



Washwood Heath
Multi Academy Trust

'No Platform' Policy

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‘No Platform’ Policy

Responding to speakers promoting messages of hate and intolerance in Birmingham

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Introduction

Washwood Heath Multi Academy Trust devotes much time and energy to ensure that our employees and communities are confident that our academies, which are committed to the principles of being UNICEF 'Rights Respecting Schools', operate in a culture of equality and fairness in the context of upholding British Values. The use of Trust facilities by groups holding extreme religious, ideological or political views may pose a threat to this confidence as extremist groups may seek to create or exploit grievances and community tensions to the detriment of the whole community. This presents a complex problem for school leaders who need to uphold freedom of speech and values of tolerance and respect whilst retaining the trust of local communities and the principles upon which our Trust and the academies within them are built.

The Government's Prevent Strategy, 2011¹ (Revised 2019) and the Counter Extremism Strategy, 2015² 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.'

Also included in the Government's definition of extremism are calls for the death of members of our armed forces, whether in this country or overseas.

The Strategic Framework and Statutory Duty:

Washwood Heath Multi Academy Trust has developed this 'No Platform Policy' to ensure compliance with our statutory obligations, as detailed below.

Prevent Duty: Section 26 of the Counter-Terrorism and Security Act 2015 (the Act) places a duty on certain bodies ("specified authorities" listed in Schedule 6 to the Act), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism".

The term "due regard" as used in the Act means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions

The requirement to prevent premises being used by extremists is also reflected in the Counter Terrorism Strategy as the Trust will make full use of available powers, to cover the full range of extremist behaviour make full use of available powers, to cover the full range of extremist behaviour, including where extremists sow division in our communities and seek to undermine the rule of law.

The policy balances the need to ensure freedom of speech and expression whilst

¹ <https://www.gov.uk/government/publications/prevent-strategy-2011>

² <https://www.gov.uk/government/publications/counter-extremism-strategy>

ensuring that the Trust and its academies comply with current legislation and our commitment to creating cohesive communities. Washwood Heath Multi Academy Trust values freedom of speech as a fundamental right underpinning our society's values. However, free speech is not an unqualified privilege and must be subject to laws and policies governing equality, human rights, community safety and community cohesion. Both private citizens and public officials have the right to speak freely and voice their opinions. However, freedom comes with responsibility and free speech that leads to violence and harm of others goes against the moral principles on which free speech is valued and the rights respecting principles of the Trust and its academies.

This 'No Platform' Policy will ensure that the Trust and its academies uphold the duty of care towards all our students, staff and stakeholders by seeking to ensure no discrimination on the grounds of political opinion, age, colour, disability, ethnic or national origin, gender, marital status, race, religion or sexual orientation shall be exercised by any individual on school premises.

1.0 Policy Overview & Summary

- 1.1** No person using Washwood Heath Multi Academy Trust's facilities should express or promote extreme ideological, religious or political views.
- 1.2** Washwood Heath Multi Academy Trust will not allow the use of its facilities to any group or organisation proscribed by HM Government. A list of proscribed organisations can be found:
<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>
- 1.3** This policy underlines Washwood Heath Multi Academy Trust's statutory duties and embeds a commitment to the promotion of strong and cohesive community relations.

2.0 Definitions for the purpose of the Policy

For the purpose of this policy:

- 2.1** The Terrorism Act 2000 makes it a criminal offence to:
 - 2.1.1** Belong, or profess to belong, to a proscribed organisation (section 11 of the Act);
 - 2.1.2** Invite support for a proscribed organisation (and the support is not, or is not restricted to the provision of money or other property) (section 12(1));
 - 2.1.3** Arrange, manage or assist in arranging or managing a meeting in the knowledge that the meeting is to support or further the activities of a proscribed organisation, or is to be addressed by a person who belongs or professes to belong to a proscribed organisation (section 12(2)); or to address a meeting if the purpose of the address is to encourage support for, or further the activities of, a proscribed organisation (section 12(3)); and

