

7 May 2020

Dear [name of accountable officer]

## **Prevent monitoring requirements during the coronavirus (COVID-19) pandemic**

I am writing to you further to my letter of 25 March 2020 which set out how the OfS had adapted its regulatory requirements during the period of disruption due to the coronavirus pandemic. In that letter I said that I would write to you separately about how we expect providers to comply with the statutory Prevent duty. This letter sets out how we will monitor universities and colleges during this period.

Our adjusted approach to monitoring of the Prevent duty takes place in a context where we don't know how long the disruption will last. The changes to how we monitor are temporary, but open-ended in nature. We may need to adjust our approach again in the future, but we will seek to minimise regulatory burden.

### **Approach to monitoring**

The requirements of the Counter-Terrorism and Security Act (2015) remain in place during the pandemic. This means that higher education providers must continue to take steps to safeguard students and staff from radicalisation. The OfS's focus during this period will be to require compliance with the Prevent duty for both individual providers and the sector as a whole, but do so in a way that takes account of the exceptional circumstances of the pandemic. This means that we will prioritise regulatory activity and engagement:

- where we have significant compliance concerns
- with providers that are newly subject to the Prevent duty.

In addition, all providers are required to continue to report material changes and serious Prevent-related incidents as set out in **Annex A**.

**Annex A** contains further information about the approach we will take to monitoring compliance with the Prevent duty.

### **Reintroduction of normal monitoring requirements**

The requirements set out in this letter will remain in place until further notice. We may revise our requirements as the situation changes and as our understanding of the position of individual providers and the sector as a whole develops.

When it appears likely that the situation has improved such that higher education providers can return to more normal delivery of higher education courses to students, we will return to our normal approach to monitoring. When we do so, we will be clear about the expectations on providers and the timing for these.

We will set any submission deadlines in a way that allows providers sufficient time to comply. Our assumption will be that providers will not have worked on those requirements between the date of this letter and the requirements being reintroduced.

### **Further information**

Updates on our Prevent monitoring expectations will continue to be sent to Prevent leads in providers by email.

Practical advice and support on implementing the Prevent duty continues to be available from the Department for Education Further Education/Higher Education Prevent Co-ordinators. Their contact details are available at: [www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/counter-terrorism-the-prevent-duty/how-we-monitor](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/counter-terrorism-the-prevent-duty/how-we-monitor).

We will also continue to send regular updates on our wider regulatory requirements by email to accountable officers, and we will update the coronavirus page on our website with the latest information: [www.officeforstudents.org.uk/coronavirus](http://www.officeforstudents.org.uk/coronavirus). We will also link to those updates from our Twitter account: @officestudents

### **Next steps**

If you have any questions about this letter please contact us at [prevent@officeforstudents.org.uk](mailto:prevent@officeforstudents.org.uk).

Yours sincerely

Susan Lapworth  
Director of Competition and Registration

## **Annex A**

### **Compliance with the Prevent duty**

All providers must continue to comply with the statutory Prevent duty during the coronavirus pandemic. This means they should continue to take steps to safeguard students and staff from radicalisation in line with their responsibilities under the Counter-Terrorism and Security Act (2015) and as set out in the OfS's monitoring framework for Prevent.<sup>1</sup>

Providers should ensure that their approach remains risk-based and proportionate and they should consider how their new operating circumstances might change the risk of radicalisation. Our expectation is that a provider should be alive to radicalisation, and take practical steps to safeguard people from it. We expect these steps to reflect the current operating circumstances for a provider.

### **Material changes and Prevent-related incidents**

All providers are required to continue to report material changes and serious Prevent-related incidents on the basis set out in our guidance.<sup>2</sup> We do not require providers to report temporary changes made to Prevent policies as a result of the coronavirus pandemic, for example, temporary changes to safeguarding policies.

### **Accountability and data returns already submitted by providers**

During the spring of each year we complete our assessment of accountability and data returns and generate our risk assessment for each provider. We will complete this assessment process this year and expect to be able to send the outcomes to providers by the end of May 2020.

Where our assessment is that 'further actions are needed' by a provider, we would expect our concerns to be addressed through an action plan. When we communicate this outcome in May 2020, we will set out the indicators that raise compliance concerns so a provider can consider the actions it may need to take to address these. However, we will not require submission of an action plan until we consider that the disruption of the coronavirus has ended. When providers are operating again in a more normal environment, we will write to set out actions that are required and the deadlines for any submissions.

We will continue to focus our regulatory activity on those providers we consider to be 'at higher risk of non-compliance' with the Prevent duty. This is likely to include seeking further information from a provider and closer engagement. We will write to such providers setting out our requirements.

Where our assessment is that a provider is 'not demonstrating due regard' to the Prevent duty we will follow our published policy about referral to the Department for Education.

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<sup>1</sup> Available at: [www.officeforstudents.org.uk/publications/prevent-duty-framework-for-monitoring-in-higher-education-in-england-2018-19-onwards](http://www.officeforstudents.org.uk/publications/prevent-duty-framework-for-monitoring-in-higher-education-in-england-2018-19-onwards)

<sup>2</sup> Available at: [www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/counter-terrorism-the-prevent-duty/how-we-monitor](http://www.officeforstudents.org.uk/advice-and-guidance/student-wellbeing-and-protection/counter-terrorism-the-prevent-duty/how-we-monitor)

Some providers already have an agreed action plan as a result of a previous assessment that 'further action is needed' to comply with the Prevent duty. We expect such providers to continue to seek to meet their commitments. After the period of disruption, we will assess how a provider has sought to meet its commitments and, in doing so, we will take into account the circumstances and assess whether the provider has made reasonable decisions.

### **Assessment of providers new to the Prevent duty**

A provider that has become subject to the Prevent duty because it has recently been registered with the OfS ("new entrant providers") should ensure its policies meet the requirement set out in the statutory Prevent guidance. New entrant providers are required to submit their policies to the OfS to allow us to undertake a detailed assessment of whether a provider meets the baseline requirements. We write to providers explaining these requirements shortly after they are registered and providers should therefore refer to that letter in the first instance.

Where our assessment is that 'further actions are needed' by a new entrant provider, we would expect our concerns to be addressed through an action plan. In these circumstances a provider will be expected to complete its action plan even if it is experiencing disruption due to the coronavirus pandemic. This is because each provider needs to demonstrate that it is able to meet a minimum baseline. However, we will be mindful of the challenges a particular provider may be facing and will set any deadlines in a way that takes this into account. We will write setting out the proposed timing and offering the opportunity to discuss an appropriate timescale.

### **Prevent review meetings**

During the spring/summer of each year we normally undertake a programme of Prevent review meetings. Each new entrant provider, and any provider we assess to be 'at higher risk of non-compliance' with the Prevent duty has a review meeting. We also undertake Prevent review meetings with a representative sample of other providers.

Because of the pandemic, we have suspended the regular programme of Prevent review meetings planned for 2020 until further notice. However, we may still require a meeting with an individual provider where we consider that to be necessary to assess compliance and we will discuss on a case by case basis how we expect any concerns to be addressed.