Ethics Case Study: Upholding & Promoting Fundamental British Values

1. Identify the problem

You are delivering careers advice and guidance sessions at a Community Centre which supports a local ethnic minority community. The customer is a well-qualified female from an Islamic country and she would like to transfer her qualifications to primary school teaching in the UK. She would like careers advice on entry to teaching and mentions that she would like to consider this career as an opportunity to promote Islamic values (having had many years of teaching in Islamic Schools in her country of origin). She wears the full Islamic headdress and black face covering which she is unwilling to remove and is worried / angry about this prospect in case she has to go for interviews.

What kind of problem is it?

a) It is organisational: is there tension between what the Community Centre may expect you to provide to their members irrespective of their clients’ requests and your own expectations of what you can deliver as a public or private service employee subscribing to the Fundamental British Values Policy? How will organisational relationships that may have taken time to establish be affected?

b) It is professional: is there a conflict between your professional ethics particularly in relation to equality, justice and transparency? That is the need to treat clients equally regardless of their background, being just and fair and yet fulfilling obligations to adhere to the legal requirements of Prevent and Safeguarding (including protecting learners from prejudice-based discrimination).

2. Apply the Code of Ethics

Principle 5: Confidentiality
Members must respect the privacy of individuals, disclosing confidential information only with informed consent, except where there is clear evidence of serious risk to the client or welfare of others.

Members must inform clients of the limits of confidentiality and data sharing at the outset.

Principle 8: Equality
Members must actively promote equality and diversity and work towards the removal of barriers to personal achievement resulting from prejudice, stereotyping and discrimination.

Members must treat clients equally regardless of their gender, age, race, ethnicity, disability, religious beliefs or sexual orientation.

Principle 10: Justice
Members must be just and fair to all clients, respect their human rights and dignity and adhere to any legal requirements and obligations.

Principle 11: Transparency
Members must provide career development services and activities in an open and transparent manner.
So what are the ethical dilemmas here?

The client may just want some information and advice on primary school teaching and the British recruitment process (including interviewing). She may be feeling under valued regarding her qualifications and experience and is hence expressing feelings of anxiety. Therefore there are no ethical conflicts and the customer requires good advice and guidance towards understanding of the system in UK and addressing her employability needs.

However concerns arise given her intention to utilise teaching as a means of promoting Islamic Values (as opposed to Fundamental British Values). The client’s anger around the removal of head dress – where has this come from; is this stemming from a personal experience or perception? Moreover all employers including your own are bound by the Equality Act and Prevent Duty.

The concerns would therefore be:
- Potentially exploring underlying issues around ‘Islamic values’ and any contradictions with British values. Would unpicking these ‘Islamic values’ generate tension?
- How would you promote FBV that is integral to all the above ethical principles be promoted? That is, tolerance/mutual respect/democracy. The Rule of law (e.g. applicable for interview requirements) is about upholding FBV not Islamic values and this would necessitate ‘transparency’ and facial visibility during the interview.
- Perhaps the customer does not have respect for FBV if she considers Islamic values as superior and intends to supersede FBV during her teaching career. Does she hold any radical views, will these be promoted in teaching and thus are there concerns regarding security?

Ethical situations such as this are very complex and involve more than one principle. A mapping of Fundamental British Values against the Code of Ethics indicates that FBV are intrinsic to all of the principles within the Code of Ethics and the protected characteristics of the Equality Act (2010) (which also underpins the CDI Code of Ethics). Adopting a right course of action therefore requires a clear understanding of the Prevent Duty (2015) and applying key guiding principles (such as 5,8,10 and 11) from the Code of Ethics.

3. Review the relevant professional literature

Legislation
The Government published the ‘Prevent’ strategy in 2011 as part of its overall counter-terrorism strategy, CONTEST. The Counter-Terrorism and Security Act 2015 contains a duty on specified authorities to have due regard to the need to prevent people from being drawn into terrorism. This is also know as the Prevent duty. In March 2015, Parliament approved guidance issued under section 29 of the act about how specified authorities are to comply with the Prevent duty. Key legal definitions for the Preventing extremism duty include British values and extremism.

