

Fundamental British values & the Prevent Duty in Scotland

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In July 2015, a legal duty came into force as part of the United Kingdom's Counter Terrorism and Security Act that included a requirement (referred to as the Prevent Duty) for schools and other education providers to 'prevent people from being drawn into terrorism'. Parallel to this initiative, schools in England were also required to include teaching on 'Fundamental British Values' as part of the curriculum, to 'build pupil's resilience to radicalisation'. Yet this latter element is not required in schools in Scotland.

This paper argues that the absence of a requirement for teachers in Scotland to include teaching on Fundamental British Values simultaneously politicises and depoliticises the delivery of the Prevent Duty, and British identity in this context. In doing so, the paper contributes to existing debates on the relationship between the Prevent Duty and the Fundamental British Values, reflects on the political nature of these parallel initiatives and examines the security policy implications of the contentious nature of British identity in Scotland.

Keywords: Prevent, Scotland, Identity, Fundamental British Values, counter-radicalisation

On July 1st 2015, a legal requirement commonly referred to as the 'Prevent Duty' came into force across England, Wales and Scotland. This duty, which is listed as part of Section 26 of the Counter-Terrorism and Security Act (2015) states that a series of defined authorities must have 'due regard to the need to prevent people from being drawn into terrorism'. It listed those employed in local government, education and childcare settings, criminal justice and health and social care as holding this responsibility.

The practical implication of this change was that a wide range of public sector employees are now legally obliged to report concerns about individuals being drawn into extremism. Proponents saw this policy as another element of an expanding 'safeguarding' responsibility that is intended to protect young and vulnerable individuals from harm in its many forms. Critics saw the new duty as an expansion of the surveillance state that co-opted nurses and teachers as spies. This development was the latest in the expansion and adjustment of the

counter-radicalisation Prevent strand of the CONTEST Strategy that is intended to prevent involvement in terrorism.

Included within the Prevent Duty guidance for England and Wales were a pair of reminders for specific education providers (independent schools and early education providers) of their ‘explicit requirement to promote fundamental British values’ⁱ. The requirement to promote fundamental British values was not new to teachers in England, as the Department for Education had included a requirement ‘not to undermine Fundamental British Values’ in the 2012 Teachers’ Standards (Lander, 2016: 275). Interestingly, the term ‘fundamental British values’ was first set out in the revised Prevent Strategy (2011). Thus, whilst not new, the 2015 Prevent Duty explicitly invoked and reinforced the importance of ‘fundamental British values’ education, which itself relied on language from the 2011 Prevent Strategy.

The relationship between the Prevent Duty and Fundamental British Values

Since the introduction of the Prevent Duty, a clear relationship has emerged between the requirements embedded within the Duty, and the requirement for education providers to promote fundamental British values. Within materials produced by the Government, frequent references were made between the goal of the Prevent Duty (‘building resilience against extremism’) and the promotion of fundamental British values. For instance, the OFSTED Common Inspection Framework (2015) makes reference to “several things you can do to increase your students’ resilience to extremist narratives” which includes “promoting the fundamental British values of democracy, the rule of law, individual liberty, and mutual respect for and tolerance of those with different faiths and beliefs”. This language is also included almost verbatim in materials developed by the Department for Education and the Home Office, for the website Educate Against Hate (2023) under the heading “What is Prevent and what are my responsibilities as a teacher under the Prevent duty?”

In the Government’s response to the Trojan Horse Affair (2015c), the two are explicitly connected again, with a key passage noting “The full impact of legislation around fundamental British values, governance and indeed the Prevent Duty that comes into force on the 1 July will take time, but *together they are a strong framework for action* when concerns arise and act as a stronger disincentive to those seeking to impose extremist views on vulnerable young people” [emphasis added]. Similarly, within a Prevent Duty training catalogue produced in March 2016

by HM Government, one entry makes reference to supporting staff to “take on the Prevent duty and better understand the British values element of the Duty” (HM Government 2016). Externally produced training materials also draw an explicit connection between the Prevent Duty and the requirement to promote fundamental British values (Education and Training Foundation, 2018). Thus, in official rhetoric, documents and training materials, links are explicitly drawn between the Prevent Duty and the requirement to promote fundamental British values.

This association has been further emphasised in documents produced at the local government (Local Government Association, 2020) and council (Coventry City Council, n.d., Leicester City Council, 2019) levels, and by practitioner bodies (Early Years Alliance, n.d.). Additionally, a series of training materials that have been produced for education practitioners also directly connect the Prevent Duty and ‘fundamental British values’ (see, for instance, Carroll, Howard & Knight, 2018; Maddock, 2017; Sargent, 2019). Finally, scholars have highlighted that practitioners have interpreted the Prevent Duty guidance as explicitly requiring their delivery of fundamental British values (see, for instance, Silva, Fontana and Armstrong, 2020), and this relationship has also been highlighted more generally by a range of scholars examining the two elements (Revell and Bryan, 2018; Habib, 2018; Winter and Mills, 2020; Lumb, 2018; James 2022; Edwards, 2021; Busher, Choudhury & Thomas, 2020; Robson, 2020). Taken together, it is clear why an assumed connection between the Prevent Duty and the fundamental British values has emerged in discourse, practice and scholarly literature. Whilst it is necessary to avoid suggesting that the fundamental British values element only emerged with the Prevent Duty guidance in 2015, the two have developed in parallel. Going forward, this paper will utilise the Government’s language that both exist within a ‘strong framework for action’.

