

Updated framework for the monitoring of the Prevent duty in higher education in England

This updated monitoring framework sets out how HEFCE will monitor providers' implementation of the statutory Prevent duty in the higher education sector in England. Relevant higher education bodies will need to follow this framework to demonstrate 'due regard' to the duty. The framework also sets out how we will support institutions and enable the effective sharing of experience and good practice.

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Updated framework for the monitoring of the Prevent duty in higher education in England

To	Heads of higher education providers funded by HEFCE Heads of other relevant higher education bodies
Of interest to those responsible for	Governance; Administration; Student services; Information technology; Security; Chaplaincy; Students' unions; Higher education policy; Counter-terrorism policy
Reference	2016/24
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Enquiries to	HEFCE Prevent team, email prevent@hefce.ac.uk

Executive summary

Purpose

1. This updated monitoring framework sets out how HEFCE will monitor providers' implementation of the statutory 'Prevent duty' in the higher education sector in England. Relevant higher education bodies will need to follow this framework to demonstrate due regard to the duty. The framework also sets out how we will support institutions and enable the effective sharing of experience and good practice.
2. Under the Counter-Terrorism and Security Act 2015, relevant higher education bodies (RHEBs) must have due regard to the need to prevent people from being drawn into terrorism (the Prevent duty). HEFCE is responsible for monitoring whether RHEBs are demonstrating due regard to the Prevent duty.
3. This updated monitoring framework was issued on 20 September 2016. This supersedes 'The Prevent duty: Monitoring framework for the higher education sector' (HEFCE 2015/32), published in November 2015.

Key points

4. This framework is for:
 - Prevent leads, senior management and governing bodies of HEFCE-funded higher education institutions
 - Prevent leads, senior management, governing bodies and proprietors of other relevant higher education bodies in England, specifically:
 - alternative providers that are subject to specific course designation processes administered by HEFCE
 - other providers that offer higher education to more than 250 students and are not monitored by either the Office for Standards in Education (Ofsted) or the Department for Education (DfE)
 - the autonomous colleges, schools and halls of the Universities of Cambridge, Durham and Oxford.

By 'proprietor' we mean the individual or individuals with strategic oversight of an RHEB's activities, including ultimate responsibility for its financial management.

5. To be assessed as 'having due regard' for the Prevent duty, all RHEBs must have robust policies and processes in place which respond to the Prevent statutory guidance, and must demonstrate that they are actively implementing these policies.
6. All providers will need to submit a short annual report every year, summarising any relevant evidence which demonstrates their continuing active and effective implementation of the Prevent duty.
7. The deadline for submitting the first annual report is **Thursday 1 December 2016** for all HEFCE-funded providers excluding the autonomous colleges, schools and halls of the Universities of Cambridge, Durham and Oxford; **Wednesday 1 February 2017** for alternative providers with specific course designation; and **Monday 3 April 2017** for the Universities of Cambridge, Durham and Oxford, the autonomous colleges, schools and halls of those universities, and other providers that offer higher education to more than 250 students.
8. Thereafter, annual reports should be submitted by all HEFCE-funded providers by **1 December** each year and for alternative providers (including other providers) by **1 February**.
9. HEFCE will carry out face-to-face Prevent reviews on the basis of risk where we have particular concerns.
10. Providers will also need to report to HEFCE as soon as possible:
 - any material changes to policies which HEFCE has previously assessed (such as a significantly change to information technology policy as it relates to Prevent)
 - any significant changes of circumstance impacting on the provider's Prevent responsibilities (such as a change in Prevent lead)
 - any serious Prevent-related incidents as outlined in Section 3.

Outcomes

11. Providers will be assessed as having 'due regard' to the duty if they satisfactorily demonstrate that they both:
 - have appropriate policies and processes in place in response to the Prevent statutory guidance
 - are following these policies and processes in practice.

Reporting by HEFCE to Government

12. HEFCE will report on a periodic basis to the Department for Education and will publish annual updates on our monitoring work. We may also report to Government on an ad hoc basis, including where an institution has been found not to be demonstrating due regard to the duty following the procedures outlined in Sections 3 and 4.

Supporting good practice

13. We will work with Government, providers and key sector stakeholders to develop the Prevent agenda further, ensure its effective implementation of and foster an environment of continuous improvement. This will include co-ordinating workshops and facilitating the sharing of good practice, supplemented by visits to providers where appropriate to gather further feedback

on any new issues and practices. With input and advice from our external advisory group, HEFCE will evaluate the effectiveness of this monitoring framework and of HEFCE's role as monitor during 2017, approximately a year after the start of our activity in relation to the duty. This may result in changes to the monitoring framework for future years; we will of course give providers sufficient notice of any changes which affect them.

