Prevent monitoring: accountability and data return 2021

(reporting on the 2020-21 academic year)

Contents

Introduction

1. This guidance is designed to help higher education providers complete the Prevent accountability and data return (ADR) for the 2020-21 academic year. The Office for Students (OfS) requires all established providers subject to Prevent monitoring during the 2020-21 academic year to submit an accountability and data return by **1200** on **Wednesday 1 December 2021**.

2. We have made some minor changes to the information required and these are set out below.

Who is required to submit a return?

- All **established** providers that are currently monitored and have been subject to Prevent monitoring in the 2020-21 academic year.[1] This means any provider that has previously submitted an ADR, or any provider that is a new entrant and has received its Prevent review meeting outcome by 1 August 2021.

- Providers that are new entrants to Prevent monitoring but have not received a detailed assessment outcome and Prevent review meeting outcome are **not** required to submit a return.[2]

- Further education and sixth form colleges registered with the OfS are **not** required to submit a return as we do not act as Prevent monitor for these providers. This is Ofsted's responsibility.

- Providers that have received a letter confirming their exit from Prevent monitoring during or since the last academic year are required to report for the period until we have confirmed their exit from our monitoring regime. We will contact these providers separately.

3. Instructions about how to access the ADR forms and upload the completed return to the OfS portal will be available late October 2021. Any technical queries regarding accessing the portal and uploading the return should be sent to dfaprevent@officeforstudents.org.uk.

How we use the data

4. The data collected through the ADR informs the OfS's Prevent monitoring activity. It includes contextual information which allows us to understand a provider's approach to implementing the duty.[3] The information we collect informs our risk-based approach to targeting engagement with providers that we consider to be at increased risk of not complying with the Prevent duty.

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[1] Established providers are those that are subject to the duty, have been through an initial test of their compliance and go through the cycle of accountability and data returns.

[2] New entrant providers are those that are newly subject to the duty and are undergoing an initial test of their compliance before they are required to go through the cycle of accountability and data return

[3] See Prevent duty: Framework for monitoring in higher education in England 2018-19 onwards at www.officeforstudents.org.uk/publications/prevent-duty-framework-for-monitoring-in-higher-education-in-

5. Information collected through the ADR may be used in the performance of any of the OfS's functions. For example, we may use it as part of our general monitoring activities, including in relation to a provider's approach to upholding the public interest governance principle relating to freedom of speech.

6. As set out in our Prevent monitoring framework, we expect to publish relevant information and data from the ADR.[4] This may include aggregate sector-level information on compliance and official statistics drawn from the data collected through the ADR.

7. The OfS will report to the Department for Education on a periodic basis about providers' compliance with the duty. We may also share relevant information and data on an individual provider's implementation of the duty with government and other Prevent partners, including where we have reached a view that a provider is not demonstrating due regard to the duty.[5]

Changes to the 2021 return

Summary of changes:

- We have removed the requirement for providers to submit an accountability statement but have retained the declarations that should be signed off by the chair of the governing body or the proprietor (where there is no governing body).

- We have removed the requirement for providers to submit data about the total number of events that have been referred to the highest decision maker.

- We are requiring a more detailed breakdown of the number of Prevent cases that providers have managed, to allow us to understand the types of potential radicalisation cases they have dealt with.

- We are requiring a more detailed breakdown of the number of speakers or events not approved by a provider and the reasons for these rejections.

- We have introduced a requirement to report on the total number of speakers or events approved subject to mitigations.

Removing the accountability statement

8. We have decided to remove the requirement for providers to submit an accountability statement, setting out how the governing body or the proprietor has assured itself that it has

continued to show due regard for the Prevent duty. However, we would expect providers to continue to ensure governing bodies' or proprietors' effective oversight of compliance with the Prevent duty to enable them to approve and sign the required declaration.

