

PARLIAMENTARY DEBATES

HOUSE OF COMMONS
OFFICIAL REPORT

Fourth Delegated Legislation Committee

DRAFT COUNTER-TERRORISM AND SECURITY ACT 2015 (RISK OF BEING DRAWN INTO TERRORISM) (REVISED GUIDANCE) REGULATIONS 2023

Tuesday 14 November 2023

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The Committee consisted of the following Members:

Chair: MARTIN VICKERS

Abrahams, Debbie (*Oldham East and Saddleworth*)
(Lab)

† Aldous, Peter (*Waveney*) (Con)

† Drax, Richard (*South Dorset*) (Con)

† Fletcher, Colleen (*Coventry North East*) (Lab)

Grant, Peter (*Glenrothes*) (SNP)

† Hollern, Kate (*Blackburn*) (Lab)

† Jarvis, Dan (*Barnsley Central*) (Lab)

† Johnson, Dr Caroline (*Sleaford and North
Hykeham*) (Con)

† Jones, Mr Kevan (*North Durham*) (Lab)

† Long Bailey, Rebecca (*Salford and Eccles*) (Lab)

McCartney, Jason (*Colne Valley*) (Con)

† Mann, Scott (*Lord Commissioner of His Majesty's
Treasury*)

† Randall, Tom (*Gedling*) (Con)

† Sambrook, Gary (*Birmingham, Northfield*) (Con)

† Stevenson, John (*Carlisle*) (Con)

† Sunderland, James (*Bracknell*) (Con)

† Tugendhat, Tom (*Minister for Security*)

Stella-Maria Gabriel, *Committee Clerk*

† **attended the Committee**

The following also attended, pursuant to Standing Order No. 118(2):

Robinson, Mary (*Cheadle*) (Con)

Fourth Delegated Legislation Committee

Tuesday 14 November 2023

[MARTIN VICKERS *in the Chair*]

Draft Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Revised Guidance) Regulations 2023

2.30 pm

The Minister for Security (Tom Tugendhat): I beg to move,

That the Committee has considered the draft Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Revised Guidance) Regulations 2023.

It is a great pleasure to serve under your chairmanship, Mr Vickers. This is the first time I have served under the chairmanship of the representative of my uncle and aunt, so it is a great privilege.

The draft statutory instrument was laid before Parliament on 7 September 2023. It relates to Prevent, which is one of the pillars of Contest, the United Kingdom's counter-terrorism strategy.

If I may quote Sir William Shawcross, who earlier this year published an independent review of Prevent:

“Prevent has a noble ambition”.

Its aim is to stop people becoming terrorists or supporting terrorism. The Prevent programme literally saves lives. It helps to tackle the causes of radicalisation and assists people to disengage from terrorist ideologies. In simple terms, Prevent is an early intervention programme that works to keep us all safe. I am a passionate advocate of this preventive approach.

To offer early interventions to those in need, Prevent needs the help of certain frontline sectors that are well placed to support communities to reject dangerous ideologies, or to recognise when someone they know could be susceptible to radicalisation. That is why we have the Prevent duty, which is set out in the Counter-Terrorism and Security Act 2015. It requires frontline actors, including education, healthcare, local authorities, criminal justice agencies and the police, to support Prevent's ambition. It sits alongside other long-established duties on professionals to protect people from a range of harms, such as involvement in gangs or sexual exploitation.

The Prevent duty guidance, which is the reason for today's debate, exists to ensure that those working in frontline sectors have the information they need to support Prevent's mission effectively. The Counter-Terrorism and Security Act specifies the authorities to have regard to that guidance.

I recognise, of course, that Prevent's mission is not easy. The process of radicalisation is complex, and unique to the individual. A multitude of factors can lead someone to subscribe to extremist ideology or to commit terrorist atrocities. Factors often include exposure to radicalising influences, real and perceived grievances, and an individual's susceptibility. The Prevent duty

helps to ensure that people who are susceptible to radicalisation are offered timely interventions before it becomes too late.

Hamas's brutal terrorist attack and extremist exploitation of the conflict in Israel and Gaza serve as stark reminders as to what happens when extremism is allowed to fester. The disturbing escalation we have witnessed in extremist rhetoric, both online and offline, aims to raise tensions, divide communities and fuel hatred. Delivering Prevent in the best way possible is vital to strengthen our united front against those insidious influences.

