

Prevent duty: Change of circumstances guidance

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Introduction

1. The Office for Students (OfS) 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 Prevent duty, as stated in the Prevent duty monitoring framework (OfS 2018.35).¹ RHEBs are referred interchangeably to as 'higher education providers' or 'providers' in this guidance note.
2. 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.
3. 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 the provider and could inform a compliance judgement.
4. This guidance note may be revised periodically to ensure it remains responsive and fit for purpose.

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

Reporting requirements

6. This guidance 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 Office for Students (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. Providers are required to report to the OfS any change which affects the accuracy of the information held in relation to its Prevent duty implementation. 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).
 - b. Changes of responsibility for Prevent (for example, appointing a new Prevent lead). You will need to provide their details and date of appointment.
 - 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, 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. From 1 January 2022, registered providers are required to report material changes to the OfS as a reportable event via the OfS portal. Non-registered providers should continue to submit material changes to the OfS by email at prevent@officeforstudents.org.uk.
10. We also require notification of the details of accountable officers, chairs of board of governors and proprietors and the date of their appointment. Providers registered with the OfS should notify the regulation team via the OfS portal of any change in these details as normal. Non-registered providers should notify the Prevent team by email.
11. 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 information to include

12. When reporting, providers should:
 - a. Indicate the type of material change as outlined in paragraph eight.
 - b. Indicate the date the change became or will become effective.
 - c. Outline the significant changes to the information currently held by the OfS.
 - d. Explain how the change is likely to impact on the way in which it delivers its responsibilities under the Prevent duty.
13. Where there has been a significant change to a Prevent-related policy or process (as outlined in paragraph 8a), providers must submit the newest version of the relevant documentation to ensure the OfS has accurate information on file.
14. In the case of a change of responsibility for Prevent (as outlined in paragraph 8b), providers should supply the name and contact details of the new post holder, as well as the date of the change of responsibility.

What not to report

15. We do not expect a provider registered with the OfS to report to the Prevent team any material changes that do not impact on or are not linked to responsibilities in relation to Prevent duty implementation.

When to report

16. Reports should be made **within five days** of the date that the reportable event is identified or, if that is not possible due to exceptional circumstances beyond the control of the provider, as soon as reasonably practicable thereafter and without undue delay.
17. Failure to report a change in circumstance in a timely manner may impact a provider's risk status. It may also lead to the initiation of a non-compliance process as outlined in the monitoring framework, which could include escalation to senior management or a Prevent review meeting (PRM).

How to report

18. From 1 January 2022, registered providers should submit all actual or potential Prevent-related changes of circumstances as a reportable event, online via the OfS portal. Non-registered providers should continue to report serious incidents to the OfS either:
 - by email at prevent@officeforstudents.org.uk
 - by phone on 0117 9317150.

What to expect

19. Each Prevent-related change of circumstances report received by the OfS is reviewed and managed on a case-by-case basis.

20. As part of their review, the Prevent team may contact the provider if further information is required to ensure we have an accurate understanding of the circumstances.
21. 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's 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 that:
 - a. The provider has and can continue to demonstrate due regard to the duty.
 - b. Policies and related processes meet the requirements of the statutory guidance.
22. For all types of Prevent-related changes of circumstance, with the exception of changes of responsibility for Prevent, a formal response will be issued to the provider once an assessment of the available information has been made.

Judgements

23. Following our assessment of the change of circumstance, we will reach a compliance judgement, which will be one of the following:
 - a. **Demonstrates due regard** – policies and processes continue to meet the requirements of the statutory guidance, and there is sufficient evidence of active implementation.
 - b. **Further actions needed** – policies and processes need improvement to meet the requirements of the statutory guidance or further actions are needed to demonstrate active implementation.
 - c. **Does not demonstrate** – policies and processes do not meet the requirements of the statutory guidance or there is significant evidence of non-implementation or inadequate evidence of implementation.
24. Providers that demonstrate due regard may still receive feedback recommending certain actions in order to demonstrate full compliance with the Prevent duty.
25. Providers that have been judged as having further actions needed will be subject to heightened engagement and an action plan, detailing the specific actions required to provide us with assurance that it is demonstrating due regard. The provider may be subject to a PRM as part of the action plan. If a provider completes the action plan successfully, we will revise our judgement to reflect that the provider is demonstrating due regard. If the OfS has concerns around the provider's progress with the action plan, we may choose to revise our judgement to show that the provider does not demonstrate due regard, and formally commence our non-compliance process as outlined in the monitoring framework.

26. Any providers with a 'Does not demonstrate' outcome may be formally referred to the Department for Education (DfE), which under the Counter-Terrorism and Security Act 2015 (CTSA) could lead to a legal direction to their governing body or proprietor. For registered providers, a judgement of 'Does not demonstrate' may indicate wider regulatory failure against the conditions of registration, and the provider therefore could be separately subject to sanctions under the Higher Education and Research Act 2017, including de-registration.

If concerns are identified

27. A change of circumstances report may impact a provider's risk status if significant concerns are raised by substantial or material changes.

28. 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, of the monitoring framework (OfS 2018.35).

Communication

29. The OfS will communicate the outcome from the change of circumstance report to the provider. The outcome letter will give the provider its compliance judgement, and indicate whether:

- a. The provider will be subject to heightened engagement.
- b. 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

30. 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.

31. Further details about how the OfS will share information as part of its Prevent monitoring activity can be found in the monitoring framework (OfS 2018.35).

Annual accountability and data return

32. 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; any

change of circumstance reports which have been submitted during the reporting year should be reflected upon when considering the declarations.

33. Providers should note that reporting Prevent-related changes of circumstance in the annual accountability and data return submission is not a substitute for the appropriate reporting mechanism.



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