Office for Students

14. The Higher Education and Research Bill, currently before Parliament, will create a new single regulatory body for higher education, the Office for Students. Should the Bill pass through Parliament, HEFCE's regulatory functions will transfer to this new body, including responsibility for monitoring of the Prevent duty. This revised framework has been developed in line with the principles of the Office for Students' proposed regulatory approach.

Further information

15. Further information is available through the HEFCE website at www.hefce.ac.uk/reg/prevent/.

16. Every institution has a named Prevent Adviser at HEFCE. A list of the advisers and their contact details can be found at www.hefce.ac.uk/contact/. Generic queries can be sent to prevent@hefce.ac.uk.

17. Support and guidance can also be accessed through the network of Department for Education Further Education and Higher Education Prevent Coordinators. Details of the Coordinators can be found at www.hefce.ac.uk/contact/.

Background and introduction

18. Since September 2015, all ‘relevant higher education bodies’ (RHEBs) have been subject to a statutory duty to have ‘due regard to the need to prevent people from being drawn into terrorism’ (referred to as the Prevent duty)¹. HEFCE is responsible for monitoring this duty in the higher education (HE) sector in England.

19. In November 2015 we published ‘The Prevent duty: Monitoring framework for the higher education sector’ (HEFCE 2015/32), setting out how we would go about fulfilling this monitoring role². This consisted of two distinct phases of work:

- a. An initial phase comprising of a **self-assessment exercise** by providers (completed in January 2016) and a subsequent **assessment by HEFCE of detailed evidence**. During this phase we would assess whether a provider had the appropriate policies and processes in place to respond to the Prevent statutory guidance. Submissions were to be made by three dates:
 - i. 1 April – HEFCE-funded providers
 - ii. 1 June – alternative providers with specific course designation
 - iii. 1 August – other providers offering higher education to more than 250 students, and the Universities of Cambridge, Durham and Oxford and the autonomous colleges, schools and halls of those universities.
- b. An ongoing process consisting of an **annual report** from each institution and **cyclical reviews** of paper documentation on a five-yearly cycle.

20. The initial phase of assessment for all existing providers will be completed by the end of 2016, by which time we will have worked with all RHEBs to ensure that they have policies and processes in place to enable them to satisfy the requirements of the Prevent duty. However, the Prevent statutory guidance makes clear that ‘compliance will only be achieved if these procedures and policies are properly followed and applied’³.

21. Following reflection on the process to date, including discussion with institutions and key sector stakeholders, we are now updating the second phase of the original monitoring framework. This updated framework for ongoing monitoring will apply to all RHEBs and will enable HEFCE to monitor and assess the effectiveness of individual RHEBs’ compliance with the Prevent duty. In common with other HEFCE processes, this aims to take a risk-based approach to intervention, avoiding unnecessary burden for providers in continually re-submitting documentation, while providing a robust level of assurance about the delivery of the duty where there are concerns.

¹ The Counter-Terrorism and Security Act 2015. ‘Relevant higher education bodies’ fall into four categories: higher education providers that are funded directly by HEFCE; alternative providers with specific course designation; other providers that offer higher education to more than 250 students; and the autonomous colleges, schools and halls of the Universities of Cambridge, Durham and Oxford. Schools, sixth form colleges, students’ unions and student societies are not RHEBs. Further education colleges that are subject to the duty are monitored separately by the Office for Standards in Education or the Department for Education.

² Available online at www.hefce.ac.uk/pubs/year/2015/201532/.

³ There are two relevant sets of guidance for RHEBs: ‘Revised Prevent duty guidance: For England and Wales’ and ‘Prevent duty guidance: For higher education institutions in England and Wales’. Both can be found at <https://www.gov.uk/government/publications/prevent-duty-guidance>.

22. Ongoing monitoring will be focused not only on whether providers have the right policies and processes in place, but primarily on evidence of active and effective implementation and sharing of good practice. The rest of this document sets out the evidence we intend to collect for each element of the monitoring process, the ways in which this will be assessed, and the possible outcomes. It also describes how we will support institutions to satisfy requirements, to share good practice and to respond to any changing external factors.

23. The ongoing monitoring framework covers five areas:

- annual reports
- Prevent reviews
- reporting of serious incidents and material changes
- outcomes
- supporting good practice.

24. The remainder of this document provides more information on each area in turn. The terms 'provider' and 'RHEB' are used interchangeably throughout this document to refer to all HE providers that are subject to the duty.

25. **Annex A** provides guidance on data to be submitted as part of the annual report. **Annex B** outlines the process for providers entering the regulated HE sector. **Annex C** outlines how we will deal with providers leaving the regulated HE sector and Prevent monitoring.

Section 1: Annual reports

26. Through the annual report process, HEFCE will be seeking assurance from governing bodies or proprietors, supported by appropriate evidence, that providers have continued to have 'due regard' to the Prevent duty over the previous operating or academic year⁴.

