

Framework for the monitoring of the Prevent duty in higher education in England

2017 onwards

This monitoring framework sets out how HEFCE will monitor providers' implementation of the statutory Prevent duty in the higher education sector in England. Relevant higher education bodies will need to follow this framework to demonstrate 'due regard' to the duty. The framework also sets out how we will support institutions and enable the effective sharing of experience and good practice.

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To	Heads of HEFCE-funded higher education institutions Heads of other relevant higher education bodies Prevent leads at relevant higher education bodies
Of interest to those responsible for	Governance; Administration; Student services; Information technology; Security; Chaplaincy; Students' unions; Higher education policy; Counter-terrorism policy
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Enquiries to	HEFCE Prevent team, email prevent@hefce.ac.uk

Executive summary

Purpose

1. This monitoring framework sets out how HEFCE will monitor providers' implementation of the statutory 'Prevent duty' in the higher education sector in England. Relevant higher education bodies (defined in paragraph 19) will need to follow this framework to demonstrate due regard to the duty. The framework also sets out how we will support providers and enable the effective sharing of experience and good practice.
2. This framework should be read in conjunction with further guidance produced for the relevant reporting year, which will be published at least three months in advance of the reporting cycle. Please see the HEFCE website for further information (www.hefce.ac.uk/reg/Prevent). Further resources and guidance documents are available on the HEFCE website, including an 'advice note' (at www.hefce.ac.uk/reg/prevent/framework), which sets out overarching advice and a number of questions for providers to consider when developing policies, processes or arrangements in relation to the implementation of the Prevent duty.
3. Under the Counter-Terrorism and Security Act 2015, relevant higher education bodies (RHEBs) must have due regard to the need to prevent people from being drawn into terrorism (the Prevent duty). HEFCE is responsible for monitoring whether RHEBs are demonstrating due regard to the Prevent duty. Responsibility for ensuring compliance with the legal duty sits with the governing body or proprietor of the RHEB. By 'proprietor' we mean the individual or individuals with strategic oversight of an RHEB's activities, including ultimate responsibility for its financial management.
4. This updated monitoring framework was issued on 1 August 2017. This supersedes the 'Updated framework for the monitoring of the Prevent duty in higher education in England' (HEFCE 2016/24), published in September 2016.

Key points

5. This framework is for:
 - Prevent leads, senior management and governing bodies of HEFCE-funded higher education institutions
 - Prevent leads, senior management, governing bodies and proprietors of other relevant higher education bodies in England, specifically:
 - alternative providers that are subject to specific course designation processes administered by HEFCE
 - other providers that offer higher education to more than 250 students and are not monitored by either the Office for Standards in Education (Ofsted) or the Department for Education (DfE)
 - the autonomous colleges, schools and halls of the Universities of Cambridge, Durham and Oxford.
6. To be assessed as 'having due regard' for the Prevent duty, all RHEBs must have robust policies and processes in place which respond to the Prevent statutory guidance, and must demonstrate that they are actively implementing these policies.

Monitoring requirements

7. All RHEBs will need to submit a short annual report every year, summarising any relevant evidence which demonstrates their continuing active and effective implementation of the Prevent duty as outlined in Section 1. Annual reports should be submitted by all HEFCE-funded providers (including the autonomous colleges, schools and halls of the Universities of Cambridge, Durham and Oxford) by **1 December** each year, and for alternative providers (including other providers that offer higher education to more than 250 students) by **1 March**.
8. In addition, HEFCE will carry out face-to-face 'Prevent reviews' on the basis of risk where we have particular concerns.
9. Providers will also need to report to HEFCE as soon as possible:
 - any material changes to policies which HEFCE has previously assessed (such as a significant change to an information technology policy as it relates to Prevent)
 - any significant changes of circumstance impacting on the provider's Prevent responsibilities (such as a change in Prevent lead)
 - any serious Prevent-related incidents as outlined in Section 3.

Outcomes

10. Providers will be assessed as having 'due regard' to the duty if they satisfactorily demonstrate that they both:
 - have appropriate policies and processes in place in response to the Prevent statutory guidance
 - are following these policies and processes in practice.

Reporting by HEFCE to Government

11. HEFCE will report on a periodic basis to the Department for Education and will publish annual updates on our monitoring work. We may also report to Government on an ad hoc basis,

including where a provider has been found not to be demonstrating due regard to the duty following the procedures outlined in Sections 3 and 4.

Supporting good practice and ensuring continuous improvement

12. As part of HEFCE's role as monitor for Prevent, we are keen to ensure that alongside the formal processes to monitor providers' ongoing due regard to the Prevent duty, we promote an environment of continuous improvement and support the development and sharing of 'what works' in the higher education sector. We continue to work closely with Government, providers, key sector stakeholders and our external advisory group to achieve this through the following activities: undertaking a series of thematic reviews or 'deep dives', co-ordinating further 'What works' workshops to facilitate the sharing of good practice, and undertaking visits to providers where appropriate to gather further feedback on any new issues and practices.