Since the introduction of both, close attention has been paid to the relationship between the Prevent Duty and the requirement for those in education settings to ‘promote Fundamental British Values’ (see: Busher, Choudhury and Thomas, 2019; da Silva, Fontana and Armstrong, 2021; Vincent, 2018; Panjwani, 2016; Maylor, 2016; Farrell and Lander, 2019). Both aspects, and the close relationship between the two, sparked concerns from scholars of terrorism and political violence, as well as from those in the field of education, as this paper will go on to discuss. Yet this literature focuses heavily on the Prevent Duty within an English setting.ⁱⁱ So far there is limited literature on its application in Scotland (see for instance Meloy & Morris,

2020, whose work considers the psychiatric diagnoses of those referred as the result of Prevent concerns in one part of Scotland, or Blackwood et. Al, 2016, whose work draws on focus groups conducted in Scotland). This absence is surprising, as the Prevent Duty applies in Scotland but distinct advice (HM Government 2015b) governs its implementation. Crucially, this Scotland-specific guidance *omits* any mention of the term ‘fundamental British values’, except when referring to its inclusion within the definition of ‘extremism’,ⁱⁱⁱ as no similar requirement exists for teachers in Scotland. As a result, one element of the ‘strong framework for action’ utilised in England is absent in Scotland.

This paper examines this difference and considers the implications of the absence of the ‘fundamental British values’ element for the Prevent Duty in Scotland. It argues that the absence of this element depoliticises the *delivery* of the Prevent Duty in Scotland, whilst also both *politicising* the Duty and British identity. Without a framework that requires British values education, teachers are not asked to engage in subjective discussions on the nature of what makes values uniquely ‘British’, or navigate a term that is politically charged in Scotland as a result of two decades of constitutional debate. Yet, its absence disharmonises security policy on the matter of ‘British’ values education, and highlights the fractious nature of debates on British identity in Scotland.

To explore this, the paper unfolds in three sections. The first section examines the introduction of the Prevent Duty, and considers its relationship to the ‘fundamental British values’ element to identify why this element has been considered politically contentious in the first place. The second section examines the development of British identity in Scotland and the unique nature of devolved education in Scotland, and how the Prevent Duty was adapted for a Scottish context. The final section considers how the absence of the fundamental British values element simultaneously politicises and depoliticises the Prevent Duty in Scotland. In doing so, it questions the necessity of the fundamental British values element of the framework for action if it is dispensable in one part of the United Kingdom.

Section 1: The Introduction of the Prevent Duty

The broader CONTEST strategy should be understood as a product of the post-9/11 security environment, during which time a significant number of countries revisited their

counterterrorism legislation and sought to update it to bring it in line with changing conceptions of the response to terrorism under the auspices of the global ‘War on Terror’. CONTEST emerged in 2003 and was based on four ‘strands’ – Pursue, Protect, Prepare and Prevent. Although CONTEST has been revised a number of times since its implementation, Prevent has become (and remains) the most contentious of these strands.^{iv} Early iterations of Prevent focused heavily on delivering community-led interventions in areas with significant Muslim populations (Kundnani, 2009: 12) and led to concerns that Prevent framed the Muslim community as a ‘suspect community’ (Heath-Kelly, 2012; Kundnani, 2009; Skoczylis & Andrews, 2020; Breen-Smyth, 2014; Thomas, 2020).

Amid these concerns, along with suggestions from the local level that Prevent was ‘unfocused’ (O’Toole, 2016: 169), Prevent was reformed as part of a broader review of CONTEST. With this change, the Channel system was introduced in England and Wales to identify individuals at risk of radicalisation and requiring an ‘intervention’. To aid in this, a series of sectors and organisations were encouraged to refer individuals under their care to this system to ensure that they could be assessed and provided support as necessary. Sectors identified as the most important here were those such as education, health and social care, the justice and prison system and social work. As a result, workers in these sectors were ‘responsibilised’ (Thomas 2017) for the prevention of terrorism under this iteration of Prevent in the same way that the Muslim communities had been under its previous version. Thus, Prevent moved from being a community-based cohesion framework that attempted to work in areas with a sizeable Muslim population, to a far broader reaching programme that encouraged (and to some extent, empowered) a series of public sector actors to identify concerns about an individual’s risk of radicalisation.

By 2014, it was clear that some in government felt that the various actors empowered by the revised Prevent strand were not doing enough. In his 2011 review of Prevent, Lord Carlile (HM Government 2011: 11) had already argued ‘Universities, however, have been slow or even reluctant to recognise their full responsibilities’. Two years later, a report commissioned by then Prime Minister David Cameron argued that some local authorities were ‘not taking the problem seriously’ and suggested that delivery of Prevent and Channel programmes should be made a legal requirement, albeit with the caveat that this should be prioritised in ‘areas of the country where extremism is of particular concern’ (HM Government 2013: 4). This review (2013: 5) made it clear to schools that they would be reviewed and assessed on their ability ‘to

protect their pupils from extremist material’, as well as ‘to ensure that schools support fundamental British values.’ Thomas (2020: 20) reports that this was not a hollow threat, as schools reviewed in 2014-2015 were downgraded for their failure to comply.