27. HEFCE will assess the reports received and provide feedback identifying any concerns or issues. Where we have significant concerns, this process may trigger a request for further information, or where we are unable to sufficiently resolve concerns through correspondence and submission of additional written information, this may then lead to more intensive scrutiny through a Prevent review meeting (more detail about which is set out in Section 2).

28. The timetable for submitting the first annual report is:

- **1 December 2016:** all HEFCE-funded providers excluding the Universities of Cambridge, Durham and Oxford and the autonomous colleges, schools and halls of those universities
- **1 February 2017:** alternative providers with specific course designation
- **3 April 2017:** the Universities of Cambridge, Durham and Oxford and the autonomous colleges, schools and halls of those universities, and other providers that offer higher education to more than 250 students.

29. Thereafter, annual reports will be due as follows:

- **1 December 2017:** all HEFCE-funded providers including the Universities of Cambridge, Durham and Oxford and the autonomous colleges, schools and halls of those universities.
- **1 February 2018:** alternative providers with specific course designation and other providers that offer higher education to more than 250 students.

30. All annual reports should include the following elements:

- responses to outstanding actions from the initial assessment phase
- declarations from the governing body or proprietor
- evidence of ongoing engagement and active implementation of the Prevent duty
- additional information.

Responses to outstanding actions from the initial assessment phase

31. In the first year of reporting only, annual reports should include responses to any outstanding feedback and actions from HEFCE's initial assessments (where alternative timescales have not been agreed with individual providers).

Declarations from the governing body or proprietor

32. Governing bodies and proprietors should have considered appropriate information and supporting evidence demonstrating that the institution has continued to have 'due regard' to the duty over the past year. Alongside this framework, the Committee for University Chairs has produced a practice note which governing bodies and proprietors may wish to take into account when considering such assurances from management⁵. The chair of the governing body (or of

⁴ By 'proprietor' we mean the individual or individuals with strategic oversight of an RHEB's activities, including ultimate responsibility for its financial management.

⁵ Available online at <http://www.universitychairs.ac.uk/publications/>.

the trustees) or the proprietor is required to provide the following declarations to be included in the annual report:

‘Throughout the academic year and up to the date of approval, [organisation name]:

- has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty)
- has provided to HEFCE all required information about its implementation of the Prevent duty
- has reported to HEFCE 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 submitted.’

33. Governing bodies 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. We would expect risk assessments to be reviewed and where necessary refreshed annually and to focus on where and how people might be at ongoing risk of being drawn into terrorism, and the effectiveness of the mitigations which are in place. We have issued further advice on this area on our website⁶. Support will be available through the Department for Education Further and Higher Education Prevent Coordinators. Training resources for staff are also available online on the Safe Campus Communities website at www.safecampuscommunities.ac.uk.

34. To ensure that HEFCE has the most up to date documentation, providers should include their refreshed risk assessment and action plan with their annual report to HEFCE only where there have been significant changes since the previous submission or where we have raised significant concerns with the provider in the past.

Evidence of ongoing engagement and active implementation of the Prevent duty

35. Annual reports should include a short summary report of evidence of ongoing engagement with the Prevent duty and of active and effective implementation of the relevant institutional policies and processes, including discussion of any significant issues that have arisen over the last academic year in relation to the Prevent duty. We will look for confirmation that this has been considered by the governing body or proprietor in support of their declarations. To minimise unnecessary burden, where providers are happy to do so, we are content to receive the same report which has been considered by the governing body or proprietor where appropriate, and would expect this to be concise.

36. Our expectation is that the duty should be implemented proportionately, so this evidence will look different for different providers depending on their particular context. It will be up to institutions to determine what information it is appropriate to include in this report. We would not necessarily expect this to cover all areas of the guidance every year, but to reflect the activity undertaken. An absence of incidents across the previous year will not be seen as evidence that the provider has not had ‘due regard’; equally an incident will not be seen in itself as a sign of concern, where risks have been assessed and managed appropriately.

37. As part of its broader Prevent strategy, the Government is keen to collect data and supporting evidence which demonstrates how the sector is actively implementing the Prevent

⁶ See www.hefce.ac.uk/reg/prevent/framework/.

duty. As part of this data collection, we are seeking to ensure that we better understand how processes in place for providers' internal escalation of Prevent-related welfare concerns work in practice, including accessing advice from Prevent partners at different stages of the process.

38. Annual reports should therefore include data covering the past year and any supporting examples or narrative on:

- the number and proportion of **staff** who have received Prevent-related training
- the number of high-risk **events** escalated to the highest levels of approval
- any **welfare** concerns escalated internally and shared externally with Prevent partners (such as Further Education and Higher Education Prevent Coordinators, Local Authority Prevent leads or Police Prevent teams)
- formal referrals to multi-agency **Prevent** processes (sometimes called 'Channel referrals').