- 2.1.4 Wear clothing or carry or display articles in public in such a way or in such circumstances as to arouse reasonable suspicion that an individual is a member or supporter of the proscribed organisation (section 13).
- 2.2** Section 38b of the Terrorism Act 2000 states that an individual has committed an offence if s/he has information which is known or believes might be of material assistance in preventing another person from committing an act of terrorism or securing apprehension, prosecution or conviction of another person for an offence involving the commission, preparation or instigation of an act of terrorism and s/he fails to disclose that information to the police as soon as is reasonably possible.
- 2.3** Not every part of the Government definition of extremism (see 'Introduction' above) must be satisfied for a particular individual or organisation to be regarded as extremist.
- 2.4** The Equality Act 2010 protects nine individual characteristics set out in Appendix 2. All members and employees of Washwood Heath Multi Academy Trust have a duty to not unlawfully discriminate against anyone based on any of these characteristics.
- 2.5** The Equality Act 2010 also requires Washwood Heath Multi Academy Trust to have due regard to:
- 2.5.1 Eliminate unlawful discrimination, harassment, victimisation and any other conduct prohibited by the Act;
- 2.5.2 Advance equality of opportunity between people who share a protected characteristic and people who do not share it; and
- 2.5.3 Foster good relations between people who share a protected characteristic and people who do not share it.
- 2.6** Washwood Heath Multi Academy Trust facilities includes (by way of example):
- 2.6.1 Property and land owned by Washwood Heath Multi Academy Trust, in part or in whole;
- 2.6.2 Property and land leased or licensed by Washwood Heath Multi Academy Trust, in part or in whole;
- 2.6.3 The provision of services, such as IT services (including copying or printing);
- 2.7 Appendix B contains further guidance on 'unacceptable behaviours'.
- 3.0 Freedom of Speech**
- 3.1** Washwood Heath Multi Academy Trust is committed to the principles of free speech

so far as is reasonably practicable and access to school facilities is not denied to anyone on any grounds relating to the beliefs or views of that individual.

3.2 Where the expression of beliefs, views, policies or objectives are unlawful and where it is reasonably anticipated that the unlawful expression of such beliefs, views, policies or objectives might occur, Washwood Heath Multi Academy Trust reserves the right to prevent by any means those views/beliefs from being expressed on its premises.

3.3 Washwood Heath Multi Academy Trust recognises the need to balance the rights to freedom of speech with the provisions of the Equalities Act 2010, which brings together legislation covering anti-discrimination law and which outlaws the use of threatening words or behaviours, or the display of threatening written material with the intent to stir up religious hatred.

4.0 Communication Methods

Use of the Internet & other Electronic Means:

4.1 It is forbidden to use Washwood Heath Multi Academy Trust's websites (or those of its academies), IT facilities or any other elements of the information management systems or processes for the promotion or planning of terrorism, or promoting extreme ideological, religious or political beliefs.

4.2 Any legitimate research or investigation, particularly with relation to groups causing concern (including those proscribed by Government) must first be agreed by a senior line manager.

4.3 Washwood Heath Multi Academy Trust has the right to exercise control over all activities on its IT facilities and networks, including monitoring of systems and electronic communications and access to external resources, pursuant to its existing policies.

Written and Printed:

4.4 It is forbidden to use Washwood Heath Multi Academy Trust's facilities to produce, store or circulate materials for the promotion or planning of terrorism, or materials promoting extreme ideological, religious or political beliefs. Materials may only be stored or circulated to appropriate individuals if it is in accordance with the law and with the purpose of enacting this or any other relevant school policies. A senior line manager's approval is required to store or circulate such materials.

4.5 Washwood Heath Multi Academy Trust has the right to exercise control over all materials stored within its schools, including the right to destroy materials, and to pass on materials to the police for criminal investigation as deemed appropriate.

