

IN THE MATTER OF THE MANCHESTER ARENA INQUIRY

OPENING STATEMENT OF THE UNIVERSITY OF SALFORD

I, **ANDREW HARTLEY, WILL SAY** as follows:

1. I am a Solicitor of the Senior Courts of England and Wales. I have been employed by The University of Salford (the "University") since 2012. I am its General Counsel and Director of Legal & Compliance. I am also the University's Prevent Lead and Principal Safeguarding Officer.
2. Everyone at the University of Salford was shocked and saddened by the events of 22 May 2017, and our thoughts and condolences remain with those who lost their lives, the injured and all those involved, their families and friends.
3. The University was shocked and appalled to learn that Salman Abedi ("SA") was one of its registered students. The University recognised that an appropriate and necessary response would be to review the adequacy and effectiveness of its duties under Prevent and its structures and mechanisms around student welfare, support and engagement. In summer 2017, the University determined to establish an independent review to examine these issues, in particular whether or not it could have done anything differently to identify if SA was a vulnerable student and to facilitate early intervention.

The University

4. The University has a very distinct history, local identity and tradition. It has been part of the fabric of the city of Salford for almost 125 years, following the establishment of the Royal Technical Institute of Salford in 1896. The University was established as a higher education institution through its Royal Charter granted in 1967.
5. The University's history and evolution has been intertwined with that of the city of Salford from its earliest days. It has been consistently devoted to encouraging people from all backgrounds to offer a route into higher education, to raise educational aspirations and attainment. 99% of its students are state educated. 25% come from low-income families. 28% have BTEC as their highest qualification on entry. In 2018, 50% of its students came from Greater Manchester, with 61% of its graduates staying in Greater Manchester for further work or study.
6. In 2017, the University offered a range of degree subjects across seven schools, namely Arts & Media; Built Environment; Computing, Science & Engineering; Health Sciences; Nursing, Midwifery, Social Work & Social Sciences; and Business School, where Abedi was registered.

Salman Abedi

7. A brief chronology of SA's time at the University is attached as an annex to this statement. What this demonstrates is an initially unremarkable academic career at the University. No approaches were made to the University's askUS student welfare and support services by or in respect of SA. There are no student disciplinary cases or referrals for him. He appears not to have actively participated in student or other University societies. His first year was completed satisfactorily. It is acknowledged that his academic progress began to deteriorate in his second year, culminating in his effective disengagement from academic life around January/February 2017. At that time, the school's student progression administrator attempted to communicate with SA to encourage him to re-engage with his studies, but without success. What we now know is that SA failed to log onto University IT systems or physically attend University after March 2017. If the University had commenced formal proceedings against SA based on his disengagement and non-attendance, there is every likelihood that these would only have concluded at the end of the 2017 academic year, that is in or around June 2017, because it is the Examination Board that sits at the end of the year which makes the final decision as to the withdrawal of a student from the University.

8. What is clear is that prior to the Arena attack, the University had no reason whatsoever to suspect that SA had been radicalised or had been drawn into terrorism. It is especially important to note that at no time did Greater Manchester Police or the security services provide any information to the University whatsoever about SA nor did they in particular inform the University that he had been radicalised or had been drawn into terrorism or was of any other concern to them.¹

The Role of Higher Education

9. The University's Charter, awarded by Her Majesty the Queen in 1967, states that:

"The objects of the University shall be to advance education and knowledge through teaching and research, and in doing so to foster an academic environment which is enterprising and applied to business and the professions, for the benefit of society at large."

10. That this independence of learning has continued to the present day is an important distinguishing feature of university level education compared to school and further education. This is evident in the guidance that UCAS (the Universities and Colleges Admissions Service; a UK-based organisation whose role is to operate the application process for British universities) gives to new applicants:

"Expect to do much more independent study. At university, the formal teaching you receive will often only give you the background knowledge. To succeed, you will be

¹ [INQ000004] Report by David Anderson QC "Attacks in London and Manchester: March – June 2017. Independent Assessment of MI5 and Police Internal Reviews"

expected to complete your own reading and research around topics, to fill in the detail and develop your thinking further. You won't be prompted or hassled by tutors. After years of structured learning in school, with teachers setting homework for you and helping you to plan project work, this might be a bit of a shock to the system!"