13. An 'Evaluation of monitoring of the Prevent duty in higher education' (HEFCE 2017/12, www.hefce.ac.uk/pubs/year/2017/201712/) highlights the generally positive feedback we received from providers and Government about the light-touch and risk-based approach we have taken to monitoring, with providers welcoming in particular our focus on supporting the 'What works' programme and the sharing of good practice. We will continue to evaluate the effectiveness of this monitoring framework and of HEFCE's role as monitor to ensure it remains fit for purpose. Where this may result in changes to the monitoring framework for future years, we will give providers sufficient notice of any changes which affect them.

Office for Students

14. The Higher Education and Research Bill, passed by Parliament in April 2017, means that from 1 April 2018, a new single regulatory body for higher education will be created – the Office for Students. HEFCE's regulatory functions will transfer to this new body, including responsibility for monitoring of the Prevent duty. This revised framework has been developed in line with the Office for Students' proposed approach to regulation and will be kept under review as the organisation evolves.

Further information

15. Further information is available through the HEFCE website at www.hefce.ac.uk/reg/prevent/.

16. Every institution has a named Prevent adviser at HEFCE. A list of the advisers and their contact details can be found at www.hefce.ac.uk/contact/. Generic queries can be sent to prevent@hefce.ac.uk.

17. Support and guidance can also be accessed through the network of Department for Education Further Education and Higher Education Prevent Coordinators. Details of the Coordinators can be found at www.hefce.ac.uk/reg/prevent/framework/#contact.

Background and introduction

18. Since September 2015, all 'relevant higher education bodies' (RHEBs) have been subject to a statutory duty to have 'due regard to the need to prevent people from being drawn into terrorism' (referred to as the Prevent duty)¹. HEFCE is responsible for monitoring this duty in the higher education (HE) sector in England.

19. The Counter-Terrorism and Security Act 2015 defines RHEBs as falling into four categories:

- higher education providers that are funded directly by HEFCE
- alternative providers with specific course designation
- other providers that offer higher education to more than 250 students
- the autonomous colleges, schools and halls of the Universities of Cambridge, Durham and Oxford.

Schools, sixth form colleges, students' unions and student societies are not RHEBs. Further education colleges that are subject to the duty are monitored separately by the Office for Standards in Education or the Department for Education. Where students are registered with an HE provider but delivery of courses is sub-contracted to another provider (in what are sometimes called 'franchise arrangements'), the HE provider has responsibility for ensuring arrangements are in place for its registered students. This includes cases where HE providers have relationships with pathway providers, such as embedded campuses, and where students are registered with the HE provider. There may be exceptions to this, particularly where a pathway provider registers its own students and they are taught on an HE programme. We will deal with such cases on a case-by-case basis and in discussion with the Department for Education as appropriate.

20. In November 2015 we published 'The Prevent duty: Monitoring framework for the higher education sector' (HEFCE 2015/32), setting out how we would go about fulfilling this monitoring role². We published an updated version (HEFCE 2016/24) in September 2016, to reflect feedback from key stakeholders following a review of our framework and a move towards a more risk-based and light-touch approach to monitoring³.

21. To date, we have undertaken two distinct phases of work:

- a. **Phase 1: Initial assessment** – An initial phase comprising of a **self-assessment exercise** by providers (completed in January 2016) and a subsequent **assessment by HEFCE of detailed evidence** (completed in December 2016).
- b. **Phase 2: Annual reporting** – An ongoing process consisting of an **annual report** from each institution and an initial cycle of **Prevent reviews** where significant concerns were raised.

22. During the initial phase of assessment we worked with all RHEBs to ensure that they had the appropriate policies and processes in place to enable them to satisfy the requirements of the

¹ The Counter-Terrorism and Security Act 2015 (CTSA) Section 26(1).

² Available online at www.hefce.ac.uk/pubs/year/2015/201532/.

³ Available online at www.hefce.ac.uk/pubs/year/2016/201624/.

Prevent duty. However, the Prevent statutory guidance makes clear that ‘compliance will only be achieved if these procedures and policies are properly followed and applied’⁴. Phase 2 therefore entailed the submission of an annual report from providers setting out how they were ‘actively implementing’ the duty. This enabled HEFCE to undertake an initial assessment of the effectiveness of individual RHEBs’ compliance with the duty. Where significant concerns were raised as a result of this process and were been resolved following the submission of further evidence, a number of more intensive ‘Prevent Reviews’ were held to scrutinise the effectiveness of the provider’s approach to implementation (see Section 2 for more detail). In common with other HEFCE processes, the aim is to take a risk-based approach to intervention, avoiding unnecessary burden for providers in continually re-submitting documentation, while providing a robust level of assurance about the delivery of the duty where there are concerns.