4.6 Infringements of, or departures from, the procedures set out in this Policy in whatever respect may render those responsible subjects to disciplinary proceedings and they may be referred to West Midlands Police.

5.0 Implementation

5.1 In order to comply with this policy, when an employee or member of Washwood Heath Multi Academy Trust makes a decision to allow the use of the Trust's facilities to an individual, group or organisation, they must satisfy themselves that the intended use of the facilities is not in breach of this policy. Appendix 1 includes further guidance in relation to this.

5.2 This can be achieved by considering the following questions and taking the following actions:

5.2.1 A check should be carried out as to whether or not the individual/group is listed on the government's list of proscribed organisations, see paragraph 1.2 above.

5.2.2 If they appear on the list, then the booking must be declined. This must be brought to the attention of the relevant Head of Academy and the CEO as well as reporting the matter to the West Midlands Police. Permission must not be granted for the use of the Trust facilities in breach of the Terrorism Act 2000.

5.2.3 Identify if the individual/group has previously made a booking and been cleared by this process.

Previously cleared:

5.2.4 If the individual/group have previously been cleared check if any concerns were raised that would be considered a breach of the Terrorism Act 2000 as set out in paragraphs 2.1 and 2.2 above or considered a breach of the Equalities Act 2010, paragraphs 2.5 and 2.6 above either during or after the event should be referred to during or after the event.

5.2.5 If no concerns were raised, a check must be undertaken to evaluate if the planned event/activity is free from controversial issues or appears to promote extremist ideological, political or religious belief, with reference to paragraphs 2.3 and 2.4 above. Further investigation should be carried out if required.

5.2.6 If the activity/event would appear to breach either the Terrorism Act 2000 or the Equality Act 2010 and the Trust's duties under these acts, the activity must not be agreed or take place, and the actions in 5.2.2 above must be implemented.

5.2.7 If the planned event/activity is free from issues raised in paragraphs 5.2.2, 5.2.3 and 5.2.4 above then booking can be accepted.

5.2.8 If the matter has been referred to the Head of Academy and CEO the booking must not be accepted until clearance has been given.

6.0 Appeals

Appeals against decisions made by Washwood Heath Multi Academy Trust in accordance with this policy should be made within seven working days and in writing to: companysecretary@whmat.academy.

The Trust will not allow organisations to use Trust facilities if they fail to meet the safeguards outlined above. Any organisation wishing to appeal a decision, would need to be made to the Company Secretary and would be considered by a panel formed of the CEO, the Chair of the Trust and/or another member of the Board or its Academy Advisory Boards.

7.0 Training

The Trust will ensure that relevant, regular training is in place for staff and governors.

8.0 Reporting Concerns

All school staff has a responsibility to act on concerns. Staff will have training on how to recognise a potential issue with the promotion of extremism in school.

Washwood Heath Multi Academy Trust staff will inform the Designated Senior Lead at the school if they have a concern. Core team staff should inform the MAT Safeguarding Lead, who will liaise with the CEO.

Any staff member who has raised a concern will be given feedback on the action taken.

If after reporting a concern, academy staff feel that no satisfactory action has been taken, then they should escalate the concern by informing the MAT Safeguarding Lead of their concerns. Within the core team, this should be the CEO or, if the CEO had been previously informed, the Board member responsible for safeguarding. If a concern needs to be escalated further, then Washwood Heath Multi Academy Trust Whistle Blowing Policy is to be used.

In addition to the Trust's safeguarding mechanisms if someone is concerned about someone using school premises to promote extremism, then further advice can be sought by writing to noplatform@birmingham.gov.uk

Appendix 1:

No Platform Policy – Undesirable

Advice and Good Practice for Venue Bookings

Follow the steps below to mitigate the risks of undesirable books. This document is not a definitive list and should be used in conjunction with other checking mechanisms.

ASK

What's planned and who's planning it?

