

Office for
Students



Prevent duty monitoring in higher education in England

Supplementary information note

Enquiries to prevent@officeforstudents.org.uk

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About this information note

1. This note sets out further information for higher education providers on their implementation responsibilities under the Prevent duty. This is published in conjunction with 'Prevent duty: Framework for monitoring in higher education in England – 2018-19 onwards' (OfS 2018.35)¹. It supersedes all previously available advice and guidance documents published by the former Higher Education Funding Council for England (HEFCE).
2. This note is for Prevent leads, senior management, governing bodies and proprietors of relevant higher education bodies (RHEBs)². Further information about the definition of RHEBs under the Office for Students (OfS) can be found at paragraphs 14 to 16.
3. This document contains information about effective practice that we have identified through our monitoring and partnership work. Although it is **non-statutory**³, providers may wish to take into account the questions to consider when developing policies, processes or arrangements intended to satisfy the Prevent duty, and behaviours the OfS would consider indicative of compliance with the duty, all as set out below. It should be noted that in accordance with the requirements of the statutory guidance, our expectations in relation to what providers need to do to demonstrate due regard remain unchanged under this new framework.
4. Higher education providers are reminded that they should consider how best to implement the duty in their own context and according to their own assessment of risk, which should be informed by their engagement with local Prevent partners and structures.
5. Providers may wish to use this information as a prompt where they consider it to be appropriate and relevant. The Prevent monitoring pages on the OfS website (www.officeforstudents.org.uk/advice-and-guidance/regulation/counter-terrorism-the-prevent-duty/) include links to other resources and support. The Committee of University Chairs has also published a practice note for governing bodies and proprietors that have legal responsibility for implementation of the duty⁴.

Advice and guidance for providers

6. The OfS has set out in its monitoring framework that it will monitor Prevent in a strengthened, more evidence-based and risk-based way. Further details outlining our new approach to monitoring are set out in paragraphs 17 to 20. This means that many providers will no longer have a named contact at the OfS for day-to-day guidance and advice. The OfS Prevent team's time will be focused on heightened engagement with those providers where a higher level of risk is identified and on the formal monitoring processes. However we would expect providers to make contact to report serious Prevent-related incidents or significant changes of circumstance, and further guidance is available on our website at

¹ Available at www.officeforstudents.org.uk/publications/prevent-duty-framework-for-monitoring-in-higher-education-in-England-2018-19-onwards/.

² RHEBs are those providers that are subject to Prevent duty monitoring by the OfS, as set out in the Counter-Terrorism and Security Act 2015 Section 26(1) at www.legislation.gov.uk/ukpga/2015/6/contents/enacted.

³ This note should be read alongside the statutory 'Revised Prevent duty guidance for England and Wales' and 'Prevent duty guidance for higher education institutions in England and Wales' at <https://www.gov.uk/government/publications/prevent-duty-guidance>.

⁴ 'Illustrative Practice Note 2: Counter-Terrorism and Prevent Agenda', available at <https://www.universitychairs.ac.uk/publications/>.

www.officeforstudents.org.uk/advice-and-guidance/regulation/counter-terrorism-the-prevent-duty/.

7. In addition, the OfS will continue to routinely engage with providers at a regional and sector level to review specific areas of Prevent-related practice and promote the sharing of effective practice. We anticipate an ongoing programme of OfS work to include a 'What works' programme and targeted guidance and advice documents.
8. Ongoing support will be available from the Department for Education Further and Higher Education Regional Prevent Coordinators. Contact details for this team can be found on the Safe Campus Communities website (www.safecampuscommunities.ac.uk/guidance/regional-coordinators). The 'Prevent duty guidance for higher education institutions in England and Wales'⁵ states that the coordinators will help providers comply with the duty and can provide advice and guidance on assessing and responding to risk. They can also offer advice on training, as well as support and guidance on Prevent duty implementation, due diligence for speakers and events, and advice and liaison with local partners where an individual is thought to be at risk of radicalisation.
9. Alongside the coordinators are a range of local Prevent partners who can offer advice and support. This provision varies depending on geographic location but will usually include local authority Prevent contacts and local police Prevent contacts, as well as local structures such as Prevent steering groups or multi-agency safeguarding hubs.