39. Further guidance in **Annex A** sets out more detail on these data requirements.

40. Data submitted through the annual report may also inform HEFCE's ongoing monitoring at an individual institutional level – for example, if significant outliers suggest issues that need further investigation, or data raises further questions about the operation of particular policies. However, we will not be using this data alone to draw conclusions about the success or otherwise of policies. These datasets will also be provided to Government and published only at an aggregated sector level, along with contextual background but ensuring that individual institutions are not identifiable.

41. We will not accept any personal information about particular individuals or groups, nor would we expect data to be presented in a way which enables individuals to be identified; any returns including this kind of information will be sent back to the institution.

Additional information

42. In addition to these standard elements, HEFCE may publish guidance on specific areas or themes to be addressed before each year's submission. For example, we may ask for information on specific areas of practice where we have concerns across the sector, or focus on particular themes where we are keen to gather evidence and examples of good practice to inform effective delivery of the duty. We will provide at least three months' notice of any additional areas to be covered within the annual report.

43. For the monitoring returns due to be submitted in December 2016 and February or April 2017, we would like providers to include specific comment on:

- their approach to **web filtering** in relation to the Prevent duty, particularly where a decision had yet to be taken at the time of the provider's previous submission to HEFCE
- their approach to implementing the Prevent duty with **franchise** partner institutions.

44. Providers are also invited to use their annual report to highlight any areas where they feel they need further support, or any particular issues that they have encountered over the past year.

Submitting the annual report

45. We will not be issuing templates for this report because of the wide variety of providers covered by the duty. However, we will make standard formats available for the declarations by governing bodies or proprietors, and for the data to be submitted as part of the annual report.

46. Submission of the annual report documents will be via the secure HEFCE extranet. We will provide RHEBs with full instructions on how to upload their reports at least six weeks in advance of each submission date.

Section 2: Prevent reviews

47. In HEFCE 2015/32 we set out our proposed approach for conducting reviews of providers on a cyclical basis. We referred to these as 'cyclical reviews', suggested that they would be predominantly desk-based and, at that stage, suggested that such reviews would focus on reviewing policies and procedures that had been updated since our initial review. We suggested that this might be supplemented where necessary with a face-to-face discussion with providers.

48. Having learnt from the initial assessment phase and consulted with representatives from across the sector and in Government, we have refined our approach. In line with other HEFCE processes, and the proposed approach to regulation once the Office for Students is created, we are intending to make these reviews more targeted and risk-based, avoiding additional burden where possible. As a central principle we are aiming to avoid resubmission of previous information and to ensure that we are only gathering evidence which we can meaningfully use to assess whether a provider is actively engaging with the duty, or to facilitate an environment of continuous improvement across the sector. More detail on how we will support the development of good practice is provided in Section 5.

49. 'Prevent reviews', as we are now referring to them, will be triggered in response to particular circumstances or risk indicators. Generally they will be face-to-face meetings or visits, and will take place only where we have been unable sufficiently to resolve concerns through correspondence, dialogue with providers and additional submitted written information.

50. A face-to face Prevent review could be triggered by **particular circumstances** which we have been otherwise unable to resolve, including:

- concerns about information provided by individual RHEBs through their annual reports, such as a lack of evidence, weak evidence, or data which indicates significant issues
- serious incident reports, reported to HEFCE either by the RHEB or a third party, where we have determined we require further follow-up
- previous Prevent concerns that we have raised have not been fully addressed
- serious concerns raised by other stakeholders, such as the Department for Education or the Home Office
- significant concerns raised by substantial changes to major policies at the RHEB or other material changes of circumstance (further information on which is included in Section 3).

51. Prevent reviews will usually be face-face meetings between members of the HEFCE Prevent team and the RHEB's Prevent lead, involving any other relevant colleagues as we may require (for example, the institution's Accountable Officer).

52. Depending on the circumstances, Prevent reviews could focus on individual issues or the provider's overall approach and will be used to:

- explore further providers' understanding of and approach to the Prevent duty
- gather further evidence where needed of active implementation of the Prevent duty – for example, seeking additional information on the implementation of specific policies, such as information technology usage policies, relating to Prevent

- discuss concerns about evidence previously submitted to HEFCE (for example, where data returned suggests issues with a particular policy or process we would want to discuss in greater detail how it was operating in practice)
- ‘stress-test’ particular policies (for example, by discussing how the RHEB might deal with particular scenarios and how its policies are intended to operate)
- identify any further actions to be taken or lessons to be learnt as a result of serious incidents (for example, where a particular event has highlighted concerns to be addressed about how an RHEB’s external speaker’s policy is operating).

53. In all cases, we will inform the Prevent lead at the RHEB in advance of the scope of the Prevent review. The approach that we will take following a Prevent review is outlined in Section 4.

Section 3: Reporting of serious incidents and material changes

Serious incidents

54. In addition to the ongoing processes set out in Sections 1 and 2, all RHEBs should contact HEFCE in a timely manner to discuss **any serious incidents related to their Prevent duty responsibilities**⁷.