For scholars such as Durodie (2016: 22) a crystallising ‘interface between security and education’ was becoming increasingly evident, and it received support from across the political spectrum in Westminster. A key development during this process was the so-called ‘Trojan Horse affair’,^v after a (possibly forged) letter claimed that a plot existed to provide ‘extremist’ education at a series of Muslim-majority schools in Birmingham. The affair sparked a series of inquiries that mostly rejected the allegations in the letter. Despite this, it has been suggested it was central in the government’s decision to re-evaluate the delivery of Prevent in education settings (Thomas, 2020: 21; Poole, 2018). Vincent (2018: 230) argues that the nature of the affair, led then Secretary of State for Education, Michael Gove, to promise that the government would ‘put the promotion of British values at the heart of what every school has to deliver for children’.

With this, the ‘strong framework for action’ came together – linking the requirement for a series of empowered actors to have ‘due regard to the need to prevent people from being drawn into terrorism’ in the Prevent Duty, with the requirement to promote fundamental British values. Officially coming into force in July 2015, scholars such as Da Silva et. al. (2021: 2) argue that the Prevent Duty is ‘emblematic of the spread of precautionary risk governance into British society since 2001’. For many (Davies, 2016; O’Donnell, 2016; Durodie, 2016; Thomas, 2020; da Silva, et al. 2021) this move represented a securitisation of education as teachers were now expected to serve on the frontline of preventing extremism. In an attempt to defuse these arguments, a number of scholars have highlighted how the Prevent Duty has been framed by those who enact it as ‘safeguarding’ rather than surveillance (Thomas, 2016; da Silva et al., 2021; Dudenhoefer, 2018; Dresser, 2021; Lewis, 2020; Quartermaine, 2016; Qurashi, 2017; Bryan, 2017; Jerome et al., 2019; Ali, 2020). Dresser (2021: 723) argues that this has been done to ensure buy-in from the various actors involved in the duty and Jerome et al. (2019: 830) note that this framing has given teachers confidence that they can carry out the duty. However, this framing has also led to criticism that it is a misrepresentation of what safeguarding is intended to do: protect individuals from harm, rather than protecting society from harmful individuals (Coppock & McGovern, 2014, Heath-Kelly & Strausz, 2018). The language of vulnerability, and protecting those deemed vulnerable, has also been adopted by

those enacting the Prevent duty, and it has been likened to protection from the risk of sexual exploitation.^{vi}

Following the announcement of the Duty, a broad backlash emerged with teachers and healthcare workers unions, and faith-based organisations raising concerns about the policy. Teachers and lecturers identified a range of concerns. That it would turn their teaching spaces into spaces of surveillance (Ramsay, 2017; Dresser, 2021), disproportionately target Muslim students (Busher et al., 2019: 444-445; Ramsay, 2017: 154), and stifle critical thinking and academic freedom (Ramsay, 2017; Lowe, 2017). These concerns mapped onto earlier criticisms of Prevent (whether in reference to the Prevent strand of the CONTEST strategy or the Prevent Duty), and it has been argued that the Prevent ‘brand’ has become ‘toxic’ (Skoczylis and Andrews, 2020: 351). Thomas (2020: 12) has argued that the ‘the sharp public critiques of Prevent as stigmatising British Muslims, threatening free speech and securitising British society have remained constant’ despite alterations to the policy. Lakhani and James (2021: 68) suggest that Prevent has received ‘widespread condemnation due to funding decisions, a conflation with wider community cohesion initiatives, and accusations of covertly acting as a vehicle to gather intelligence and spy on Muslim communities’.

As noted above, the introduction of the Prevent Duty in 2015, reinforced and invoked the parallel requirement to ‘promote Fundamental British Values’. Since before its introduction, and following its implementation, scholars from the fields of terrorism and political violence, and from education have questioned and critiqued this requirement. Below, this paper lays out these critiques, namely that the values laid out are universal rather than uniquely British, that in framing them as British values they are intended to target an internal other, but may not identify extremism in the name of Britishness, and that the implementation of this requirement has been mostly performative due to an already overwhelming curriculum load on teachers. Taken together, these critiques illustrate why it has been argued that the values element has politicised the delivery of the Prevent Duty in education.

‘British’ values?

One of the strongest critiques of the notion of fundamental British values is that there is nothing inherently or uniquely ‘British’ about these values (‘democracy, the rule of law, individual

liberty and mutual respect and tolerance for those with different faiths and beliefs’). The concept of ‘fundamental British values’ has been described as ‘purely subjective’ (Lowe, 2017: 921), ‘confused and confusing’ (Richardson, 2015: 42) and ‘a crude attempt to integrate ‘others’, especially Muslim others’ (Vincent, 2018: 233).

Education practitioners shared some of these concerns (Maylor, 2016; Busher et al., 2019). Bryan (2017: 220) notes that one school leader remarked that they didn’t ‘like the term... values are deeper than the country you live in’ and suggested that the narrative felt inauthentic as it did not have roots in the community. Another school leader suggested that modern values are ‘quite plastic’ and suggested that this conception of fundamental British values ‘lack[ed] nuance’ (Bryan, 2017: 221). A third was unsure of what the term entailed before attending a training course on the matter, but later became confident and supportive of the notion (Bryan 2017: 222).

