

November 2015/32

Core operations

Report

Effective immediately

This monitoring framework will be operated by HEFCE and is intended to satisfy Government that 'relevant higher education bodies' are fulfilling their duty to have due regard to the need to prevent people being drawn into terrorism (the Prevent duty). The framework requires such bodies to provide information demonstrating their compliance.

The Prevent duty

Monitoring framework for the higher education sector

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The Prevent duty: Monitoring framework for the higher education sector

To	Heads of higher education providers funded by HEFCE Heads of other relevant higher education bodies (see paragraph 6)
Of interest to those responsible for	Governance, Administration, Student services, Information technology, Security, Chaplaincy, Students' unions, Higher education policy, Counter-terrorism policy
Reference	2015/32
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Enquiries to	HEFCE Prevent team, email prevent@hefce.ac.uk

Executive summary

Purpose

1. This monitoring framework will be operated by HEFCE and is intended to satisfy Government that 'relevant higher education bodies' (RHEBs) are fulfilling their duty under the Counter-Terrorism and Security Act 2015 (the Act) to have due regard to the need to prevent people being drawn into terrorism (the Prevent duty).

Key points

Reporting requirements and timetable

2. The Act requires all RHEBs to provide HEFCE with any information we may require for the purposes of monitoring their compliance with the Prevent duty. This framework sets out how we will gather information to demonstrate compliance.
3. The Government has asked us to quickly establish that RHEBs have appropriate policies, procedures or arrangements in place to enable them to deliver the Prevent duty and that these are robust and 'active'. In other words, through our monitoring framework we must satisfy ourselves that the policies, procedures or arrangements appear to be fit for purpose before we can monitor their active implementation and effectiveness. This means that we are asking for more detailed information in the initial assessment phase, but will require less in subsequent years.
4. Table 1 summarises the reporting requirements and submission dates for each of the four main types of RHEB.

Table 1: Timetable for reporting to HEFCE

Type of submission	HEFCE-funded providers	Alternative providers with specific course designation	Other providers	Autonomous colleges
Phase 1 – Initial assessment				
Preliminary self-assessment by accountable officer or proprietor	22 January 2016			
Detailed material including data returns	1 April 2016	1 June 2016	1 August 2016	1 August 2016
Phase 2 – Ongoing monitoring				
Annual report from governing body or proprietor	1 December 2016	1 February 2017	1 February 2017	1 December 2016
Full documentation (5-yearly cycle)	1st sample 1 March 2017	1st sample 1 May 2017	1st sample 1 July 2017	1st sample 1 March 2017
And annually thereafter				

Ad hoc reporting of any serious incidents throughout the year

- From 18 September 2015 for all relevant bodies.

5. Further details on the reporting requirements are provided in **Section 3**.

Higher education bodies that are subject to the Prevent duty

6. The terms ‘relevant higher education bodies’, ‘relevant bodies’ and ‘RHEBs’ refer to a range of different institutions that provide higher education in England. In all cases, the Act refers to the governing body or proprietor as having ultimate responsibility. For monitoring purposes, we have identified four distinct groups of relevant body:

- **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
- The autonomous **colleges, schools and halls** of the Universities of Cambridge, Durham and Oxford.

7. Schools, sixth form colleges, students’ unions and student societies are not RHEBs; the position of further education colleges is considered in paragraph 19.

8. Further details are provided in **Section 2** and **Annex A**.

Prevent duty guidance

9. This monitoring framework is linked closely to the two sets of statutory guidance which should be read alongside this document and considered when implementing the duty:

- Revised Prevent Duty Guidance for England and Wales (which includes general guidance for bodies in all sectors covered by the duty)
- Prevent Duty Guidance: for higher education institutions in England and Wales.

A summary of the relevant sections of the statutory guidance is set out at **Annex B**.

How HEFCE will discharge its role

10. The duty applies to a wide range of providers with very different institutional structures and cultures. RHEBs are responsible for assessing Prevent-related risks in their own context and deciding on appropriate and proportionate actions in response to their assessment of those risks. HEFCE will assess whether the action plans, policies and processes set out by each RHEB take account of the topics covered in both sets of statutory guidance and are sufficient to respond to the issues identified in their own risk assessments. We will provide feedback to individual institutions and to the higher education sector as a whole.

11. We will report periodically to the Department for Business, Innovation and Skills on the outcomes of our assessments in line with the monitoring cycle, as well as where necessary on an ad hoc basis. We will regularly publish reports on compliance at a sector-wide level. Data and information used for reporting publicly will be anonymised and will not include information at an individual institutional level.

Section 1: Background

12. The Government published its Prevent strategy in 2011, one of four strands of the wider counter-terrorism strategy, CONTEST¹. A key element of the Prevent strategy is to encourage institutions and sectors, including higher education (HE), to address risks of radicalisation. The Counter-Terrorism and Security Act 2015 (the Act) introduced a package of measures aimed at countering the risk of terrorism and radicalisation. Part 5 of the Act put hitherto voluntary elements of the Prevent strategy onto a statutory footing.