9. We have seen, from the last three years of data returns, that the mechanisms and evidence used to assure governing bodies or proprietors are now well established and mature. We found a number of different ways in which governing bodies gain assurance. These included:

    a. Annual reports to governing bodies or proprietors providing a summary of the provider's implementation of the Prevent duty. These reports often are authored by internal Prevent groups, or committees with responsibility for overseeing the Prevent duty, led by senior staff at providers.

    b. Dual assurance models, used where an individual member of a governing body will take on responsibility for Prevent working with senior staff responsible for the Prevent duty.

    c. An annual review of Prevent involving members of the governing body. This often occurs in smaller providers where members of the governing body will review existing arrangements as they approve their accountability returns.

    d. Briefings from senior staff on the provider's performance of the duty to inform the accountability statements.

10. We did not find any cases from last year's return where we had concerns that a governing body or proprietor was not assuring itself properly. Given the evidence we have now collected, we have taken the view that continuing to collect this information is unnecessary as this would place unnecessary burden on providers with little benefit for the OfS's monitoring objectives.

Removing the data requirement about the total number of events that have been referred to the highest decision maker

11. We have decided to remove the requirement for providers to submit data about the total number of events or speakers that have been referred to the highest decision maker.

12. We will already have undertaken a detailed assessment of providers' Prevent-related policies and processes and completed a Prevent review meeting to test the implementation of these policies to establish a baseline level of compliance with the Prevent duty as part of our new entrant process. This gives us information about each provider's approval mechanisms for external speakers and events, and how these relate to the provider's context.

13. Further information about the decisions a provider has made in accordance with its own policies is provided through the other external speaker and events data we collect. For example, we receive information about approval of events or speakers with mitigations or conditions, and events or speakers that are rejected. Therefore we do not need to ask for the total number of events that have been referred to the highest decision maker.

14. We monitor a diverse range of providers. Some small and specialist providers have low staff numbers and short reporting lines as part of their external speaker policies and procedures, which may mean that all approval decisions are necessarily made by the highest decision maker. In addition, the dataset doesn't provide any indication about why event requests have

been referred to the highest decision maker or if these referrals were appropriate. This limits the utility of this dataset in terms of understanding how higher risk events are managed.

15. Given the above, we have taken the view that continuing to collect this information is unnecessary as this would place unnecessary burden on providers with little benefit for the OfS's monitoring objectives.

Requirement to include a more detailed breakdown of the existing welfare data set

We are requiring a more detailed breakdown of the existing welfare dataset to include the particular concern relevant to each case. This means that providers will need to identify for each case which of the following the case relates to:

a. Islamist

b. extreme right wing

c. mixed, unclear or unstable ideology. This reflects instances where the ideology presented involves a combination of elements from multiple ideologies (mixed), shifts between different ideologies (unstable), or where the individual does not present a coherent ideology yet may still post a terrorism risk (unclear)[6]

d. other

16. These categories are drawn from the Home Office publication 'Individuals referred to and supported through the Prevent Programme', April 2019 to March 2020 and are therefore consistent with the way statistics on the number of individuals referred to and supported through the Prevent Programme are collected by the Home Office and Prevent partners.[7] The Home Office does not provide definitions for Islamist or extreme right wing cases within the publication we have referenced, so providers are required to make an informed judgement about how to categorise cases. Further guidance on how to categorise individual cases may also be sought from Department for Education regional higher education coordinators or other Prevent partners if required.

17. We are also requiring information about how each case came to the attention of the provider, for example, by an individual accessing material online, or through a welfare issue. We have not previously requested this information.

18. In relation to the more detailed information in the welfare dataset, we do not consider providing this further detail would cause any significant increase in burden for individual providers. We would expect all providers to have adequate record-keeping and oversight of their welfare cases and our data shows that the number of Prevent-related cases managed or Prevent referrals made by a provider in any given year is sufficiently low for providers to submit this information for the 2020-21 academic year.

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[6] See definition supplied against Figure 6 www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2019-to-march-2020

[7] See Individuals referred to and supported through the Prevent Programme, April 2019 to March 2020 at www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2019-to-march-2020

19. We consider that providers should be able to identify the data by ideological type for each case; they will be aware of different ideological threats to drawing people into terrorism through staff training, and briefings from partners such as Department for Education (DfE) further and higher education Prevent co-ordinators, counter terrorism police, and local authority Prevent co-ordinators.