Another area of concern that was raised was that there is no single notion of British identity or Britishness. Farrell and Lander (2016: 474) found that their respondents questioned the idea of ‘a homogenous British identity’ and Maylor (2016: 323) makes the case that teachers bristled with the notion of a single Britishness, with one headteacher she spoke to recording ‘I don’t think that the issue of British identity is the same here as it is in Watford, as it is in Manchester, as it is in Glasgow, as it is in Belfast, I think they are very different issues’. Lowe (2017: 921) highlights a further problem with the notion of invoking Britishness in this matter: that it excludes Northern Ireland, which is not part of Great Britain.

It is inarguable that these values are not solely held (either individually or in combination) by residents of the United Kingdom, nor are these values not espoused by other societies, whether that be nation states, or religions. Vincent (2018: 227-228) makes the case that Christian values act as an unspoken influence in the values that are included in this conception, and Panjwani’s (2016) survey of British Muslim teachers found that the majority saw no incompatibility between British and Islamic values. One respondent noted:

‘I don’t see anything unique about the British Values. All societies aspire to these values. Some are able to realise it and others don’t due to various constraints. I don’t see any departure between the Islamic and the British values in any significant way.’
(p. 333)

Thus, the framing of these values in this way is less about the encouragement for society to conform and support these (largely widely held) views, and more about framing those who *oppose* these values as extremist, and thus un-British. This leads to a second critique of the fundamental British values programme: that they are targeted at an internal other.

It has been suggested that the initial conception of the values laid out as fundamentally British was intended to contrast with the ‘views’ and ‘values’ of extremist organisations such as Al Qaeda (Ali, 2020: 588). In this sense, the fundamental British values measures sought to create an internal ‘other’ that was defined not by language, ethnicity, or nationality as is usually the case (Triandafyllidou, 1998) but by opposition to a particular system of values. This has led to claims that the purpose of the introduction of the notion of opposition to fundamental British values as a means by which to define extremism within the UK was ‘inherently divisive’ (Farrell and Lander, 2019: 479) and intended to ‘produce a truth about what constitutes an admissible existence as a British subject’ (p. 468). Richardson (2015: 45) argues that their construction has created an ‘imaginary binary opposition between Muslim values and British values’.

But whilst very few would take issue with opposition to the values espoused by Al Qaeda and other extremist organisations, many within the UK may not necessarily feel that Britishness is the prism through which to frame opposition to extremism. For many in the UK, their identity is more complex than a simple binary consideration of whether or not they feel ‘British’. For some, Britishness might be part of their identity, but not their primary identity (as is common in Scotland), and other identities might be more important to them (whether they be local, regional or religious). Crawford (2017) and Ali (2020) both highlight that for many notions of Britain and British identity are associated with colonialism, imperialism, and whiteness. These associations could make it difficult for some in the United Kingdom to identify as British (whether primarily or at all). Thus, the conception of a set of values as ‘British’ serves to exclude those who do not consider themselves as such. Furthermore, the idea that those who do not conform to these values through their British identity are ‘extremist’ serves to securitise those that may find the identity uncomfortable.

Some educators enacting the British values policy within their schools had similar concerns about the framing. Vincent (2019: 24) records the feelings of a Religious Education and Citizenship teacher:

‘I think labelling it ‘British’ creates this kind of division between the British and the non-British ... Essentially what it is really doing is targeting British Muslims and I think it ostracises them and it makes them feel that they are not part of society....’

Vincent (2019: 23) also records that the headteacher at a state-funded Muslim-majority school ‘spoke of her expectation that the promotion of FBV in her school would be under the Ofsted microscope in a way that would not be the case in other (non-Muslim) schools in her local federation’.

Both elements of the ‘framework for action’ raised concerns. Crawford (2017: 201) drawing on findings from Rights Watch notes that Muslim students in the UK have become ‘fearful’ of expressing their views freely, and highlights that this makes students *more* likely to express themselves and explore their identity in *less* moderated spaces such as the internet. Kyriacou et al. (2017: 106) found that some British Muslim university students felt that Prevent had led to the surveillance and isolation of Muslims. Similarly, Busher et al. (2019: 447) highlighted that some educators fear that the framing of the matter might ‘play into the hands of the far-right by propagating notions of fixed and definable cultural boundaries that could be used to mark out and marginalize those deemed un-British or less-British’. Bryan (2017), Lewis (2020) and Vincent (2019) note that these concerns led schools to repackage or reframe the values to be ‘school’ values or ‘shared’ values to moderate the potentially divisive nature of the framing.

Enacting Fundamental British Values

Different interpretations or deliveries of the fundamental British values element illustrate the scale and scope of flexibility that can emerge when it comes to policy enactment. Scholars, such as Ball, Maguire and Braun (2011) have highlighted the range of factors that come into play when trying to translate complex policy language into practice in educational environments, noting key variables such as “particular histories, buildings and infrastructures, staffing profiles, leadership experiences, budgetary situations and teaching and learning challenges” (19). Harnessing their work on the topic of Prevent, James Lewis (2020) highlights the impact of these various contexts for the form that Prevent delivery took in various schools. His work demonstrates the impact on Prevent delivery for schools that sat in a centrally-determined

‘Prevent Priority Area’ (121) and touches on the importance of Ofsted compliance (132) in the form Prevent would take, and the importance attached to Prevent delivery in any particular school.