13. It did this by placing a duty on a range of bodies – called ‘specified authorities’ for this purpose – to have ‘due regard to the need to prevent people from being drawn into terrorism’². This has become known as the Prevent duty. Many organisations in the further and higher education sectors have been defined as specified authorities, and became subject to the duty on 18 September 2015³.

14. All specified authorities are required by the Act⁴ to have regard to any guidance issued by the Government about how they should exercise their Prevent duty. Such guidance, and any changes to it, have to be approved by Parliament. For the HE sector, the Home Secretary is required⁵ to have particular regard to the freedom of speech duty and the importance of academic freedom when issuing guidance, and when considering whether to give directions to organisations. There are two sets of guidance⁶ that the HE sector needs to consider:

- Revised Prevent Duty Guidance: for England and Wales (which includes general guidance for bodies in all sectors covered by the duty) – referred to here as ‘General Guidance’
- Prevent Duty Guidance: for higher education institutions in England and Wales – referred to here as ‘HE Guidance’.

HEFCE’s summary of the guidance is at Annex B.

15. The intention of the Prevent duty is to ensure that all specified authorities assess the level of risk that people within their functional responsibilities may be drawn into terrorism, and have suitable policies, procedures or arrangements in place to mitigate those risks. In carrying out the duty relevant bodies are expected to address the issues covered in the statutory guidance.

16. The Secretary of State for Business, Innovation and Skills has delegated to HEFCE responsibility for monitoring compliance with the duty in the higher education sector in England. This framework sets out how we will go about doing that.

¹ More about the Government’s approach on counter-terrorism can be found at <https://www.gov.uk/government/publications/2010-to-2015-government-policy-counter-terrorism/2010-to-2015-government-policy-counter-terrorism>.

² Counter-Terrorism and Security Act 2015 (CTSA) Section 26(1).

³ CTSA (Commencement No. 2) Regulations 2015 (SI 2015 No. 1698).

⁴ CTSA S29(2).

⁵ CTSA S31(3) and (4).

⁶ Both sets of guidance are available at <https://www.gov.uk/government/publications/prevent-duty-guidance>.

Section 2: Who is covered by the Prevent duty?

Definition of relevant higher education bodies

17. For monitoring purposes we have identified four distinct groups of 'relevant higher education body' (RHEB) covered by the Act:

- **Higher education providers** that are funded directly by HEFCE (referred to as 'HEFCE-funded providers')
- **Alternative providers** with specific course designation
- **Other providers** that offer higher education to more than 250 students ('other providers')
- The autonomous **colleges, schools and halls** of the Universities of Cambridge, Durham and Oxford ('autonomous colleges').

18. RHEBs may also have a range of different relationships with partners. Some of these will be covered by the Prevent duty in their own right, whereas others will need to be acknowledged in the RHEB's risk assessment.

a. Where students are registered with the RHEB but delivery of courses is **franchised** to another provider, the RHEB has responsibility for ensuring arrangements are in place for its students. As the franchisee may also have its own registered students RHEBs should seek as far as possible to align the policies which apply in this setting. We would expect this to be treated in a proportionate way – so, for example, where students are taught in a workplace setting the associated risks would clearly be very different and not require the same approach as students in a campus setting.

b. If an RHEB **validates** or **awards** qualifications at another provider, the validated partner has responsibility for its own policies and procedures.

c. The duty does not apply to **activity in other countries** – for example, overseas campuses. However, it may be sensible for providers to adopt a common approach to safeguarding and other policies where possible.

19. Schools, sixth form colleges, students' unions and student societies are not RHEBs. Technically, further education colleges (FECs) that offer HE courses identified in Schedule 6 meet the RHEB definition. However, FECs are also 'relevant further education bodies' for which the Office for Standards in Education, Children's Services and Skills (Ofsted) has been appointed to be the monitoring authority. To avoid duplication of monitoring activity, the Department for Business, Innovation and Skills (BIS) has agreed that Ofsted should be the monitor for all FEC activity. HEFCE-funded HE providers should consider how the Prevent duty is addressed in their franchise agreements with FECs.

20. A decision tree to determine whether a provider is an RHEB is given in Annex A.

21. In due course, we intend to list on our website all of the organisations in the HE sector that we have identified as covered by the Prevent duty and subject to this monitoring framework. RHEBs are expected to meet their Prevent duty obligation whether or not they have been expressly identified by HEFCE. As we become aware of previously unidentified organisations we will contact them and bring them into the monitoring framework.

Section 3: What will RHEBs need to do to comply?

Introduction

22. The Act requires⁷ all RHEBs to provide HEFCE with any information we may require for the purposes of monitoring their performance in discharging the Prevent duty. If an RHEB fails to provide information, the Secretary of State may give directions to enforce compliance, and such directions themselves may be enforced by a court order⁸.