1. Who is the individual or organisation booking the event?
 - Ask for their name and associated names they operate under
 - Ask for their address and phone number
 - Get details of the individual or the organisations website and associated websites.
2. Do they implement a policy that promotes equality and diversity and challenges all forms of discrimination? Or will they agree to their event subscribing to your equality and diversity policy?
3. Ask for details of the event, including: theme; title; agenda; content; speakers; expected audience, numbers and demographics; details of how the event will be promoted (ask for copies of flyers/posters etc); is the event open to the public or a ticket only event?

CHECK

Undertake due diligence to confirm what you've been told and find out more.

1. Run a check on the individual/organisation/speakers by:
 - Viewing their website, articles or speeches
 - Consider what other people are saying about them (articles/blogs etc.)
2. Ask for a reference from a venue provider previously used by the individual/organisation.
3. If the booking is for a charity, check the charity number of the organisation with the charity commission at the charity.commission.gov.uk

DECIDE

Do you let the event go ahead? Or take action to reduce risk?

Use the information collected to inform your decision.

TOP TIPS when taking bookings

- If the booking is being arranged by an event management or another company, make sure you know who their client is
- Be wary of individuals only giving out mobile numbers
- If the enquiries are about internet use and bandwidth, investigate whether any speakers will partake remotely
- Be wary of individuals/organisations making large cash payments
- Ensure that in the event of reputational risk you can withdraw from the contract

TOP TIPS when researching individuals/organisations online

- Complete a thorough investigation on the individual/organisation by:
 - Viewing their website(s)
 - Looking at what other people are saying about them (article/blogs etc.)
- Complete a thorough check on any speakers by looking at what other people are saying about them (article/blogs etc.)
- When you are looking at a website, check that it is being kept up to date
- If you are unsure about an organisation, check it has a landline number and a business address
- Where possible use primary evidence – an organisations manifesto or a person speaking on YouTube

ADDITIONAL INFORMATION

List of Terrorist Organisations banned under U.K Law

<https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations-2>

The Charity Commission

charity.commission.gov.uk

If you still have a concern about the booking, you can contact your Local Authority

noplatform@birmingham.gov.uk

In case of an Emergency dial **999**

If you have any information about suspicious activity or behaviour contact Counter Terrorist Police via: **Gov.uk/ACT**

Advice and Decision-Making Process

SOURCE

- Member of staff
- Local resident
- Partner organisation
- Local organisation or group
- Social media
- Other

ASSESS INFORMATION

- Gather information
- Identify venue type
- Apply assessment criteria
- Does the speaker/event breach Counter Terrorism ACT 2000 or the Equalities Act 2010
- Consult relevant community groups
- Be proportionate
- Seek appropriate partner advice if required

CONSIDER IMPACT

- Consider impact on cohesion, equalities, community safety and potential for disorder
- Identify and decide on appropriate course of action
- Obtain further advice and clearance from the lead Director via the No Platform Inbox (NoPlatform@birmingham.gov.uk)

MAKE DECISION

- Decision to support booking
- Decision to not support booking. In this instance inform booking person/organisation of reason for decision, refer them to the NoPlatform policy and their right to appeal.

Assessing Information

GATHER INFORMATION

- Undertake due diligence by conducting open source checks; use more than one search engine to prevent bias.
- Consult partner organisations, communities and third-party sources for further information
- Gather as much primary source and attributable information as possible

ASSESS INFORMATION

- Assess credibility of sources and allocate weight accordingly
- Is there evidence that the speaker/group has promoted messages of intolerance and hate towards any groups
- Under the protected characteristics identified within equalities legislation.
- Identify if the speaker/group has been banned elsewhere previously
- Consider any risks to cohesion, equality, community safety and the potential for

- public disorder
- Seek further advice from partner organisations to understand information if necessary

CONSULT

- Consult relevant group(s) from protected equality group that may be affected (LGBTQ-I, faith partners etc)
- Review identified risks to cohesion, equalities, community safety and the potential for public disorder and liaise with policyholder.
- Consult partner organisations on any risks identified
- Consult with venue owner

Assessing Information

Assessment Criteria for Managing Extremist Events or Speakers

In assessing the risks posed by an individual event or speaker, Washwood Heath Multi Academy Trust will work with relevant stakeholders, including West Midlands Police and base our judgment on research that is:

Primary – Caution will be exercised when information about individuals is derived from secondary sources without any supporting primary evidence.

