritual, moral, cultural, mental and physical development of pupils at the school and of society, and (b) prepares pupils at the school for the opportunities, responsibilities and experiences of later life”.⁶¹

In effect, as part of Prevent, the spiritual, moral, and cultural development of children has become securitised. This is also the legislation that underpins the requirement for compulsory religious education and collective worship in all state-funded schools and which, by that token, is also required to express Fundamental British Values.

At one point, Mr Shawcross expresses the view that the values are not specifically ‘British values’ but that they reflect ‘liberal principles’ (para 3.20). The designation of them as British, however, indicates a potential ‘deficit’ on the part of ethnic minority children, alongside the normalisation of the values as part of everyday culture of white majorities (many of whom do not accept liberal principles, as Mr Shawcross’s concerns about right-wing extremism having too wide a focus indicate). They could also be conceptualised inclusively, as for example ‘principles necessary for living together with difference in modern Britain’, and not counterposed to religious values.

This would then be the space in which schools could address issues of racism, religious intolerance, homophobia and intolerance and do so in a manner that accepted the equal rights of all children. But this would encroach onto right-wing ideology. After all, Mr Shawcross wishes to argue that it is fear of being regarded as Islamophobic or racist, that means that ‘Islamist’ extremism has gone unchallenged. Indeed, his treatment of the protests at Batley Grammar School over the showing of cartoons of the Prophet (PBUH) in a religious studies class show that his first reaction to protests by Muslim parents is to regard them as indications of ‘extremism’ and a failure in understanding British values (see Box 6).

60 Department of Education (Nov 2014) Guidance on promoting British values in schools published (Press Release) <https://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published>.

61 Education Act 2002. <https://www.legislation.gov.uk/ukpga/2002/32/section/78>.

Box 6. Misrepresenting the Batley Grammar School blasphemy case

The Shawcross Report takes hostility toward establishing a definition of Islamophobia in law to a new level. Mr Shawcross argues that a definition would be contrary to free speech and, in fact, a blasphemy law by the back door. Recommendation 4 proposes: “Improve understanding of ‘blasphemy’ as part of the wider Islamist threat”.

His recommendation is that the Homeland Security Group should conduct research into understanding and countering Islamist violence, incitement and intimidation linked to ‘blasphemy’. It should feed a strong pro-free speech narrative into counter-narrative and community project work.

This follows from his concern – detailed at paragraph 3.17 – that some community projects “were assessed to have a negative impact on the participants’ level of support for freedom of speech and expression if it offended others”.

His main example, discussed at length, is the protests against the showing of offensive cartoons of the Prophet (PBUH) by a teacher (there were several involved) at Batley Grammar in a religious education class. He states that, “in my view, the incident was misinterpreted as a local community challenge, and pacifying the protestors’ fury was prioritised over the defence of Fundamental British Values” (page 150).

He does not mention that the Trust of which the school was part conducted an inquiry. Only a summary of the findings was published, but they were in favour of the parents. The inquiry found that the teacher had acted incorrectly and against the Teacher’ Standards. These require teachers to uphold Fundamental British Values, but they do not provide a teacher with unconstrained freedom of speech. Proper professional conduct requires, “treating pupils with dignity, building relationships rooted in mutual respect... showing tolerance of and respect for the rights of others... [and] tolerance of those with different faiths and beliefs”. Teachers are also required to ensure “that personal beliefs are not expressed in ways which exploit pupils’ vulnerability or might lead them to break the law”.

Mr Shawcross's conclusion that the matter should have been resolved under Prevent by the "deployment of senior regional co-ordinators and incident-driven counter narratives" (page 150) shows his clear presumption that protests by Muslim parents are necessarily invalid.

He also fails to address the different role of local authorities and the Department for Education (DfE) that derives from the fact that academies and free schools are the direct responsibility of the DfE. Currently, about a quarter of state-funded primary schools are academies as are three-quarters of secondary schools.

The requirements for compulsory religious education and daily acts of collective worship (including determinations for other than Christian worship) lie with local Standing Advisory Councils for Religious Education (SACRE) in the case of local authority schools. These provide a locally agreed religious education curriculum. In the case of academies and free schools, the responsibility for agreeing a religious education curriculum and determinations for collective worship other than Christian lies with the DfE.

Mr Shawcross comments that, "Schools, further education and registered childcare providers are not formally monitored for compliance with the [Prevent] duty, which currently falls under the auspices of Ofsted and the DfE who largely take a reactive approach with issues alerted to them. I consider this ambiguity a potential risk for effective Prevent delivery and suggest an independent oversight function to strengthen compliance" (para 6.38).

He seems not to have understood that there is a separate unit for Due Diligence and Counter Extremism within the DfE and has been since 2010. However, his recommendation is that such a unit would be coordinated through the Home Office. This is another part of his effort to give a stronger political direction to Prevent.

We suggest that the Prevent duty in schools is unnecessary and counter-productive as well as damaging to the welfare and well-being of children. We believe that the evidence supports enhanced programmes for community cohesion, but these should be based on the positive contributions of all communities without representing some as involving a deficit in 'values', and that these would be appropriate to living together with difference.

9. Health, The Prevent Duty & Covert Operations (Charlotte Heath-Kelly)

Since 2011 (several years before the Counterterrorism and Security Act put Prevent on a statutory footing in 2015), the National Health Service has cooperated with Prevent. NHS staff have received training to identify those patients, or staff members, who appear vulnerable to radicalisation. This training has been analysed by academic researchers, who found it runs directly counter to safeguarding duties within healthcare⁶² and reproduces racialised frames that associate Muslims with terrorism.⁶³

In statistics published by the Home Office for 2021 and 2022, 11% of all referrals into the Prevent programme came from the health sector.⁶⁴ This makes health the third largest referring sector into Prevent, preceded by the police and education. Given the over-representation of racialised Muslims in Prevent referrals, the participation of the NHS in Prevent has led such communities to think twice about accessing counselling and mental health services – lest they be misunderstood by a professional and referred to Prevent.⁶⁵

The integration of Prevent in healthcare therefore works against the priorities of the NHS, which include removing health inequalities. It is noteworthy, that Mr Shawcross does not consider how Prevent may be interacting with other safeguarding duties to their detriment.

The key contribution of health to the Prevent programme, however, is not the referrals it makes into the system; rather, the NHS is a central destination for those processed by Prevent. Health (particularly Mental Health services) are frequently used as a solution to concerns about ‘radicalisation vulnerabilities’.

“Psychological treatment is already relied upon to increase resilience to economic and social deprivation, exclusion and racism.”

- 62 Heath-Kelly, C. & Strausz, E. (2019) ‘The Banality of Counterterrorism ‘after, after 9/11’: Perspectives on the Prevent Duty from the UK Health Sector’, *Critical Studies on Terrorism* 12(1), pp.89-109.
- 63 Younis, T. & Sushrut, J. (2019) ‘Islamophobia in the National Health Service: an ethnography of institutional racism in PREVENT’s counter-radicalisation policy’, *Sociology of Health and Illness* 42(3), pp.610-26.
- 64 Home Office (Nov 2021) *Individuals referred to and supported through the Prevent Programme, England and Wales, April 2020 to March 2021*. <https://www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2020-to-march-2021/> & *Individuals referred to and supported through the Prevent Programme, England and Wales, April 2021 to March 2022* <https://www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022/>.
- 65 Younis, T. (2023) *The Muslim, State and Mind: Psychology in Times of Islamophobia*. London: Sage.