23. Against that background, we set out in this section the information we consider we will need.

24. The Government has told HEFCE that we must establish as soon as possible that not only do RHEBs have policies, procedures and arrangements to enable them to deliver the Prevent duty, but also that they are robust. In other words, we must be satisfied that these policies and procedures appear to be fit for purpose before we can monitor their active implementation and effectiveness. This means that we are asking for detailed information in the initial assessment phase, but will require less in subsequent years.

25. As autonomous bodies, it will be for providers to decide how best to implement their responsibilities. HEFCE recognises that RHEBs are diverse in nature, varying greatly in size, structure and culture; they will need to interpret the statutory guidance in their own context. However, we will expect to see the rationale behind particular decisions. If an organisation considers that part of the statutory guidance does not apply, we will expect it to be able to justify that opinion. Equally, if an organisation considers that it needs a particularly strong policy because of a particular local risk factor, we will wish to understand the rationale.

While it is for providers to decide how to respond to the duty, alongside this framework we have published a short 'advice note' at www.hefce.ac.uk/reg/prevent/framework/, setting out a number of questions RHEBs may wish to consider when deciding what action to take.

26. Much of the information we will ask for will be documentation prepared already by RHEBs for their own use, and we expect to collect it in its original format.

27. As far as possible, we will utilise our secure extranet facility for the submission of material, but we may in some cases need to supplement this with other secure collection methods. We will provide more information (if needed) when we issue the details for each collection.

Phase one – initial assessment

28. The Government has indicated that HEFCE should report on implementation by the sector as soon as possible in 2016. We will achieve this in the initial assessment phase by requiring:

- a. A **preliminary self-assessment report** from all RHEBs by **22 January 2016** (see paragraphs 30 to 31 below),
- b. **Submission of detailed material** by RHEBs on a phased basis during spring and summer 2016 showing how they are fulfilling the Prevent duty (see paragraphs 32 to 37 below).

⁷ CTSA S32(2).

⁸ CTSA S33(1) and (2).

Preliminary self-assessment report

By **22 January 2016** we will require all RHEBs to send us a preliminary self-assessment of their state of preparedness.

29. A sample of the form to use for this report is shown at **Annex C** for illustrative purposes, and requires each institution to assess on a five-point scale the extent to which it has arrangements in place, including, where necessary, documented policies and processes, for each of the factors in the statutory Prevent duty guidance. The report should be signed by the accountable officer or proprietor (as appropriate). The actual form to be completed by RHEBs will be provided separately.

30. We intend to use this as the basis for a first report to Government on implementation across the sector in early 2016. We will also provide feedback to institutions – either individually or sector-wide – to inform the later submission of more detailed information.

Submission of detailed material

By **1 April 2016** for HEFCE-funded providers; **1 June 2016** for alternative providers with specific course designation; and **1 August 2016** for other providers and autonomous colleges, we will require RHEBs to send us detailed information demonstrating compliance (as set out below). We will also ask for data where possible on ‘Channel’ referrals, events and speakers, and staff training.

31. Following submission of preliminary self-assessments, and feedback from HEFCE, we will require RHEBs to send us detailed information to show that they have established appropriate arrangements to implement the Prevent duty in line with the statutory guidance. We have highlighted where this information links to the statutory guidance in parentheses.

32. The **detailed material** we will require is as follows:

- a. A copy of the institution’s:
 - i. **Prevent risk assessment** (HE Guidance paragraphs 19 and 20).
 - ii. **Action plan** in response to that risk assessment (HE Guidance paragraph 21).
 - iii. **Policies and procedures** for managing and mitigating the risks around external speakers and events on campus and institution-branded events taking place off campus. Such policies should reflect the institution’s duty to ensure freedom of speech on campus and its arrangements to protect the importance of academic freedom (HE Guidance paragraphs 7 to 15 and 29).
- b. A paper or report that summarises the institution’s arrangements for the following where they are not already covered in the risk assessment or action plan:
 - i. Senior management and governance oversight of the implementation of its Prevent duty obligations and engagement with Prevent partners (General Guidance paragraphs 16 and 17, HE Guidance paragraphs 16 to 18).
 - ii. Engaging with and consulting students on the institution’s plans for implementing the Prevent duty (HE Guidance paragraph 16).
 - iii. Training appropriate staff about Prevent (HE Guidance paragraphs 14, 15 and 22 to 24).

- iv. Sharing information internally and externally about vulnerable individuals, where appropriate (HE Guidance paragraph 23).
- v. Sharing information about external speakers with other institutions, where legal and appropriate (if not covered in the external speakers and events policies referred to in paragraph 33a) (HE Guidance paragraph 14).
- vi. Ensuring sufficient pastoral and chaplaincy support for all students (including arrangements for managing prayer and faith facilities) (HE Guidance paragraphs 25 and 26).
- vii. The use of the institution's computer facilities (hardware, software, networks, social media), to include consideration of filtering arrangements and of academic activities that might require online access to sensitive or extremism-related material (HE Guidance paragraphs 27 and 28).
- viii. Engaging with students' unions and societies, which are not subject to the Prevent duty but are expected to cooperate with their institution (HE Guidance paragraph 29).

