

CONSENT DENIED

HOW PREVENT QUESTIONS CHILDREN WITHOUT PARENTAL INVOLVEMENT

III CAGE

BRIEFING PAPER

Consent Briefing Paper

The British government on the 1 July 2015 enforced a new statutory PREVENT duty to stop individuals from being drawn into terrorism and extremism. CAGE's experience in monitoring the operational implementation on PREVENT reveals that schools are referring children to PREVENT officers, or permitting children to be questioned on ideology, politics and religion without consent from parents or guardians.

In an event of a case referral, the PREVENT officer questions the student and determines whether the student is at risk. Although there is a system of consent taken into account in the Counter-Terrorism and Security Act 2015 (CTSA 15) regarding the Channel Programme under section 36 (4)^[1] – this is only after questioning without consent has taken place under PREVENT. Those under the age of 18 are engaged by receiving the consent of parents, whereas those over the age are required to give their own consent. However, there appears to be no regard for taking consent from parents when PREVENT officers question children in schools. The following case based evidence demonstrates the operational implementation of PREVENT in educational institutions.

[1] Counter-Terrorism and Security Act 2014, Section 36 (4) (a) – (f)
http://www.cageuk.org/sites/default/files/reports/cage_cts.pdf

Case Study AA – ‘Halal Meat’

AA was referred to social services by his secondary school because he was perceived to be on the path to becoming radicalised. In one of his Home Economic classes, the teacher requested all students to bring in meat or poultry, but AA said to his teacher in front of the class, “but government is banning halal meat!” The teacher questioned why, and AA replied, “...because government hates Muslims”. Additionally, AA would frequently turn up late for registration at school in the mornings, and when questioned by the teacher, he replied, “because of morning prayer”. The mother said to CAGE that AA had lied to his teacher. Morning prayers are much earlier in the day, and the real reason for going to school late was connected to him being bullied. AA did not, however, want the teacher to know about this because he feared the bullying would become more severe. The school believed that AA was on the path to being radicalised. Social services were contacted by the school though no contact has been made by them yet. The mother said of this situation: “I can’t believe the school contacted social services to speak to my son like that, without telling me!”.

What AA’s case demonstrates, is that his politically held views rather than being challenged by the teacher in the classroom, were used to infer radicalisation, and led to his referral to an external agency without the consent or knowledge of his parents. The nature and simplicity of this case illustrates that referrals are being made without due cause which is highly concerning on a policy and practical level for the children. The fact that AA was encountering difficulties at school through bullying suggests that his ideas and views may have been influenced by these difficulties he faced – something which should have been investigated by the teaching staff before any referral was made. When no criminal activity is taking place, it is critical that already existing mechanisms are used to support students to ensure their issues, grievances and ideas are addressed internally rather than escalated to external agencies.

Case Study AU – ‘Music Lesson’

AU is a 14 year old teenager, and currently studying in year nine at a mixed state school. AU is a devout Muslim, and regularly attends his local mosque, and takes a proactive approach in increasing his religious spirituality. Although AU is the youngest in his family, his eldest sisters and parents see him as an inspiration because of his attempts to increase his religious practice. AU’s academic achievements are impressive, and he is a good student. However, in March 2015, the school referred AU to a PREVENT officer, without the consent of his parents. Out of concern for her younger brother, AU’s sister proactively contacted the school and asked for a formal meeting as she was intensely angered by the situation, and could not comprehend how not taking part in music lessons warranted the school contacting a PREVENT official. In the meeting between AU’s sister and school teacher, it was made clear that the only grounds for referring the case to PREVENT was due to AU not proactively participating in music lessons. AU’s sister said “why did the teachers contact PREVENT to interview my brother? [AU]... he’s harmless. I feel that my brother is vulnerable in school now, and dropping him off won’t be the same again”. It is clear that AU deems there to be a tension with music and his interpretation of Islam, hence he did not wish to partake in music lessons.

AU’s case illustrates how there is little ground for referring an individual to PREVENT in such circumstances. It must also be questioned on what evidential basis not engaging in a music lesson is a marker for radicalisation/extremism. The fact that no consent was sought from AU’s parents in referring him to PREVENT – even during his mandatory schooling hours – illustrates how PREVENT is operating under the radar and without the appropriate checks and balances. This is a common trend that CAGE has observed in other cases too and suggests that there may well be several cases across the UK where parents have no knowledge that their children are being questioned by PREVENT personnel, or that they are being referred under dubious circumstances.

Case Study SS – ‘Eco-warrior’

SS is a 14 year old British student at Central Foundation Boys School – he is known for being very bright, intelligent and excelling at education.

On Friday 15 May 2015, SS was in a French lesson, and the teacher showed the class pictures of deforestation and the cutting down of trees – the class was asked to comment on ways to stop deforestation. SS took part in the debate and started to mention the role of deforestation campaigners / eco-warriors and their tactics. SS mentioned that “eco-warriors can be used to stop deforestation and they can possess other tactics to become eco-terrorists.” The teacher took this as cause for concern.