Data for 2021-22 shows that 21% of Prevent referrals (796) were immediately diverted to healthcare services by the Police. Furthermore, of the 1,486 individuals referred to Prevent and who were discussed at a Channel panel for consideration to be adopted onto the Channel programme, another 485 were immediately referred to 'other services' (prominently including health), and a further 412 (again, prominently including health) were referred after their time with Channel was completed.⁶⁶

This presents us with a fascinating paradox. Health *receives more referrals from Prevent than it makes into Prevent*.

How can this be? The answer is that the problems of radicalisation and terrorism have been profoundly psychologised in the twenty-first century.⁶⁷ Psychology has been identified as the 'cure' for disaffected citizens who, in the securitised lens applied to them by the state, potentially pose a threat to others. This supposed 'risk' is connected to their 'vulnerabilities'.⁶⁸

The radicalisation narrative associates mental health conditions, experience of migration and/or trauma, and autism with 'vulnerabilities' which are seen to open the path to extremist ideologies and radicalisation. Psychological treatment becomes the solution to 'radicalisation vulnerability'; this is because it is a sector already relied upon to increase the resilience of populations to economic and social deprivation, exclusion, and racism.

It is important to realise that this circular referral pattern between Prevent and health (where the NHS receives even more referrals from Prevent than it sends to it), makes a mockery of the Prevent Strategy. If Health is the solution to a large number of Prevent cases, then there is no need for the NHS to refer people into Prevent; rather, the NHS could provide access to mental health therapies without the need for a diversion into a counter-terrorism programme. This is especially important when Prevent only serves to expose referred persons to a check of counter-terrorism police systems for other data held about them, and leaves their data on the Police Case Management Tracker.

66 Home Office (Nov 2021) Individuals referred to and supported through the Prevent Programme, England and Wales, April 2021 to March 2022. <https://www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022/individuals-referred-to-and-supported-through-the-prevent-programme-april-2021-to-march-2022>.

67 Younis, T. (2023) *The Muslim, State and Mind: Psychology in Times of Islamophobia*. London: Sage.

68 Heath-Kelly, C. & Gruber, B. (eds) (forthcoming 2023) *Vulnerability: Governing the Social through Security Politics*. Manchester: Manchester University Press.

Indeed, the counter-terrorism police screen every Prevent referral at the most initial stage – that of the Gateway Assessment – deciding whether a referral should be removed from Prevent, continue with Prevent, be escalated to Police Led Management, or escalate to Pursue.⁶⁹ There is no need for this intervention of security agencies like the counter-terrorism police, if Health is the sector which can resolve concerns about radicalisation through health interventions.

Mr Shawcross does identify some peculiarities of the relationship between Prevent and the NHS. He criticises Prevent for “carrying the weight for mental health services” – inappropriately acting as a fast-track pathway to psychological treatment for persons excluded, or left on long waiting lists, by government funding cuts to health. He comments, “Vulnerable people who do not necessarily pose a terrorism risk are being referred to Prevent to access other types of much-needed support. This is a serious misallocation of resources and risks diverting attention from the threat itself” (para 1.9).

But the paradox of Prevent and Health goes unexamined by Mr Shawcross – rather he interprets the relationship between the two as a “misallocation of resources”.

Buried in the footnotes of the Shawcross Report, one can find small details about another relationship between the NHS and Prevent.⁷⁰ This involves Vulnerability Support Hubs, which have involved direct co-ordination between Police and Health practitioners outside Prevent.

Mr Shawcross acknowledges in his report that the Vulnerability Support Hubs are in the process of being rolled out nationally (see footnote 113). But he does not discuss how they relate to his general claim about the misapplication of Prevent to address mental health vulnerabilities. The Vulnerability Support Hubs are not part of any statutory provision on counter-terrorism, nor mentioned in the Prevent Strategy. Rather, the ‘Hubs’ are part of a covert system – run by the counter-terrorism police, overseen only by the Home Secretary and Intelligence and Security Committee of Parliament.

69 Metropolitan Police Freedom of information request reference no: 01.FOI.21.021978. https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2021/december_2021/policy-prevent-practitioners.pdf

70 Shawcross, William (203) Independent Review of Prevent. London: House of Commons > p.61 & p.63.

The existence of the semi-secret Hubs was originally exposed by the NGO MedAct, who obtained the internal evaluation documents for the Hubs via FoI requests.⁷¹ Initially, each Hub worked slightly differently from the others, but all functioned to covertly obtain the medical records of people referred to Prevent and share them with the counter-terrorism police managing each case. The counter-terrorism police and psychologists would then combine surveillance data with medical information to create a combined risk score, called the RAG rating (Red, Amber, Green).⁷²

Those Prevent referrals which did not reach Channel were instead diverted to ‘Police Led Partnership’ panels. The ‘Police Led Partnership Panels’ constitute the covert wing of Prevent, where persons are not informed of their referral into Prevent, nor are they made aware that their information is being passed between welfare services. Police Led Panels are known only through counter-terrorism policy documents recently released through FoI requests.⁷³

These policy documents demonstrate that a person is managed through the covert Prevent (by the Police Led Panels) for two main reasons: either they are known to intelligence and security agencies upon referral to Prevent (meaning that it is inappropriate to manage their referral through local authority multi-agency panels), or they refuse consent to be managed through Channel. This is an astonishing revelation which undermines the official narrative about Prevent as a voluntary, consent-based, support system.

If the person is allocated a ‘red’ risk score, they are immediately detained under the Mental Health Act. Involuntary detention in hospital can last for many months and the Mental Health Act was not intended to be used in collaborations between the intelligence and security agencies and health professionals. Rather, these practices resemble the cooperation which developed between the Soviet Union’s intelligence agencies and psychiatrists, who detained trouble-making democracy activists in the 1970s and 80s as ‘extremists’ suffering from ‘sluggish schizophrenia’.⁷⁴

“These practices resemble the co-operation between Soviet Union intelligence and psychiatrists who detained democracy activists in the 70s and 80s”.

- 71 https://stat.medact.org/wp-uploads/2021/05/Prevent_Mental_Health_Hubs_Final_Evaluation_report_redacted_December_2017.pdf
See also: Aked, H., Younis, T. and Heath-Kelly, C. (2021) *Racism, Mental Health and Pre-Crime Policing: The Ethics of the Vulnerability Support Hubs*. London: MedAct.
- 72 Aked, H., Younis, T. and Heath-Kelly, C. (2021) *Racism, Mental Health and Pre-Crime Policing: The Ethics of the Vulnerability Support Hubs*. London: MedAct.
- 73 Metropolitan Police Freedom of information request reference no: 01.FOI.21.021978. https://www.met.police.uk/SysSiteAssets/foi-media/metropolitan-police/disclosure_2021/december_2021/policy-prevent-practitioners.pdf
- 74 Heath-Kelly, C. (2022) ‘Cold War Psychiatry, Extremism, and Expertise: The “Special Committee on the Political Abuse of Psychiatry”’, *International Political Sociology* 16(1), pp.1-18.

If a person is allocated an 'orange' risk rating, their counsellors and/or GP will be contacted by the Hubs to set up 'tripwires' . These 'tripwires'⁷⁵ are requests for information sharing, such that the local healthcare professional feeds information to the Hubs regarding certain topics (for example religious affiliation, plans to travel abroad, thoughts of violence). Of course, the Hubs are based in Counter-terrorism Policing HQs, so this data is shared with the police without the consent of the data subject – and as such constitutes covert surveillance through the healthcare system.

To conclude, Prevent has established collaborations between health and national security actors which contravene safeguarding principles, reproduce racialised understandings, and – in the covert Prevent structures – enact covert surveillance of non-criminals in society through the cooperation of healthcare professionals with counter-terrorism police. This is fundamentally unacceptable in a liberal democracy.

Charlotte Heath-Kelly

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75 Aked, H., Younis, T. and Heath-Kelly, C. (2021) *Racism, Mental Health and Pre-Crime Policing: The Ethics of the Vulnerability Support Hubs* (London: MedAct).