Attributable – Evidence from official, personal websites or videos, remove any doubt as to what an individual said and therefore present a stronger case.

Reliable and Valid - It is important to be able to assess the reliability and validity of a source in order to be credible. The first is the **validity** of the information. This is the truthfulness of the source in respect to the information presented.

When assessing the Reliability of the information, the extent to which we can rely on the source of the data should be considered.

Objective – Statements or actions will be seen within context. What are the intended outcomes of the meeting/messages and what is the intended audience? Is it part of a wider campaign? Are there any speeches/videos? Consider the manner, tone and messaging of these in their current political and social context. It is important to understand what the current climate is and contextualise the impact of the messaging based on this.

Support and advice can be sought from the policy holder.

When assessing the risk of potential speakers based on past event the following should be considered: What is the manner and tone in which the speaker addressed its audience and the subject matter?

Are the comments made derogatory and offensive to any particular group or community, and breach the aforementioned policies? And does the speaker appear to be condoning the derogatory comments in historical or religious texts?

Do the views of the speaker(s) invoke extremist and/or derogatory views?

Statements or actions that provide opposite or positive evidence, or evidence of the individual recanting, clarifying or apologising for previous views will also be considered (as should how consistent and public these clarifications have been).

Reviewed – Research should be periodically reviewed to ensure that it reflects current positions.

Washwood Heath Multi Academy Trust recognises the need to ensure that all information/research collated for the purpose of sensitive decision-making is gathered from as many sources as possible and reserves the right, where necessary, to consult partner organisations including West Midlands Police and the Home Office for further advice and guidance.

As part of the information gathering process, appropriate weight will be allocated dependent upon the type of source material; primary evidence will be sought where possible. When assessing information gathered from online sources Washwood Heath Multi Academy Trust will exercise caution of allocating too much weight to information contained within blog sites and for example, of quotes that may have been taken out of context.

If someone contravenes the No Platform Policy, staff should be made aware that information collected is reasonable and judgments are consistent with the policy, and that decisions are not based on personal views and judgments. If a decision is made to decline a booking, staff should ensure that reasons for decision making are appropriately logged. Staff should also be prepared to provide proactive feedback and evidence of reasons as to why they have been refused.

Potential Breaches

- Associated with a proscribed group
- Subject to adverse media attention
- Views deemed as being discriminatory or inflammatory to others
- Views/activity in breach of the Counter Terrorism Act 2000

Considerations for gathering and assessing open source data found online

- Use more than one internet search engine to minimise search engine bias.
- Where possible find primary source information (e.g. a group's manifesto on their website; You Tube videos of a person speaking or band's music; an individual's personal writing on their blog).
- Is the website stating information as fact ("*depression is the most common mental illness in the UK*"), or is it clearly giving something as the author's opinion? ("*I don't think doctors in the UK get enough training in dealing with depression*")
- Is the information detailed enough for what you need?

- Does the webpage give sources for the information – does it say where it came from? What other sources can you find to check the information against? Try to find a different type of source, like a report from a well-known body, or published statistics.
- If the webpage is clearly giving someone’s opinion on an issue, how much weight should you give to their opinion?
- Can you easily tell who the person or organisation behind the webpage is? Can I trust the person or organisation behind this webpage? Are they likely to be biased? Are they an authoritative source? Is the author taking a personal stand on a social/political issue or is the author being objective? Bias is not necessarily "bad," but the connections should be clear.
- With what organisation or institution is the author associated? Is there a link to the sponsoring organisation, a contact number of and/or address or e-mail contact? A link to an association does not necessarily mean that the organisation approved the content.
- If you found the page through a link or a web search, and are not sure where it comes from, look for the home page, or an “About Us” or similar link. Does the page author give a real-world postal address and phone number?
- Given how quickly information on the web can change and how long some websites have been around, always check how up to date the information is. Does the page say when it was last updated? If not, try checking the Properties or Page Info options

in your Web browser for a date. Is the website generally being maintained – do all the links still work? Can you check against sources you know are up to date for comparison? If there are several out-of-date links that do not work or old news, what does this say about the credibility of the information?