11. It is therefore important to recognise that the vast majority of students are young adults and higher education is very much an adult environment in which students are expected to take responsibility for managing their own course attendance and learning arrangements. In this way, unlike at school, attendance of students at particular teaching sessions, such as specific lectures and tutorials, is not legally compulsory. Furthermore, in higher education, student-staff ratios are usually much higher than at a school, which may mean university staff do not have consistent and regular personal contact with any individual student. The approach of the University's policies and procedures in this area is to encourage attendance and engagement. Consequently, it will be unsurprising to conclude that a university will not routinely supervise and monitor the behaviour of its students.

Overview of Prevent

12. Under the Counter-Terrorism and Security Act 2015 ("CTSA"), universities are required to "have due regard to the need to prevent people from being drawn into terrorism", commonly known as the "Prevent" duty. Prevent is one of the four strands of the Government's "CONTEST" strategy. Prevent was extended to include other sectors, including higher education, through the CTSA. HM Government's 2015 Guidance confirmed that section 26 of the CTSA placed the Prevent duty on certain bodies (specified authorities were listed as local government, criminal justice, education and child care, health and social care and police) in the exercise of their functions. The CTSA states that the authorities subject to the provisions must have regard to its 2015 Guidance when carrying out the duty. The duty does not stipulate how a specified authority must comply.
13. It is important to state at the outset that Prevent is not part of the criminal justice system and does not require the higher education sector to play a direct part in crime prevention. The other elements of the CONTEST strategy are "Pursue" (this is the police and security services' role to stop terrorist attacks by detecting, prosecuting and otherwise disrupting those who plot to carry out attacks against the UK); "Protect" (to strengthen protection against a terrorist attack in the UK, primarily through the work of police, border security, and those engaged in the transport system, national infrastructure and public places); and finally "Prepare" (reflecting the role of local and central government and the emergency services to mitigate the impact of a terrorist attack, thereby increasing the UK's resilience). Prevent is the only element of CONTEST that applies to higher education.
14. The role of the police and security services in CONTEST, including the Prevent element, is pivotal and crucial, as is reflected in the National Policing Counter-Terrorism Strategy [INQ018966] and the statement of Shaun Hipgrave [INQ029823].

15. Universities are not in a position to act as law enforcement agencies. Rather the approach of universities to Prevent is centred on protecting the welfare of individuals. It is on identifying individuals, in this case students, perceived as having a vulnerability, who may therefore need support and advice to help steer them away from a route that could lead to radicalisation and other extreme behaviour.
16. The term “due regard” as used in the CTSA does not impose a positive obligation on authorities like universities to prevent persons from endorsing terrorism, or from committing terrorist acts. Neither does it require universities to conduct surveillance on their students. Rather, “due regard” 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. For a university to be assessed as “having due regard” to the Prevent duty, it must have proper policies and processes in place which respond to the statutory guidance, and be able to demonstrate that it is actively implementing these policies.

The University’s Approach to Prevent

17. Until 2018, the Higher Education Funding Council for England (HEFCE) was regulator of higher education (HE) in England and Wales. HEFCE’s regulatory emphasis was to fund and monitor the health of the HE sector. Under the CTSA, between 2015 and 1 April 2018 HEFCE had the responsibility for monitoring implementation of the Prevent duty by universities. In its published monitoring framework, HEFCE set out its approach to monitoring whereby universities would first complete a self-assessment exercise to gauge their initial readiness, followed by the submission of detailed evidence to the regulator for assessment by HEFCE. Thereafter, the ongoing process was implemented through active implementation of policies and procedures and the submission of an annual report to HEFCE. Since 1 April 2018, with the creation of the new single regulatory body for HE, the Office for Students (the “OfS”), HEFCE’s former regulatory functions transferred to this new body, including responsibility for monitoring of the Prevent duty.
18. In line with HEFCE guidance, most universities, including the University, identified the risks pertinent to their own context and developed appropriate, tailored responses. The University also established a group of senior management to have oversight of and to assure implementation of the measures necessary to comply with the Prevent duty. This is the Prevent Task Group (“PTG”).
19. Prevent is primarily seen as a welfare issue, since, as stated, the University’s duty is to seek to identify vulnerable people and help to prevent them from being radicalised. In practical terms, the identification of vulnerable students has been embedded into the organisation’s askUS well-being team, the University’s single-channel for handling all student welfare and support issues. Upon receiving a referral, the well-being team will triage the matter and direct it to the most appropriate area of management, differentiating a student’s needs, welfare issues and/or other vulnerabilities towards teams more able to deal with the issue. In this way, should the well-being team identify

vulnerability that a student is at risk of radicalisation, a referral to the PTG will be made for consideration as to whether or not a Channel referral is appropriate.