20. **Requirement to include additional information for the external speakers and events data set**

21. We have previously asked only for the number of external speakers or events that have been rejected for Prevent reasons. We now require a more detailed breakdown of the external speakers and events dataset in relation to any reason for a rejection. Providers will need to identify the total number of events or speakers that have not been approved and, for each case, the reason for that rejection, selected from the following:

    a. health and safety reasons

    b. procedural matters

    c. Prevent risk

    d. other.[8]

22. We have chosen these categories as they reflect the most frequent reasons providers have given in previous years for events being rejected. Further guidance on what might fall into each category is provided in the section below "Requirements for the 2021 return".

23. We are requiring information about the total number of events or speakers approved subject to mitigations, or where approval for an event is subject to conditions being met by the organiser. This new question includes all cases and not just those with mitigations or conditions because of Prevent risks.

24. Although we would expect all providers to collect and use for their own purposes detailed information about the speakers and events that are subject to their policies, we are mindful that providers may not have captured during the 2020-21 academic year the more detailed information we are requesting. We are therefore treating this year as a transition year in which we will accept estimated data in relation to the new questions relating to events and external speakers. For the 2022 ADR, we will require complete and accurate data and expect all providers to put in place arrangements to ensure this is collected and reported.

Why we are making these changes to the data return

25. We have decided to make these changes to the data return for the following reasons:

    a. They will improve the quality of the data we collect and will help the OfS to better understand, and focus on mitigating, the risk and threat of radicalisation faced by individual providers and the sector as a whole. We understand – through our engagement with

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[8] Please see the section on external speakers and events below for further detail about the requirements for this dataset.

providers, Prevent partners and official statistics – that the types of radicalisation cases are becoming increasingly diverse, and that there has been a growth in concerns about mixed, unclear or unstable ideologies as defined above.

b. More detailed information about Prevent-related cases will improve the OfS's ability to provide assurances to government and partners on the activity providers are undertaking to address the risk of people being drawn into terrorism; and where a provider is not showing due regard to the duty, we will have better quality data to focus attention where there are compliance concerns.

c. Where we decide to share the information we collect through the ADR, a more detailed breakdown of cases will enable Prevent partners to better target their attention to support providers where the risk of radicalisation is at its greatest, or where new threats are emerging both nationally and locally.

d. We expect that providers will better understand their own risks and threats of radicalisation to help them put in place effective mitigations if they are able to consider a more detailed breakdown of their cases.

e. The more detailed information about events and speakers will give us a better contextual understanding of how external speaker policies and procedures are implemented in practice, as well as how providers subject to the duty are having particular regard to the duty to ensure freedom of speech and to the importance of academic freedom.[9] For example, we may wish to understand why a provider has refused a significant number of events because requests have not been made in line with its policy, and whether any of those events may have presented Prevent-related concerns had they been considered more fully.

26. We have made some further minor refinements to the datasets to clarify our requirements and to reflect the language used by partners and those working in Prevent on radicalisation cases.

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[9] See section 31 of the Counter-Terrorism and Security Act (CTSA) 2015 [URL Counter-Terrorism and Security Act 2015 (legislation.gov.uk)]

Requirements for the 2021 return

Accountability declarations

27. We require a signed declaration from the provider's governing body (or proprietor where there is no governing body). This declaration is that the provider:

   a. has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty).

   b. has provided to the OfS all required information about its implementation of the Prevent duty.

   c. has reported to the OfS 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 previously submitted.

   d. has reviewed, and where necessary updated, its Prevent risk assessment and action plan.

Data return

28. The data return covers these areas of the Prevent duty:

   a. welfare.

   b. external speakers and events.

   c. staff training.

29. In each section below we have provided what information a provider must submit for each data set as part of the ADR and definitions to explain the requirements.