55. It is for institutions to decide what constitutes a serious Prevent-related incident which should be reported to HEFCE, but we would expect this to include any incidents which have led to broader Prevent policies being fundamentally reviewed or revised, or have caused reputational harm (such as media coverage which raises substantive concerns) or actual harm (such as physical injury) to staff or students. We would not expect this to cover business as usual (for example, straightforward Channel referrals or informal contact with the police or local Prevent partners). Providers should note that reporting an incident to HEFCE is not a substitute for reporting it to the police or other authority – for example, if criminality is suspected.

56. We may also be notified of concerns from third parties that an RHEB is not fulfilling its Prevent duty in some way. This could be from individuals, media reports or other organisations involved in the delivery of Prevent.

57. In all cases, we would expect to discuss the incident with the provider to ascertain the cause and nature of the incident and then agree any formal reporting mechanisms.

Process for reporting serious incidents

58. Providers should contact their HEFCE Prevent Adviser at the time that a potential serious incident is identified and discuss with HEFCE how they have responded to the incident. We will then agree with the provider on a case-by-case basis whether a formal report of the incident is required.

59. In the case of third-party disclosures, we will refer these in the first instance to the provider, who should investigate the matter if appropriate. If a substantiated compliance issue is identified, we will expect a report on the outcome.

60. We will then assess whether or not the provider appears to have followed its policies and processes appropriately in the circumstances, and whether it has learned and applied any lessons as a result. An incident will not in itself be seen as a sign of not exercising 'due regard' – we will instead be looking for evidence that the provider has responded to and managed risks in a suitable way. Following careful consideration of serious incident reports, and only when other routes have been exhausted, HEFCE may decide that the incident should trigger a face-to-face Prevent review to gain further information.

61. We may also report the outcome of serious incident reports to Government on an ad hoc basis, in the context of our role as monitor for the Prevent Duty.

Material changes

62. We also expect 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.

⁷ HEFCE-funded institutions must also report any serious incidents to HEFCE as part of the terms of the Memorandum for Assurance and Accountability.

63. There are three categories of material change which we would expect providers to report to HEFCE:

- significant changes to policies or processes relating to the Prevent duty as previously assessed by HEFCE (for example, a significantly changed information technology policy, or a major revision to a process for managing external speakers and events)
- changes of responsibility for Prevent (for example, appointing a new Prevent lead)
- changes of control (for example, new governance structures which change the oversight of the Prevent duty).

Process for reporting material changes

64. As in the process for reporting serious incidents, providers should contact their HEFCE Prevent adviser as soon as possible to notify them of a material change. They should provide an explanation of the change and its likely impact on the way in which the provider will deliver its responsibilities under the Prevent duty.

65. Changes of control should be reported to HEFCE through the provider's usual channels, and HEFCE staff will share such information internally to avoid additional burden for providers⁸.

66. Where there has been a major change to a policy or process which relates to Prevent, providers should also submit to HEFCE a revised copy of the relevant documentation to ensure that we have the most up to date set of information. We will reassess the changes to ensure that the policy or process still meets the requirements of the statutory guidance. Where significant concerns are raised by substantial changes to Prevent policies at the provider or other material changes of circumstance, HEFCE may decide that change should trigger a face-to-face Prevent review to gain further information from the provider. In general, this would only happen when all other routes for obtaining further information have been exhausted.

⁸ For HEFCE-funded providers, changes in control should be reported in line with the Memorandum of Assurance and Accountability. For alternative providers, changes in control should be reported in line with the conditions of specific course designation.

Section 4: Outcomes

Outcomes for individual providers

67. Through the first phase of assessment of detailed evidence, HEFCE has reached one of three outcomes about the policies and processes submitted by each provider: that the material we have seen **satisfies** the requirements of the statutory guidance; that the material suggests that the policies or processes **need improvement** to satisfy requirements; or that the material **does not satisfy** requirements. We have made clear that the ‘needs improvement’ category is a transitional one and that providers will be required to address any issues promptly.

68. Beyond the initial phase, we will be taking into account two different factors when considering whether we believe a provider is demonstrating due regard to the duty:

- whether the appropriate policies and processes remain in place
- whether the provider has demonstrated appropriate evidence of active implementation of policies and ongoing ‘regard’ to the duty’s requirements.

69. As Table 1 shows, RHEBs will need to meet requirements relating to both these factors to demonstrate that they are having due regard to the duty.

Table 1: Outcomes decisions

Is the provider demonstrating due regard to the need to prevent people being drawn into terrorism?		
<p>Demonstrating due regard:</p> <ul style="list-style-type: none"> • policies and processes satisfy the requirements of the statutory guidance and • there is sufficient evidence of active implementation (taking into account the provider’s context). 	<p>Further evidence needed:</p> <ul style="list-style-type: none"> • policies and processes need improvement to satisfy requirements or • further evidence is needed to demonstrate active implementation. 	<p>Not demonstrating due regard:</p> <ul style="list-style-type: none"> • policies and processes do not satisfy requirements or • there is inadequate or no evidence of active implementation or • there is significant evidence of non-implementation of policies and processes.