Background

10. Under the Prevent duty introduced by the Counter-Terrorism and Security Act 2015, RHEBs should have 'due regard to the need to prevent people being drawn into terrorism'.
11. The OfS was appointed to monitor the performance of the delivery of the duty by the higher education sector in England in 2018, taking forward the work begun by HEFCE in 2015.
12. In demonstrating 'due regard', providers should:
 - assess the risks that people might be drawn into terrorism
 - put appropriate policies in place to respond to the requirements of the statutory guidance in the light of these risks
 - ensure that policies are properly followed and applied in practice.
13. This information note covers areas that providers may want to consider under each of these elements and is organised thematically. This is not intended to be exhaustive or to contradict or supersede the requirements of the statutory guidance. Some areas will not be relevant to some providers; providers should consider how to use this advice in their own context.

Who does the duty cover?

14. Where the Counter-Terrorism and Security Act 2015 refers to 'people', the statutory guidance in various places refers to the requirements of the duty covering 'staff, students and visitors'.

⁵ Available at <https://www.gov.uk/government/publications/prevent-duty-guidance>.

Providers should consider risks related to each of these groups and have appropriate policies in place to respond to these risks.

15. In relation to students, providers subject to the duty should have arrangements in place covering all students registered with them. This includes all modes of study (full-time, part-time, and postgraduate); on-campus and distance learning; all nationalities (UK, EU and international); and any students registered with the provider but taught by an external partner. Where higher education providers have students on further education courses they should ensure they have appropriate policies in relation to these students that respond to the further education statutory guidance.
16. The Prevent duty does not apply to the operation of overseas campuses, although it may be sensible for providers to adopt a common approach to safeguarding and other policies where possible.

OfS approach

17. This information note should be read in conjunction with OfS 2018.35, which sets out the OfS's risk-based approach to monitoring and the formal processes the OfS will employ to conduct it. All RHEBs will need to submit an annual accountability and data return to the OfS, consisting of signed declarations and an explanatory accountability statement from the governing body or proprietor, and an outcomes-based data return supported by a short qualitative narrative covering core areas of the statutory duty. Providers will also need to report to the OfS as soon as possible any material changes to policies which HEFCE or the OfS have previously assessed, any significant changes of circumstances and any serious Prevent-related incidents.
18. The OfS does not prescribe templates for risk assessments or action plans, nor does it direct providers to adopt particular structures or standard policies and processes. Local arrangements may need to vary considerably to reflect different contexts and risks.
19. Through the formal monitoring processes the OfS will seek to establish whether a provider is compliant with the duty. In this the OfS's judgment will be informed by the provider's behaviour, as well as information submitted by the provider or available to the OfS.
20. Paragraphs 21 to 45 outline both a non-exhaustive summary of cross-cutting behaviours and things to consider in relation to each element of the Prevent duty statutory guidance.

Cross-cutting behaviours

21. There are also some cross-cutting behaviours that underpin a provider's approach to Prevent duty implementation which will also inform the OfS's judgment of a provider's compliance.

Cross-cutting behaviours

- Senior managers show demonstrable leadership on Prevent internally and externally with multi-agency partners. Wider collective leadership across the provider is in place, i.e. 'safeguarding is everyone's business'.
- Providers are in tune with their localities, and understand their specific risks within their own context, applying proportionate and effective mitigations.

- Activity encompasses the entire provider and is not at risk of being silo-driven.
- Providers actively monitor and reflect on their own performance through reviews, audits, peer review and reports to senior managers and governing bodies, in order to drive continuous improvement.
- Prevent is effectively balanced with other legal duties, e.g. free speech, academic freedom, equality and diversity legislation.
- Prevent is treated as part of safeguarding, welfare and wellbeing, and providers are able to make effective interventions in response to risks of radicalisation to individuals.
- Providers engage and consult regularly with students as partners in the duty.
- Existing policies are amended, rather than parallel or duplicate policies being created.