Welfare

30. A provider is required to submit the information contained in Table 1 below.

Table 1: Prevent cases

Question	Islamist radicalisation	Extreme right wing radicalisation	Mixed, unstable or unclear ideology	Other radicalisation	Total
a) Number of Prevent-related cases escalated to the point at which the Prevent lead has become involved	0	0	0	0	0
b) Number of Prevent-related cases which led to informal external advice	0	0	0	0	0

being sought from Prevent partners					
c) Number of formal external Prevent referrals	0	0	0	0	0
For each Prevent-related case, please add information about how the case originated (e.g. concerns identified from behaviour online, or through accessing material online, through external speakers or as a result of a welfare issue). Maximum 300 words.					

31. Table 1 shows the full welfare dataset that must be submitted for the ADR, including the categories into which a provider should breakdown this data to show the underpinning ideology (if any) behind each case: Islamist radicalisation, extreme right wing radicalisation, mixed, unclear or unstable ideology, or other radicalisation. While a definitive view of the ideology may only be obtained through a subsequent external referral, a provider should be able to identify the type of concern underpinning the case.[10]

32. A provider should also give a brief description in the text box shown in table 1 to provide further contextual information relating to where potential or actual radicalisation cases originated from: for example, concerns identified from behaviour online, or through accessing material online, through external speakers or as a result of a welfare issue.

33. Table 2 below provides a definition for each question in the welfare dataset to explain what is required.

Table 2: Definitions for Prevent cases

Dataset	Definition
a) Number of Prevent-related cases escalated to the point at which the Prevent lead has become involved	This refers to cases reported to a provider's Prevent lead (or appropriate group or committee).
b) Number of Prevent-related cases which led to informal external advice being sought from Prevent partners	This refers to cases where a provider has sought advice and information from a multi-agency partner for a Prevent-related case, e.g. DfE co-ordinator.

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[10] We are using the definition given in 'Individuals referred to and supported through the Prevent Programme', April 2019 to March 2020. This category reflects instances where the ideology presented: involves a combination of elements from multiple ideologies (mixed); shifts between different ideologies (unstable); or where the individual does not present a coherent ideology yet may still pose a terrorism risk (unclear). See www.gov.uk/government/statistics/individuals-referred-to-and-supported-through-the-prevent-programme-april-2019-to-march-2020

c) Number of formal external Prevent referrals[11]	This refers to where a provider has made a formal referral externally regarding a radicalisation case.

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[11] This dataset was previously named 'number of referrals to Channel'. We have made this change to reflect language used by people working in Prevent.

Events and external speakers

34. A provider is required to submit the information contained in tables 3 and 4 below.

Table 3: Events and speakers approved

Dataset
a) Total number of events or speakers approved through the external speakers process
b) Total number of events or speakers approved subject to any mitigations or conditions
c) Number of events or speakers approved subject to any mitigations or conditions due to Prevent-related risks

Table 4: Events and speakers rejected

Dataset	Health and safety	Procedural matters	Reasons related to Prevent risk	Other matters	Total
d) Total number of events or speakers rejected	0	0	0	0	0
For each case, please add information about the reasons for rejection where that rejection was for reasons related to Prevent risk. Maximum 300 words.					

35. As shown in table 4, a provider will need to provide a breakdown of question (d) to show the reason that each event or speaker was rejected, using the following categories: Health and safety, procedural matters, reasons related to Prevent risks or other matters. 'Procedural matters' relates to the need for the provider to adhere to its policy and procedure, for example where the timescales for submission of a request as specified in a policy were not met so there was insufficient time to make a decision about a case and it was therefore not approved on that basis. 'Health and safety' relates to a risk of accident or injury, for example where the nature of the event itself is deemed to present a risk to safety or a venue offering sufficient capacity for an event to go ahead is unavailable.

36. We recognise that there may be several reasons for an event or speaker to be rejected; however, for the purpose of this data we are asking for one primary reason to be identified.

37. As set out in paragraph 25 above, we recognise that providers may not have collected the detailed data necessary to report the reasons for rejection for each case in the 2020-21 return. We are therefore asking for estimated figures for 'health and safety', 'procedural matters' and 'other matters' in the 'number of events or external speakers rejected' dataset. Providers must still submit accurate figures for rejections related to Prevent risk and for the total number of rejections. We will expect providers to collect this data routinely so it can be returned in full in the 2021-22 ADR submission.