10. Harms to Individuals

The identification of Prevent as part of safeguarding suggests that one of its primary purposes is to protect individuals from harm. The Shawcross Report is sceptical of this, arguing that its primary purpose is to stop terrorism and, therefore, maintain public safety. This is why Mr Shawcross proposes that it should not be framed in terms of the vulnerabilities of individuals to radicalisation, but their susceptibility.

However, he does acknowledge that some individuals are vulnerable. As we have seen he allows that this is primarily the case for children in schooling (and the Prevent duty applies in childcare settings, nursery, and primary schools, as well as secondary schools). As we saw in the last section, health services also deal with people who have other vulnerabilities. In neither sector is the exercise of the Prevent duty proportionate to any risk.

On his own evidence and arguments, it is difficult to see why Mr Shawcross did not recommend the removal of the Prevent duty from these sectors.

“On his own evidence and arguments, it is difficult to see why Mr Shawcross did not recommend the removal of Prevent from education and health”.

The Shawcross Report does not address any harms to individuals associated with the Prevent duty (see Box 7). The most obvious and broad, albeit intangible, harm is the undermining of the trust that is essential to professional relationships with those that use services (whether pupils, patients, or parents of pupils and patients). However, many other tangible harms have been described in the first People’s Review of Prevent, particularly to children.

As we saw in the previous section, this may lead to reluctance to use health services to which there are entitlements, while in schools it may lead to disengagement of parents (especially, where any expression of concern is immediately placed under the lens of Prevent, as in the Batley blasphemy case – see Box 6), or children caught up in the Prevent process.

Box 7. Harms of Prevent

Concerns have been raised about the harms of Prevent by a number of civil liberties and human rights NGOs, UN special rapporteurs and MPs among others. The ways in which Prevent inflicts harms is described below with examples:

Data relating to Prevent referrals was first made available for the year 2015/16 although Prevent referrals and Channel interventions were occurring from as early as April 2012.

At least 45,424 individuals have been referred to Prevent since 2012. It is difficult to estimate the number of individuals who have been considered under the Prevent duty but have not made the official Prevent statistics. In addition, given that approximately half of the 45,424 referrals are of children this extends the impact not only to those referred but to their families also.

Many of these children have been interrogated by counter-terrorism officers without the protections that are afforded to those who are suspected of a crime - despite the fact that individuals referred to Prevent are not even being suspected of any crime. The trauma associated with child referrals has been well-documented and includes children who have subsequently wet the bed and developed Obsessive Compulsive Disorder. These children have been guilty of nothing more than active imaginations – such as the four-year-old referred to Prevent for referring to the online game, fortnite – and critical thinking – such as the student who challenged his teachers understanding of Arabic terms like jihad.

Mr Shawcross does not address the possible harms, but his recommendations would, in fact, accentuate them. For example, one of his concerns is about the ‘efficiency’ of the referral process. Recommendation 15 is to: “improve the quality of referrals, so that they have an identifiable ideological component”. In effect, this is designed to ensure that a greater proportion of referrals go on to be adopted onto Channel, rather than being dropped at the initial stages, or passed on to the health services.

Scrutiny of a child or individual under Prevent doesn’t begin with a referral. It begins with a report to a local safeguarding team, who must decide whether a case should proceed to a referral.⁷⁶ There are no data gathered about how many pre-referral cases are considered at that stage. However, the harms are already significant here; in the case of children, this often involves questioning of children by teachers viewing the child under a suspicious lens and at worst can involve police interviews without the presence of a parent or a responsible adult, itself a distressing experience for a child and out of step with principles of justice.⁷⁷

As we have remarked on a number of occasions, no offence has been committed and cooperation with the process is supposed to be voluntary. This means that individuals – many of whom are children, as we have seen – and their parents or carers are already at the pre-referral stage, necessarily under pressure to cooperate with Prevent, purely due to the nature of the interaction.

In an analysis of over 600 cases reported to Prevent Watch and other organisations for support, we were able to show in our People’s Review of Prevent that many of them invoked other ‘safeguarding concerns’ that could be used to coerce cooperation. Yet, once referred onto Prevent, the case is likely not to proceed onto Channel (as we have seen, a small proportion of referrals go on to be adopted onto Channel).

What would it mean for children and young people in schools if the definition of ‘Islamist’ extremism were to be broadened, as Shawcross also proposes? This would mean greater scrutiny of Muslims for problematic ‘ideology’ and, therefore, greater numbers subject to the initial phase of scrutiny and subject to the harms that arise at that stage. Indeed, those harms would be reinforced by the new definition in terms of ‘susceptibility’, rather than ‘vulnerability’.

76 As we saw in the last section, the first step is a check to see if the individual is identified as a subject of interest in any terrorism investigations.

77 We can regard Prevent as part of a wider and oppressive process involved with the policing of young people to produce a ‘school to prison pipeline’. Breakspear, D. (Dec 2022) ‘Time to Break the School to Prison Pipeline’ (Revolving Doors). <https://revolving-doors.org.uk/time-to-break-the-school-to-prison-pipeline/>,

While this might also lead to more referrals, it is unlikely to increase the ratio of referrals to adoptions onto Channel. This wider funnel increases the potential for harms. The ratio of referrals to Channel is already low – considerably lower for ‘Islamist’ extremism than for right-wing extremism where Mr Shawcross wishes to narrow the definition of what is to count as problematic ‘ideology’. The term ‘Islamist’ is also problematic in that it has the potential to put politically aware Muslims, or children with an interest in Islamic history and certain areas of Islamic scholarship, for example, under suspicion. This is especially true when the definition of ‘Islamist’ is being set by neo-conservative thinktanks who perceive Islam as a threat to Europe.

Mr Shawcross also recognises that data on individuals are being gathered and stored and that this is potentially a harm. No offences have been committed and yet data can be shared across different agencies, and case evidence shows that this is not simply a matter of storage on police data bases.

Arbitrarily, recommendation 18 is that “Counter Terrorism Police should investigate removing referral data for cases that did not make it to Channel, categorised as ‘no further action’, after three years instead of the current six”. Once again, with this statement, Mr Shawcross exhibits his lack of knowledge around the process of data retention, because the problem is much wider than simply that of retention. Data, even if it is of cases of “no further action”, are not deleted after six years; rather they are ‘reviewed’ after six years and considered for deletion using criteria that are currently unknown. Given that the category under which Prevent data is stored is that of terrorism, there is potential to retain even a child’s data for up to 100 years.

Furthermore, the recommendation suggests that it is justifiable to retain the data for longer in cases which do proceed to Channel despite the fact that the individual concerned may be a minor, and/or they have not even committed an offence, nor formed an intention to do so. When the six-year review is reached, police can invoke the fact that the data was gathered in relation to possible terrorism, and it may then be stored for an individual’s lifetime.

The Shawcross report invokes failures of Prevent, where individuals who committed violent terrorism acts were brought under scrutiny within Prevent. Of course, the number of cases were few and we are given few details of how they were brought into Prevent. Harbi Ali (who murdered MP Sir David Amess in October 2021) was referred by his school in 2014 prior to the Prevent duty being introduced and seven years prior to the murder. In the case of the Abedi brothers and the Manchester Arena bombing, they were known to the police and security services and downgraded as risks without involving Prevent. In the case of the Fishmongers Hall stabbings by Usman Khan, he was previously convicted of terrorist offences and was being monitored within Prevent under his probation licence.