Provider implementation

Risk assessment and action plan

22. Every provider subject to the duty should ‘carry out a Prevent risk assessment which assesses where and how [its] students might be at risk of being drawn into terrorism.’⁶ As the duty refers to ‘people’, this should also consider the welfare of staff. Risk assessments should take a whole-institutional approach and identify where risks might exist and where concerns about individuals might be identified within welfare and safeguarding structures. There should be an accompanying action plan setting out how risks can be mitigated. In all cases risk assessments and mitigations should be proportionate to the provider’s context. The statutory guidance sets out a number of specific issues which should be considered when doing this.
23. We would expect risk assessments to be reviewed and where necessary refreshed annually, and to link to the organisation’s existing approach to risk management to facilitate oversight by the appropriate internal structure, such as an audit (or audit and risk) committee. Governing bodies or proprietors 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 and drawing on the expertise of Prevent partners. Year-on-year changes to the risk assessment will be confirmed through the OfS Prevent annual accountability and data return and the OfS may conduct a deeper review of the changes to a risk assessment as part of a Prevent review meeting.
24. In assessing risks, providers may consider the following areas:
- a. The risk assessment should respond appropriately to the requirements of the statutory guidance and relate to the organisation’s wider approach to risk management. For example, is the Prevent duty reflected in any provider risk register?
 - b. The likelihood and impact of different risks should have been considered. Many providers have used a ‘high/low/medium’, ‘red/amber/green’ or similar system.

⁶ See ‘Prevent duty guidance for higher education institutions in England and Wales’.

- c. The risk assessment should consider the effectiveness of any mitigating actions and what residual levels of risk remain once these have been taken. The use of indicators to judge whether these controls have been successful in reducing risks may be a useful way of considering whether risks have changed or further action is needed when risk assessments are refreshed.
 - d. Risk assessments should also be sufficiently grounded in the provider's own context. Providers may want to consider:
 - i. Any risks specific to the local area, drawing on advice where necessary from police, local authority or Department for Education Prevent teams.
 - ii. Any different risks which need to be reflected across different locations or campuses.
 - iii. The risks which exist where the teaching of students registered with the provider is contracted to a third-party – for example, a further education college or private (for-profit, public sector or charitable) provider. This might also include pathway providers that offer language or study programmes to prepare students for university.
 - iv. How to take account of any off-campus or partnership activity which uses the provider's branding or resources.
 - e. Where any elements of a risk assessment are based on a belief that a provider is particularly 'low-risk' because of its operational model or other factors, this judgement should be based on sound evidence.
25. Once a provider has identified any risks in its context it should develop appropriate actions to mitigate these risks. In developing an action plan a provider may want to consider:
- a. The appropriateness of actions to its own context. In some cases providers have put in place policies even where risks have not been identified, or taken actions which may be mandatory in other sectors – for example, incorporating 'British values' into teaching. In some cases this may be appropriate but providers should ensure that they have considered carefully what will work for their organisation.
 - b. That all actions got clear target completion dates and owners.
 - c. That identified actions reflect the need for policies to cover 'people', which could include staff, students or visitors.
 - d. That identified actions respond appropriately to a provider's particular context. For example, where the teaching of students is contracted out, the provider may wish to consider whether any changes are needed to agreements governing these arrangements to reflect the requirements of the duty.

External speakers and events

26. All providers should have clear and user-friendly arrangements in place for assessing the risks that external speakers might express extremist views which risk drawing people into terrorism, and structures for managing those risks. In doing so providers should have particular regard to their obligations around freedom of speech, academic freedom and equality and diversity, ensuring balance in speaking events and encouraging challenges of views expressed as part of the event.

27. There are a range of different approaches to setting out these arrangements, but whichever form these take they should set out a clear and consistent approach for assessing risk. This should include effective due diligence through open-source research and advice from multi-agency partners. Where risk is identified a provider should be able to implement proportionate mitigations. The policies and processes for managing speakers and events should be accessible to all members of staff and should define clear roles and responsibilities that are supported with appropriate training.
28. There should be clear reporting to reassure governing bodies and proprietors, and a method for addressing non-compliance with the approvals process.
29. Providers may want to consider the following:
- a. The communication of policies and processes to an event organiser which sets out what they are required to do.
 - b. The statutory guidance stating that provider policies should cover events organised by students: it should be clear that decisions around high-risk events are made by the provider, and how student union policies and procedures interact with that of the provider.
 - c. The process for sharing information with, and drawing on advice from, external partners such as the Department for Education Further and Higher Education Regional Prevent Coordinators.
 - d. That arrangements cover the full range of events held or organised by the provider which could include staff and student events, conferences and third-party bookings, and branded or affiliated events held off-campus, as well as the arrangements for academic curriculum based speakers.
 - e. Third-party involvement or content provided for events (for example, materials for exhibitions), even where external speakers are not involved.
 - f. Record-keeping that meets relevant data protection legislation and demonstrates how decisions have been reached and which should feed into the relevant data return as part of OfS Prevent annual accountability returns.

