

Prevent duty: Change of circumstances guidance

Introduction

1. 'Prevent duty: Framework for monitoring in higher education in England 2018-19 onwards' (OfS 2018.35) outlines a strengthened, more evidence-based and risk-based approach to monitoring compliance with the Prevent duty¹.
2. OfS 2018.35 states that it expects relevant higher education bodies (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. RHEBs are referred interchangeably to as 'higher education providers' or 'providers' in this guidance note.
3. The purpose of this process is for providers to provide a robust level of assurance that Prevent duty implementation has been fully considered in relation to the change of circumstances and, therefore, risks have been mitigated where appropriate.
4. Failure to demonstrate an appropriate response to a change of circumstance, as well as a failure to report a change of circumstance, will inform our assessment of risk at provider level and could inform a compliance judgement.
5. This guidance note may be revised periodically to ensure it remains responsive and fit for purpose.

Reporting requirements

6. This guidance note should be read in conjunction with 'Prevent duty: Framework for monitoring in higher education in England 2018-19 onwards' (OfS 2018.35). All providers must treat the content of this note as a formal requirement as it applies to all RHEBs subject to the Prevent duty.
7. This note clarifies for providers the principles that should be considered when reporting a Prevent-related change of circumstances to the OfS and the associated reporting requirements. This includes **what, when and how to report** to the OfS. It also illustrates how we will **share information** and how we **work with partners** in response to a Prevent-related serious incident report.

What to report

8. There are five categories of material change which we would expect providers to report to the OfS:
 - a. Significant changes to policies or processes relating to the Prevent duty as previously assessed by the OfS (for example, a significantly changed welfare or information technology policy, or a major revision to a process for managing external speakers and events).

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

- b. Changes of responsibility for Prevent (for example, appointing a new Prevent lead).
 - c. Changes of control (for example, new governance structures which change the oversight of the Prevent duty).
 - d. Changes to location (including addition of a new campus).
 - e. Changes to teaching provision (for example, from online to face-to-face provision, any changes to curriculum that may have an impact on Prevent-related policies, such as security-sensitive research policies, or significant changes to partnership arrangements, such as sub-contractual teaching arrangements, that may impact upon Prevent-related considerations).
9. Providers should confirm the material change as outlined in paragraph 8 and explain how the change is likely to impact on the way in which it deliver its responsibilities under the Prevent duty.
10. Where appropriate providers must also submit any updated policies or related process documents. For example, providers must share updated documents where there has been a significant change to a related policy or process to ensure the OfS has accurate information on file.
11. Providers registered with the OfS should refer to the section on 'Reportable events' on page 128 of 'Securing student success: Regulatory framework for higher education in England' (OfS 2018.01)². These providers should report changes listed in the Regulatory framework via the appropriate OfS channels. Any material changes which relate to the requirements set out in this document and those set out in the OfS Regulatory framework – for example a change in control, or a change of campus – should be reported to the OfS regulation team in the first instance, at regulation@officeforstudents.org.uk. Any changes related specifically to Prevent should be reported to the Prevent team only. Providers who are not registered with the OfS should report all changes to the Prevent team at prevent@officeforstudents.org.uk.
12. We require notification of the names of Accountable Officers, Prevent leads, chairs of Board of Governors and proprietors. Providers should note that the OfS does not require any other personal data to carry out its Prevent monitoring function, and therefore this information should not be shared when reporting a Prevent-related change of circumstance to the OfS.

What not to report

13. We do not expect a provider to report any material changes that do not impact on or are not linked to responsibilities in relation to Prevent duty implementation. Paragraph 12 contains further information for registered providers, and unregistered providers.

When to report

14. 'Prevent duty: Framework for monitoring in higher education in England 2018-19 onwards' states that providers should contact the OfS as soon as possible to notify them of a material

² Available at www.officeforstudents.org.uk/publications/securing-student-success-regulatory-framework-for-higher-education-in-england/

change. Providers must notify the OfS of any change of which it becomes aware which affects the accuracy of the information held in relation to its Prevent duty implementation. Providers should note this should be by no later than five days after the incident occurring or being identified.

15. Failure to report a change in circumstance may lead to the initiation of a non-compliance process as outlined in OfS 2018.35, which could include escalation to senior management or a Prevent review meeting.

How to report

16. All actual or potential Prevent-related change of circumstances should be reported to the OfS either:

- by email at prevent@officeforstudents.org.uk
- by phone on 0117 9317079.

What to expect

17. Each Prevent-related change of circumstances report received by the OfS is reviewed and managed on a case-by-case basis.
18. A named member of the OfS Prevent team will be assigned as a point of contact to a provider when a Prevent-related change of circumstances is reported. If necessary, they will discuss the report in greater detail with the affected provider to ensure we have an accurate understanding of the circumstances.
19. Where necessary and appropriate, we will work with internal colleagues and Prevent partners to better understand the change of circumstance. This may involve sharing sensitive information with key partners on a need-to-know basis to inform and corroborate the OfS's understanding of provider risk and to enable the efficient performance of the OfS Prevent monitoring function. This will rely on formalised, well defined and streamlined information-sharing mechanisms and supportive structures, in accordance with legislation and wider OfS considerations. Once we have gathered the necessary information, the Prevent team will review the available information to ensure: the provider has and can continue to demonstrate due regard to the duty; policies and related processes meet the requirements of the statutory guidance.
20. A formal response will be issued to the provider once an assessment of the available information has been made.

If concerns are identified

21. A change of circumstances report may impact a provider's risk status if significant concerns are raised by substantial or material changes.
22. It may be necessary to:
 - a. conduct a Prevent review meeting to gain further information

- b. escalate a change of circumstances report to senior managers at the institution, for example to the chair of the board of governors or to the proprietor, or with Prevent partners, for example the DfE, if a provider fails to address or resolve concerns sufficiently. Further information regarding our risk-based approach, non-compliance process and escalatory steps under the monitoring framework can be found at paragraph 86 to 94, OfS 2018.35.

Communication

23. As per paragraph 20, the OfS will communicate the outcome from the change of circumstance report, including whether:
- a. There has been any change to a provider's risk assessment.
 - b. The provider will be subject to heightened engagement.
 - c. It will be necessary to undertake further action, which may include:
 - i. Escalation to the accountable officer or governing body.
 - ii. A request to provide information under the Higher Education Research Act 2017.
 - iii. Referral to the DfE under section 33 of the CTSA.

Sharing information

24. As outlined in paragraph 19, there may be a need to share information and evidence relating to Prevent-related change of circumstances where necessary and appropriate. For this reason, complete confidentiality between the OfS and a provider cannot be guaranteed.
25. Further details about how the OfS will share information as part of its Prevent monitoring activity can be found in OfS 2018.35.

Annual accountability and data return

26. All providers will need to provide a signed declaration and an explanatory accountability note from the governing body confirming that the provider has had due regard to the duty; change of circumstance reports should be reflected upon when considering the declarations.