Three key objectives of the 2011 Prevent Strategy Legislation are:
1. To respond to the ideological challenge of terrorism and the threat from those who promote it.
2. To prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support.
3. To work with sectors and institutions where there are risks of radicalisation that we need to address.
Current Guidance

Prevent’ duty guidance, first published in February 2015, was put into place in the further education and skills sector on 18 September 2015. As a result, all further education and skills providers in England must have ‘due regard’ to the need to ‘Prevent’ people from being drawn into terrorism. Therefore, 2015/16 was the first academic year of the duty being put into practice formally.


Two versions of the Prevent Duty guidance were approved: one for specified authorities in England and Wales, and one for specified authorities in Scotland. These 2 documents were revised in July 2015, removing the chapters on further and higher education institutions. This is because 4 new pieces of stand-alone, sector-specific guidance for these institutions were issued.

Higher and further education prevent duty guidance

The remaining 4 documents, issued on 16 July 2015 under section 29 of the act, have been issued to provide guidance to higher and further education institutions subject to the duty. Following Parliament’s approval of the guidance documents, they came into effect on 18 September 2015.

Ofsted Prevent Survey (2015) - the purpose of this survey was to evaluate how well further education and skills providers are implementing the ‘Prevent’ duty in its first year, and to assess the impact of the work being done to protect learners from those who wish to promote extremism. Her Majesty’s Inspectors carried out the fieldwork for this survey between November 2015 and May 2016. Findings were informed by visits to 37 further education and skills providers, as well as 46 full inspections or monitoring visits carried out between November 2015 and May 2016:

- Nearly half of providers lacked sufficient safeguards to keep learners safe online, with learners in some cases bypassing security settings to access websites selling firearms or promoting terrorist ideology.
- In some instances, inspectors saw no effort by providers to implement the requirements of the duty, leaving learners at risk.
- There is also too little effort put into partnership working, with several local authorities failing to support providers, who were unaware of the range of advice and guidance available to them.


The Ofsted Further Education and Skills Handbook (2015) includes guidance on how the Prevent duty, including the promotion of British values, will be inspected from September 2015.


Training

To assist implementation of the duty in section 26 of the Counter-Terrorism and Security Act 2015, a Prevent e-learning training package is now available. This is introductory training. It provides a foundation on which to develop further knowledge around the risks of radicalisation and the roles involved in supporting those at risk.

Institutions covered by the Prevent Duty may wish to consider further training resources available within the Prevent training catalogue to support their implementation of the Prevent Duty.
Prevent Training Catalogue (Home Office, 2016) - this catalogue has been produced by the Home Office to highlight some of the training courses to help individuals covered by the requirements of the Prevent Duty, contained in Section 26 of the Counter-Terrorism and Security Act 2015.

The courses within this catalogue aim to support frontline staff in increasing their understanding and awareness of radicalisation and how it can be prevented.

Sources of Information, Case Studies & Good Practice on Applying Prevent
- http://www.et-foundation.co.uk/
- http://www.excellencegateway.org.uk
- http://www.insted.co.uk/british-values.pdf
- http://www.richmondschool.net/Our-School/British-Values-PREVENT

You will find through your training on Prevent and review of the published literature that much of the application is already embedded within careers practice. Moreover ‘most (further educational) institutions already understand their Prevent-related responsibilities, especially in the context of ensuring the welfare of learners, staff and visitors, and there are numerous examples of good practice in these areas. As with higher education, compliance with this duty will reflect existing best practice and should not add significant new burdens on institutions. It is to be implemented in a proportionate and risk-based way’ (Prevent Duty Guidance, 2015, p2). In applying the CDI Code of Ethics therefore a careers professional is complying with the duties required by Prevent.