33. In addition to the above required information, we will ask RHEBs on a voluntary basis also to provide **data** about the following:

a. **'Channel' programme:**

- i. The number of people considered for referral to the Channel programme.
- ii. The number of people referred to the Channel programme.
- iii. The number of people accepted onto the Channel programme.

b. **Events and speakers:**

- i. The number of events and speakers referred to the highest levels of approval required by the RHEB's procedure.

c. **Staff training:**

- i. The number of staff who received Prevent-related training, with an indication of the nature of the training, including where different categories of staff received different training.

34. 'Channel' is an early-intervention multi-agency process designed to safeguard vulnerable people from being drawn into violent extremist or terrorist behaviour. Channel panels chaired by local authorities bring together multi-agency partners to collectively assess the risk for an individual and can decide whether a support package is needed.

35. The data on Channel referrals and staff training should cover the period from 18 September 2015. For events and speakers, the data should refer to events happening on or after 1 January 2016, even if the decisions were taken earlier. In all cases the cut-off will be two weeks before the submission date itself.

36. This data is intended to show that the duty is being implemented in practice across the sector. It is not intended to be interpreted in relation to individual institutions; for example, a high number of speakers referred to a higher-level risk process does not indicate success or otherwise. Instead the figures will be part of a broader picture, along with narrative and case

studies from institutions, to give a better view of the situation on a sector-wide basis. Data will be published only at a sector level. We do not anticipate this creating a significant additional burden, as we would expect that providers would keep records in these areas to be able to satisfy themselves and others that they are complying with the duty.

37. The submission dates for the detailed material will be:

- | | |
|----------------------|---------------------------------------------------------|
| 1 April 2016 | HEFCE-funded providers. |
| 1 June 2016 | Alternative providers with specific course designation. |
| 1 August 2016 | Other providers and autonomous colleges. |

Assessment process

38. HEFCE staff will review the submitted material, seeking clarifications as necessary, with a view to confirming that it provides satisfactory evidence that each RHEB has established appropriate arrangements to implement the Prevent duty. Once we are satisfied on these matters we will write to the institution accordingly.

39. If we are not satisfied about any element of an RHEB's arrangements, we will require the submission of revised information within an agreed timeframe that is unlikely to be longer than two months from our notification. We will discuss with the institution the ways in which it might be able to address our concerns. Again, once we are satisfied we will write to the institution.

40. After resubmission, we may conclude that the institution is making progress or that the issue is not fundamental to compliance, or both. In such a case we will seek to agree, or will impose, another timetable for the institution to provide satisfactory material. However, if we are still not satisfied we will assess whether the issues in question are sufficiently serious as to suggest that the institution is not complying with its Prevent duty obligations. In that situation, we will need to report to BIS. BIS may, in turn, refer the matter to the Home Office's Prevent Oversight Board which advises the Home Secretary as to whether further action is necessary.

Phase two – ongoing monitoring

41. At the end of the initial assessment phase we would expect to have reviewed detailed material from every RHEB. Beyond this, we intend to move to an ongoing monitoring process aimed at assessing the continuing effectiveness of institutions' policies and practices.

42. The ongoing monitoring process will involve:

- a. An **annual report from the governing body or proprietor** on the implementation of the Prevent duty in the previous operating or academic year, including any significant developments up to the date of the report.
- b. **Assessment on a five-yearly cycle** of the detailed arrangements, including documented policies and procedures, of an annual sample of RHEBs.

Annual report on implementation

From **1 December 2016** for HEFCE-funded providers and autonomous colleges and **1 February 2017** for alternative providers with specific course designation and other providers we will require RHEBs to send us an annual report on their implementation of the Prevent duty. This should include data on Channel referrals, events and speakers, and staff training.

43. We will require the governing bodies or proprietors of all RHEBs to send us an annual report on their implementation of the Prevent duty during the last operating or academic year, including any significant developments up to the date of the report. Where possible we will aim to align the timing for these returns each year with the dates for other HEFCE accountability processes. The timetable for submitting these reports, which we expect to follow each year, is:

1 December 2016 HEFCE-funded providers and autonomous colleges.

1 February 2017 Alternative providers with specific course designation and other providers.

44. The annual report should demonstrate active engagement by the institution in delivering the Prevent duty during the last operating or academic year. It should:

a. Address all of the topics listed in paragraph 33, describe activities undertaken during the period and provide evidence of their effectiveness. We will encourage, but not require, the inclusion of case studies – particularly to illustrate engagement with the duty.

b. Include data about: Channel referrals; events and speakers on campus; staff training.

45. We will require the annual reports to include the following three declarations by the governing body or proprietor:

‘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 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 on a timely basis.’