70. Information from all of the elements of this monitoring framework will be taken into account when determining whether or not a provider is having due regard to the duty – including annual reports, Prevent reviews, the assessment or re-assessment of detailed policies and processes (including following reporting of material changes), and the outcomes of incident reports. Any of these elements could offer positive evidence of ‘due regard’ to the duty, or indicate issues that suggest the provider is not demonstrating ongoing due regard.

71. Following any substantive interaction with a provider HEFCE will issue a formal letter to the Accountable Officer setting out an overall outcome and any specific feedback which needs to be addressed. As responsibility for implementation of the Prevent duty rests on the governing body

or proprietor of a relevant higher education body, we would expect the Accountable Officer to share the outcome letter with their governing body or proprietor of their organisation in a timely manner. Where necessary, we will agree with the provider an action plan and appropriate timescale for making improvements to relevant policies and processes.

72. In the case of serious incidents, we will also expect the provider to identify any further actions to be taken or lessons learnt as a result of the incident, and will carefully monitor progress. Where we judge that the action taken by a provider does not meet requirements, we would expect this to be addressed through a resolution process, including an action plan.

73. If we conclude that the RHEB's response has been inadequate in any area of this monitoring framework, and it does not agree to take further action, we will consider whether this indicates that it is not demonstrating due regard to the duty. In such cases, we will refer the case to the Department for Education to consider whether further formal action is needed. We may also publish details of RHEBs that fall into this category.

Reporting

74. HEFCE will report on a periodic basis to the Department for Education. Such reports will include the number of institutions that we deem to be demonstrating, or not demonstrating, due regard to the duty, and will include our broad analysis of practice relating to the implementation of Prevent across the sector. We may also report on an ad hoc basis, including where an institution has been found not to be demonstrating due regard to the duty following the procedures outlined in Sections 3 and 4. We also intend to publish an annual report which will include aggregate figures on compliance across the sector.

75. We intend periodically to publish sector-level feedback on the monitoring process, highlighting good practice and areas for further consideration by all providers. Such reports would also examine any particular themes on which we may have asked all providers to give us information in their annual reports. Further detail is provided in Section 5.

Section 5: Supporting good practice

76. In revising this monitoring framework, we are keen to ensure that alongside the formal processes to monitor providers' due regard to the Prevent duty, we also act to promote an environment of continuous improvement. This will include gathering and sharing good practice in what is currently a live and dynamic area of government policy.

77. To this end, and alongside the formal elements of our monitoring activity, we will seek to work with providers and other key stakeholders to explore how we might further support the sector to improve particular policies, processes and practices that relate to the Prevent duty.

78. We intend to achieve this through several routes:

- engagement visits
- supporting staff training
- thematic reviews, including workshops.

Engagement visits

79. In addition to the formal Prevent reviews outlined in Section 2, we may also carry out informal engagement visits to discuss particular areas of good practice, developments in the wider environment or issues with which several providers are having difficulties. These visits would **not** form part of our evidence to assess whether due regard is being exercised. Providers are encouraged to highlight through the annual report or through their named Prevent adviser any particular areas where more support or guidance might be needed, at an individual or institutional level.

Supporting staff training

80. We will work with other sector organisations, such as Universities UK and the Leadership Foundation for Higher Education, to provide and update online Prevent training materials for staff. We will also work with these and other sector organisations, such as Independent Higher Education, to ensure that training and support are available for all types of provider that are subject to the duty. Furthermore, we will facilitate support and guidance for governing bodies or proprietors in gaining assurances that their institutions are demonstrating due regard to the duty.

Thematic reviews

81. We will undertake thematic reviews of specific areas of practice. These might cover areas of concern across the entire sector, or focus on particular themes where we are keen to gather evidence and examples of good practice to inform the effective delivery of the duty. Such reviews would draw upon information submitted through annual reports and visits to providers where appropriate to gather case studies of good practice. As part of these thematic reviews, we also intend to organise sector-wide workshops in order to provide a facilitative environment for providers to explore and share good practice in meeting the duty.

Evaluating HEFCE's role

82. We are committed to evaluating the effectiveness of this monitoring framework and of HEFCE's role as monitor. With input and advice from our external advisory group, the main evaluative work will take place during 2017. We will work with the sector and Government to implement any changes to our overarching approach following this work. This may result in

changes to the monitoring framework for future years; we will of course give providers sufficient notice of any changes which affect them.

83. On the basis of our ongoing developmental work, and our analysis of the annual reporting process, we will produce sector-wide feedback reports and good practice guidance, which will be published on the HEFCE website.