Table 5: Definitions for event and speaker cases

Dataset	Definition
a) Total number of events or speakers approved through the external speakers process	This refers to the total number of events or speakers approved through a provider's external speakers and events process, i.e. not related to the delivery of the academic curriculum. This figure can be an estimate to the nearest 10.
b) Total number of events or speakers approved subject to any mitigations or conditions	This refers to the total number of events or speakers that have been approved subject to some form of mitigation in order to proceed, or where approval is subject to conditions being met by the organiser. As this is the first time we have asked for this data, this figure can be an estimate during the 2020-21 transitional year.
c) Number of events or speakers approved subject to any mitigations or conditions due to Prevent-related risks	This refers to the number of events or speakers that have been approved subject to some form of mitigation in order to proceed or where approval is subject to conditions being met by the organiser because during the risk assessment process the provider has identified a Prevent-related risk i.e., where it is considered there is a risk of people being drawn into terrorism.
d) Total number of events or speakers rejected	This refers to the number of events that have been rejected after consideration through the provider's process.

38. Table 5 provides a definition of each question in the events and external speakers dataset to explain what is required.

Training

39. A provider is required to submit the information in table 6 below.

Table 6: Training

Dataset	Definition
a) Number of staff identified as key in relation to the Prevent duty	This refers to the current number of staff a provider has identified as key in relation to Prevent.
b) Number of key staff receiving induction Prevent training	This refers to the number of staff identified as key in relation to the Prevent duty that have received training related to their Prevent role or responsibility.
c) Number of key staff receiving refresher Prevent training	This refers to the number of staff identified as key in relation to the Prevent duty that have received refresher training related to their Prevent role or responsibility.

Dataset	Definition
d) Number of staff receiving broader welfare or safeguarding awareness training or briefing	This refers to the number of broader staff (not just key staff in relation to Prevent) being made aware of relevant policies through guidance, training, advice or instruction.

40. The question on awareness training in table 6 allows a provider to demonstrate that a broader set of staff are aware of relevant policies and can effectively signpost students to support when necessary.

How the ADR will be assessed

41. The information submitted in the ADR by each provider will be reviewed in early 2022, alongside other information we hold, including:

    a. Previous Prevent compliance judgements.

    b. Information from other Prevent assessments, e.g. change of circumstance or serious incidents.

    c. Information from our regulation of registered providers more generally.

    d. Intelligence from Prevent partners, including the Charity Commission, and DfE further and higher education Prevent Co-ordinators.

    e. Data from sources such as the Higher Education Statistics Agency (HESA) to help provide further contextualisation.

42. We will use this information to inform our view of the risk of non-compliance with the Prevent duty. This risk assessment will allow us to identify any provider that we consider needs further targeted Prevent monitoring.

43. We may query information submitted by a provider in its ADR, for example, where we consider the data to be inaccurate or incorrect, or to confirm that the appropriate individual has signed off the accountability declaration. We will set a clear timescale for submission of any amended or additional information.

Outcomes and follow-up

44. As with last year's ADR, we do not intend to issue a compliance judgement for each provider following our assessment.

45. We will continue to target our engagement on those providers where there is cause for concern, to seek further information and evidence that a provider is demonstrating due regard to the Prevent duty. In these instances, when we have completed that engagement with an individual provider, we will issue a compliance judgement setting out whether the provider:

    a. Demonstrates, or does not demonstrate, due regard to the Prevent duty.

    b. Should take further action(s).

46. Where we consider that a provider is not complying with the Prevent duty, i.e. it does not demonstrate due regard, this is likely to result in a referral to the DfE. Further information about how we respond to non-compliance with the Prevent duty can be found in paragraphs 91-94 of 'Prevent duty: Framework for monitoring in higher education in England' (OfS 2018.35).[12]

Submission deadline

47. The data return is **mandatory**, and the deadline for submitting both the declaration sheet and the data survey is **1200** on **Wednesday 1 December 2021**.

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