Ongoing monitoring

23. Ongoing monitoring will be focused not only on whether providers have the right policies and processes in place, but primarily on evidence of active and effective implementation and sharing of good practice. The rest of this document sets out the evidence we intend to collect for each element of the monitoring process, the ways in which this will be assessed, and the possible outcomes. It also describes how we will support institutions to satisfy requirements, to share good practice and to respond to any changing external factors.

24. The ongoing monitoring framework covers five areas:

- annual reports
- Prevent reviews
- reporting of serious incidents and material changes
- outcomes
- supporting good practice.

25. The remainder of this document provides more information on each area in turn. The terms ‘provider’ and ‘RHEB’ are used interchangeably throughout this document to refer to all HE providers that are subject to the duty.

26. We will re-run on an annual basis our exercise to identify any providers that newly fall into the bracket of 250 HE students, but are not funded by HEFCE or have specific course designation, and should therefore be subject to the duty. We will also work closely with the Department for Education to ensure our approaches for identifying such providers are aligned. As new providers receive specific course designation, we will work closely with them to bring them up to speed on the requirements of the duty. All such providers will submit policies and processes in line with our initial assessment phase and monitoring framework, and will subsequently fall into line with the same annual reporting requirements as existing providers.

Annex A outlines the process for providers entering the regulated HE sector. **Annex B** sets out how we will deal with providers leaving the regulated HE sector and Prevent monitoring.

⁴ There are two relevant sets of guidance for RHEBs: ‘Revised Prevent duty guidance: For England and Wales’ and ‘Prevent duty guidance: For higher education institutions in England and Wales’. Both can be found at <https://www.gov.uk/government/publications/prevent-duty-guidance>.

Section 1: Annual reports

27. Through the annual report process, HEFCE will be seeking assurance from governing bodies or proprietors, supported by appropriate evidence, that providers have continued to have 'due regard' to the Prevent duty over the previous operating or academic year⁵.

28. HEFCE will assess the reports received and provide feedback identifying any concerns or issues. Where we have significant concerns, this process may trigger a request for further information, or where we are unable to sufficiently resolve concerns through correspondence and submission of additional written information, this may then lead to more intensive scrutiny through a Prevent review meeting (more detail about which is set out in Section 2).

29. The timetable for submitting annual reports is as follows:

Table 1: Annual reporting deadlines

Deadline	Provider
1 December	HEFCE-funded providers. The Universities of Cambridge, Durham and Oxford and the autonomous colleges, schools and halls of those universities.
1 March	Alternative providers with specific course designation. Other providers that offer higher education to more than 250 students.

30. All annual reports must include the following elements:

- responses to outstanding actions and feedback from previous assessment phases
- declarations from the governing body or proprietor
- evidence of ongoing engagement and active implementation of the Prevent duty (including data returns as appropriate)
- additional information.

Declarations from the governing body or proprietor

31. Governing bodies and proprietors should have considered appropriate information and supporting evidence demonstrating that the institution has continued to have 'due regard' to the duty over the past year. Alongside this framework, the Committee of University Chairs has produced a practice note which governing bodies and proprietors may wish to take into account when considering such assurances from management⁶. The chair of the governing body (or of the trustees) or the proprietor is required to provide the following declarations to be included in the annual report:

⁵ By 'proprietor' we mean the individual or individuals with strategic oversight of an RHEB's activities, including ultimate responsibility for its financial management.

⁶ Available online at www.universitychairs.ac.uk/publications/.

'Throughout the academic year and up to the date of approval, [organisation name]:

- has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty)
- has provided to HEFCE all required information about its implementation of the Prevent duty
- has reported to HEFCE in a timely way all serious issues related to the Prevent duty, or now attaches any reports that should have been made, with an explanation of why they were not submitted.'

32. Governing bodies should seek assurance that the provider has reviewed its Prevent risk assessment for the year ahead and updated its action plan addressing any issues identified. We would expect risk assessments to be reviewed and where necessary refreshed annually and to focus on where and how people might be at ongoing risk of being drawn into terrorism, and the effectiveness of the mitigations which are in place. We have issued further advice on this area in our 'advice note' on our website (at www.hefce.ac.uk/reg/prevent/framework). We would also expect governing bodies to be apprised of any serious Prevent-related incidents reported to HEFCE, and to be assured appropriate steps are being taken to address any concerns. Support will be available through the Department for Education Further and Higher Education Regional Prevent Coordinators. Training resources for staff are also available online on the Safe Campus Communities website at www.safecampuscommunities.ac.uk.

33. To ensure that HEFCE has the most up to date documentation, providers should include their refreshed risk assessment and action plan with their annual report to HEFCE only where there have been significant changes since the previous submission, where we have requested this as part of feedback in outcome letters or where we have raised significant concerns with the provider in the past.