Annex A: Guidance on submitting data as part of the annual report

1. As part of its broader Prevent strategy, the Government is keen to collect data and supporting evidence which demonstrates how the sector is actively implementing the Prevent duty. Data submitted through the Annual Report may also inform HEFCE's ongoing monitoring at an individual institutional level – for example, where there are significant outliers which might suggest issues that need further investigation, or where data raises further questions about the operation of particular policies. However, we will not be using such data alone to draw conclusions about the effectiveness of policies or otherwise.
2. These datasets will be provided to Government and published only at an aggregated sector level, ensuring that no individual institution is identifiable, along with contextual background.
3. Providers should therefore include in their annual reports data covering the past year and any supporting examples or narrative on three key areas of Prevent-related activity:
 - staff training
 - external speakers and events
 - the operation of welfare policies.
4. This annex provides further guidance on the data and supporting narrative that should be submitted. We will provide a standard template to providers for submitting data as part of their annual reports.
5. We will not accept any personal information about particular individuals or groups, nor would we expect data to be presented in a way which enables individuals to be identified; any returns including this kind of information will be sent back to the institution.

Staff training

6. Relevant higher education bodies (RHEBs) should be ensuring that all appropriate staff receive Prevent-related training, and that they have plans in place for refreshing this training as necessary in the future. In their annual reports, we will expect RHEBs to provide data on **the number of staff who have received Prevent-related training**, broken down by the different kinds of training staff have received (for example, face-to-face or online and what resources were used). RHEBs should provide a short supporting narrative to explain their approach.

External speakers and events

7. We would expect all providers to have established a process for ensuring that high-risk events and speakers are approved at a senior level within the institution, with appropriate mitigations put in place where necessary. Providers should include in their annual report **the number of high-risk events escalated to this highest level of approval**, and a brief supporting commentary.

The operation of welfare policies

8. In response to the guidance all providers should have a process for escalating Prevent-related concerns internally. Providers should also have established relationships with external Prevent partners, to access advice and where appropriate make formal referrals to Prevent partners. As part of the annual report, we are seeking to build a better understanding across the

sector of how these processes work in practice. We will therefore expect providers to report, including a supporting commentary, on the number of cases which:

- are escalated to a point in which the provider's **Prevent lead becomes involved**
- lead to external **advice being sought from Prevent partners** (such as Further Education and Higher Education Prevent Coordinators, Local Authority leads or Police Prevent teams)
- are **formally referred to Prevent partners** (sometimes referred to as 'Channel referrals').

9. We are also looking to understand the engagement that providers have had with the Channel process and will ask providers to feed back: the number of times they have been **invited to be involved** in relevant multiagency Channel panels; the number of times they have **accepted this invitation**; and whether they have been **kept informed on cases** going through this process. The purpose of this data collection is to understand better the level and type of engagement with the Channel process. Neither HEFCE nor Government will be making any form of judgement regarding the level of referrals to the Channel process from individual institutions.

10. In all cases this data should cover the previous year from 1 October to 30 September. We recognise that in the first year of annual reporting, providers may not have data collection systems in place for some new elements of the welfare data requirements listed above. Should this be the case, **providers should make this clear in their return.**

Annex B: Providers entering the regulated higher education sector

New providers

1. Providers delivering higher education courses do not automatically become subject to the Prevent duty. When providers formally meet at least one of the following criteria they will be classified as a relevant higher education body (RHEB) under the terms of the Counter-Terrorism and Security Act 2015, and will immediately need to comply with the duty. This applies to providers that:

- are awarded specific course designation (this applies predominantly to alternative providers)
- become designated as a higher education institution (HEI) eligible for funding under the Further and Higher Education Act 1992
- become an autonomous college, school or hall of the Universities of Cambridge, Oxford or Durham
- are teaching 250 or more students by headcount on higher education courses, and do not hold specific course designation or receive direct HEFCE funding as an HEI.

2. In most cases, new providers that fall within the parameters of the Prevent duty will first pass through one of the 'Gateways into the HE sector' (see www.hefce.ac.uk/reg/gateways/), with the exception of those that only meet criterion 1d.

Exceptions

3. To keep regulatory burden to a proportionate level, some providers that meet one of the criteria listed in paragraph 1 will not be monitored by HEFCE for the purposes of the Prevent duty. These exceptions apply to:

- a. Providers that meet criterion 1d that do not have specific course designation in their own right, and operate in a sub-contractual teaching arrangement or 'franchise' with another provider. In this case, the registering institution (or 'franchiser') will have responsibility for ensuring that appropriate policies and processes relating to Prevent are in place for students taught through such arrangements.
- b. Providers that qualify as RHEBs for the purposes of Prevent but are already monitored by another designated authority. This mainly applies to publicly funded colleges that are funded by HEFCE where the Office for Standards in Education, acting as monitor for the further education sector, carries out this duty. In these instances, HEFCE will liaise with the relevant monitor to ensure that these providers are continuing to give regard to the duty.