Thus one practical challenge to the ‘framework for action’: the fundamental British values agenda and the Prevent Duty, has been that it is another duty added to an already stretched workforce (an important contextual factor when it comes to enactment) who must balance a broad-ranging curriculum with the existing safeguarding and caring duties that have been piled on those in the teaching profession over the years (Jerome et al., 2019). Busher et al. (2019: 449) found that the Prevent Duty more broadly had already led to an increase in workload for those responsible for carrying out this duty. Vincent (2018: 233) suggested that she found universal agreement among her practitioner interviewees that matters arising from the fundamental British values agenda had ‘low status and limited lesson time available for discussion and debate with pupils’.

With teachers’ time stretched thin, the low status of the agenda in the eyes of some, and the statutory requirement for schools to demonstrate compliance, it has been suggested that enactment has been a ‘performance of compliance’ in which institutions are keen to visibly demonstrate their engagement with fundamental British values, but on a fairly superficial level. Vincent (2019) found that, rather than introduce new elements to the curriculum to cover fundamental British values, schools re-packaged existing activities to show their compliance, and described this practice as ‘widespread’ (p. 24). Moncrieff and Moncrieff (2019) have examined how schools have sought to use visual displays of fundamental British values, highlighting how certain cultural icons and prominent figures are utilised in an attempt to convey the values through imagery. Robson (2019) found similar practices in early childhood education, describing the enactment in producing public displays of engagement with the values duty as ‘performative’ (p. 106). Bryan (2017: 220) reports that one school leader saw the promotion of fundamental British values as of no greater importance than any other task: ‘for me it’s another one of the pom-poms you throw at a Velcro board: some things will stick’. The superficial and performative nature of the compliance is encapsulated perfectly in an interview conducted by Carol Vincent (2018: 232):

‘One head-teacher who had been involved in a public critique of the policy described a colleague’s response:

I spoke to one head-teacher and he said, “I don’t know why you are fussing about this.” . . . he said, “we have laminated all the key words from the British values document, put them up round the corridors and we are done”. . . Because it just got it out of his way, you know (Seaside School, suburban area, largely White British, middle-class population).’

With a statutory requirement to enact the fundamental British values policy, many have responded by finding ways to highlight existing compliance or performing engagement through highly visible displays. Above, a number of critiques have been put forward of the fundamental British values programme, and the Prevent Duty itself. Given the breadth of concerns on different levels of the Duty, it may surprise some that a common pattern emerged in response to initial criticism or reservations about the Prevent Duty more broadly: compliance. Qurashi (2017: 201), who was involved in the implementation of the Prevent Duty within his University reported that once the law was enacted compliance became the priority. Busher et al. (2019) highlight that by the time the policy was enacted, those required to conform had limited opportunities for dissent. Their research on the matter has found that rather than a straightforward rejection or acceptance of the duty, teachers were critical of elements of the approach, but saw it as a proportionate response to a defined issue (Busher et al. 2019). Other studies of the Prevent Duty in education, engaging with practitioners at different levels have found similar acceptance of this role (Bryan, 2017; da Silva et al. 2021). Heath-Kelly and Strausz (2019) found similar approaches in the health care sector.

Thus, while public sector workers and their trade unions may have held, and still hold, concerns about the nature of the Duty in theory, and concerns about elements of its implementation, the evidence so far illustrates that those required to contribute have done so, albeit with various forms of enactment depending on local contexts. Focusing on the requirement surrounding fundamental British values, similar findings emerge: teachers and school leaders have found ways to take part in this duty, even if this is done in a fairly performative and shallow fashion (Vincent, 2018; Bryan, 2017; Robson, 2019). So, while this section has highlighted moral and practical concerns about the Prevent Duty and the British values element, the evidence suggests that this has not led to noncompliance by those required to act, who have adapted their Prevent and the fundamental British values to fit their local context (Ball, Maguire and Braun, 2011).

Section 2: The Prevent Duty in a Scottish Context

This paper now turns to specifically examining the exclusion of the fundamental British values element from the ‘framework for action’ in Scotland. To do so, it first examines the nature of Scottish devolution, and specifically the long history of devolved education in Scotland and how they affected the form that the Prevent Duty policy takes in a Scottish context.

National Identity and Britishness in Scotland

The road to understanding British identity and its various associations in Scotland is long. The Act of Union of 1707 formalised the political connection between England and Scotland. It also brought renewed vigour to the project to establish and standardise a British identity throughout the United Kingdom (see for example Kidd, 1993). As a result, many Scots adopted a dual identity, comfortably Scottish and British.

Despite the Union, Scotland maintained several distinct national institutions, most notably Scots law, the Church of Scotland and the Scottish education system. T. M. Devine (2012: 389) argues that the Scottish education system was a ‘badge of identity, a potent symbol of Scottishness and one of the ways in which a sense of nationhood was preserved without in any way threatening the basic structure of Union with England’. Throughout more than 300 years of Union, Scottish education has been administered separately from education in England and Wales, either by the Church (Anderson, 1995: 3), or through distinct bodies such as the Scottish Education Department, created in 1872 and attached to the Scottish Office upon its creation in 1885 (Anderson, 2018: 103).

When Scotland voted for devolution in 1997, the responsibility for education fell to the new Scottish Executive.^{vii} Whilst many other aspects of Scottish political life have been determined in Westminster for centuries, the education system has long been devolved to Scotland. Thus, Scotland (or its various Offices, Executives and Governments over the years) has long maintained an enhanced element of control over the Scottish education system, and this was strengthened further following devolution.^{viii} The practical impact of this is that any change that the UK Government intended to make that would impact education in Scotland, would need input from the relevant Scottish agencies.