These last two failures therefore cannot be attributed to Prevent, or at least, they can only be attributed to its intersection with Pursue and the rehabilitation and desistance aspect in prison. Rather, invoking them seems to be serving the purpose of mobilising public opinion for more far-reaching changes to Prevent and to re-direct its focus toward 'Islamist' extremism. These changes would not alter the chance that someone subject to scrutiny under Prevent would go on to commit an offence.

Paradoxically, though, Mr Shawcross also wants to say that Prevent – and Channel, in particular – is a success, rather than a failure. Thus, “the potential benefits of a referral to Channel are numerous. An individual may be protected from exploitation, committing criminal acts, or being killed, their families could be spared from trauma, and communities may be protected from attack” (para 4.18). He adds further that, “one long-standing senior Prevent lead stated: ‘I cannot stress enough that many vulnerable people’s lives have been positively transformed by Channel support.’ A former Counter Terrorism Policing lead stated that ‘multiple interventions’ have prevented attacks” (para 4.20).

These two paragraphs are based on hearsay testimony, but they are also somewhat confusing. They describe types of terrorism offences, but do not clarify whether the individuals in question were proven to have been intending to commit them based on evidence, as is required to establish the serious charge of terrorism. If they were, they would have been guilty of actual offences.

Despite all his emphasis on individual susceptibility and responsibility, the report falls back on the claim that Prevent is “humane”. Mr Shawcross states: “We should be proud of Prevent and the proportionate and humane response that it represents” (page 155).

Although the Shawcross Report describes the benefits of adoption onto Channel to individuals and their families, it is not possible to demonstrate those benefits in practice. It would depend on showing a causal relation between a Channel intervention and what didn’t happen, which is a logical impossibility. Equally, for each intervention there are many ‘false positives’ – from the first consideration of someone under Prevent, through to referrals that do not proceed to Channel. The question arises as to who in fact benefits here.

It would seem that Prevent operates as a placebo for a wider public anxiety about security. Yet the Prevent duty is part of the process of creating that anxiety. We have already mentioned the idea that it operates in a pre-crime space, yet it is a space that is heavily securitised and surveilled. Moreover, the public are increasingly drawn into the process of enacting that surveillance through participation in the enactment of the Prevent duty as part of their employment. This is far from “humane” as Mr Shawcross claims.

“Prevent operates as a placebo for a wider public anxiety about security, yet it is part of the process of creating that anxiety”.

The Shawcross report sets out the need for more rigorous and better training. This includes training for those directly involved in the assessment of individuals being considered for a Prevent referral. It also includes all those employed in client (pupil, student or patient) facing roles. He does not say how many people this has involved. The Home Office publishes annual fact sheets on Prevent and Channel but the last time they reported on how many people had been trained was in November 2019, when they stated that over one million people had received training.⁷⁸

All these individuals are receiving training in what to look for as “signs of concern”. These include indications of changes in behaviour, such as new or renewed interest in religion, expressing concerns about social justice and other vague and broad indicators that capture much of what it means to be a young person in today’s world.

⁷⁸ Home Office, 5 November 2019. Factsheet: Prevent and Channel. <https://homeofficemedia.blog.gov.uk/2019/11/05/factsheet-prevent-and-Channel>.

While the training material will include concerns associated with right-wing extremism and other forms of activism, only one set of religious beliefs and its adherents are identified: British Muslims.

In recommending that the training should provide a greater emphasis on 'Islamist' extremism, the Shawcross report is placing the wider communities of British Muslims under greater suspicion and reproducing this suspicion – which is counter-productive – in many of the public settings in which inter-community and inter-ethnic interactions take place.

These interactions between diverse groups could be profoundly positive experiences, but instead they have been securitised by Prevent. This is especially the case in schooling, where children's and young people's self-development and religious expression is made a particular focus of scrutiny.

11. Criticism and Legitimacy

The terms of reference for the Independent Review of Prevent asked that it should answer the question: “how to respond to criticisms and complaints”.⁷⁹ The then security minister, Ben Wallace, announced the review with a challenge to critics of Prevent to provide solid evidence, accusing them otherwise of “distortion and spin”.⁸⁰

The implication was that the arguments of the critics would be countered by evidence and argument. Not so. Many organisations critical of Prevent boycotted the review when it was announced that it would be led by William Shawcross, on the grounds that he lacked credibility.⁸¹ These included Muslim-led civil society organisations, but also broad-based civil rights groups like Liberty and Amnesty.

The boycott meant that they did not make submissions to the review, though some would have done so during its first phase under Lord Carlile before he stepped down. Mr Shawcross does not list the submissions he received, nor does he discuss them or provide any analysis within his report. In fact, many of the organisations had also previously published reports that were available to him. The People’s Review of Prevent, which published in February 2022, also collated many of their arguments and supporting evidence.

As we have seen, relevant criticisms of Prevent were also made by academic researchers, as well as by organisations within Prevent itself. Notwithstanding Mr Shawcross’s claim that he made a “deep dive” into the academic literature, there are few citations to prove this claim, and none that address the concepts of extremism, pre-crime, and other controversial aspects that have been raised, and that one would expect an independent reviewer to consider. Nor does he address the range of reports commissioned by the Commission for Countering Extremism.

“Mr Shawcross does not list the submissions he received, nor does he discuss them or provide any analysis of them in his report.”

79 Home Office (March 2021) Independent Review of Prevent: Terms of Reference. <https://www.gov.uk/government/publications/independent-review-of-prevent-terms-of-reference/independent-review-of-prevent-terms-of-reference>.

80 Grierson, J. and Dodd, V. (Jan 2019) ‘Prevent strategy on radicalisation faces independent review’ (The Guardian). <https://www.theguardian.com/uk-news/2019/jan/22/prevent-strategy-on-radicalisation-faces-independent-review>.

81 Liberty International (Feb 2021) Rights groups boycott Prevent Review (Press Release) <https://www.libertyhumanrights.org.uk/issue/rights-groups-boycott-prevent-review/>.

The latter provided a number of reports on right-wing extremism.⁸² It also argued for the necessity of a rights-based approach to Prevent.⁸³ We are critical of some of this material. Nonetheless, it is significant that the Shawcross Report makes no mention of it. Unspecified RICU briefing documents on right-wing extremism are dismissed in several paragraphs (3.44 and following), but no other articles or analyses of right-wing extremism are discussed, and he has provided no definition of what would be an appropriately narrow definition.

His response to the question posed in his terms of reference does not involve a demonstration via argument and evidence that the claims of Prevent's critics are 'spin and distortion'. Instead, Mr Shawcross embarks on a tactic of attack and disruption when it comes to these voices. He labels the critics 'Islamist extremists' and names specific Muslim-led civil society organisations as being such in his report.

One paragraph that addresses broad-based criticisms states, "the campaign against Prevent has included some civil liberties groups and activists who seemingly, as a matter of principle, oppose a state-run scheme to counter specific ideas, attitudes, and non-criminal behaviours, no matter how light touch the scheme's methods" (para 6.250).

We have shown that Prevent is not "light touch". Indeed, Mr Shawcross cannot be seen to justify his own claim, because he states clearly that he finds Prevent to be a potential intrusion into legitimate expression when applied to right-wing extremism. Notice, too, that the scheme is described as a state-run scheme to counter specific ideas, attitudes, and non-criminal behaviours.

Mr Shawcross denies that Prevent is Islamophobic, but it is difficult to know what to call his approach which disregards the broad-based nature of criticisms of Prevent and attacks only those criticisms levelled and evidenced by Muslim-led organisations, labelling them as 'Islamist extremists' and, thereby, themselves liable to future intervention under the Prevent process (see Box 8).

82 The reports are no longer easily accessible, but they are listed, together with links at Annexe A of the July 21, 3-year report of the Commission: Commission for Countering Extremism Three years on: Achievements and reflections. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973636/CCE_End_of_year_report_2021_Accessible.pdf.