Initial engagement with HEFCE and detailed submission of evidence

4. As noted in paragraph 1, Prevent becomes a statutory duty for a provider once it becomes classified as an RHEB. HEFCE will begin monitoring the provider formally at this point and will write to it shortly after it has successfully passed through one of the gateways referred to in paragraph 2. This initial communication by HEFCE as Prevent monitor will include:

- the name and contact details of a designated HEFCE Prevent adviser

- details of other local Prevent partners that are able to support an RHEB in responding to its statutory duty
- details of the evidence required to be submitted HEFCE to comply with the duty.

5. Newly classified RHEBs will be required to undertake an **initial self-assessment** against the main elements of the Prevent statutory guidance. This should be completed and submitted **within two months** of HEFCE initiating its engagement with the RHEB as monitor. After reviewing this information, HEFCE will engage with the provider to give further advice on satisfying the requirements of the statutory guidance as necessary.

6. Having developed its response to the duty in more detail, the provider will be expected to submit **detailed evidence within six months** of HEFCE initiating its engagement with the provider as monitor. The submission should provide information on how the provider's policies, procedures and arrangements follow the requirements of the Prevent statutory guidance.

7. Guidance for completing both the self-assessment (including a template) and the detailed evidence will be sent to and discussed with, all new providers as part of our initial engagement.

Outcomes

8. HEFCE will evaluate a newly classified RHEB's evidence against the statutory guidance, and provide feedback stating that it either:

- **satisfies** HEFCE that it has given regard to the statutory guidance
- **needs improvement** to satisfy HEFCE that it has given regard to the guidance
- **does not satisfy** HEFCE that it has given regard to the statutory guidance.

9. A **does not satisfy** judgement will lead HEFCE to report the provider to the Department for Education for further direction. This could result in the Department choosing to take formal action, including legal direction to the provider's governing body or proprietor.

10. A **needs improvement** judgement is transitional. Depending on the provider's actions in response to HEFCE's feedback, it will move to a judgement either of 'satisfies' or 'does not satisfy'. HEFCE will expect a provider to agree and complete a progress plan before requiring it to resubmit evidence. Ordinarily, we would expect the provider to complete these outstanding actions within 12 weeks of its initial outcome.

Transition to ongoing monitoring

11. Once this activity has been completed, the provider will move into ongoing monitoring as described in the main body of this framework document. However, the provider may not be required to undergo annual reporting in its first year of monitoring, depending on the point at which it became an RHEB. All providers will be expected to comply with other requirements of the framework, such as reporting incidents and changes of circumstance.

Annex C: Leaving the regulated higher education sector and Prevent monitoring

1. Some providers may cease being subject to the Prevent duty by virtue of no longer meeting the definition of a relevant higher education body (RHEB) under the Counter-Terrorism and Security Act 2015. A provider will cease to be classified as an RHEB for the purposes of the Prevent duty where it teaches fewer than 250 students (headcount) on higher education courses, and ceases to:

- have courses designated for student support by the Department for Education
- be eligible to receive HEFCE funding
- be an autonomous college, school or hall of either the University of Cambridge, Durham or Oxford.

2. In many cases where a provider leaves the regulated higher education sector, it will continue to be classified as an RHEB and therefore subject to the Prevent duty by virtue of continuing to meet the student number threshold. In these instances, HEFCE will continue to monitor the provider until such time as it has confirmed to us that it no longer meets the threshold. This is likely to be the case for some alternative providers that no longer hold course designation.

3. In cases where a provider merges with another provider which is classified as an RHEB, we will monitor the successor provider unless it is already under the purview of another designated monitoring authority.

4. Where an RHEB ceases to operate altogether, its requirement to comply with the duty will cease once it has been confirmed that the provider has been legally dissolved.

5. Where a HEFCE-funded provider transitions out of the publicly funded or higher education sector, HEFCE will liaise with the new monitoring authority. This will be the Office for Standards in Education (Ofsted) for transfers into the publicly funded further education sector, and the Department of Education's further education monitoring team for transfers into the private sector. This may include sharing information collected by HEFCE through our role in monitoring the provider.

6. Where a provider ceases to be classified as an RHEB but has already submitted information to be assessed by HEFCE, this process will be completed and an outcome provided. This is to provide continuity should the provider become reclassified as an RHEB at a later point. Only following the completion of such activity will HEFCE's engagement with the provider cease.

7. Table 2 lays out the new monitoring responsibilities in the case of various types of exit from the regulated higher education sector.

Table 2: Provider exits and changes in monitor

Provider exit type	New monitor
Provider moves to publicly funded further education sector	Ofsted
Provider moves to privately funded further education sector	Department for Education (private further education colleges)
Provider acquired by further education provider	Ofsted (for publicly funded further education colleges) or the Department for Education (private further education colleges)
Provider acquired by higher education provider	HEFCE (to be succeeded by the Office for Students)
Provider dissolves and ceases to operate	No monitor