Cyclical programme to review detailed material

46. As well as reviewing the annual reports we will carry out a rolling programme of more in-depth reviews intended to ensure that RHEBs are actively managing their Prevent policies and procedures. Selection for this rolling programme is likely to be based on the outcomes of both the initial assessments and our reviews of annual reports, but with some providers selected on a random basis. We intend that all providers will be subject to detailed review at least once every five years.

47. We expect to focus on reviewing policies and procedures that have been updated since we reviewed them in the phase one initial assessment.

48. We may supplement a desk-based approach with other engagement with RHEBs to discuss with Prevent lead officers, senior managers and governing body members or proprietors their understanding of and approach to implementing the Prevent duty. (For HEFCE-funded institutions, we will seek to incorporate these visits into the existing cyclical programme of HEFCE assurance reviews, but this may not always be achievable.)

Assessment process

49. We will review the annual reports and cyclical reviews in the context of our understanding of the provider and of the sector generally. If we consider that individual reports have omissions or that issues are highlighted, we will consider more detailed engagement in line with paragraphs 39 and 40. Once we are satisfied we will write to the provider accordingly. We will also consider on an ongoing basis where it is helpful to feed back learning or good practice to the sector as a whole.

Serious incidents and third-party reports

50. HEFCE's role as monitoring authority does not extend to investigating Prevent duty or terrorism-related incidents on campus. However, any such incident should lead the provider concerned to review its approach to the Prevent duty: risk assessment, action plans, training, management and governance oversight may all need revision.

51. HEFCE's Memorandum of Assurance and Accountability with the institutions that we fund⁹ requires them to notify us of serious adverse events and, for those that are **exempt charities**, serious reportable incidents. In both cases the requirement includes issues that are suspected or alleged, and we expect to receive reports shortly after discovery. Apart from financial losses, what is 'serious' is a matter of judgment. The guidance on our website¹⁰ suggests that issues discussed by the institution's senior management team, audit committee or governing body are likely to be reportable. RHEBs that are **registered charities** are subject to a similar obligation to report serious incidents to the Charity Commission. Both HEFCE and the Charity Commission include terrorism-related incidents as serious reportable incidents.

52. In addition to this existing obligation, we will require all RHEBs, including those that are not charities, to report to us, as well as to other relevant authorities, serious issues related to their Prevent duty responsibilities as soon as possible after they occur. Again, it is for individual institutions to determine what they consider to be serious. We would not expect this to cover business as usual (for example, straightforward Channel referrals or informal contact with the police), but it should include any incident which has triggered revisions to the provider's Prevent policies or which constitutes a serious reputational risk.

53. Where they are unsure providers should contact HEFCE's Prevent team to discuss whether or not they should report formally. In the first instance providers can email prevent@hefce.ac.uk. We will notify all RHEBs of their named Prevent adviser. Providers should note that reporting an incident to HEFCE is not a substitute for reporting it to the police or other appropriate authority – for example, if criminality is suspected.

54. We may also receive reports from third parties that an RHEB is not fulfilling its Prevent duty in some way. We will approach such reports in line with our normal public interest disclosure (whistleblowing) policy and procedure¹¹, which has been updated to clarify that it extends to Prevent issues. After our own initial checks on the disclosure, we will ask the body concerned to investigate the matter and, if it is substantiated, we will expect a report on the consequences. As with self-reported incidents, our interest will be to ensure that – as necessary – the RHEB has incorporated any lessons learned into its Prevent duty programme.

⁹ Available online at www.hefce.ac.uk/pubs/year/2014/201412/.

¹⁰ See www.hefce.ac.uk/reg/charityreg/sir/.

¹¹ Available online at www.hefce.ac.uk/reg/Notifications/pid/.

55. Whether reported by the provider or a third party, if we conclude that the RHEB's response was inadequate – and it does not agree further actions – we will consider whether this indicates non-compliance with the duty that needs to be reported to Government.

How will HEFCE report to Government?

56. We will report regularly to Government on the outcomes of our assessments. Our first report in early 2016 will be a summary of the preliminary self-assessment returns, showing self-reported levels of compliance and intended timescales for becoming compliant. We will then report to BIS three times during 2016, following our assessment of the detailed material received from each group of RHEBs. Thereafter, we expect to report annually to BIS on the basis of the annual returns and information gathered from the cyclical review process.

57. We may report to BIS on an ad hoc basis where other circumstances apply, such as:

- a. Where we conclude that an RHEB is either not providing us required information or is not fulfilling its Prevent duty, and efforts to resolve this have been unsuccessful.
- b. Where there are particular issues raised during the cyclical review process.
- c. Where there are particular concerns which mean that Government has asked for further assurance about an provider's policies and procedures.

Evaluation

58. We are committed to evaluating the effectiveness of this monitoring framework. As we and the HE sector gain experience of the way the framework operates we will seek to introduce changes, although these are most likely to apply to phase two activity in 2017 and beyond.