As Members will no doubt be aware, the independent review of Prevent was published on 8 February 2023. Within the review, Sir William Shawcross made 34 recommendations, all of which were accepted by the then Home Secretary and are well under way to being completed. We expect to deliver 29 of the 34 recommendations by February 2024, and the rest shortly thereafter.

The updated Prevent duty guidance, which is the subject of this draft statutory instrument, was issued on 7 September. It responds to several of Sir William's recommendations. First, the guidance has updated Prevent's first objective to make it clear that Prevent should “tackle the ideological causes of terrorism”.

The ideological component of terrorism is what sets it apart from other acts of serious violence and it is on that that Prevent, as fundamentally a counter-terrorism initiative, must be focused.

Secondly, the guidance sets out requirements more clearly articulating the need for high-quality training so that radicalisation risks can be more effectively identified and managed. This will be supported by free Prevent duty training from the Home Office and a new face-to-face awareness training course. Updated training on gov.uk has already been provided for public sector staff subject to the Prevent duty.

Thirdly, the guidance provides professionals with an updated threat picture and introduces the details of the strategic security threat check, which helps Prevent recognise and respond to threats proportionately. In addition to responding to the independent review of Prevent's recommendations, the guidance will assist statutory partners to understand how best to comply with the duty. It includes details of the capabilities they should have to be able to effectively identify and appropriately manage risk. It also advises on how they can help create an environment where the ideologies used to radicalise people into terrorism are challenged and not permitted to flourish. However, importantly the guidance does not confer any new functions on statutory bodies and reflects current best practice from across the sector.

I acknowledge the excellent work that many professionals already undertake. Every day, our agencies and law enforcement officers work tirelessly to stop those who wish to do us harm. Since March 2017, they have disrupted 39 late-stage plots in the United Kingdom. Our statutory partners are also crucial in that work, and I am immensely grateful for the valuable contribution they make to help keep our country safe by facilitating early interventions for those susceptible to radicalisation. It is in recognition of that, and to ensure close consultation, that a range of key governmental partners were engaged throughout the development of the updated guidance. I am pleased to report that their feedback has been positive.

Subject to the approval of this House, this statutory instrument will bring the new guidance into effect on 31 December 2023, replacing the outdated guidance from 2015. Officials are already working closely with key partners to roll out the guidance, and they stand ready to support its implementation. As I have made clear, Prevent is a vital component of our response to terrorism, but it is a joint effort. With this new guidance, the safety net is strengthened and the country will be safer, which is why I commend it to the Committee.

2.37 pm

Dan Jarvis (Barnsley Central) (Lab): It is a pleasure to serve under your chairmanship, Mr Vickers. I thank the Minister for his remarks. I do not intend to detain the Committee for too long, but I will reference the fact that I first met the Minister in the deserts of Helmand in 2007—ironically, when he was shadowing me. I am pleased to be able to return the favour. Although of course we respectfully disagree with each other on many things, the importance of keeping our country safe is a common cause that we share and treat with the utmost seriousness. On that basis, I am pleased that the Minister and I are working constructively together as much as possible.

Before I turn to the matter in hand, I join the Minister in taking the opportunity to pay tribute to the exceptional men and women who serve in our intelligence services, in Government and in our police, who all work tirelessly to keep our country safe, not least against those forces that seek to divide and harm us. We all owe them a huge debt of gratitude.

Extremism is fuelled by fear and hate, and stoked by malign individuals whose motives are abhorrent to the vast majority of decent people in our country. We felt the devastation that extremism can cause through terrorist attacks around the world, around our country, in our Parliament and of course towards our colleagues. With every act of terror, there was a path starting with radicalisation and ending with a tragic loss of life.

Extremism never lies in just one community or a single ideology, and Prevent practitioners need confidence and clarity in the renewed guidance included in the draft regulations in order to ensure the right interventions are taking place. However, changes to the guidance come after some concern over the Shawcross review and its recommendations, which the Government have accepted in full. Neil Basu, former head of counter-terrorism policing, criticised the Shawcross review's assessment of Prevent not doing enough to counter extreme Islamist ideologies. Furthermore, there were some concerns in the Muslim community that not enough weight was being given to mental health and other vulnerabilities among people feared to be at risk of radicalisation. There is a risk that those serious concerns are overlooked by an approach that, by design, focuses on ideology.