The rise of Scottish nationalism through its electoral vehicle the Scottish National Party (SNP) indicated that a politicised sense of Scottishness was an increasingly powerful political force. Between the 1960s and the early 2020s, Scotland has seen a shift from established overwhelming majority support for remaining in the United Kingdom, to sizeable minority support for Scottish independence. This process has politicised Britishness in Scotland in a way that was not the case in the past. It has also been shown that the number of Scots that would prioritise their British identity over their Scottish identity has fallen since the 1970s (Curtice, 2008: 212). Since 2007, Scotland has been led by a devolved government that actively advocates for Scottish independence and that has sought in policy and rhetoric to illustrate Scotland's distinctiveness from other parts of the United Kingdom. The continued debate about Scotland's future has pushed Scots who previously saw themselves as Scottish *and* British to question which identity they prioritise. This process has meant that the previously banal acceptance of Britishness in Scotland has diminished. Thus, any adaptation of the Prevent Duty, and the fundamental British values element for a Scottish context would need to take into account at least two key aspects: The development of a complementary British identity in Scotland, and its recent politicisation, alongside the maintenance of a distinct Scottish education system, managed and administered in Scotland.

Adapting Prevent Duty Policy for Scotland

As a result of these, and other, considerations a distinct set of guidance notes were produced for the delivery of the Prevent Duty in Scotland. Following a written query about the drafting process, the Home Office (2021) confirmed:

'Recognising the devolution arrangements for each nation, the Home Office has issued separate guidance for Scotland, to the guidance for England and Wales. The principal objectives of both pieces of guidance remain the same, with minor differences relating to delivery. This is largely due to the devolved nature of the sectors the Prevent Duty is placed upon - with education, health and social care services, local government, and law and order being devolved to the Scottish Parliament.

The Prevent Duty Guidance for Scotland was drafted by the Scottish Government Safeguarding and Vulnerability team, which oversees the coordination of Prevent for Scotland, in partnership with the Home Office. The guidance was developed to align with the different legislative requirements in Scotland and therefore ensures it is fit for purpose in the Scottish context. A similar process was followed for the Prevent Duty for England and Wales, where input was sought from Counter-terrorism leads in the Welsh Government.’ (Personal correspondence, 2021)

Thus, the Home Office argues that the guidance issued for a Scottish context needed to be ‘fit for purpose in the Scottish context’, and was drafted with input from the Scottish Government.

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Both sets of guidance notes (those for England & Wales, and those for Scotland) adopt the same definition of ‘extremism’, which includes a reference to the term ‘fundamental British values’. However, this is the only use of the term in the document issued for Scotland. The only other mention of the term ‘values’ in the paper is when the guidance sets out an expectation that the police will have a critical role in the delivery of the policy, but that to do so they must ‘understand the make-up of local communities across the country, acknowledging local needs, *values* & beliefs and responding in a sensitive and appropriate manner’ [emphasis added]. This inclusion is notable as it is not the state instructing public sector workers to disseminate a shared set of values, but instead instructing its law officers to be sympathetic to the local values of the communities in which they operate, highlighting also the values may vary between communities. In the final section of this paper, it will be argued that the absence of a parallel requirement to promote fundamental British values depoliticises the delivery of the Prevent Duty in Scotland. Yet this development also politicises Britishness in Scotland and British identity by its absence from the Scottish guidance. To explain this, it is first necessary to consider what is meant by politicisation and depoliticisation.

Section 3: Politicisation and Depoliticisation

The concepts of politicisation and depoliticisation have generated substantial scholarly discourse (see for instance Burnham, 2001; Flinders and Buller, 2006; Flinders and Wood, 2015; Hagmann et al, 2018; Hay, 2007; Jenkins, 2011; Wood, 2015; Wood and Flinders, 2014; Zürn, 2014). Depoliticisation has often been framed as the transfer of governing power from

political actors to non-political actors (often referred to as ‘arena-shifting’), through the creation of an independent agency or committee to oversee a particular policy (Flinders highlights the creation of the Food Standards Agency or the Competition Commission in the United Kingdom as examples (2004: 888)). For this paper, the arena-shifting undertaken is the devolution of decision-making authority between central and devolved governments, so there is no attempt to remove this from the realms of political decision-making.

Instead, drawing on Jenkins’ (2011: 158) approach, this paper understands that depoliticisation is “an attempt to *remove* something – whether this is to remove responsibility, politics or, more extensively, human agency”. Politicisation can be understood as Zürn (2014: 50) conceptualises it as “the process by means of which decision-making powers and the associated authoritative interpretations of facts and circumstances are brought into the political sphere, that is, transported ... into the political space (defined by public debates about the right course in handling a given problem)”. Specifically, the paper understands politicisation and depoliticisation to be a course of action that either increases or decreases the likelihood that a policy decision will be interpreted as politically contentious by the general public.

Practically, the absence of the fundamental British values element of the framework in Scotland *removes* the potentially contentious expectations on educators to engage with the politicised notion of ‘Britishness’ in Scottish classrooms. Yet, in doing so, this change disharmonises cross-border security policy. I interpret this as potentially politicising in two ways: firstly, in that the matter of disharmony surrounds the matter of teaching provision on British values in Scottish schools, a politically-charged matter. Secondly, because as Neal (2018: 71) points out, security policy is typically seen as “a depoliticis[ed] ‘exception’ to normal politics rather than as an area of ‘normal’ political activity” and the adaptation of security policy on these grounds could be seen as a politicising act.

