

<b>Institution: Leeds Beckett University</b>		
<b>Unit of Assessment: 18 Law</b>		
<b>Title of case study: Legal interstices of Counter-Terrorism Policy</b>		
<b>Period when the underpinning research was undertaken:</b>		
<b>Details of staff conducting the underpinning research from the submitting unit:</b>		
<b>Name(s):</b>	<b>Role(s) (e.g. job title):</b>	<b>Period(s) employed by submitting HEI</b>
<b>Dr Simon Hale Ross Dr David Lowe</b>	<b>Lecturer Senior Research Fellow</b>	<b>Sept. 2017-Sept. 2018 March 2019 to present</b>
<b>Period when the claimed impact occurred:</b>		
<b>September 2015-present</b>		
<b>Is this case study continued from a case study submitted in 2014? No</b>		
<p><b>1. Summary of the impact</b> (indicative maximum 100 words)</p> <p>The research has contributed to shaping and delineated the legal parameters of counter-terrorist policy in the United Kingdom. Lowe's work on the Prevent anti-radicalisation policy has been impactful both in terms of policy reform and innovative practice involving novel training programmes with those tasked to implement the policy and development of alternative forms of engagement with young people. Secondly, Lowe and Hale-Ross have identified the civil libertarian issues concerning limits of surveillance and interception of various forms of electronic communications used by those suspected of involvement with terrorist activity.</p>		
<p><b>2. Underpinning research</b> (indicative maximum 500 words)</p> <p><b>Counter-terrorism, the Prevent Policy and Radicalisation.</b> This project involves a critical evaluation of the Prevent Policy, first introduced in 2003 as a programme for countering terrorist ideology and challenging those who promote it. Prevent was extended in scope by the creation of the statutory duty under section 26 of the Counter-Terrorism and Security Act 2015 on persons involved in education. This includes a duty to report various forms of extremism, including Islamist and far-right narratives. Lowe's research has highlighted significant flaws and suggested reforms in terms of both policy and practice to reshape Prevent on both local and national levels (Lowe, 2019).</p> <p>On the policy level, his research has informed two forums of potential policy reform to Prevent. (Lowe, 2017b, 2018). Lowe has given testimony to the All Party Parliamentary Committee on a 'Fit and Healthy Childhood' and the working group's report on 'Positive Mental Health Through Movement'. The objective is to propose reforms in policy/legislation regarding the safeguarding of children and young persons. Lowe's input is on the Prevent Policy and the impact extremists have in radicalising children and young persons via the internet and social media sites. 'Together with other members of the Committee Lowe will be compiling evidence and preparing a report in late 2021'. Additionally, Lowe was invited by Lord Carlile of Berriew, a former Independent Reviewer of Terrorism Legislation to contribute to the Independent Review of the Prevent strand of counter-terrorism policy in late 2019 (this review has been suspended pending a new chair).</p> <p>Lowe has also appraised the effectiveness of individuals and organisations tasked with monitoring and 'policing' Prevent, (Lowe 2019). There have been two main areas of enquiry: the development of new training tools for those formally involved in supervising Prevent that allows a more nuanced understanding of the drivers and responses to radicalisation (see the Hydra training initiative in section 4); promoting the practice of pro-active but informal community engagement with young people that might be susceptible to radicalisation (see the Oldham and Tameside project in section 4).</p>		

The Impact outlined below has been generated by the following research findings:

- understanding and delineating speech that, although protected under the right to freedom of expression exceeds established legal parameters, from that which can amount to extremism that glorifies or promotes violence (Lowe, 2017b, 2018):
- Identifying and evaluating the obligation of the statutory duty under section 26 of the Counter-Terrorism and Security Act 2015 on persons involved in education;
- Understanding that Prevent needs reform to effectively engage with various forms of extremism, including the Islamist and far-right narrative.

**Surveillance of Electronic Communications.** This project evaluates the regulatory approach in the UK within the challenge of counter-terrorism laws reconciling individual privacy and collective security in the digital age since 2015. Lowe's research assesses several technologically-based problems facing British law enforcement agencies, including use of the Internet; the existence of 'darknet'; untraceable Internet telephone calls and messages; smart encrypted device direct messaging applications; and commercially available encryption software (Lowe, 2017a; Lowe & Hale-Ross, 2019).

The Impact outlined below has been generated by the following key research finding:

- The 'bulk powers' of digital surveillance introduced by the Investigatory Powers Act 2016 has and the new legislative safeguards introduced are potentially incompatible with international human rights standards

### 3. References to the research (indicative maximum of six references)

Hale-Ross, S. *Digital Privacy, Terrorism and Law Enforcement: The UK's Response to Terrorist Communication* (2018) Routledge ISBN: [9780367025403](https://doi.org/10.1080/9780367025403) (linked to surveillance of electronic communications in section 2)

Lowe, D 'Surveillance of Electronic Communications and the Law'( 2017a) in S, Morley, J, Turner, K. Corteen and P, Taylor (editors) *A companion to state power, liberties and rights*, Policy Press (linked to surveillance of electronic communications in section 2)

Lowe, D. Prevent Strategies: The Problems Associated in Defining Extremism: The Case of the United Kingdom. (2017b) *Studies in Conflict and Terrorism*. DOI: <https://doi.org/10.1080/1057610X.2016.1253941> (linked to counterterrorism, the Prevent policy and radicalisation in section 2)

Lowe, D. Chapter on Prevent Policy in *Terrorism: Law & Policy*. (2018) London Routledge (linked to counterterrorism, the Prevent policy and radicalisation in section 2)