Recent weeks have seen protest activity in the UK arise from the conflict between Israel and Hamas. There have been displays of appalling hate and extremism on our streets by a tiny minority. There is not, and never will be, any excuse for inciting terrorism. The role of Prevent should not be to deal with excuses, but to effectively counter causes of extremism and terror-related activity, and there is more need than ever for community trust and confidence in Prevent's work.

Given the importance of these matters, and in a very constructive spirit, let me ask the Minister some questions. First, could he outline recent engagement between his Department, local authorities and education establishments on Prevent in relation to increased community tensions over the past few weeks? Will he also share his assessment of any urgent revision needed to Prevent duty training, including any specific guidance for people living in temporary accommodation? Those questions are important tests of Prevent's agility to adapt to new and developing risks, so if the Minister cannot answer them today, I would be very grateful if he would write to me with that information.

As the Minister will also be well aware, artificial intelligence is another developing risk. Specifically, large language models and chatbots have the potential to radicalise on an unprecedented scale. The chilling case of an attempted attack on the late Queen on Christmas day 2021 involved a number of factors, including encouragement by an AI chatbot. Therefore, the threat of AI is no longer a sci-fi concept, but a reality we face on our streets today. Can the Minister outline how Prevent is prepared to deal with artificial intelligence? Will it change the content of radicalising online materials and attempt to reduce exposure to it?

The definition of extremism has been brought into sharp focus by the recent protest activity in the UK arising from the conflict between Israel and Hamas. Will the Minister update us on contact he, or his Department, have had with the commissioner for counter extremism on definitions of extremism since 7 October? We must counter extremism in all forms that pose a terror threat to the public. Therefore, the Shawcross review's assessment of mixed, unstable and unclear ideologies is consequential to the scope of Prevent's interventions. For instance, incel ideology was not identified as terrorist ideology in the Shawcross review. Instead, it was referred to as a driver of hate crime. Can the Minister say something about the work that is being done by Prevent to monitor overlaps between mixed, unstable and unclear ideologies regarded as drivers of hate crimes and recognised terrorist ideologies? I understand if he would prefer to write to me on those matters.

Finally, the common strand that runs through Prevent and wider counter-terrorism work is the pace of developing threats and our ability to combat them. Will the Minister share his assessment of whether these frameworks are agile enough to adapt to new and emerging challenges in counter-extremism and counter-terrorism? I want to work constructively with the Minister as much as possible, and I know that he will take my points in that spirit, not least because all of us on this side want to ensure that the public is spared from the terrors of extremism and shielded from the horrors of terrorist violence. We will work closely with the Government to ensure that they succeed in that vital task.

2.44 pm

Mr Kevan Jones (North Durham) (Lab): I would like to say what a pleasure it is to serve under your chairmanship, Mr Vickers.

First, I pay tribute to all involved in Prevent, because I think they have been maligned recently—and on two wings. Certain people from the Muslim community, for example, will never like Prevent and think that the state somehow uses it to try to brainwash people, which is

[Mr Kevan Jones]

further control; I will come to that in a minute. On the other side we have the former Home Secretary, who has tried to portray Prevent as somehow ignoring Islamist terrorism and penalising those with right-wing views. Both of them, I would argue, are wrong.

I thought that the Shawcross review was very disappointing, as it was quite clearly written with a political agenda from the beginning. It tried to somehow argue that right-wing terrorism is something we should not really be worried about, but that the real problem was with Islamist terrorism. We have also seen nonsense about referrals to Prevent being trivialised. There was a succession of wild stories in papers such as the *Daily Mail* suggesting that people were being referred to Prevent for silly reasons.

If any Member would like to know what the process is, I suggest they go and meet the people who actually do the work. Individuals are not referred to Prevent without there being some concern about them. I have to say that when it works, it is very good, but to somehow think that we can have a hierarchy of terrorism—I am sorry, I do not accept that. Whether it is a threat from the Muslim community or a threat from right-wing terrorism, neither should be tolerated and they should be dealt with equally.

Dr Caroline Johnson (Sleaford and North Hykeham) (Con): Has the right hon. Gentleman ever taken part in the Prevent training programme?