Evidence of ongoing engagement and active implementation of the Prevent duty

34. Annual reports should include a short summary report of evidence of ongoing engagement with the Prevent duty and of active and effective implementation of the relevant institutional policies and processes, including discussion of any significant issues that have arisen over the last academic year in relation to the Prevent duty. We will look for confirmation that this has been considered by the governing body or proprietor in support of their declarations. To minimise unnecessary burden, where providers are happy to do so, we are content to receive the same report which has been considered by the governing body or proprietor where appropriate, and would expect this to be concise.

35. Our expectation is that the duty should be implemented proportionately, so this evidence will look different for different providers depending on their particular context. It will be up to institutions to determine what information it is appropriate to include in this report. However, we will write to providers in the summer prior to each annual report submission with more specific guidance for each reporting cycle to reflect feedback from the sector and which builds on our experience of assessing these reports. Please see the HEFCE website for more detailed information on the type of evidence we will be looking for and how this might be structured in a submission to HEFCE (www.hefce.ac.uk/reg/prevent/framework). An absence of incidents across the previous year will not be seen as evidence that the provider has not had 'due regard'; equally

an incident will not be seen in itself as a sign of concern, where risks have been assessed and managed appropriately.

36. As part of its broader Prevent strategy, the Government is keen to collect data and supporting evidence which demonstrates how the sector is actively implementing the Prevent duty. In the first year of annual reports, we requested data on areas relating to **training, high-risk events** and **student welfare referral processes**. We will continue to collect this data to support and enhance the narrative we are developing on the sector's implementation of the duty. Further details on the data requirements for each annual reporting cycle is set out in 'Guidance for Prevent annual reports' available at www.hefce.ac.uk/reg/prevent/framework/#annrep.

37. Data submitted through the annual report may also inform HEFCE's ongoing monitoring at an individual institutional level – for example, if significant outliers suggest issues that need further investigation, or data raises further questions about the operation of particular policies. However, we will not be using this data alone to draw conclusions about the success or otherwise of policies. These datasets will also be provided to Government and published only at an aggregated sector level, along with contextual background (but ensuring that individual institutions are not identifiable).

38. We will not accept any personal information about particular individuals or groups, nor would we expect data to be presented in a way which enables individuals to be identified; any returns including this kind of information will be sent back to the institution.

Additional information

39. In addition to these standard elements, HEFCE may publish guidance on specific areas or themes to be addressed before each year's submission. For example, we may ask for information on specific areas of practice where we have concerns across the sector, or focus on particular themes where we are keen to gather evidence and examples of good practice to inform effective delivery of the duty. In the 2015-16 reporting cycle, we asked providers to include specific comments on their approach to web filtering and managing franchise partner institutions in implementing the duty. Where possible any requests for additional areas to be included in the information reported to HEFCE such as specific themes, additional data requirements and so forth, will be communicated in the aforementioned annual reporting guidance to providers at least three months before the start of the next submission deadline, to ensure sufficient notice of any changes.

40. Providers are also invited to use their annual report to highlight any areas where they feel they need further support, or any particular issues that they have encountered over the past year.

Submitting the annual report

41. We will not be issuing templates for this report because of the wide variety of providers covered by the duty. However, as referenced in paragraph 35 we have responded to sector feedback and have provided more detailed guidance and prompts on the type of evidence we will be expecting and suggested format for submissions. Further information and guidance is available in 'Guidance for Prevent annual reports' available at www.hefce.ac.uk/reg/prevent/framework/#annrep. We will make standard formats available for the declarations by governing bodies or proprietors, and for the data to be submitted as part of the annual report.

42. Submission of the annual report documents will be via the secure HEFCE extranet. We will provide RHEBs with full instructions on how to upload their reports at least six weeks in advance of each submission date.

43. Once reports have been submitted, HEFCE Prevent advisers will undertake an initial assessment of the report and will contact the provider should they have any queries or believe that key evidence is missing. Providers will have an opportunity to address these queries before the assessment is finalised. HEFCE's internal assessment process is then subject to internal quality assurance on a risk-based basis, and internal moderation by senior HEFCE staff, before outcomes are agreed by the chief executive. A timeline of the annual report assessment process is published on our website (www.hefce.ac.uk/reg/prevent under 'HEFCE's monitoring role') which states that providers should expect to receive a formal outcome letter within four months of the submission date.

Section 2: Prevent reviews

44. 'Prevent reviews' will be triggered in response to particular circumstances or risk indicators. Generally they will be face-to-face meetings or visits, and will take place only where we have been unable sufficiently to resolve concerns through correspondence, dialogue with providers and additional submitted written information.