4. Consult with experienced professional colleagues and/or supervisors and/or relevant professional bodies

You could speak to your line manager as they and all senior leaders should:
- have an understanding of the factors that make people vulnerable to being drawn into terrorism.
- understand what action to take in response to a concern about a vulnerable individual
- expect to challenge extremist ideas which are used by terrorist groups and can purport to legitimise terrorism
- operate an effective Prevent reporting system which will normally be part of the Safeguarding process
- ensure there is an officer to report concerns to. Usually the Safeguarding officer should lead in this area.
- ensure that there are robust procedures, both internally and externally, for sharing information about vulnerable individuals. This should include information sharing agreements. These must comply with data protection policy and legislation.

You could discuss it with your designated Safeguarding Officer or Prevent specialist staff who will have specialist expertise to understand the process and policies in place for when vulnerability has been identified, know when to make referrals to Channel\(^1\) and where to get further advice and support.

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\(^1\) Channel

If an individual is identified as vulnerable to extremism exploitation they would be referred through the Channel process. Channel is an early intervention multi-agency process designed to Safeguard vulnerable people from being drawn into violent extremist or terrorist behaviour. Channel works in a similar way to existing Safeguarding partnerships aimed at protecting vulnerable people. Channel is designed to work with individuals of any age who are at risk of being exploited by extremist or terrorist ideologies. The process is shaped around the circumstances of each person and can provide support for any form of radicalisation or personal vulnerabilities. Each Channel Panel is chaired by a local authority and brings together a range of multi-agency partners to collectively assess the risk and can decide whether a support package is needed.
5. Potential courses of action

a) You could follow the principle of justice adopting a non-judgemental, respectful and listening ear with the client outlining clear ground rules and re-contracting within the interview so her anger and behaviour are conducive to a positive intervention. Information on teaching, labour market opportunities and interview requirements should be given with impartiality and transparency to encourage client autonomy and thus alleviate her anxiety concerning the interview process.

b) You could ignore the issues concerning the client’s rationale for entering teaching as a means of promoting Islamic values or anger at conforming to British educational requirements for interviews (e.g. removal of facial covering) then you would not be deemed to be challenging views that may oppose fundamental British values and hence fail to comply with the Prevent legal duty. The consequences hold serious regulatory and legal implications should the client come under scope for radicalisation or extremism through an alternative channel and / or the provision undergoes an Inspection (Ofsted)\(^2\).

You would also be traversing the Code of Ethics principles in particular 5,8,10, and 11 and those aspects denoted by italics.

c) You could re-contract the session outlining British values as a framework for setting and maintaining ground rules for appropriate behaviour in the session. You could also explain how FBV work for life in modern Britain. This would involve challenging her aggression about the requirements for interviews in the UK and bringing in ‘realism’ and discussions on support (for interviews / confidence building) in a relevant, meaningful and inclusive manner for the client. You could explore whether these values were shared by the client and whether there was any overlap with her own culture and beliefs.

6. Select the most appropriate course of action

It is important to avoid knee jerk reactions and tick-box approaches to upholding and promoting FBVs. There are often no obvious signs of extremism or vulnerability to radicalisation. There is no typical list of signs but although changes in behaviour and dress are often cited these will often be signs of perfectly normal behaviour. It should be noted that individuals taking their religion more seriously, choosing to grow a beard or wearing a headscarf for religious reasons are NOT signs of extremism.

\(^2\) Monitoring and enforcement (Prevent Duty Guidance, 2015)