Mr Jones: Yes. I spent a day in Leeds with the regional counter-terrorism group there with individuals from Prevent. I think they do a very difficult job, especially on referrals. They are the frontline and have to make some quite difficult judgment calls about individuals. I will talk about one particular case in a minute.

Dr Johnson: As an NHS employee, I have done the Prevent training programme, which addresses the various types of people who may be radicalised and the different ideologies to which they may be radicalised. It urges people in the NHS to make reports to the Prevent team when they think that individuals in their care may be a victim of radicalisation, vulnerable to it or may have already been radicalised by particular ideologies. This is done for Islamic and right-wing ideologies, and others besides.

Mr Jones: I agree with the hon. Lady; that is exactly how it operates in practice, but that is not the impression given by the previous Home Secretary, who suggested that one community was being targeted more than another. That is not the case. What the hon. Lady says is exactly right. Individuals should look at vulnerabilities in each case. That is not the agenda we have had, and that is why I think that the Shawcross review was a waste of time. A lot of its conclusions could have been written even before it even took evidence.

The important thing to remember, as I have said, is that terrorism is terrorism. Individuals under NHS care, to whom the hon. Lady referred, who are radicalised or vulnerable to either Islamic terrorism or right-wing terrorism should equally be referred to Prevent. I am a great supporter of Prevent, because if it is done properly, it works very well.

Dr Johnson: The other point I would make about the training is that it talks a lot about vulnerabilities of people who may be victims of ideology. We need to be making it clear that when atrocities are committed, people are responsible for the actions they have taken. They should not be excused because of being vulnerable to becoming victims of ideological radicalisation.

Mr Jones: I would agree, but when the Intelligence and Security Committee, on which I serve, did its right-wing terrorism report, there was evidence of groups targeting certain individuals with some vulnerabilities. The shocking thing for me is the rise in right-wing terrorism. Twenty-five per cent of the plots that were disrupted in the last few years were by right-wing terrorists, mainly young boys and teenagers, who were not radicalised by individuals, but usually on the internet. That is an area where it is very difficult for gatekeepers to intervene.

Dr Johnson: The right hon. Gentleman said that the right wing had increased and represented 25% of plots. What were the other 75%?

Mr Jones: It is right that Lord Anderson's review moved the responsibility for right-wing terrorism to MI5 from the police. That is why we undertook our review. The other part is made up of Islamists and other types of terrorism. That is a growth area that we cannot ignore, and to try to categorise that, which is what the previous Home Secretary tried to do, is unfortunate. We should be coming together and, whether it is Islamist terrorism or right-wing terrorism, we need to deal with it in a co-ordinated and forceful way. Prevent is good at that but, unfortunately, political discourse in the last few years has led to fingers being unfairly pointed at certain people in Prevent. It is a difficult job. Certainly, as regards our report on right-wing terrorism, when dealing with young people and individuals who have been radicalised online, how do we get the gatekeepers to spot what they are doing? Let us be honest—some of those people will not go on to commit acts of terrorism.

Like it or not, the biggest threat to us now in this country is not necessarily organised terrorism; it is self-generating terrorism by individuals who are radicalised in cyber-space by other individuals. That is a very difficult thing for the security agencies to deal with. If we see some of the content on both the Islamist and the right-wing sides, it is pretty disgusting and it affects young people's minds. That is why if we can get in there and use it properly, Prevent is the right way to try to stop people taking the next step, which is either to commit an act of terrorism or an act of hatred. We have seen a rise in such acts over the past few years on the right-wing side, with Islamophobia and others. That is the important thing that Prevent should do.

I just wish that Prevent had not become a political football to be kicked around by some people who have always been against it, for example in the Muslim community and likewise by those on the right in this country. We depend a lot on individuals and how they do the work, but a lot of the success stories are never told. As the Minister knows, having met some of the individuals as well, there are success stories.

I welcome the guidance. All I stress is that we must try and turn the temperature down on this and do what I think we all want to do, which is to prevent people from being radicalised.

2.53 pm

Tom Tugendhat: I thank all hon. Members on all sides for the tone in which the debate has been conducted. The hon. Member for Barnsley Central is absolutely right that the first time we met I was sent out to shadow him. I very much hoped I would not have to take his job because we were in a combat theatre. This time, sadly, he is gunning for mine. I assure him I will resist just as hard as we resisted together nearly 20 years ago.