Partnership and leadership

30. Partnership working should involve meaningful engagement both within and external to the provider including an ongoing dialogue with students and their representatives on how Prevent is implemented. It will also mean where appropriate working collaboratively with other providers and sectors and being involved in local communities (for larger providers especially).
31. Leadership on Prevent will mean senior managers being demonstrably involved in internal and external Prevent and safeguarding structures, e.g. steering groups and Prevent boards. There will be clear reporting to senior management teams and governing bodies on provider performance.
32. Specific considerations may include:
- a. That responsibility for Prevent sits at a suitably senior level.

- b. That there is a clear point of contact – with appropriate authority – for Prevent operational matters and that a sufficient number of staff with authority have knowledge and understanding of the Prevent duty to ensure continuity (such as during periods of absence).
- c. That mechanisms for regularly involving and updating governing bodies and proprietors are in place.
- d. Operation of a Prevent ‘steering group’, with membership reflecting both the whole organisation and the main elements of the statutory guidance (for example, a human resources representative to cover staff training and staff welfare), to oversee effectiveness and ensure active implementation of the duty.
- e. That sufficient links exist, at the right level of seniority, with local and regional Prevent structures, and there is ongoing dialogue with Prevent partners and, where appropriate, membership of local Prevent groups.

Staff training

- 33. A training plan will set out an ongoing identification of staff roles for Prevent-related training and a clear programme for refreshing this training. The aim is to ensure that all key staff are able to recognise vulnerability to being drawn into terrorism and respond appropriately.
- 34. Planning for staff training is about identifying what level of knowledge is proportionate for different roles and equipping staff to implement key Prevent-related policies effectively. Training content should link with the provider’s own policies, for example speakers and welfare policies.
- 35. Training is not limited to operational staff but also reflects the needs of governing bodies, or proprietors to have sufficient information to make informed decisions in relation to giving due regard to the duty.
- 36. Specific consideration may include:
 - a. Broader awareness-raising of provider policies and processes which ensure that any concerns are picked up and dealt with appropriately.
 - b. The differentiation of levels of Prevent training from general awareness to detailed specific training.
 - c. The arrival of new staff, internal role changes and refreshing training over time.
 - d. The reliability and suitability of training materials – there are some training materials developed by the Leadership Foundation for Higher Education and approved by the government, and other resources approved by the Home Office are available from our website at www.officeforstudents.org.uk/advice-and-guidance/regulation/counter-terrorism-the-prevent-duty/other-resources/. There is no requirement to use these materials, but providers should consider carefully whether the material they use is suitable for their context and from an authoritative source.
 - e. Is there a need to train self-employed workers and staff employed by contractors (for example, providing services such as catering, security or cleaning)?

- f. The record-keeping of staff, trained including how this might capture broader awareness-raising on Prevent and demonstrate how decisions have been reached for internal monitoring and for making the OfS Prevent annual accountability and data return.

Welfare, pastoral care and chaplaincy support

- 37. Welfare and pastoral care from a Prevent perspective mean having clear and consistent processes for reporting and managing welfare concerns, and that through training these are actively used. Information should be shared consistently both internally and externally where appropriate, and staff should be confident when handling cases relating to vulnerability to radicalisation and take appropriate action (including where appropriate making Channel referrals).
- 38. Where a provider offers faith spaces there should be clear policies to manage these and they are actively implemented.
- 39. On welfare and chaplaincy support, providers may want to consider:
 - a. That the duty applies to 'people', so the approach should include an appropriate process for dealing with any concerns about staff, as well as students.
 - b. An established and documented process for making referrals to external Prevent partners (for example, making a 'Channel referral'), including clear responsibility for decision-making.
 - c. Appropriate systems that create an audit trail, which complies with relevant data protection legislation, for sharing information about vulnerable people both internally and externally. This is for a provider's own use as well as for the OfS Prevent annual accountability and data return.
 - d. Ongoing arrangements for reviewing the effectiveness of these processes.
 - e. If providers signpost to particular external religious provision, consideration should be given to assessing any risks arising from this.
 - f. The use of formal information-sharing protocols with local partners.
- 40. Not all providers have chaplaincy arrangements but those that do may want to consider:
 - a. The systems in place for the recruitment of chaplains.
 - b. The training chaplains receive and the inclusion of Prevent awareness within this.
 - c. The management and oversight arrangements.