45. A face-to-face Prevent review could be triggered by **particular circumstances** which we have been otherwise unable to resolve, including:

- concerns about information provided by individual RHEBs through their annual reports, such as a lack of evidence, weak evidence, or data which indicates significant issues
- serious incident reports, reported to HEFCE either by the RHEB or a third party, where we have determined we require further follow-up
- previous Prevent concerns that we have raised have not been fully addressed
- serious concerns raised by other stakeholders, such as the Department for Education or the Home Office
- significant concerns raised by substantial changes to major policies at the RHEB or other material changes of circumstance (further information on which is included in Section 3).

46. Prevent reviews will usually be face-face meetings between members of the HEFCE Prevent team and the RHEB's Prevent lead, involving any other relevant colleagues as we may require (for example, the institution's Accountable Officer).

47. Depending on the circumstances, Prevent reviews could focus on individual issues or the provider's overall approach and will be used to:

- explore further providers' understanding of and approach to the Prevent duty
- gather further evidence where needed of active implementation of the Prevent duty – for example, seeking additional information on the implementation of specific policies, such as information technology usage policies relating to Prevent
- discuss concerns about evidence previously submitted to HEFCE (for example, where data returned suggests issues with a particular policy or process we would want to discuss in greater detail how it was operating in practice)
- 'stress-test' particular policies (for example, by discussing how the RHEB might deal with particular scenarios and how its policies are intended to operate)
- identify any further actions to be taken or lessons to be learnt as a result of serious incidents (for example, where a particular event has highlighted concerns to be addressed about how an RHEB's external speakers' policy is operating).

48. In all cases, we will inform the Prevent lead at the RHEB in advance of the scope of the Prevent review. The approach that we will take following a Prevent review is outlined in Section 4.

Section 3: Reporting of serious incidents and material changes

Serious incidents

49. In addition to the ongoing processes set out in Sections 1 and 2, all RHEBs should contact HEFCE in a timely manner to discuss **any serious incidents related to their Prevent duty responsibilities**⁷.

50. It is for providers to decide what constitutes a serious Prevent-related incident which should be reported to HEFCE, but we would expect this to include any incidents which have led to broader Prevent policies being fundamentally reviewed or revised, or have caused reputational harm (such as media coverage which raises substantive concerns) or actual harm (such as physical injury) to staff or students. We would not expect this to cover business as usual (for example, straightforward Channel referrals or informal contact with the police or local Prevent partners). Providers should note that reporting an incident to HEFCE is not a substitute for reporting it to the police or other authority – for example, if criminality is suspected.

51. We may also be notified of concerns from third parties that an RHEB is not fulfilling its Prevent duty in some way. This could be from individuals, media reports or other organisations involved in the delivery of Prevent.

52. In all cases, we would expect to discuss the incident with the provider to ascertain the cause and nature of the incident and then agree any formal reporting mechanisms.

Process for reporting serious incidents

53. Providers should contact their HEFCE Prevent adviser at the time that a potential serious incident is identified and discuss with HEFCE how they have responded to the incident. We will then agree with the provider on a case-by-case basis whether a formal report of the incident is required.

54. In the case of third-party disclosures, we will refer these in the first instance to the provider, who should investigate the matter if appropriate. If a substantiated compliance issue is identified, we will expect a report on the outcome.

55. We will then assess whether or not the provider appears to have followed its policies and processes appropriately in the circumstances, and whether it has learned and applied any lessons as a result. An incident will not in itself be seen as a sign of not exercising 'due regard' – we will instead be looking for evidence that the provider has responded to and managed risks in a suitable way. Following careful consideration of serious incident reports, and only when other routes have been exhausted, HEFCE may decide that the incident should trigger a face-to-face Prevent review to gain further information.

56. We may also report the outcome of serious incident reports to Government on an ad hoc basis, in the context of our role as monitor for the Prevent Duty.

Material changes

57. We also expect RHEBs to notify us in a timely manner of **any material changes which affect the way in which they are delivering their responsibilities** under the duty.

⁷ HEFCE-funded institutions that are exempt charities must also report any serious incidents to HEFCE as part of the terms of the Memorandum for Assurance and Accountability. HEFCE-funded registered charities are required to report serious incidents to the Charity Commission.

58. There are three categories of material change which we would expect providers to report to HEFCE:

- significant changes to policies or processes relating to the Prevent duty as previously assessed by HEFCE (for example, a significantly changed information technology policy, or a major revision to a process for managing external speakers and events)
- changes of responsibility for Prevent (for example, appointing a new Prevent lead)
- changes of control (for example, new governance structures which change the oversight of the Prevent duty).

Process for reporting material changes

59. As in the process for reporting serious incidents, providers should contact their HEFCE Prevent adviser as soon as possible to notify them of a material change. They should provide an explanation of the change and its likely impact on the way in which the provider will deliver its responsibilities under the Prevent duty.

60. Changes of control should be reported to HEFCE through the provider's usual channels, and HEFCE staff will share such information internally to avoid additional burden for providers⁸.