Politicisation and Depoliticisation and the Prevent Duty in Scotland

Earlier, the paper highlighted concerns about the use of the term ‘British values’ from teachers in England (where, it could be argued, the term is far less politically charged than in Scotland) given the lack of an agreed definition of Britishness. One result of more than ten years of the prospect of, or campaigning for, an upcoming referendum on independence in Scotland has

been the heightening of awareness around national identity in Scotland. Those campaigning against Scottish independence in September 2014 adopted symbols of the United Kingdom, drew on its cultural institutions and artefacts, and proudly positioned themselves as British. This did this without ceding Scottish identity to those campaigning for independence, attempting to celebrate and maintain the joint identity held by many. Whilst the notion of joint loyalty to Scotland and the United Kingdom was a widely accepted and very common practice in Scotland until then (and arguably, would still be to most), the act of asking voters to choose between the United Kingdom and an independent Scotland forced many Scots to engage with their national identity as a political identity and established a binary division where one previously was less pronounced

Since the 2014 independence referendum, the political fortunes of ‘unionist’ parties (that is, parties that oppose Scottish independence in favour of the maintenance of the United Kingdom) has seen a realignment: with the Scottish Labour Party, for so long a vehicle for unionism in Scotland, losing electoral support to the Scottish Conservative and Unionist Party’s much more muscular brand of unionism (Martin, 2021). This more robust approach to celebrating unionist identity in Scotland has led to an increase in the use of language and symbols of Britishness in Scottish Conservative campaign and political materials. It would be remiss to suggest that this politicisation of British identity in contradistinction to the SNP’s long-standing adoption of Scottish visual symbols and cultural artefacts is entirely new, but it has certainly been elevated and energised by post-2014 Scottish Conservative campaigning, and (to a lesser extent) by similar campaigning by other Scottish unionist parties. Thus, in the last decade, British identity in Scotland has been more politicised than at any point since the initial electoral rise of the SNP in the 1970s. This hasn’t necessarily led to a greater number of Scots shedding their Scottish or British identity, but it has led to the politicisation of both. The continued political division of Scotland’s constitutional future means that both identities are likely to remain politically charged in Scotland in the immediate future.

With this in mind, it is clear to see how difficulties may have emerged had the Prevent Duty guidance for Scotland been delivered alongside requirements for teachers to promote fundamental British values. The contentious and potentially divisive nature of requiring teachers to promote values associated with one side of the constitutional debate would have led to accusations of the politicisation of Scottish education and educators. The absence of the fundamental British values element allows teachers to perform an already contentious duty

(Prevent) without adding the further challenge of delivering values education that is framed in potentially contentious and highly politicised manner.

In addition to avoiding a Scotland-specific additional level of political complication, the absence of the requirement to promote fundamental British values in Scotland removes the variety of concerns highlighted above in terms of the conception of universal values as inherently British, and their framing in opposition to an internal Other whose loyalty to Britain is questioned by their adherence to other value systems. Thus, politically-charged aspects of the framework are side-stepped by educators in Scotland, depoliticising the duty and their delivery of it.

Yet, despite this, it can also be argued that the absence of the British values element from the ‘framework for action’ serves to *politicise* the Prevent Duty and British identity. The absence of the requirement to promote fundamental British values in Scotland significantly alters the framework for the delivery of the Prevent Duty. This has the potential to politicise the Prevent Duty, and Britishness, in at least two ways. The first relates to the Prevent Duty as a security-driven strategy, and the second relates to the absence of an opportunity to promote Britishness and British values to Scottish pupils. Even though this absence may depoliticise the *delivery* of the Prevent Duty, it is inherently political in nature.

Whilst the topic of much of this paper has been the delivery of values materials in an education setting, the Prevent Duty is a security-led counter-extremism strategy. As highlighted previously, security policy is typically seen as “a depoliticis[ed] ‘exception’ to normal politics rather than as an area of ‘normal’ political activity” (Neal, 2018: 71). The decision to decouple a key element from the Prevent Duty guidance for Scotland, could (in the eyes of some) be seen as limiting a core element of the ‘framework for action’. Scholars such as Choudhury (2017: 229) have made the case that creating a cohesive sense of Britishness and British values ‘lies at the heart of the government’s approach to countering ‘extremism’ and preventing radicalisation’. Thus, advocates of the strategy could make the case that by withholding the opportunity for teachers to ‘build resilience’ against extremism through cohesion, the Prevent Duty in Scotland could be less effective.

The optics of the change to counter-extremism strategy by a nationalist government in Scotland, uncoupling parallel requirements to include teaching on a set of values framed around

the British state they seek independence from, could also be interpreted as the politicisation of security policy by a sub-national government. When one considers that this guidance was approved and published by the Home Office, however, it seems unlikely that this is the case. A second way the absence could politicise the delivery of the Prevent Duty is by illustrating a desire on behalf of the Scottish Government to withhold a requirement for teachers and educators to promote Britishness and British values from the curriculum, due to their association with unionism. In 2018, when Education Scotland separately issued guidance for teachers in Scotland to use the words ‘shared values’, rather than ‘British values’, the Scottish Conservative Party publicly objected arguing that ‘British values are part of our history and are important to this country’s culture.’ (Musson 2018). Many Scots still feel passionately British in addition to their Scottish identity, and to remove the requirement to promote fundamental British values in Scotland, could be interpreted as a denial of a key part of the identity of many Scots.