On Monday 18 May 2015, a teacher took SS to the detention room to be questioned by a PREVENT officer without the consent of SS’s parents. The teacher walked with SS in silence to the detention room. When SS entered the room, the PREVENT officer was sitting at the desk, ready to interview and question SS on his personal views. The PREVENT officer pointed towards a chair whilst staring at SS sternly asserting “sit over there please ... there has been a safety concern raised”. The officer then said, “your teacher mentioned that you used the word terrorism...” SS was startled and explained how the word used was “eco-terrorism” in relation to eco-warriors to save the environment – explaining that eco-terrorists use nails in the tree to make the JCB chainsaw blades blunt. SS explained that he felt threatened and vulnerable as he tried to explain and defend himself. The PREVENT officer then asked, “do you have any affiliation with ISIS?” SS was confused and wanted the ordeal to end. SS said, “The PREVENT officer made me feel like the walls in the room were caving in, and I had no one to help me”.

The case of SS is an example of how teenagers can become nervous and scared due to questioning by PREVENT officers on their personal views – without the knowledge and consent of their parents.

Case Study RH – ‘Sherlock Holmes’

RH is a 16 year old teenager studying for her A-levels in a local Academy based in Bradford. RH mentioned that she engages in ‘dawah’ – proselytizing Islam - activities in the Academy, and has built a reputation throughout High school and Sixth form for doing so.

RH was wearing an Islamic Education Research Academy (iERA) branded hoody – an Islamic organisation that specialises in proselytizing Islam, and her IT teacher started questioning RH’s religious views and whether she follows Hizbut Tahrir. A few hours later, the same teacher requested RH to see him in his office, where he questioned RH on her views on Islamic State and the concept of the Caliphate, homosexuality and stoning as a punishment. RH was shocked at the questioning and provided general answers, not agreeing with Islamic state. The teacher then asked, “What type of videos do you watch online? – Anwar al-Awlaki?”. Towards the end of the conversation, the IT teacher said that the Head Teacher had placed him in charge of the PREVENT scheme and was trying to see whether she was extreme. RH was questioned about her ideas, political views and religious beliefs so as to determine whether she is on a path to radicalisation – without the consent of her parents. RH stated that she has been referred to a PREVENT officer for questioning, and believes that she will be used as an example by the teacher for implementing the PREVENT strategy and duty. RH said, “I’m worried that when I return after the summer things will get worse for me – I don’t know why the teachers are acting like Sherlock Holmes on me!”.

Conclusions

CAGE has uncovered a trend of PREVENT cases mapped across the UK where children and young students are being examined on their personal beliefs, ideas and religious practice without consent from parents. Parents and guardians do not have knowledge of the questioning until after the fact, and only if their children tell them personally. The schools involved in these cases have not sent letters home or called for consent from parents. It should be noted that the cases illustrated above represent only a sample of the cases that have come to CAGE. In almost every single case involving children, consent is not obtained from parents or guardians.

The PREVENT duty is being branded as a safeguarding measure, meaning that it assumes that all parents have given implied consent by default – and should any guardian object to this, it may be deemed as supporting one falling into extremism or radicalisation. This is a concerning development on the implementation of the PREVENT duty, and must be questioned whether the strategy has created clear guidelines on questioning those who are within educational settings. Parents and young students should not have to feel vigilant on the prospect of being questioned on their personal views, or being monitored on religious practice. Students should feel confident to engage their views in class, and explore ideas and theories in an educational setting.

Schools have a duty of care to their students, and it is important that this duty of care does not entail the reporting of an individual to an external agency without reasonable cause. The PREVENT duty has turned educational settings into places that view children and students through a security lens as opposed to a teacher-to-student relationship. Such a shift in dynamics will impact trust between parents and teachers, particularly if their children are being referred to police, PREVENT or local council personnel to examine religious and/or political views.

On the one hand children are being examined by PREVENT without consent of parents, and on the other hand PREVENT encourages parents to voluntarily monitor children at home on extremism and radicalisation. The PREVENT strategy is sending mixed messages to the targeted community that will bolster negative policy implications. The distrust that is inflamed is counterintuitive to messaging projected by police to work with PREVENT in spotting signs of radicalisation within the home. Failing to engage students internally, and referring them to external agencies, as happened in the case of AA, increases the likelihood that they will move into closed spaces, particularly online, in a bid to make their ideas and views heard. This will increase rather than decrease, the chances of individuals developing unmitigated and unpopular views.

Recommendations

- 1 PREVENT must clarify why officers are assessing children without parent and/or guardian consent in schools. This is an intrusion into children's lives without knowledge of parents, and a dangerous development that will impact trust in British schooling for the future.
- 2 Teachers must question the impact of the PREVENT duty which imposes a security lens as opposed to a teacher-to-student relationship. Teachers are now tasked to step out of their caring teacher role to effectively spy for a questionable duty.
- 3 Those posed with the PREVENT duty must exercise a critical lens on the merits of what may qualify as a marker for extremism and/or radicalisation. The trend of cases currently being uncovered in the early stages of the PREVENT duty suggests that over reporting is taking place on trivial issues such as questioning of banning 'halal meat', 'eco-warriors' as terrorists', 'refusing to play musical instruments in lessons' and proselytizing Islam in school.
- 4 Children must not be taken away from mandatory schooling hours and effectively examined on their personal beliefs, ideology, religious practice and political worldview.
- 5 Parents or guardians must not feel uncomfortable or in distress when sending their children to school. Schools must re-evaluate the operational implementation of the duty and internal policies connected with the PREVENT agenda.
- 6 Teachers must place safeguarding at the centre of their relationship with children. This means they must protect the relationship with their students before they permit an environment of securitisation that will alienate young people.

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