61. Where there has been a major change to a policy or process which relates to Prevent, providers should explain this in their annual report, and also submit to HEFCE a revised copy of the relevant documentation to ensure that we have the most up to date set of information. We will reassess the changes to ensure that the policy or process still meets the requirements of the statutory guidance. Where significant concerns are raised by substantial changes to Prevent policies at the provider or other material changes of circumstance, HEFCE may decide that change should trigger a face-to-face Prevent review to gain further information from the provider and this could ultimately result in a change in judgement if concerns are not resolved. In general, this would only happen when all other routes for obtaining further information have been exhausted.

⁸ For HEFCE-funded providers, changes in control should be reported in line with the Memorandum of Assurance and Accountability. For alternative providers, changes in control should be reported in line with the conditions of specific course designation.

Section 4: Outcomes

Outcomes for individual providers

62. As part of our ongoing monitoring process, we will be taking into account two different factors when considering whether we believe a provider is demonstrating due regard to the duty:

- whether the appropriate policies and processes remain in place
- whether the provider has demonstrated appropriate evidence of active implementation of policies and ongoing 'regard' to the duty's requirements.

63. As Table 2 shows, RHEBs will need to meet requirements relating to both these factors to demonstrate that they are having due regard to the duty.

Table 2: Outcomes decisions

Is the provider demonstrating due regard to the need to prevent people being drawn into terrorism?		
<p>Demonstrating due regard:</p> <ul style="list-style-type: none"> • policies and processes satisfy the requirements of the statutory guidance and • there is sufficient evidence of active implementation (taking into account the provider's context). 	<p>Further evidence needed:</p> <ul style="list-style-type: none"> • policies and processes need improvement to satisfy requirements or • further evidence is needed to demonstrate active implementation. 	<p>Not demonstrating due regard:</p> <ul style="list-style-type: none"> • policies and processes do not satisfy requirements or • there is inadequate or no evidence of active implementation or • there is significant evidence of non-implementation of policies and processes.

64. Information from all of the elements of this monitoring framework will be taken into account when determining whether or not a provider is having due regard to the duty – including annual reports, Prevent reviews, the assessment or re-assessment of detailed policies and processes (including following reporting of material changes), and the outcomes of incident reports. Any of these elements could offer positive evidence of 'due regard' to the duty, or indicate issues that suggest the provider is not demonstrating ongoing due regard.

65. Following any substantive interaction with a provider HEFCE will issue a formal letter to the Accountable Officer setting out an overall outcome and any specific feedback which needs to be addressed. As responsibility for implementation of the Prevent duty rests on the governing body or proprietor of a relevant higher education body, we would expect the Accountable Officer to share the outcome letter with their governing body or proprietor of their organisation in a timely manner. Where necessary, we will agree with the provider an action plan and appropriate timescale for making improvements to relevant policies and processes.

66. In the case of serious incidents, we will also expect the provider to identify any further actions to be taken or lessons learnt as a result of the incident, and will carefully monitor progress. Where we judge that the action taken by a provider does not meet requirements, we would expect this to be addressed through a resolution process, including an action plan.

67. Where we are not satisfied with the level of progress being undertaken, we would seek to escalate such issues to the Accountable Officer or governing body of the provider in the first instance. If we then conclude that the RHEB's response has been inadequate in any area of this monitoring framework, and it does not agree to take further action, we will consider whether this indicates that it is not demonstrating due regard to the duty. In such cases, we will refer the case to the Department for Education to consider whether further formal action is needed. We may also publish details of RHEBs that fall into this category.

Reporting

68. HEFCE will report on a periodic basis to the Department for Education. Such reports will include the number of institutions that we deem to be demonstrating, or not demonstrating, due regard to the duty, and will include our broad analysis of practice relating to the implementation of Prevent across the sector. We may also report on an ad hoc basis, including where an institution has been found not to be demonstrating due regard to the duty following the procedures outlined in Sections 3 and 4. We also intend to publish an annual report which will include aggregate figures on compliance across the sector.

69. If a provider is referred to the Department for Education after we have found it not to be demonstrating due regard to the duty, the Department for Education may in turn make a referral to the Home Office Prevent Oversight Board. Where all other options have been exhausted, the Home Secretary has the power to issue directions.

70. We intend periodically to publish sector-level feedback on the monitoring process, highlighting good practice and areas for further consideration by all providers. Such reports would also examine any particular themes on which we may have asked all providers to give us information in their annual reports. Further detail is provided in Section 5.

Section 5: Supporting good practice

71. Alongside the formal processes to monitor providers' due regard to the Prevent duty, we are also keen to promote an environment of continuous improvement. This will include gathering and sharing good practice in what is currently a live and dynamic area of government policy.

72. To this end, and alongside the formal elements of our monitoring activity, we will seek to work with providers and other key stakeholders to explore how we might further support the sector to improve particular policies, processes and practices that relate to the Prevent duty.

73. We intend to achieve this through several routes:

- engagement visits
- supporting staff training
- thematic reviews, including building on the 'What works' workshops.