- Ofsted inspects publicly funded further education and skills providers in England under the Common Inspection Framework. This inspection is risk-based and the frequency with which providers are inspected depends on this risk. Safeguarding is inspected as part of leadership and management judgement. In Wales the inspection regime is operated by Estyn.
- Where Ofsted finds a publicly-funded further education institution or independent training provider inadequate, intervention action would be taken. In the case of independent providers this is likely to result in their contract being terminated by the Skills Funding Agency. In the case of further education institutions and local authority providers, this would result in the Further Education or Sixth Form College Commissioner making an immediate assessment.
- This could lead to governance and leadership change, restructuring or even dissolution under the Secretary of State’s reserve powers. Under the Further and Higher Education Act 1992 Act, and following intervention action, it would also be possible for the Secretary of State to issue a direction as the ultimate sanction.
- For those institutions that are not publicly funded, the Secretary of State will have a power to nominate a body to monitor compliance with the duty and undertake risk-based assessments.
Therefore knee jerk reactions, without understanding properly what Fundamental British Values mean for our community and clients are unhelpful as are cutting and pasting a few things on your resources and ticking a box on ‘British values’ on your documents. Instead it is your sound professional judgement which will lead you to decide to refer a Safeguarding concern relating to extremism.

This must be followed within a planned, coherent and collaborative approach for the successful implementation of Prevent – where institutions have clear and visible policies and procedures in place covering staff, learners, learning, partnerships and infrastructure.

7. Evaluate the selected course of action

The test of justice: By providing impartial advice and guidance as per the client’s needs and requests (in this case on teaching requirements and employability practices in Britain) you feel you have been just and fair to the client. At the same time by applying Prevent you are upholding and promoting FBV whilst implementing the legal requirements and obligations of safeguarding. You feel that you are showing a full duty of care to the client and to society in this way and this would be a course of action you would be happy to take with someone you cared about.

The test of accountability: You would be happy to publicise your actions as you feel you have acted as bound by legal duty (Prevent) as well as professional integrity. You feel that your actions would be publically defensible as these have been about providing impartial, good and holistic careers guidance whilst ‘preparing the client for successful life in modern Britain and promoting fundamental British values’ (Ofsted Handbook, 2016). You feel you have exercised ‘vigilance, confidence and competency in challenging the client’s views and encouraging debate’ (Ofsted Handbook, 2016).

The test of universality: You would be comfortable recommending this course of action as a valid option to other professional colleagues. This is about having the ‘due regard to the need to prevent people from being drawn into terrorism (violent or non violent extremism) or creating an atmosphere conducive to terrorism and popularising views which terrorists can exploit’ (Prevent Duty Guidance, 2015) whilst providing good careers guidance.

8. Implement the course of action

If following your information and advice in 5a) and discussions in 5c), concerns regarding the client’s radical views or the potential for promotion of extremist Islamic ideology prevailed then you must following your organisational Safeguarding procedure.

The Safeguarding officer will assess the situation with the human resources manager and if they feel that there is a risk of radicalisation, they would seek advice/guidance from their local Prevent coordinator or the local Prevent team.

(Note: Individuals or their parents’ or guardians if under 18 do need to give consent to be referred to Channel but not for referral to the local Prevent team or coordinator. If someone refuses to go through the Channel process or is not judged to need to go through the Channel process the organisation will need to decide whether additional support may be needed, often with partner organisations).

9. Monitor and evaluate outcome
What lessons emerged

- You have applied the Safeguarding Procedure and Prevent Duty³.
- You have engaged in a multi-professional, multi-agency approach to tackling extremism.
- You have exercised ‘vigilance, confidence and competency in challenging the client’s views and encouraging debate’ (Ofsted Handbook, 2016) in protecting them from radicalisation and extremism. The CDI Code of Ethics has provided a safe framework within which to conduct this debate.
- You have promoted equality of opportunity and diversity well so that any form of direct or indirect discriminatory behaviour is prevented and prejudice is not tolerated.
- You have thus put the promotion of fundamental British values at the heart of your work as a careers practitioner and have thus applied the principles of the Code of Ethics intrinsically.

Produced by CDI Professional Standards Committee, June 2017.

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³ At a corporate level institutions should have robust procedures both internally and externally for sharing information about vulnerable individuals. This should include information sharing agreements where possible. Institutions must have a clear Prevent referral process with a single point of contact which is known to all staff and students. This will usually be the same as the safeguarding process. (Prevent Training, Education Training Foundation, 2016).