83 Brown, K., de Londras, F. and White, J. (July 2019) Embedding Human Rights in Countering Extremism: Reflections from the Field and Proposals for Change. (University of Birmingham) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834398/Brown-de-Londras-White-Embedding-Human-Rights-in-Countering-Extremism.pdf

Box 8. Defining Extremism, Draconian Action and the Excluded Middle

The Shawcross Report calls for draconian action against civil society organisations and individuals involved in roles within public bodies. It also argues that there is too great a focus on right-wing extremism and too narrow a focus on ‘Islamist’ extremism.

This is clearly prejudicial since this action is restricted to Muslim-led civil society organisations. It is also a breach of civil liberties. In effect, it recommends that Muslim-led political action be authorised by government. The threat to civil liberties and equal citizenship for British Muslims couldn’t be clearer.

Given that the ideologies in question are lawful there is an intrinsic problem in making them the object of state action to suppress them. The fundamental point is whether it is the business of the state to regulate lawful speech?

There have been many attempts to define ‘extremism’, few of which have gained general agreement, even from experts in the field. Perhaps this is why the Shawcross report makes no attempt to do so, other than to offer that of the 2011 Prevent Strategy where it is defined as “active opposition to fundamental British values.”

Despite proposing a minimal definition, Mr Shawcross advocates extensive action against the civil liberties of individuals and organisations that his newly proposed unit for due diligence and compliance sees fit. These actions will be applied in a wider-ranging manner against those deemed to be ‘Islamist’ extremists, in contrast to how right-wing extremism will be treated.

This is in contrast to the approach of Sir John Saunders, Chair of the Manchester Arena Inquiry (MAI). He drew on the advice of Professor Matthew Wilkinson with regard to definitions of Islam and extremism (the quotations below are from the summaries provided in the MAI Report v3: Radicalisation and Preventability).

We do not endorse these definitions, but they help to show how the MAI approach differs from the Shawcross report, where ‘Islamism’ operates as a ‘floating signifier’ able to be pinned to any ideas or practices.

The MAI approach offers a series of definitions (though there is no implication of a progression across them).

The first is a definition of mainstream Islam, understood as the everyday beliefs and practices of Muslims within their places of worship and communities. This is separated into two forms – ‘traditional’ and ‘activist’.

“Traditional Islam is based on the inclusive notion of ‘unity and diversity’, centred on a worldview of the basic equality of all people before God. This underlying message has two strands rooted in the Qur’an: first, that not everyone was intended to be born as Muslim; and second, that diversity of religious worship should be defended as part of God’s creation. Moderation and the sanctity of human life are ethical tenets of traditional Islam. On this basis, Dr Wilkinson stated that the worldview of mainstream Islam ‘tends to be protective against violent Islamist extremism’” (22.20).

“Activist Islam adopts the same view of unity and inclusivity but is characterised by an ethos of change, transformation, and personal improvement. Dr Wilkinson gave an example of an activist Muslim putting into practice this kind of worldview by advocating for prayer spaces in offices” (22.21).

These are then contrasted with ‘ideological’ Islam:

“Ideological Islamism marks a shift away from mainstream Islam: from Islam as a religion, which prioritises religious practice and belief, to Islam as a political or cultural identity, which is directed at overthrowing rather than transforming existing political structures. This worldview emerged in the early 20th century and gained momentum from the 1960s onwards.” (22.22).

“Importantly, ideological Islamism can be distinguished from mainstream Islam on the basis that, instead of a belief in the equality of all people before God, it creates a separation between ‘us and them’, that is to say between Muslims and non-Muslims” (22.23).

82 The reports are no longer easily accessible, but they are listed, together with links at Annexe A of the July 21, 3-year report of the Commission: Commission for Countering Extremism Three years on: Achievements and reflections. https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/973636/CCE_End_of_year_report_2021_Accessible.pdf.

83 Brown, K., de Londras, F. and White, J. (July 2019) Embedding Human Rights in Countering Extremism: Reflections from the Field and Proposals for Change. (University of Birmingham) https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/834398/Brown-de-Londras-White-Embedding-Human-Rights-in-Countering-Extremism.pdf

There is a further distinction between ‘ideological’ Islam and ‘Islamic extremism’:

“Islamist extremism emphasises this separation until it sharpens into an absolute division. Non-Muslims are viewed as wrong, lesser, impure and are stripped of human qualities and rights. In this way, Islamist extremism is like all other forms of extremism which is premised on the existence of a chosen in-group set against an out-group. This exaggerated division is accompanied by an ambition to impose Islamic law and establish a global Islamic state or caliphate, and the active shunning of non-Muslims” (22.24).

These beliefs are lawful, but are associated with two other sub-categories – a ‘theoretical’ commitment to violent extremism (i.e. advocacy) and ‘operational’ violent extremism.

In the context of Prevent and its concern with radicalisation into operational violent extremism, ‘Islamic extremism’ (as defined above) is the focus of concern. In effect, neither ‘activist Islam’, nor ‘ideological’ Islam, as defined by Professor Wilkinson warrant the designation ‘extremist’.

By comparison, the Shawcross Report treats all Muslim belief under suspicion, except that of ‘traditional Islam’. The latter becomes suspicious once it becomes the basis for political and social action. This is the sense in which the Shawcross Report operates with a dichotomy of Muslim beliefs and practices – private good/political bad – and an ‘excluded middle’.

The problem of Prevent is how it brings mainstream and activist Islam under suspicion and diminishes legitimate political action for and by British Muslims. Against the definitions accepted in the MAI Report v3, Muslim-led organisations criticising Prevent would be classified as involved in ‘activist Islam’. Moreover, beliefs and activities that Mr Shawcross regards as ‘extremist’, are understood by the MAI as protective.

“Against definitions accepted in the Manchester Arena Inquiry Report, beliefs and activities that Mr Shawcross regards as ‘extremist’ are understood to be protective.”

Once again, we are not proposing here that these definitions be accepted. In any court case based upon them, there would still be a problem in proving the mindset of ‘theoretical’ support for violent extremism. How much more problematic, then, is it, outside a court action, to restrict civil liberties for the expression of lawful views with no provable connection to violence – this is what happens with Prevent already and would be made worse by his recommendation for a political commissar.

This line of argument is taken directly from Policy Exchange, and most specifically a report they published in April 2022 (which is cited in para 6.264).⁸⁴ This report recommended that there should be: “Firstly, a consolidated Centre for the Study of Extremism within government dedicated to the research and diagnosis of Islamist and other forms of extremism. Secondly, a separate communications unit dedicated to publicly combatting disinformation about the Government’s counter-terrorism and counter-extremism strategies. Thirdly, a due diligence unit, which develops and monitors criteria for engagement with community organisations.”⁸⁵ These are all suggestions adopted by the Shawcross Report. In fact, the redesign of the Commission for Countering Extremism appears specifically for these purposes.

In the Shawcross Report, just two Muslim-led civil society organisations are identified as ‘extremist’ – MEND and CAGE. However, in the Policy Exchange report the net is cast more widely. Among others, they include, the Muslim Council of Britain, Islamic Human Rights Commission, the Federation of Student Islamic Societies (FoSIS), Prevent Watch and the People’s Review of Prevent.

The clear consequence of the setting up of such a unit within the Home Office to vet and certify organisations for the purposes of national and local government engagement is that some organisations will be deemed ‘extremist’. This will also render them subject to wider Prevent processes.

Universities are already required to assess students under the Prevent duty. However, they are also required to have policies on the monitoring of external speakers and to exclude those deemed to be ‘extremist’.