Engagement visits

74. In addition to the formal Prevent reviews outlined in Section 2, we may also carry out informal engagement visits to discuss particular areas of good practice, developments in the wider environment or issues with which several providers are having difficulties. These visits would **not** form part of our evidence to assess whether due regard is being exercised. Providers are encouraged to highlight through the annual report or through their named Prevent adviser any particular areas where more support or guidance might be needed, at an individual or institutional level.

Supporting staff training

75. We will work with other sector organisations, such as Universities UK and the Leadership Foundation for Higher Education, to provide and update online Prevent training materials for staff. A package of HE-specific training materials developed in conjunction with our partners and experts from the sector is available on the Safe Campus Communities website (www.safecampuscommunities.ac.uk). We will also work with these and other sector organisations, such as Independent Higher Education, to ensure that training and support are available for all types of provider that are subject to the duty. Furthermore, we will facilitate support and guidance for governing bodies or proprietors in gaining assurances that their institutions are demonstrating due regard to the duty.

Thematic reviews

76. We will undertake thematic reviews of specific areas of practice. These might cover areas of concern across the entire sector, or focus on particular themes where we are keen to gather evidence and examples of good practice to inform the effective delivery of the duty. Such reviews would draw upon information submitted through annual reports and visits to providers where appropriate to gather case studies of good practice. As part of these thematic reviews, we also intend to organise sector-wide workshops in order to provide a facilitative environment for providers to explore and share good practice in meeting the duty.

77. As referenced above, we undertook two thematic reviews during 2017 which focused on information technology and on welfare and equality and diversity. This included running a programme of 'What works' workshops delivered in spring 2018. We will produce a series of

outputs from these thematic review on our website over the summer 2017. We will continue to undertake a programme of thematic review in future years.

Evaluating HEFCE's role

78. We are committed to continuing to evaluate the effectiveness of this monitoring framework and of HEFCE's role as monitor. With input and advice from our external advisory group, we undertook the 'Evaluation of monitoring of the Prevent duty in higher education' (HEFCE 2017/12) during 2017, and we have been working with the sector and Government to implement the key recommendations.

79. This highlighted the positive feedback we have received from providers and Government about the light-touch and risk-based approach we have taken to monitoring, with providers welcoming, in particular, our focus on supporting 'What works' and the sharing of good practice. We will continue to provide a broader support package to providers through a range of communication channels and engagement activity including publications, workshops, a repository of case studies, development of training materials and similar.

80. We will also continue to keep our role under review to ensure our monitoring framework remains fit for purpose within the broader Prevent agenda. This may in time result in changes to the monitoring framework for future years; we will of course give providers sufficient notice of any changes which affect them. On the basis of our ongoing developmental work, and our analysis of the annual reporting process, we will produce sector-wide feedback reports and support the sharing of positive practice through a range of means, including with key stakeholders, through our website and in conjunction with the Safe Campus Communities website.

Annex A: Providers entering the regulated higher education sector

New providers

1. Providers delivering higher education courses do not automatically become subject to the Prevent duty. When providers formally meet at least one of the following criteria they will be classified as a relevant higher education body (RHEB) under the terms of the Counter-Terrorism and Security Act 2015, and will immediately need to comply with the duty. This applies to providers that:

- a. Are awarded specific course designation (this applies predominantly to alternative providers).
- b. Become designated as a higher education institution (HEI) eligible for funding under the Further and Higher Education Act 1992.
- c. Become an autonomous college, school or hall of the Universities of Cambridge, Oxford or Durham.
- d. Are teaching 250 or more students by headcount on higher education courses, and do not hold specific course designation or receive direct HEFCE funding as an HEI.

2. In most cases, new providers that fall within the parameters of the Prevent duty will first pass through one of the 'Gateways into the HE sector' (see www.hefce.ac.uk/reg/gateways/), with the exception of those that only meet criterion 1d.

Exceptions

3. To keep regulatory burden to a proportionate level, some providers that meet one of the criteria listed in paragraph 1 will not be monitored by HEFCE for the purposes of the Prevent duty. These exceptions apply to:

- a. Providers that meet criterion 1d that do not have specific course designation in their own right, and operate in a sub-contractual teaching arrangement or 'franchise' with another provider. In this case, the registering institution (or 'franchiser') will have responsibility for ensuring that appropriate policies and processes relating to Prevent are in place for students taught through such arrangements.
- b. Providers that qualify as RHEBs for the purposes of Prevent but are already monitored by another designated authority. This mainly applies to publicly funded colleges that are funded by HEFCE where the Office for Standards in Education, acting as monitor for the further education sector, carries out this duty. In these instances, HEFCE will liaise with the relevant monitor to ensure that these providers are continuing to give regard to the duty.