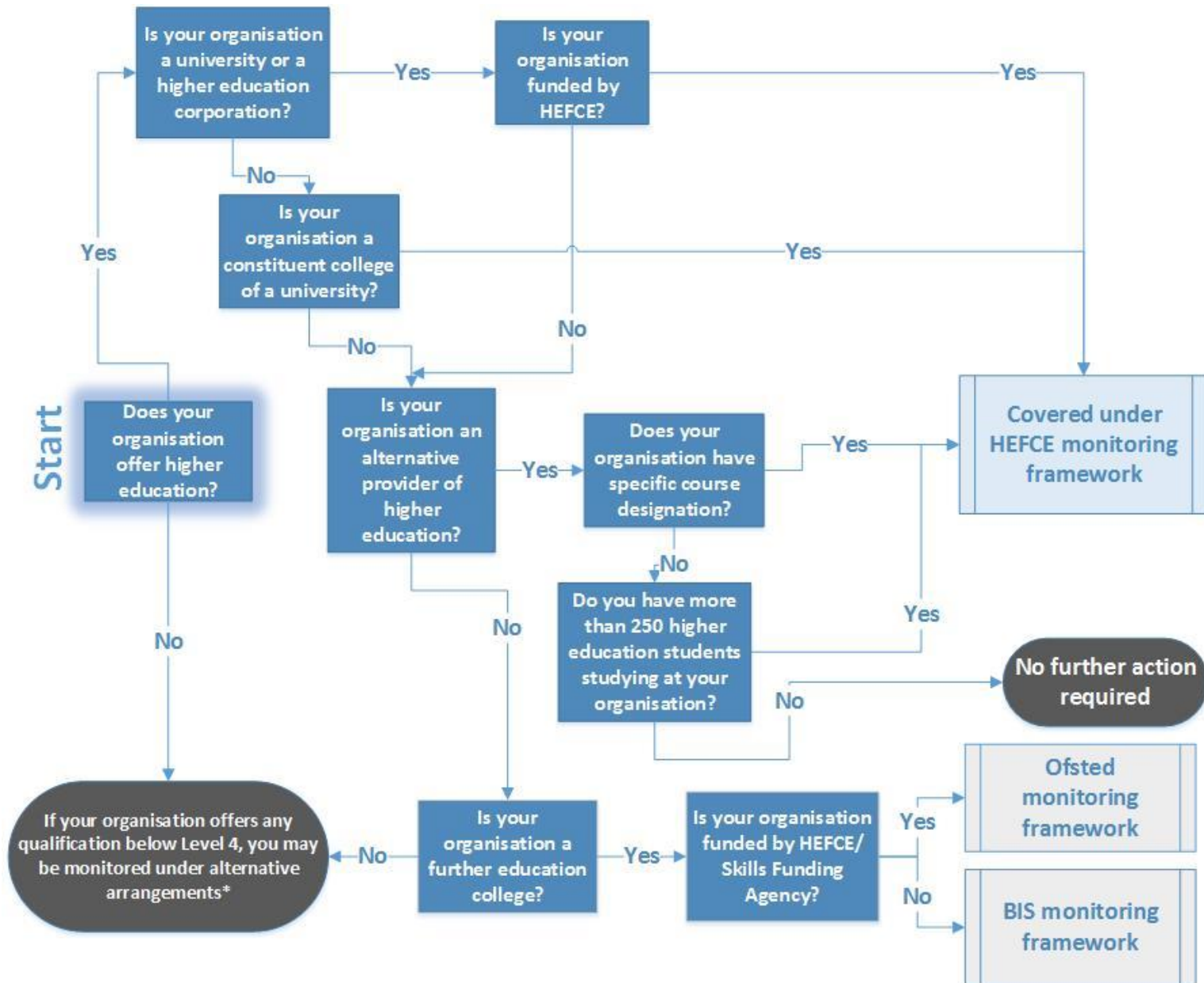
Freedom of information

59. Although we do not intend to actively release information other than as indicated above, information provided to HEFCE may be made public, under the terms of the Freedom of Information Act (FOIA) 2000 or of an appropriate licence, or through another arrangement. Such information includes text, data and datasets.

60. The FOIA provides a public right of access to any information held by a public authority defined within the Act. This information will be held by a public authority, in this case HEFCE, and therefore the information provided to us may be subject to freedom of information requests. This means that requesters are usually entitled to be told whether we hold any information that falls within the scope of their request and, if we do, to have that information provided to them except where it is covered by an exemption. We have a responsibility to decide whether information requested under the FOIA should be made public or treated as confidential. We will carefully consider whether the release of information could be harmful or damaging (with particular regard to, for instance, law enforcement, national security, commercial interests, and the prejudice to effective conduct of public affairs) and will weigh up the public interest arguments as necessary. When HEFCE considers it appropriate and practicable we will seek views from any affected provider before disclosing information under the FOIA.

61. If an RHEB that is subject to the FOIA receives a request for any information it has provided to us, the decision whether or not to disclose rests with it; however, it may be helpful to reflect upon our approach outlined above. Further information about the FOIA can be found on the Information Commissioner's website at www.ico.org.uk. RHEBs may also wish to seek advice from their freedom of information officer or legal adviser.