84 Ibid, page 30

85 Ibid, page 79.

Mr Shawcross does not believe that the Prevent duty is treated with sufficient seriousness within universities (although his evidence for the claim is anecdotal) and he suggests that one of the reasons he proposes this is due to the presence of what he terms “anti-Prevent” campaigns at universities.

Alongside his general proposal that the critics of Prevent should be deemed ‘extremist’ (and, thereby, subject to campus bans under Prevent), he also proposes revised training for those overseeing events (recommendation 28) and the creation of a network of advisors in the DfE who can be invited to speak at Universities to promote Prevent (recommendation 33).

Mr Shawcross’s proposed wider definition of ‘Islamist extremism’ and proposed narrow definition of right-wing extremism, will not only mean individuals who bring Islamic views into the public sphere under Home Office disruption through Prevent, but it will also necessarily facilitate the advocates of right-wing politics.

It will also be the case that expressions of sympathy for activist groups described as ‘extremist’ – for example, by volunteering or other forms of support – will make students potentially subject to intervention under Prevent. Most concerning is that Mr Shawcross’s recommendations would seem to be a prelude to declaring FoSIS to be ‘extreme’.

At the same time, universities have legal obligations to protect free speech, obligations that Shawcross supports. He understands these as not being in conflict with Prevent. A number of commentators have expressed concerns about Prevent as having a “chilling” effect on free speech on campus. He cites one such study, but uses it to argue that the fault lies with the critics of Prevent.⁸⁶ He comments, “academic research found that some Muslim students feel they must self-censor their discussions and alter their behaviours to avoid becoming the object of suspicion, due to what I judge to be largely false perceptions around Prevent statutory requirements in universities. This is another reason why the falsehoods around Prevent must be effectively countered” (para 6.260).

86 Guest, M, Scott-Baumann, A., Cheruvallil-Contractor, S., Naguib, S., Phoenix, A., Lee, Y., Al Baghal, T. (July 2020) ‘Islam and Muslims on UK University Campuses: Perceptions and Challenges’, p. 6. <https://www.soas.ac.uk/sites/default/files/2022-12/Islam%20and%20Muslims%20on%20UK%20University%20Campuses%2C%20perceptions%20and%20challenges.pdf>

Yet in the qualitative work that complemented the aforementioned survey, students and staff repeatedly and spontaneously made a connection between constraints upon free speech and Prevent.⁸⁷ Indeed, Mr Shawcross fails to engage with what the Islam on Campus research actually found. Based upon the largest survey data yet collected – survey data from 2,022 students attending 132 UK universities – it found that students and staff self-censor their discussions to avoid becoming the object of suspicion under Prevent and are sometimes discouraged from exploring, researching, or teaching about Islam.

Significantly, this research addressed the role of Prevent itself in the construction of views about Muslims and Islam among non-Muslim students, showing that students who see radicalisation as a problem on campus and believe Prevent is necessary to tackle it are significantly more likely to hold negative views about Islam and Muslims than those who hold a different view concerning radicalisation.⁸⁸

On campus, Prevent sustains negative stereotypes and also disables the open discussion that universities would usually be able to facilitate in order to challenge such stereotypes. It is not the critics of Prevent who are responsible for this finding, but the implementation of Prevent based on its core nature.

Moreover, the report that Mr Shawcross cites shows that “Muslim students are more likely than Christian students to see their religion as core to their identity; they are also more likely than Christian students to see the purpose of universities and the values of faith as compatible, with a quarter saying they have become more religious since they started university.”⁸⁹

Prevent training suggests that increased ‘religiosity’ may be a potential sign of ‘radicalisation’, indicating that the self-development of Muslim students at university and their student associations are likely to be a matter of particular scrutiny.

The Shawcross Report proposes that Muslim-led criticisms of Prevent are also out of step with those of wider Muslim communities. It reports a survey conducted by Crest Advisory in 2020 (para 6.230).⁹⁰

87 Scott-Baumann, A., Guest, M., Naguib, S., Cheruvallil-Contractor, S., Phoenix, A. with Al Baghal, T. and Lee, Y. (2020) *Islam on Campus: Contested Identities and the Cultures of Higher Education in Britain*. Oxford: Oxford University Press. See, chapter 9.

88 Guest et al, pages 50 and 52.

89 Guest et al, page 5

90 Crest Advisory (2020) ‘Listening to British Muslims: policing, extremism and Prevent’. <https://www.crestadvisory.com/post/listening-to-british-muslims-policing-extremism-and-prevent>

It introduces the discussion in relation to support for “targeting particular communities”, but only one community is targeted – Muslims. The Crest report, it is suggested, showed that the distribution of views was similar for Muslims and the general public.

However, some important caveats exist around the Crest survey. Most of the respondents had not heard about Prevent (just 45% of Muslims and 32% of the wider public had heard of it) prior to being interviewed; instead, they were asked their views about the problems Prevent is claimed to address in theory.

The report showed that British Muslims have very similar concerns about terrorism as the wider public and similar commitments to ‘British’ values, not least because those values are understood also to be Islamic values. Equally importantly, they think Britain is a good place to be a Muslim because of their experience of freedom of religion. But they do have serious concerns about Islamophobia (this is so especially among Muslim women), about unfair representations of Muslims in the media, and about right-wing extremism.⁹¹ These are all concerns that Mr Shawcross discounts.

The Shawcross Report denies the appropriateness of the term ‘Islamophobia’ and also wishes to re-focus away from right-wing extremism.⁹² At no point does it seek to accommodate the views of those most directly impacted by Prevent; instead his report mobilised the views of Muslims interviewed in the Crest report in a partial way to indicate agreement with his purpose.

91 The report also cites research that suggests that greater understanding of Prevent leads to increased level of support (para 6.232). This research was based on a survey of 25 minutes duration. Significantly, Mr Shawcross neglects to mention that the aspects of Prevent that were viewed most favourably were those associated with ‘safeguarding’; that is, the very aspects that he recommends should be downplayed.

92 Throughout the report he suggests that accusations of Islamophobia are part of the armoury of ‘Islamist’ extremist groups. Where he discusses ‘anti-Muslim hatred’ it occurs alongside ‘anti-semitism’ and is derived from his observations of 6 Channel panels. The implication is that anti-semitism is associated with ‘Islamist’, cases at the panels, and anti-Muslim hatred with right-wing extremism. Elsewhere in the report, accusations of anti-Muslim hatred are argued to be similar to those of Islamophobia and, he believes, act as a constraint on those who might otherwise report someone to Prevent.

12. The Radical Implications of the Shawcross Report

We have described the development of Prevent as having all the characteristics of a policy spiral, where modifications are introduced without consideration of their consequences for other parts and their overall coherence. We have shown that a close examination of Mr Shawcross's arguments and the available evidence would support the withdrawal of Prevent from key areas. Instead, he proposes the opposite and further twists to the spiral.

The Shawcross Report recommends far-reaching changes to the administrative organisation of Prevent. These all involve increased centralisation and direct control from the Home Office. This includes measures applied horizontally to provide integration of different government departments with a Prevent remit through the Home Office, and measures applied vertically to provide greater control over local authorities by central government, including greater control over agencies in the field.

The proposal is that there should be a Standards and Compliance Unit (SCU) to monitor standards and compliance across Prevent (para 6.22) and to manage what it deems to be "valid complaints" (para 6.75).⁹³ It would also have oversight of various other bodies such as the Police Prevent Board and the Counter Terrorism Committee. The SCU will report to the Prevent Oversight Board of government ministers with a remit for Prevent and can be tasked by ministers to "conduct specific investigations and a summary of findings following investigation should be made public". (Recommendation 34)

The recommendations also involve a ratcheting up of the security focus of Prevent, notwithstanding that the Manchester Arena Inquiry found serious problems with policing and the security services.