Initial engagement with HEFCE and detailed submission of evidence

4. As noted in paragraph 1, Prevent becomes a statutory duty for a provider once it becomes classified as an RHEB. HEFCE will begin monitoring the provider formally at this point and will write to it shortly after it has successfully passed through one of the gateways referred to in paragraph 2. This initial communication by HEFCE as Prevent monitor will include:

- the name and contact details of a designated HEFCE Prevent adviser

- details of other local Prevent partners that are able to support an RHEB in responding to its statutory duty
- details of the evidence required to be submitted HEFCE to comply with the duty.

5. Newly classified RHEBs will be required to undertake an **initial self-assessment** against the main elements of the Prevent statutory guidance. This should be completed and submitted **within two months** of HEFCE initiating its engagement with the RHEB as monitor. After reviewing this information, HEFCE will engage with the provider to give further advice on satisfying the requirements of the statutory guidance as necessary.

6. Having developed its response to the duty in more detail, the provider will be expected to submit **detailed evidence within six months** of HEFCE initiating its engagement with the provider as monitor. The submission should provide information on how the provider's policies, procedures and arrangements follow the requirements of the Prevent statutory guidance.

7. Guidance for completing both the self-assessment (including a template) and the detailed evidence will be sent to and discussed with, all new providers as part of our initial engagement.

Outcomes

8. HEFCE will evaluate a newly classified RHEB's evidence against the statutory guidance, and provide feedback stating that it either:

- **satisfies** HEFCE that it has given regard to the statutory guidance
- **needs improvement** to satisfy HEFCE that it has given regard to the guidance
- **does not satisfy** HEFCE that it has given regard to the statutory guidance.

9. A **does not satisfy** judgement will lead HEFCE to report the provider to the Department for Education for further direction. This could result in the DfE choosing to take formal action, including legal direction to the provider's governing body or proprietor.

10. A **needs improvement** judgement is transitional. Depending on the provider's actions in response to HEFCE's feedback, it will move to a judgement either of 'satisfies' or 'does not satisfy'. HEFCE will expect a provider to agree and complete a progress plan before requiring it to resubmit evidence. Ordinarily, we would expect the provider to complete these outstanding actions within 12 weeks of its initial outcome.

Transition to ongoing monitoring

11. Once this activity has been completed, the provider will move into ongoing monitoring as described in the main body of this framework document. However, the provider may not be required to undergo annual reporting in its first year of monitoring, depending on the point at which it became an RHEB. All providers will be expected to comply with other requirements of the framework, such as reporting incidents and changes of circumstance.

Annex B: Leaving the regulated higher education sector and Prevent monitoring

1. Some providers may cease being subject to the Prevent duty by virtue of no longer meeting the definition of a relevant higher education body (RHEB) under the Counter-Terrorism and Security Act 2015. A provider will cease to be classified as an RHEB for the purposes of the Prevent duty where it teaches fewer than 250 students (headcount) on higher education courses, and ceases to:

- have courses designated for student support by the Department for Education
- be eligible to receive HEFCE funding
- be an autonomous college, school or hall of either the University of Cambridge, Durham or Oxford.

2. In many cases where a provider leaves the regulated higher education sector, it will continue to be classified as an RHEB and therefore subject to the Prevent duty by virtue of continuing to meet the student number threshold. In these instances, HEFCE will continue to monitor the provider until such time as it has confirmed to us that it no longer meets the threshold. This is likely to be the case for some alternative providers that no longer hold course designation.

3. In cases where a provider merges with another provider which is classified as an RHEB, we will monitor the successor provider unless it is already under the purview of another designated monitoring authority.

4. Where an RHEB ceases to operate altogether, its requirement to comply with the duty will cease once it has been confirmed that the provider has been legally dissolved.

5. Where a HEFCE-funded provider transitions out of the publicly funded or higher education sector, HEFCE will liaise with the new monitoring authority. This will be the Office for Standards in Education (Ofsted) for transfers into the publicly funded further education sector, and the Department of Education's further education monitoring team for transfers into the private sector. This may include sharing information collected by HEFCE through our role in monitoring the provider.

6. Where a provider ceases to be classified as an RHEB but has already submitted information to be assessed by HEFCE, this process will be completed and an outcome provided. This is to provide continuity should the provider become reclassified as an RHEB at a later point. Only following the completion of such activity will HEFCE's engagement with the provider cease.

7. Table 3 lays out the new monitoring responsibilities in the case of various types of exit from the regulated higher education sector.

Table 3: Provider exits and changes in monitor

Provider exit type	New monitor
Provider moves to publicly funded further education sector	Ofsted
Provider moves to privately funded further education sector	Department for Education (private further education colleges)
Provider acquired by further education provider	Ofsted (for publicly funded further education colleges) or the Department for Education (private further education colleges)
Provider acquired by higher education provider	HEFCE (to be succeeded by the Office for Students)
Provider dissolves and ceases to operate	No monitor