Annex A: Decision tree: Is my organisation covered by the Prevent duty?



* <https://www.gov.uk/government/publications/prevent-duty-guidance>

Annex B: Prevent duty guidance

1. The statutory Prevent duty guidance¹² is an important factor for relevant higher education bodies (RHEBs) seeking to demonstrate compliance with the duty; it is therefore central to HEFCE's monitoring framework. HEFCE's summary of the guidance follows, with relevant paragraphs referenced.
2. **Revised Prevent Duty Guidance: for England and Wales** (pages 2 to 5):
 - a. Explains that 'due regard' means that authorities should place an appropriate weight on preventing people being drawn into terrorism when considering all the other factors relevant to carrying out their normal functions (paragraph 4).
 - b. Links the duty clearly to the Government's Prevent strategy objectives, which are to:
 - i. Respond to the ideological challenge of terrorism and the threat from those who promote it.
 - ii. Prevent people being drawn into terrorism and ensure they are given appropriate advice and support.
 - iii. Work with sectors and institutions where there are risks of radicalisation that need to be addressed (paragraph 6).
 - c. Defines extremism as 'vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect, and tolerance of different faiths and beliefs' (paragraph 7).
 - d. Explains that preventing people being drawn into terrorism requires challenging extremist ideologies (paragraph 8).
 - e. States that all specified authorities should demonstrate awareness and understanding of the risk of radicalisation in their area or institution (paragraph 14).
 - f. Identifies three themes common to the specific guidance to all of the sectors covered by the Prevent duty: effective leadership, partnership working, and appropriate capabilities (paragraphs 15 to 20).
 - g. States explicitly that Prevent programmes must not involve covert activity (paragraph 21).
 - h. Indicates issues (including: necessity and proportionality; consent; the Data Protection Act 1998 and the Human Rights Act 1998) to be considered when specified authorities establish local information-sharing agreements (paragraph 21).
 - i. Expects specified authorities to maintain appropriate records to show compliance and to provide reports (paragraph 23).
 - j. Describes Home Office arrangements for overseeing the operation of Prevent activity and for addressing non-compliance with the new duty (paragraphs 24 to 27).

¹² Both sets of guidance are available at <https://www.gov.uk/government/publications/prevent-duty-guidance>.

3. **Prevent Duty Guidance: for higher education institutions in England and Wales:**

- a. Describes the context for implementing the Prevent duty in the HE sector (paragraphs 1 and 2).
- b. Emphasises the need for a risk-based, proportionate approach, but requires institutions to have and to apply policies and procedures that address the general expectations of the guidance and are actively applied (paragraphs 4 and 5).
- c. Expects all RHEBs to address:
 - i. External speakers and events. There should be policies and procedures for managing events on campus and the use of premises. External speakers or events should not go ahead if risks cannot be fully mitigated. Information about speakers should be shared with other institutions (where appropriate and legal) (paragraphs 7 to 14).
 - ii. Partnership. Senior management (including, where appropriate, heads of institution) should actively engage with partners, including the police, the Prevent coordinators, and students (paragraphs 16 to 18).
 - iii. Risk assessment. This should consider how and where students might be drawn into terrorism (including violent and non-violent extremism). Do student, staff welfare and other similar policies cover these issues? Are policies and procedures for events held by staff, students and third parties effective (paragraphs 19 and 20)?
 - iv. Action plan. This should mitigate identified risks (paragraph 21).
 - v. Staff training. Relevant staff should be appropriately trained (paragraph 22).
 - vi. Sharing information about vulnerable people (where appropriate). Internal mechanisms and external agreements should be in place (paragraph 23).
 - vii. Welfare, pastoral care, chaplaincy. To include policies about prayer rooms (paragraphs 25 and 26).
 - viii. Information technology policies. Usage policies should cover the Prevent duty, including consideration of filtering arrangements and access to security-sensitive online materials (paragraphs 27 and 28).
 - ix. Students' unions and societies. RHEBs should have policies about activities on campus and their expectations of students' unions in the context of the Prevent duty (paragraph 29).
- d. Suggests that students' unions (which are not covered by the Prevent duty) would benefit from awareness training (paragraph 30).

Annex C: Prevent duty compliance: Sample preliminary self-assessment report

Name of provider..... UK Provider Reference Number.....

Authorised by (name, position).....

Signature..... Date.....

Note: Paragraphs referred to are found in the statutory Prevent guidance: 'Revised Prevent Duty Guidance for England and Wales' (PDG) and 'Prevent Duty guidance for higher education institutions in England and Wales (HEG).

Factor in the Prevent duty guidance	Self-assessment rating (A to E)	Comments
a. Arrangements for senior management and governance oversight of the implementation of the provider's Prevent duty obligations and engagement with Prevent partners (PDG paragraphs 16 and 17, HEG paragraphs 16 to 18).		
b. Prevent risk assessment (HEG paragraphs 19 and 20).		
c. Action plan in response to that risk assessment (HEG paragraph 21).		
d. Arrangements for engaging with and consulting students on the provider's plans for implementing the Prevent duty (HEG paragraph 16).		
e. Training appropriate staff about Prevent (HEG paragraphs 14, 15 and 22 to 24).		