"There are no mechanisms by which the CCE within the Home Office, responsible for directing Prevent in all its aspects, and certifying civil society organisations, can be challenged."

⁹³ These are distinguished in the same paragraph from the complaints of 'bad faith actors'.

The community cohesion strand of Prevent has been dropped from the Home Office Prevent portfolio. As we have seen, the Report did not discuss the main programme, Building a Stronger Britain Together, and so its strictures around community cohesion are not well-grounded (the charges against individuals and Muslim civil society organisations are smears without a careful consideration of definitions and evidence, as we have seen). Nonetheless, there have been no new calls under the Building a Stronger Britain Together programme since Covid-19, and it appears the programme is now closed, and its local coordinators have been disbanded (with Mr Shawcross seemingly unaware of their existence).

In so far as there will be similar programmes, they are likely to run from different departments such as the Department for Education and the Department for Levelling Up, Housing and Communities. While these, and other, departments will have other remits for their engagement with community groups, all such groups will be subject to 'due diligence' applied to collaborating civil society organisations and individuals acting as advisers.

The criteria for the determination of due diligence are to be defined under the Commission for Countering Extremism within the Home Office, which has been provided with a new role, responsible for directing Prevent in all its aspects, and providing a certification and registration system for civil society organisations.

There is no mechanism provided by which the judgements of this body can be challenged, despite the far-reaching implications for individuals and organisations named as 'extremist'.⁹⁴ Mr Shawcross believes that there is no issue, in principle, with "a state-run scheme to counter specific ideas, attitudes and non-criminal behaviours" (para 6.250). Certainly, he studiously avoids any independent process by which that scheme might be regulated and denies that issues of civil liberties are involved.

What is proposed is very far from being "humane" and "light touch".

The Home Secretary has accepted the recommendation that there be a re-direction of Prevent away from right-wing extremism toward 'Islamist' extremism. This has been the focus of much of the media discussion of the report and the basis on which it was leaked to right-wing media.

94 It should be stressed that the groups and individuals identified as extremist are doing nothing unlawful. Were they to do so, they might instead be proscribed in the case of groups, or prosecuted for non-violent terrorist offences in the case of individuals.

However, the definition of ‘terrorism’ as action directed against people or property with the intention of bringing about political change, allows ‘extremism’ under Prevent to be directed at any group seeking change by direct political action outside the parliamentary process. This could include environmental activism and Black Lives Matter among other groups associated with extra-parliamentary protest.

We argued that the development of Prevent has exhibited all the characteristics of a policy spiral, with its different parts operating in mutually inconsistent ways. The Shawcross Report has done nothing to rectify, or, indeed, illuminate this spiral. Instead, our analysis shows that it is another iteration of the spiral. We may add another metaphor, that of a ratchet, in that the report accentuates some features of Prevent against others, without reconciling their contradictory character. But it also accentuates features of Prevent that are already the most problematic, extending disruption against Muslim-led civil society organisations.

The Shawcross Report’s recommendation that it be brought under strong central control and political direction is directed against local autonomy in the organisation of programmes. This is the reason why it is recommending that Prevent Priority Areas be abandoned and replaced with regional bodies headed by Regional Commissioners.⁹⁵ In effect, these are to coordinate all local authority Panels within a region.

The Prevent Priority Areas have not previously been named, nor the criteria by which they were determined, since 2015. We were able to identify them through FoI requests as part of our People’s Review of Prevent. We were able to show (based on the 2011 census) that they did operate in a discriminatory manner in so far as around three quarters of British Muslims lived in a Prevent Priority Area, compared with around a third of the population of England and Wales as a whole.

The abolition of Prevent Priority Areas, however, does not make Prevent less discriminatory. Prevent is being re-focused on Muslims and the new structure is designed to make that re-focus more effective and less subject to amelioration by locally-defined needs.

95 The regions will align with the organization of the Regional School Commissioners responsible for free schools and academies which otherwise operate under the direct responsibility of the Department for Education.

In fact, this represents a significant reversal of the direction of policy that was underway as a consequence of 'Operation Dovetail'. This was piloted across nine areas in 2016 and is discussed very briefly at paras 31, and 41 and, again at 6.117.

Whereas the Shawcross Report recommends a greater involvement of police and the security services in the determinations of Prevent panels, the Dovetail pilots moved in the opposite direction. They increased the role of local authorities and their different agencies and reduced that of counter-terrorism officers (in order to reduce the burden on the service).

Mr Shawcross concedes that the Home Office's evaluation of Dovetail was positive (para 6.120, 6.121), and also that, "Counter Terrorism Policing suggested that the model has allowed for greater co-ordination, information-sharing and collaboration between authorities and counterterrorism case officers" (para 6.122).

Indeed, the Greater Manchester Tackling Hateful Extremism and Promoting Social Cohesion Commission set up by the Mayor of Manchester in 2018 in the wake of the Manchester Arena bombing recommended adopting Dovetail in Manchester.⁹⁶ This is another report not discussed by Mr Shawcross, notwithstanding that he devotes considerable space to the implications of that event.

The Shawcross Report does not undertake a systematic examination of the issues raised by the pilots and their evaluation. Instead, it picks up on comments of some practitioners – "Practitioners interviewed for a regional pilot evaluation expressed concern that the counter-terrorism risk was no longer being given priority, and had been overtaken by safeguarding, and that there was less understanding of the counter-terrorism risk at Channel panels to make informed decisions" (para 6.124).

On this basis, and in line with his hierarchical and centralised model, Mr Shawcross's recommendations are for a 'hybrid approach' (though there is nothing hybrid about it), where "referrals into Channel are carried out by both Police and local authority simultaneously; initial visit to referee is carried out by either the Police or local authority (whomever the panel decide is best placed to assess risk with each case); completion of all risk assessments and information gathering is carried out by the Police" (para 6.126).

96 A Shared Future A report of the Greater Manchester Preventing Hateful Extremism and Promoting Social Cohesion Commission (2018). <https://www.greatermanchester-ca.gov.uk/media/1170/preventing-hateful-extremism-and-promoting-social-cohesion-report.pdf>.

The emphasis on central control by the Home Office is also an indication of the strongly 'Anglo-centric' focus of the report. In a Report of 157 pages of substance, only six pages are devoted to the devolved administrations of Scotland (where Mr Shawcross misrepresents the referral data – see Box 9) and Wales, although the terms of devolution are different for Wales, where some implementation of policies currently applies to both England and Wales (for example Prevent Priority Areas). The Prevent Duty does not apply in Northern Ireland.

While there are global aspects of the policy that apply in the three jurisdictions that have the Prevent Duty, its implementation is a devolved matter.

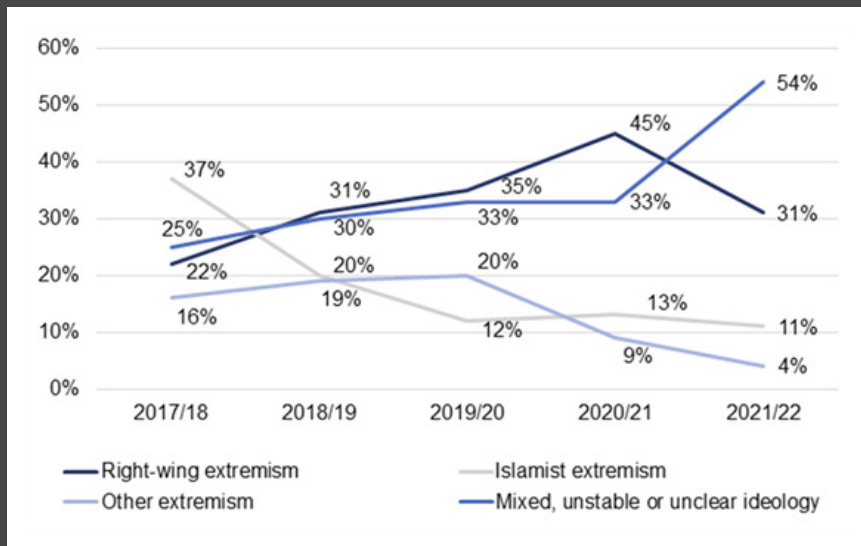
The bulk of the Shawcross Report, then, is a matter for England. The Home Secretary has accepted all the recommendations, but it is beyond her powers to enforce them in Scotland and Wales.