Lowe, D. The Christchurch Terrorist Attack, the Far-Right and Social Media; What can we learn? (2019) *The New Jurist*, April (linked to counterterrorism, the Prevent policy and radicalisation in section 2)

Lowe, D & Hale-Ross, S *Terrorism and State Surveillance of Communications* (2019) London: Routledge (linked to surveillance of electronic communications in section 2)

**4. Details of the impact** (indicative maximum 750 words)

**Counter-terrorism, the Prevent Policy and Radicalisation:** Lowe's research on the Prevent Policy has impacted both in terms of policy, practice and training. He has been involved in assisting various agencies related to the UK's Prevent policy since 2014. Since he has been employed at Leeds Law School from March 2019, Lowe has made significant impact contribution in three areas:

In terms of policy reform, his research findings have informed policy reform initiatives concerning Prevent as outlined in section 2. As far as the 2019 Independent Review of Prevent, Lord Carlile identifies the import "of the research he has been conducting in relation to the UK's Prevent strategy ... Dr Lowe will continue to be of value to the Review"

In terms of practice, a symposium entailed 'Prevent Strategy: helping vulnerable people drawn towards terrorism or another layer of state surveillance?' was held at Leeds Beckett University (LBU) in September 2019 bringing together academics and practitioners. One initiative that has developed post-symposium is the creation of a working group with Oldham and Tameside Local Authorities, to develop an Assessment Support Centre is involved in engaging young people that might be susceptible to radicalisation in positive social engagement. The convenor of the working group, Phillip Arnold, Assistant CEO of The New Bridge Group of Schools in Oldham, states, "Dr Lowe brings his research into the Prevent strategy into practice with the Working Group, where he assists in two areas, relationship management and dialogue. Lowe's work informs, " helping staff confidence in challenging extremist views with a counter narrative ... and effective re-engagement of vulnerable young people within society." Two key outcomes have been identified. This project has engendered staff confidence in challenging extremist views with a counter narrative. It has also reinforced the importance of counter narratives as effective mechanisms to develop a dialogue and re-engage vulnerable young people within society.

This project will be one paper in a co-edited collection of the papers from the September 2019 symposium to be published in late 2020 – Bennet, R and Lowe, D. *Prevent Strategy: Helping the Vulnerable being drawn towards Terrorism or Another Layer of State Surveillance?* (Routledge). Bennet is completing a Ph.D. thesis focussing on the impact of the statutory Prevent duty on legal academics in university law schools throughout England & Wales.

In terms of training, Lowe has applied his research findings and extensive experience of training in law enforcement settings to work with LBU colleagues in developing a Hydra training project. This has been designed to facilitate changes in training policy as far as Prevent for educators in the North East region and for police officers related to their statutory responsibilities under section 26 Counter-Terrorism and Security Act 2015. Hydra is an immersive simulation training system that provides learning scenarios focusing on decision-making skills and LBU is distinctive in terms of a University supported Hydra training suite. In addition to LBU colleagues, the Home Office North East Regional Prevent HE/FE Co-Ordinator, Christopher Sybenga and Detective Superintendent Matthew Davison, North East Regional Co-Ordinator for Prevent (Police) have inputted from their professional practice. The Hydra training programme on Prevent was piloted in February 2020. After making the suggested modifications that materialised at the pilot sessions, the aim is to showcase this training programme to a range of potential stakeholders at an event in 2020.

This hands-on project has provided a more acculturated and nuanced training programme as far as awareness and application of this duty to established training as to this legal duty. Christopher Sybenga, states that Lowe's research portfolio has contributed to develop "a 'hands on' practical scenario based training where delegates have to work through a series of practical issues ... a significant number of universities' academic staff are against having this duty imposed on them due to the misconception that the duty is an obligation to spy on

students and colleagues, whereas the safeguarding element of this statutory duty has been marginalised. With this in mind, I can see the Hydra Prevent programme going some way to allaying this suspicion.” Additionally, Lord Carlile has recognised that this Hydra project could be applied nationally as “an example of good practice”.

**Surveillance of Communications:** the work of Lowe and Hale-Ross, both independently and collaboratively has focussed on evaluating whether UK counter-terrorism legislation that empowers state surveillance of electronic communications and the ability of the state to intercept and access encrypted forms of social media platforms, can be reconciled with international human rights standard. Lord Carlile has highlighted that the work of Hale-Ross (2019) has been impactful in identifying that the objectives of UK counter-terrorism law with “the multiple levels of scrutiny applied to interception and investigation ... can be achieved in a developing human rights context”. In 2018, a symposium on this area, which brought together academics and practitioners resulted in an edited selection of papers (Lowe & Hale-Ross, 2019).

Lowe has undertaken numerous media interviews (many of them live) concerning counter-terrorism including electronic surveillance and the Prevent policy to national and international audiences. This has included the print media (e.g. Wall Street Journal; Yorkshire Post), terrestrial (e.g. BBC Breakfast Time) and satellite TV broadcasters and social media outlets (e.g. Russia Today (RT) and Turkish national TV (TRT)).

#### **5. Sources to corroborate the impact** (indicative maximum of 10 references)

1. Factual Statement from Phil Arnold, Assistant of the New Bridge Group of Schools in Oldham. David to chase up and then we review the support letter
2. Factual Statement from Chris Sybenga Department for Education G7 Prevent Regional HE/FE Coordinator for the North East of England
3. Factual Statement from Lord Carlile of Berriew CBE QC, UK Independent Reviewer of Terrorism Legislation, 2001-2011
4. Factual statement of media involvement and impact e.g. Baras Saglam, TRT Tv, Turkey TV.