Factor in the Prevent duty guidance	Self-assessment rating (A to E)	Comments
f. Arrangements for sharing information internally and externally about vulnerable individuals, where appropriate (HEG paragraph 23).		
g. Policies and procedures for approving external speakers and events on campus (HEG paragraphs 7 to 15).		
h. Code of practice for ensuring freedom of speech within the law on the provider's premises, including (if applicable) those of the students' union (if not covered in the external speakers and events policies) (HEG paragraph 8).		
i. Arrangements to protect the importance of academic freedom (if not covered in the external speakers and events policies) (HEG paragraph 8).		
j. Policies and procedures for approving branded events taking place off campus (if not covered in the external speakers and events policies) (HEG paragraph 12).		
k. Arrangements for sharing information about external speakers with other providers, where legal and appropriate (if not covered in the external speakers and events policies) (HEG paragraph 14).		
l. Arrangements for ensuring sufficient pastoral and chaplaincy support for all students (including arrangements for managing prayer and faith facilities) (HEG paragraphs 25 and 26).		

Factor in the Prevent duty guidance	Self-assessment rating (A to E)	Comments
m. Policies for the use of the provider's computer facilities (hardware, software, networks, social media), to include consideration of filtering arrangements and of academic activities that might require online access to sensitive or extremism-related material (HEG paragraphs 27 and 28).		
n. Arrangements for engaging with students' unions and societies, which are not subject to the Prevent duty but are expected to cooperate with their institution (HEG paragraph 29).		

Rating scale:

- A** Arrangements, including documented policies and procedures, are in place and have been reviewed and updated as necessary to reflect the statutory Prevent guidance. Where appropriate, they have been formally approved. They are active.
- B** Arrangements, including documented policies and procedures, are in place, but need to be reviewed against the statutory Prevent duty guidance, updated as necessary and, where appropriate, formally approved.
- C** Arrangements, including documented policies and procedures, are in preparation.
- D** Arrangements, including documented policies and procedures, have not been prepared yet.
- E** This factor does not apply, so arrangements are not in place.

Providers that have assessed themselves to be B, C or D should indicate in the comments column a timescale by which they will reach level A. Providers that consider a factor does not apply should explain why in the comments column.

Glossary and abbreviations

Counter-Terrorism and Security Act 2015 (the Act, also abbreviated as CTSA)

The Act introduced a package of measures aimed at countering the risk of terrorism and radicalisation. Part 5 of the Act deals with the risk of people being drawn into terrorism and introduced the statutory Prevent duty for a range of public and other bodies.

Department for Business, Innovation and Skills (BIS)

The department of UK Government with ultimate responsibility for higher education in England. It was formed in June 2009 from the Department for Innovation, Universities and Skills and the Department for Business, Enterprise and Regulatory Reform.

Franchise

A franchise is an agreement by a lead HE provider (usually a degree awarding body) that another provider may deliver all or part of a programme approved and owned by the lead provider. The relevant students will be registered with the lead provider which normally retains overall control of the programme's content, delivery, assessment and quality assurance arrangements, and has overall responsibility for the provision.

Higher education (HE)

Higher education courses are programmes leading to qualifications, or credits which can be counted towards qualifications, which are above the standard of GCE A-levels or other Level 3 qualifications. They include degree courses, postgraduate courses and sub-degree courses such as those leading to HNCs or HNDs.

Higher Education Funding Council for England (HEFCE)

HEFCE is the lead regulator for higher education in England. Our work in this area covers assessing the quality of the education that we fund, charity regulation and a limited role in assisting the Government to operate its regulatory function for alternative providers. From 2015 HEFCE has the additional responsibility to monitor compliance with the Prevent duty by RHEBs. A fuller description of our role is at www.hefce.ac.uk/about/role/.

Memorandum of Assurance and Accountability

An agreement between HEFCE and higher education institutions it funds that sets out the terms and conditions for payment of HEFCE grants. www.hefce.ac.uk/pubs/year/2014/201412/.

Office for Standards in Education, Children's Services and Skills (Ofsted)

Ofsted inspects and regulates services for children and young people, and services providing education and skills for learners of all ages. Ofsted also has responsibility for monitoring compliance with the Prevent duty in the sectors it regulates. A fuller description of its role is at <https://www.gov.uk/government/organisations/ofsted>.

RHEB

A 'relevant higher education body', meaning any higher education provider who meets the criteria which make them subject to the Prevent duty.

Validation

In the higher education context, a validation relationship occurs when a degree-awarding provider assesses a course delivered by another provider and approves it as being of an appropriate standard and quality to contribute, or lead, to one of the degree awarding provider's awards. Students normally have a direct contractual relationship with the provider delivering the course, not the institution that validated it.