Recommendation 14 states: "The Scottish Government should restructure Scottish Prevent in-line with the regionalisation model for England and Wales. This would move Prevent from the communities and integration agenda towards other strands of CONTEST."

Box 9. Misrepresenting Scotland

The data on referrals in Scotland would appear to contradict one of Mr Shawcross’s claims. He states, “Scottish officials consider the threat picture to be different to that in England and Wales, with a smaller Islamist and Extreme Right-Wing threat but higher levels of sectarianism and Northern-Ireland related terrorism threat. (para 6.157).

However, data from Police Scotland for April 2021 to March 2022 show a different picture.⁹⁷ Referrals for right-wing extremism are five times those for Islamist extremism with a clear trend evident since 2017/18.



There is no recommendation for Wales, except one embedded within the report at paragraph 6.182, where Mr Shawcross has noted that, “during the review it was suggested that Wales may be moving to a public-health orientated approach to preventing radicalisation. In light of my concerns, expressed above and again below, about an excessive focus on vulnerability and insufficient attention paid to individual agency, I do not recommend this approach.”

97 <https://www.scotland.police.uk/about-us/how-we-do-it/prevent-referral-data/#:::text=Prevent%20is%20delivered%20in%20Scotland,appropriate%20safeguarding%20and%20supportive%20measures.>

What is evident is that both Scotland and Wales were broadly in-line with practices in England. Mr Shawcross has declared an abrupt u-turn toward centralisation within the Home Office and, seemingly, expects the devolved jurisdictions to fall into line.

While the report has sat in the Home Office for close to a year, neither of the Home Office ministers during that period have seen fit to discuss it with their counterparts in the devolved jurisdictions.

The lack of engagement with Scotland is particularly significant. As we set out in the People's Review of Prevent, for example, there are no Prevent Priority Areas in Scotland, and there is no requirement in schools to teach 'fundamental British values'. Yet the weight of the UK-wide Prevent duty nonetheless bears upon how Muslims are framed in all jurisdictions.

There is no 'Scottish exceptionalism' concerning discrimination and prejudice toward Muslims and hostility toward immigrants. However, in Scotland, there is an expressed political will to tackle Islamophobia. In contrast to the situation in England, all political parties in Scotland accept a definition of Islamophobia as a "form of anti-Muslim racism that targets Muslims and those who are misrecognised as Muslim". This is the starting point of the recent Report of the Inquiry into Islamophobia in Scotland by the Cross-Party Group on Tackling Islamophobia: Scotland's Islamophobia published in July 2021. Its conclusions about Prevent are unequivocal: "Given the weight of evidence against 'Prevent', Schedule 7 and related counter-terrorism legislation, the Scottish Government should take steps to encourage the withdrawal of these and related strategies" (p. 36).

Our own analysis of the Shawcross Report brings us to the same conclusion.

"Mr Shawcross seemingly expects the devolved jurisdictions of Scotland and Wales to simply fall in line".

13. Conclusions

In this response to the Shawcross Report, we have shown that its recommendations are based on poor evidence and weak argumentation. We have suggested that a serious examination of Prevent and how it has been implemented would lead to very different conclusions.

The Shawcross Report represents a slide into a dangerous authoritarianism. All oversight and direction of Prevent is centralised within the Home Office and made the responsibility of an external political appointment. There is no statutory independent oversight despite the well-evidenced dangers to civil liberties and human rights. In this respect, it has the hallmarks of a dangerous political project.

It declares itself to be motivated by liberal values and yet represents a most serious undermining of those values. It purports to support community cohesion, but it proposes to do so by making British Muslims second-class citizens. They are second-class citizens just in so far as they are to be subject to state scrutiny and their political activities and forms of self-organisation are to be subject to certification and validation by a state body.

We have also shown that Prevent does not reduce the risks of terrorism in at least two of its domains – schooling and health. It should be removed and placed by safeguarding measures directed at supporting the well-being and mental health of children and vulnerable adults.

Placing community cohesion under Prevent and the promotion of British values is also self-defeating. Instead of creating full participation of all communities, it creates anxiety and suspicion among them.

Finally, we have shown that the Shawcross Report conflates the different strands of CONTEST, especially Prevent and Pursue. The failures Mr Shawcross attributes to Prevent in actual fact lie in the area of policing and the prison services.

They are serious failings, but they will not be addressed by Mr Shawcross's recommendations to increase the role of the security services in the implementation of Prevent – that was already under criticism within Operation Dovetail.

The Manchester Arena Inquiry findings should bring a halt to the implementation of the recommendations of the Shawcross Report so precipitously agreed by the Home Secretary.

But we believe that there are grounds for a broader moratorium.

The Shawcross Report does not provide any sound evidence for the implementation of its recommendations. We call upon members of both Houses of Parliament to exercise their duty of scrutiny, identify the risks it poses for democratic participation and civil liberties and ask for it to be withdrawn.

14. Appendix: Findings from the People's Review of Prevent (February 2022)

- Prevent targets actions and behaviours which are not in themselves illegal and for which there is no evidence that they have any relation to future terrorist offences. It has no justification in the light of national security requirements, which can all be satisfied through other measures within the UK's extensive legislative toolkit. Prevent is often conflated during success or failure with what are upon closer inspection not Prevent but rather other arms of the counter terrorism apparatus.
- Prevent relies on profiling through Prevent Priority Areas which target Muslim communities and poor communities disproportionately; it also takes the signs among young people of ordinary identity development and explorations in belonging as indications of 'riskiness', as well as sanctioning their activism.
- Prevent is inherently Islamophobic; there is no problem of integration of British Muslim communities and no basis for regarding them and their families with suspicion.
- Prevent is discriminatory in the way in which it approaches far-right terrorism differently from that of 'Islamist' terrorism in guidance, training and application.
- Far-right extremism is seen as a problem of individuals rather than communities.
- Prevent undermines free expression by defining as 'extremist' views and actions which are a normal part of a healthy and functioning democracy.
- Prevent undermines the proper safeguarding obligations of social workers, teachers and health professionals. It does so by bringing children and young people under an extraordinarily extensive net of surveillance. This includes the creation in England and Wales of a national curriculum in 'fundamental British values' determined by national security interests.
- Prevent is an abuse of individual rights to privacy and the protection of data and information held about them, especially in the case of children. Information gathered under Prevent interventions does not involve criminal offences, yet data can be gathered with leading questions, then held and shared as if it involved the most serious offences.
- Prevent is overwhelmingly directed at children and young people where it represents an abuse of their rights and the obligation to put their needs first. There is no national security justification for its policies and practices in education or in other services provided for them.

- Prevent is an abuse of fundamental human rights and protected equalities, especially those preventing discrimination on the grounds of race and ethnicity, and religion. The government proposes that terrorist activities threaten human rights and yet it breaches them in its own Prevent policies and evades scrutiny.
- Furthermore, Prevent 'expertise' is being shared with oppressive regimes, including those who terrorise their Muslim populations, and is part of a broader drift towards authoritarianism and efforts to reduce long-established human rights principles.

THE PEOPLE'S ■
■ REVIEW OF ■
■ PREVENT