Thinking more broadly, the omission of the parallel fundamental British values requirement in Scotland calls into question the necessity of this element in England at all. If the requirement to promote fundamental British values was sufficiently dispensable that it could be uncoupled from the delivery of the Prevent Duty in Scotland, why is it comparatively indispensable when somebody travels the short journey between Annan Academy in Dumfries and Galloway and Trinity School in Carlisle? Given that national security and counter-terrorism are both ‘reserved’ powers with regards to the Scottish Parliament’s responsibilities, the final decision-making authority on these matters still rests with the UK Government in Westminster. By highlighting that a key requirement *can* be removed from a counter-extremism strategy, the decision to remove the fundamental British values element would seem to further suggest that its inclusion in the first instance was for political rather than security reasons.

In this sense, the adaptation of the Prevent Duty guidance for Scotland to omit the requirement to promote fundamental British values is an inherently (if unintentionally so) political act. In two distinct ways, the omission of the parallel British values requirement from the Prevent Duty in Scotland politicises the implementation Duty itself, and the promotion of values associated with British identity in Scotland.

Conclusion

This paper has examined the absence of a parallel requirement for teachers in Scotland to promote fundamental British values in their delivery of the Prevent Duty. In attempting to draw these various strands together, this paper has explained why the potential existed for the Prevent Duty guidance devised by the Home Office to require input and oversight from the Scottish Parliament, the Scottish Government and other agencies that deal directly with education in Scotland. The decision to adapt the Prevent Duty guidance to ‘ensure it is fit for purpose in the Scottish context’ has meant that one of the more controversial elements of the policy was absent when presented in Scotland.

This decision meant that Scottish teachers were not expected to promote a set of values that have been framed as ‘British’ even though they are held by a variety of societies and faiths. Moreover, the absence of this element ensured that teachers and school leaders were shielded from the need to engage in potentially contentious and highly political debates about the nature of British identity in Scotland. However, the act of withholding the fundamental British values element disharmonises a key strand of security policy in the United Kingdom – the promotion of a shared value system as a vehicle to achieve cohesion in the face of extremism. This illustrates that the policy was omittable in the first place, seemingly suggesting that its inclusion was a political rather than a security decision.

Ultimately, the diverging guidance documents have been publicly available for more than seven years without the matter creating a serious political row, suggesting that the matter has either escaped public attention, or has not been considered sufficiently contentious to merit it at all. Scotland’s absence in debates on Prevent and UK counterterrorism security policy is something that needs to be addressed, as this paper illustrates the potential benefits of increased study of the case. Further research should be done to examine how teachers on either side of the border feel about the absence of the values element in the Duty in Scotland, and how, if at all, this absence (or presence) would impact their delivery of the Prevent Duty were they operating in the other context. Moreover, the available scholarly material on Prevent (whether that be the delivery of the Prevent Strategy or the Prevent Duty) in Scotland remains scarce. Further research on this topic is needed to understand how Prevent has been conducted in Scotland, and the extent to which lessons can be learned about localising the delivery of national counter-terrorism policies.

Outwith Scotland, there are a range of cases that might be impacted in similar ways: in other states with nationalist-led devolved administrations (such as in Catalonia), or in federal systems

such as the United States. In these instances, the ability of sub-state political administrations to interpret and enact policies in a particular manner could have profound implications in securitising or desecuritising particular issues, peoples or spaces. The role of sub-national borders as securitising or de-securitising boundaries, and the contextual re-imagining of security that takes place in the local delivery of national security strategies has the potential to have a profound impact on spatial patterns of security, and on political discourse on personal and national security. Further study of this is vital, and can contribute to debates on the creation and contextual enactment of security policy that have been touched upon in this paper.

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ⁱ Defined as ‘democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs’ in the Prevent Duty Guidance (HM Government 2015a)

ⁱⁱ This applies to the literature on Prevent more generally: very little of the literature is focused on Scotland. Where this topic has been considered in relation to Northern Ireland (McCully and Clarke, 2016) it has been highlighted that it does not apply, and that its implementation would ‘alienate and aggravate those nationalists who, historically, see the imposition of Britishness as central to the problem’ (p. 361).

ⁱⁱⁱ Whilst it does include a reference to fundamental British values, this is only in reference to the definition of extremism given in the Prevent strategy

^{iv} For an explanation of how the Prevent Strand has changed over time see Thomas (2020).

^v For more on this episode see Holmwood & O’Toole (2018).

^{vi} Heath-Kelly and Strausz (2019) writing on the Prevent duty in the NHS argue that this framing of vulnerability does not fit with existing understandings of the term.

^{vii} The SNP changed the name of the Scottish Executive to the Scottish Government upon winning power in 2007.

^{viii} For more on the history and distinctiveness of education in Scotland see (Anderson, 1995; Anderson, 2018; Humes and Bryce, 2018)

^{ix} It is important to point out that the requirement to ‘not undermin[e] fundamental British values’ was set out in the Teachers’ Standards for England for 2011 (Department for Education 2011) and the equivalent requirement is not included in the Scottish Standard for Full Registration (General Teaching Council 2012).