20. The availability and breadth of the support offered is promoted to the student body, so that individuals who might need support are aware of what help is there for them and how they can access it if required. While this means any student who has noticed grounds for concern about the welfare or health of another student should have sufficient basic knowledge from which to signpost the latter to possible sources of help, individual students are not subject to the Prevent duty.
21. The University understood its Prevent duty clearly. Were concerns to be raised that an individual was in danger of radicalisation, it would seriously consider making a Channel referral. In the period 2016/2017 six cases were escalated to me as chair of the PTG for consideration, from which the University made two Channel referrals, usually after consultation with the police and Department for Education regional Prevent co-ordinator. By way of context, in its 2016/2017 "Monitoring the Prevent Duty" progress report, the OfS confirmed that, out of 315 higher education providers, there were 183 Prevent related welfare cases that were escalated to the institution's Prevent lead, and of these, just 24 cases were formally referred to Channel. The report explains that most Channel referrals from education are from schools or further education, with general education referrals totalling 1,976.
22. HEFCE, now the OfS, has consistently assessed the University as having due regard for the Prevent duty.

The University's Independent Review

23. In summer 2017, the University determined to establish an independent review to review the adequacy and effectiveness of its duties under Prevent and its structures and mechanisms around student welfare, support and engagement. Members of the independent review panel represented a broad range of interest groups and sections of society.
24. The review concluded that University discharged its Prevent duties appropriately and responsibly.
25. With regard to the tragedy, it found no evidence to suggest that any action the University could have taken would have resulted in a different outcome. This is not to suggest that the University did not take any learning from its independent review. In its February 2018 Report with Recommendations, the review panel had issued recommendations to the University, largely around the further strengthening of its already established systems of student safeguarding, support and welfare. All those recommendations have been accepted and implemented by the University and are referred to in its Lessons Learned Statement filed with the Inquiry on 5 June 2020.
26. With regard to the Public Inquiry and the Inquests, the University has consistently sought to engage positively and constructively with them, seeking Interested Person/Core Participant status at an early stage. It has co-operated with the Inquiry in

an open and transparent manner. It disclosed the reports, statements and other documents it had collected as part of its independent review in a complete and non-selective manner; this was acknowledged by Counsel to the Inquiry in its update note of 4 October 2019.

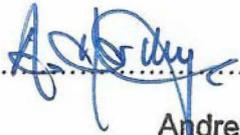
Conclusion

27. The shock and sadness suffered by the entire community as a result of SA's hideous actions endures at the University today. We continue to put the welfare of our students at our centre, with further developments being introduced each year. We also continue to positively discharge our Prevent obligations and play an active role regionally in this field.
28. At the time of the tragedy, the University had no information or material, nor had it received any communication to suggest that SA had been radicalised or was being drawn into terrorism. If it had, it would undoubtedly have acted on it.

Statement of truth

I believe that the facts stated in this witness statement are true.

Signed

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ANDREW HARTLEY

Andrew Hartley
General Counsel
University of Salford

Date

21 August 2020

APPENDIX TO THE UNIVERSITY OF SALFORD OPENING STATEMENT
CHRONOLOGY OF SALMAN ABEDI'S TIME AT THE UNIVERSITY OF SALFORD

Date	Relevant event
ACADEMIC YEAR 2015/16	
September 2015	Salman Abedi commenced studies on the University's BSc Business and Management programme.
8 October 2015	Salman Abedi attends an introductory meeting with his Personal Tutor.
February/March 2016	Salman Abedi met with the course leader for the BSc Business and Management programme, to discuss a transfer to study Accountancy and Finance.
6 July 2016	Salman Abedi received a letter detailing his first year results, in which he passed all modules.
ACADEMIC YEAR 2016/17	
September 2016	Salman Abedi registers for Operations Management, Organisational Behaviour and Professional Development modules for Semester 1 of his second year.
11 November 2016	Salman Abedi submitted his written assessment for the Organisational Behaviour module, which he passed.
9 December 2016	Salman Abedi failed to submit his written assignment for the Operations Management module.
2 January 2017	Date of Salman Abedi's last recorded access to the Organisational Behaviour module on Blackboard.
13 January 2017	Salman Abedi failed to attend the examination in the Organisational Behaviour module
12.17pm on 13 January 2017	Date of Salman Abedi's last recorded access to the Operations management module on Blackboard.
2pm on 13 January 2017	Salman Abedi attends his Operations Management examination, leaving at 3.05pm having not attempted to answer any questions.
1 March 2017	Salman Abedi's last recorded access to Blackboard. University records show that he did not access the resources for his second semester module.