



BRIEFING PAPER

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Counter-Terrorism and Security Act 2015 (Amendment) Bill 2016-17

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The [Counter-Terrorism and Security Act 2015 \(Amendment\) Bill 2016-17](#) was presented to Parliament on Wednesday 29 June 2016. Its Second Reading is scheduled to take place in the Commons on 27 January 2017.

1. The Bill

The Bill is a Private Member's Bill presented by Lucy Allan, who was 19th in the Ballot for this session. It would repeal provisions in the [Counter-Terrorism and Security Act 2015](#) requiring teachers, carers and responsible adults to report signs of extremism or radicalisation amongst children in primary school, nursery school or other pre-school educational settings.

The Bill would insert a new section 26A into the Act, which would provide an exemption to the section 26 duties to have due regard to the need to prevent people from being drawn into terrorism for primary schools, nursery schools, and other pre-school educational settings.

The [announcement of the Bill](#) on Lucy Allan's website stated that the existing provision "places an unnecessary burden on educational, caring and other responsible persons in carrying out their respective roles."¹

1.1 Extent

The Bill extends to England and Wales, and Scotland.

2. The Counter-Terrorism and Security Act 2015

Part 5 of *the Counter-Terrorism and Security Act 2015* (the CTSA 2015), which received Royal Assent on 12 February 2015, contains provisions to prevent people being drawn into terrorism and effectively puts the Prevent strategy on a statutory footing.

The Government has produced guidance (issued under section 29 of the CTSA 2015) for specified authorities, which they must have regard to when complying with the duty.

¹ Lucy Allan MP, [Lucy presents Private Member's Bill to Parliament](#), 29 June 2016

There are two versions of the guidance: one for authorities in [England and Wales](#), and one for authorities in [Scotland](#).

The guidance for England and Wales states:

64. The authorities specified... are subject to the duty to have due regard to the need to prevent people from being drawn into terrorism. Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. Schools should be safe spaces in which children and young people can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of terrorist ideology, and learn how to challenge these ideas. The Prevent duty is not intended to limit discussion of these issues. Schools should, however, be mindful of their existing duties to forbid political indoctrination and secure a balanced presentation of political issues.²

The guidance for Scotland states:

We would expect local authority arrangements in relation to the Prevent duty to be applied to schools. [...]

Risks to young people are often multidimensional. Local authorities would be expected to demonstrate an awareness of Prevent in their work to implement the Getting it right for every child (GIRFEC) approach. Curriculum for Excellence and arrangements for recognising and realising children's rights are also relevant. For example, Curriculum for Excellence highlights the importance of global citizenship and engaging young people in a healthy, democratic society.³

Both sets of guidance provide advice on other issues, such as staff training.

Separate [advice for schools and childcare providers in England on the Prevent duty](#) has also been published by the Department for Education.

3. Select Committee reports

3.1 Joint Committee on Human Rights report

In July 2016, the Joint Committee on Human Rights published a [report](#) on counter-extremism which included discussion both of the Prevent strategy in schools and the proposals for inspection of out-of-school settings.

The Committee stated that it was not possible to deliver a definitive verdict on Prevent in schools at this stage, but noted concerns about the impact of the strategy, citing a story of a four-year-old nursery pupil "who was referred to Luton Council after he had drawn a picture of what was initially described by the nursery as a 'cooker bomb' but which turned out to be a cucumber," and also myths that could be produced about the strategy, such as those that had grown up around another incident where an eight-year-old boy wrote in his homework 'I live in a terrorist house' and the police subsequently visited his home – a visit that was in fact prompted by a section where the boy had written 'I don't like it when my uncle beats me'. The action was a child safeguarding investigation rather than part of counter-extremism measures. The [Committee stated](#):

It is too early to reach any definitive conclusions on the success of the Prevent Duty in schools. Anecdotal evidence suggests that there may be some cause for concern about the impact of the Duty and the Government would be well-advised to ensure that referrals are made in a sensible and proportionate fashion. However, we also accept that it is very easy for dangerous myths to be spread about Prevent. The only

² HM Government, [Revised Prevent Duty Guidance: for England and Wales](#), July 2015, pg 10-11

³ HM Government, [Revised Prevent Duty Guidance: for Scotland, July 2015](#), pg 11

way for these to be dispelled is for there to be rigorous and transparent reporting about the operation of the Prevent Duty.⁴

The [Government response](#), published in October 2016, defended the current position:

Protecting pupils from the risk of radicalisation should be seen as part of schools' wider safeguarding duties. It is important to understand the risk of radicalisation as a safeguarding risk that is similar in nature to protecting children from other harms. We agree with the Committee that it is important that referrals are made in a sensible and proportionate fashion. That is why the Department's advice and guidance on the Prevent Duty make clear that if teachers have concerns about any pupils they should follow normal safeguarding procedures and act proportionately. There are no mandatory reporting requirements under the Duty.

We recognise the importance of dispelling myths and improving understanding of Prevent, and are working proactively to communicate its positive impact and encourage balanced reporting by the press. We are also working closely with schools and local communities to improve understanding of the duty and make clear that it is about safeguarding young people from the dangers of being drawn into terrorism.

The Department for Education's recent teachers' omnibus survey shows that 83 per cent of school leaders are confident in how they should implement the Prevent duty.⁵

3.2 Home Affairs Committee report

The Home Affairs Committee report, [Radicalisation: the counter-narrative and identifying the tipping point](#), published in August 2016, included discussion of concerns about the Prevent strategy in schools that were raised by witnesses during the course of the inquiry, surrounding:

- Stigmatising and alienating segments of the population and affecting the discussion of terrorism, raising rather than reducing the dangers of extremism
- Whether the teacher training currently available is sufficient
- A lack of clarity in the guidance to schools around Prevent training
- A focus on an "angry young men" susceptible to extremism that did not address the evolving nature of extremism
- Potential confusion between extremist and socially conservative practices⁶

The Committee recommended that the Home Office should appoint an independent panel to reassess the Prevent training being provided to education and other professionals, to ensure they have the confidence to be able to deliver their Prevent duties.⁷

The Government has not yet responded to this report.

4. Further reading

- The Library briefing [Counter-extremism policy in English schools](#), CBP 7345, provides an overview of the requirements on schools in countering extremist ideology and the potential for pupils to be radicalised, and related topics.

⁴ Joint Committee on Human Rights, [Counter-extremism](#), July 2016, session 2016-2017, HC 105, HL 39, para 49-50

⁵ Joint Committee on Human Rights, [Government Response to the Committee's Second Report of Session 2016-17: Counter-extremism](#), HC 756, pg4-5

⁶ Home Affairs Committee report, [Radicalisation: the counter-narrative and identifying the tipping point](#), HC 135, para 60-66

⁷ *Ibid.*, para 69

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- The Library briefing [Counter-extremism policy: an overview](#), CBP 7238, discusses the area more widely
- Educate Against Hate, [What are school leaders' responsibilities under the Prevent duty?](#)
- LSE, [The Prevent duty: Difficult decisions for teachers in identifying radicalisation and extremism](#), 20 December 2016
- BBC News, [Prevent scheme 'fundamental' to fighting terrorism](#), 27 December 2016
- Schools Week, [MPs and peers demand review of Prevent duty](#), 22 July 2016
- Rights Watch UK, [Preventing Education? Human Rights and UK Counter Terrorism policy in schools](#), July 2016

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