It is a great pleasure to work with the hon. Gentleman on this. As many will know, trust between individuals is what makes this Parliament work when it works at its best. We oppose each other on various areas—or rather, he opposes me as I try to do the best for the Government of the country—but the co-operation we have had has improved our ability to co-operate on things that matter. This is something that matters.

I want to pick up on the points the hon. Member—

Mr Jones: Right hon. Member.

Tom Tugendhat: I apologise to the right hon. Member who is sitting at the back and ask him to forgive me. He is an old friend and, again, he has raised some interesting matters.

As a friend of Jo Cox and a friend of David Amess, I appreciate the equality of terror in all its horror, in all its pain and in all its agony. I do not think that any of us in this place require a lesson in that. I hear point made by the right hon. Member for North Durham, but I would just say that the services, the intelligence agencies and the police fully appreciate that. The right hon. Member will also know that his words about professionalism in the Prevent space are absolutely right. We have heard frankly disgraceful commentary about the professionalism of our Prevent individuals, who are conducting these services, which completely ignores the fact—and it is a fact—that Prevent is about making sure that all British citizens are treated equally. It is about making sure that there is no soft racism of cultural misunderstanding that tolerates the extremism in one community rather than another, because “that’s normal for them”. No—all British citizens deserve the protection of the British state. They deserve protection from violence used against them, but they also deserve protection from the radicalisation of their children or themselves. That is what Prevent is about. It is about equality; it is about the rights of British citizens; and it is about the right of every citizen and individual in the United Kingdom to be safe.

The hon. Member for Barnsley Central made some interesting points. The point about mental health is valid and true; we are working with the Department of Health and Social Care on that. It is a complicated area, because while it is extremely likely that an individual who seeks to do harm through terrorism may well be suffering from a form of mental illness, that does not undermine the fact that their ideology is radicalising them towards violence. I am afraid that the overlap between mental health and terrorism does not negate either side. The reality is that both can exist at the same time, and we must address both at the same time.

The hon. Member’s point about the recent protests was also extremely valid. One of the things that has shocked me most—I use the term appropriately, I think—is the number of people the police have identified and want to talk to about incidents of racism, antisemitism and vile hatred who fill positions of responsibility in our society. That is completely unacceptable. The normalisation of antisemitism that we have seen on the streets is utterly unacceptable. It is wrong and deeply harmful. Not only is it harmful in the fear that it spreads in parts of the communities that we are lucky enough to represent, but it is wrong because it normalises in the minds of young people attitudes and actions that could easily lead to their causing greater harm and pain. We are absolutely committed to this, and I know that the Prevent professionals working in this space are fully aware of the dangers that we face.

A lot of the engagement on the AI question that the hon. Member spoke about is covered in different ways in the Online Safety Act 2023. The work that has just been done by the Prime Minister at Bletchley Park—the hon. Member will know what a remarkable achievement it was to get all those countries around the table for the AI safety summit—was an extraordinary effort that started to address some of the questions he spoke about. I am delighted to have the hon. Gentleman’s support on that, because it will evolve. The reality is that artificial intelligence is an extraordinary process. It is not just an event, but a process by which the acceleration of algorithms produces information and consequences much faster than many other systems have allowed. We are seeing extremism operating in a very different environment. We are also seeing a very different environment in which the information flowing into algorithms and producing artificial intelligence is changing the way in which different people understand things. This is a question about not just the process, but the input.

The last point I want to make is on the question about mixed, unstable or unclear ideology. In response to the right hon. Member for North Durham, the reality is that while there is extreme right-wing terrorism, it is not in any way ignored; in fact, it is addressed very clearly by our policing and Prevent professionals. Sadly, a huge amount of it is emerging at the moment from the Muslim community. It is a real problem, and we are addressing it. To protect young men and women in the Islamic community, we need to be sure that we support them in a way that would support everybody in the United Kingdom and attack those centres of radicalisation. It also means that we must look at other areas where they are emerging. The question about incel violence—*involuntary celibate violence*, or mixed, unstable or unclear violence—is also emerging. Sadly, it has grown at different points. It is still a smaller percentage of the events that we see, but sadly it is far too present even now.

Question put and agreed to.

Resolved,

That the Committee has considered the draft Counter-Terrorism and Security Act 2015 (Risk of Being Drawn into Terrorism) (Revised Guidance) Regulations 2023.

3 pm

Committee rose.