- When undertaking open source due diligence, the following principles must be complied with:³
 - Research should take the form of web searches using a well-recognised internet search engine such as Google or Bing, and key terms such as: “extremism”, “racism”, “sexism”, “homophobia”, “misogyny”, “antisemitism” and “islamophobia”.⁴
 - To ensure compliance with the Regulation of Investigatory Powers Act (2000) and the Data Protection Act (1998), any searches must minimise the risk of unfairly intruding upon an individual's right to privacy, and therefore should not include exhaustive trawls of social media content.
 - Local authorities should only seek to identify information that could give rise to concerns related to extremism.
 - Local authorities should not routinely conduct internet searches as described above for the following purposes:
 - Party political events and engagements
 - Private engagements or meetings held under 'Chatham House' Rules
 - Personal or non-official activities or engagements

- To identify whether individuals agree or disagree with HMG policy
- Local authorities should also not routinely conduct internet searches on the following groups:
 - Elected UK officials
 - UK public servants
 - Individuals under the age of 18.

³ Guidance provided by the Office for Counter Terrorism, Home Office

⁴ For further helpful guidance on conducting effective internet searches, please see:
<http://www.techrepublic.com/blog/10-things/10-tips-for-smarter-more-efficient-internet-searching/>

Appendix 2 – Unacceptable Behaviours

Unacceptable Behaviours

The Special Cases Unit in the Home Office controls recommendations for exclusion cases. Detailed guidance is published online regarding the exclusion process. The Special Cases Unit uses the following criteria in assessing whether an individual should be prohibited from entering the United Kingdom.

The list of unacceptable behaviours covers any **non-UK citizen** whether in the UK or abroad who uses any means or medium including:

- writing, producing, publishing or distributing material
- public speaking including preaching
- running a website
- using a position of responsibility such as teacher, community or youth leader to express views which:
 - foment, justify or glorify terrorist violence in furtherance of particular beliefs
 - seek to provoke others to terrorist acts
 - foment other serious criminal activity or seek to promote others to serious criminal acts
 - foster hatred which might lead to inter-community violence in the UK

The Equality Act 2010 and Protected Characteristics

The Equality Duty, introduced by the Equality Act 2010, is a duty on public bodies and others carrying out public functions.

The Equality Act 2010 lists the nine protected characteristics which are the grounds upon which discrimination is unlawful. The characteristics are:

Age Disability

Gender reassignment

Marriage and civil

partnership
Pregnancy and
maternity

Race – this includes ethnic or national origins, colour or nationality
Religion or
belief – this includes lack of belief

Sex

Sexual orientation

The Act sets out the different ways in which it is unlawful to treat someone, such as direct and indirect discrimination, harassment, victimisation and failing to make a reasonable adjustment for a disabled person. The act prohibits unfair treatment in the workplace, when providing goods, facilities and services, when exercising

public functions, in the disposal and management of premises, in education and by associations (such as private clubs).

The Equality Duty, introduced by the Equality Act 2010, is a duty on public bodies and others carrying out public functions. The Equality duty has three aims. It requires public bodies to have *due regard* to the need to:

- **Eliminate unlawful discrimination**, harassment, victimisation and any other conduct prohibited by the Act;
- **Advance equality of opportunity** between people who share a protected characteristic and people who do not share it; and

Foster good relations between people who share a protected characteristic and people who do not share it.