IT policies

- 41. A provider's policies and decisions should reflect the specific context and circumstances of each provider. Clear acceptable information technology (IT) usage policies, and clear policies and processes for managing security sensitive research where appropriate, should be in place, and interventions made where there are causes for concern.

42. The rationale behind any decision on the use of IT filtering and monitoring should be clear and undergo regular review.

43. Providers may wish to consider:

- a. Consistency in the approach to what is and what is not an acceptable use of the provider's systems for both research (including security-sensitive research) and non-research purposes. Providers may find model regulations proposed by Universities and Colleges Information Systems Association helpful (see www.ucisa.ac.uk/blog/?p=975).
- b. Arrangements are in place for managing the provider's 'branded' websites or social media to ensure they are not used to promote extremist material or activities.
- c. The use of available support on filtering and monitoring, for example training materials hosted on the Safe Campus Communities website, and services provided for members by Jisc (<https://www.jisc.ac.uk/web-filtering>).
- d. The identification and resolution of breaches of IT usage policies.
- e. Arrangements in respect of websites and social media operated by students' unions or societies.

Students' unions, societies and associations

44. Although students' unions are not covered by the duty directly, it is important that providers have clear policies in place to manage the risks relating to activity which originates with the students' union. For those providers that do not have a students' union, we would expect similar oversight arrangements to be in place, including risk assessments and policies and procedures that take account of activity originating from the provider's student body, such as student associations, or student representatives. The statutory guidance is clear that the provider must satisfy itself that risks have been suitably assessed and appropriate mitigations put in place when an event is taking place on its site or under its branding.

45. Providers may want to consider:

- a. Whether Prevent-related expectations on the students union or equivalent are sufficiently clear, and what action is taken where breaches of expectations have occurred, while adopting a partnership approach where appropriate.
- b. Consulting students on the approach to Prevent and representation on Prevent working groups and committees.
- c. The communication of policies and procedures relating to Prevent to students, including students' unions, societies and associations.
- d. Appropriate senior provider oversight of speakers and events being organised by students' unions and student societies, including clear escalation procedures for risk mitigation.
- e. The clear communication of expectations of students' unions, societies and associations, and systems for ensuring these are met.

Additional information

Sub-contractual arrangements

46. Where students are registered with a higher education provider but delivery of courses is sub-contracted to another (sometimes called 'franchise arrangements'), the higher education provider has responsibility for ensuring arrangements are in place for its registered students.
47. As the contracted provider may be subject to the Prevent duty in its own right, the responsible higher education provider might wish to align own arrangements as far as possible with those that apply in the contracted provider's setting. We would expect this to be addressed in a proportionate way – so, for example, where students are taught in a workplace, the risks and mitigating actions are likely to be different from those in a campus setting.

Validation arrangements

48. If a relevant higher education body validates or accredits qualifications at another provider, the validated partner has responsibility for its own policies and procedures.

Pathway providers

49. Pathway providers that offer study or language programmes to prepare students for university will be monitored by the OfS directly if they both:
- register their own students (rather than students being registered with a partner university)
 - have more than 250 students studying on higher education courses.
50. If students are registered with a partner university we will expect the university to ensure the appropriate arrangements are in place and to reflect this in its risk assessment and action plan.

Collaborative partnerships

51. In some instances an RHEB may have partnership arrangements with more than one other higher education provider. In these situations, the RHEB has responsibility for ensuring arrangements are in place for all its registered students and should identify the appropriate level of engagement with, and alignment of its own arrangements across, the different partnerships.
52. The OfS is currently supporting representatives from across the higher education sector in showcasing some examples of how the sector is implementing the Prevent duty in complex collaborative partnerships.



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