



→ [Coronavirus \(COVID-19\)](#) | Rules, guidance and support

→ [Brexit](#) | Check what you need to do

[Home](#) > [Education, training and skills](#) > [Further and higher education, skills and vocational training](#)
 > [Role-specific guidance for higher education \(HE\) providers on implementing the Prevent duty](#)



Department for Education

Guidance

Implementing the Prevent duty in higher education (HE): legal practitioners

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Contents

- 1. [The role](#)
- 2. [Legislation](#)
- 3. [Resources](#)



Print this page

1. The role

As a statutory duty, Prevent has clear implications for those providing legal support within higher education providers. Involvement of such staff will vary based on the particular institution, ranging from membership of particular decision-making boards to being consulted on an ad hoc basis when required.

2. Legislation

Higher education providers must ensure they pay “due regard” to the need to prevent people being drawn into terrorism, as specified in the Counter-Terrorism and Security Act 2015. They must also consider other legislation, such as the:

- [Education \(No.2\) Act 1986](#) - this Act includes the commitment of educators to free speech
- [Education Reform Act 1988](#) - this Act has legislation on the importance of ensuring academic freedom
- [Human Rights Act 1998](#) - this Act involves the responsibility to maintain human rights and equal rights
- [Equality Act 2010](#) - this Act commits educators to equal treatment
- [Data Protection Act 1998](#) and [Freedom of Information Act 2000](#) - these Acts commit institutions to the appropriate management of information
- [Racial and Religious Hatred Act 2006](#) and [Terrorism Act 2000](#) - these Acts include the existing measures for combatting extremism and terrorism

The hosting and management of external speakers and events can be particularly complicated in light of such legislation and requires careful judgement. Several of the resources below may help providers navigate the complexity involved in free speech and events.

3. Resources

Training materials are available to help Legal Practitioners understand their role and ensure their provider fulfils their duty:

- [The leadership challenge: the Prevent duty for governing bodies and senior leaders in higher education \(HE\)](#)

Other helpful resources include:

- [2011 Freedom of Speech on Campus: Rights and Responsibilities in UK Universities](#) (Universities UK)
- [2013 External Speakers in Higher Education](#) (Universities UK)
- [Gender segregation guidance](#) (Equality and Human Rights Commission)

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[Coronavirus \(COVID-19\): guidance and support](#)

Brexit

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[Crime, justice and the law](#)

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[Visas and immigration](#)

[Working, jobs and pensions](#)

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[Worldwide](#)

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[Guidance and regulation](#)

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[Research and statistics](#)

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