

Office for
Students



Prevent monitoring: Guidance for accountability and data returns 2020

For the 2019-20 academic year

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Enquiries to prevent@officeforstudents.org.uk

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Introduction

1. This guidance is designed to help higher education providers complete the Prevent accountability and data return (ADR) for the 2019-20 academic year. The Office for Students (OfS) requires all providers subject to Prevent monitoring during the 2019-20 academic year to submit accountability and data returns to us by **noon on Tuesday 1 December 2020**. The information required is largely as it was last year with some small changes.

Who is required to submit a return?

- All established providers who are currently monitored and have been subject to Prevent monitoring in the 2019-20 academic year will be required to submit a return.
- New entrants to monitoring who have not received a Prevent meeting outcome or detailed assessment outcome are **not** required to submit a return.
- Providers who have received a letter confirming their exit from Prevent monitoring during or since the last academic year are required to report for the period up until the point we have confirmed their exit from our monitoring regime. We will contact them separately.

2. Separate instructions on how to access the data return form and upload the completed return to the OfS portal will be available by the week commencing 19 October 2020. Any technical queries regarding accessing the portal and uploading the return should be sent to dfaprevent@officeforstudents.org.uk.
3. The ADR provides the OfS with information and evidence on how a provider has continued to give due regard to the Prevent duty in the previous year. This information helps to inform a risk-based approach to target engagement with providers we consider to be at increased risk of not complying with the Prevent duty. In 2020 the return is also an opportunity for the OfS to understand how providers have adapted their approach to the Prevent duty because of the coronavirus (COVID-19) pandemic. This is because the consequences of the pandemic have fundamentally changed the way in which many providers have operated in the reporting period, and this is likely to have an impact in how they continue to show due regard to preventing people from being drawn into terrorism.

Changes to the 2020 return

4. We wrote to providers on 7 May 2020 detailing how we would monitor compliance with the Prevent duty during the coronavirus pandemic.¹ This approach has recognised the extraordinary circumstances that providers face in responding to the challenge of the pandemic. We also wrote to registered providers on 30 July 2020 signalling our intended

¹ Available at www.officeforstudents.org.uk/publications/prevent-monitoring-requirements-during-the-coronavirus-covid-19-pandemic/

approach to regulation of the higher education sector in the future.² This includes targeting attention where it is needed and reducing burden on providers that are not at increased risk of non-compliance. We have made changes to the information we require providers to submit to reflect this intention.

5. The changes to the return also recognise that the data returned may be affected by the impact of the pandemic. We will look to take account of the context of the pandemic when we review the information and data returned to us.

Summary of changes

- We have removed the broader welfare question (i): 'Number of welfare cases referred for specialist advice and support'. Instead, providers can include alternative evidence outlining how they are assured that their welfare provision continues to be effective and able to capture Prevent-related concerns.
- We have introduced a requirement for providers to report how they have responded to the coronavirus pandemic in relation to the Prevent duty.
- We will let providers know when we have completed our assessment, but write formally to a provider only where we have compliance concerns or need further information or evidence from them to assure us they are compliant with the Prevent duty.

² Available at www.officeforstudents.org.uk/publications/update-on-the-office-for-students-approach-to-regulation-and-information-about-deadlines-for-data-returns/

Requirements for the 2020 return

Accountability statement and declarations

6. In previous years, governing bodies or the proprietor of the provider (where a governing body does not exist) have been required to provide a short statement outlining how they had assured themselves that the provider continued to comply with the Prevent duty. This included the chair of the governing body (or an appropriate substitute), or proprietor, signing declarations within the accountability statement that the provider:
 - a. Has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty).
 - b. Has provided to the OfS all required information about its implementation of the Prevent duty.
 - c. Has reported to the OfS in a timely way all serious issues related to the Prevent duty, or now attaches any reports that should have been made, with an explanation of why they were not submitted.
 - d. Has reviewed, and where necessary updated, its Prevent risk assessment and action plan.
7. This year we require that the statement should summarise how the governing body or proprietor has shown due regard to the Prevent duty and the evidence it has used to assure itself. Additionally, we require information on welfare provision and the provider's response to the pandemic in relation to the Prevent duty.

Welfare provision

8. To reduce the burden on providers of submitting this data, we have removed the requirement to submit data on the 'number of welfare cases referred for specialist advice and support'. In its place, we require some information about how a provider has implemented its broader welfare provision in assuring us that Prevent-related cases will be identified and managed effectively. This is because welfare structures continue to play an important role in preventing people from being drawn into terrorism. The statutory Prevent guidance states that providers should have the necessary student welfare programmes in place to recognise the signs of radicalisation and respond appropriately.³
9. Providers should submit written information detailing how they continue to be assured that their arrangements are effective in practice. Providers can choose a variety of different evidence in support of this including:
 - a case study demonstrating the implementation of the provider's welfare process

³ Paragraph 15, 'Prevent duty guidance: for higher education institutions in England and Wales', Home Office, updated 10 April 2019. Available at <https://www.gov.uk/government/publications/prevent-duty-guidance/prevent-duty-guidance-for-higher-education-institutions-in-england-and-wales>

- description of internal governance mechanisms monitoring broader welfare activity. This could include an internal audit, safeguarding or student welfare annual report, evidence of dual assurance mechanisms being used (where they exist)
 - staff training information detailing how this provides assurance that the provider's welfare processes are effective in practice
 - broader activity taken by the provider that would support efforts to safeguard students from radicalisation.
10. Providers can submit other information, but the evidence chosen should demonstrate how this shows that their approach to welfare is effective in practice.

Response to the pandemic in relation to the Prevent duty

11. This year, we require the accountability statement to include information on how the provider has responded to the impact of the pandemic in continuing to comply with the Prevent duty. In many cases providers have had to fundamentally change their approach to delivering higher education and this will have a natural impact on how they show due regard to Prevent. We believe that providers should have generally considered the following where it has been appropriate to do so:
- a. How coronavirus may have impacted the risks of radicalisation within a provider's setting; for example, any impact from a move to blend provision between online and physical teaching; and as a consequence, risks associated with complying with the Prevent duty more broadly. Providers should also be taking actions to address any changed or increased risks identified.
 - b. How coronavirus has impacted the implementation of Prevent-related policies such as external speakers and events policies, welfare or safeguarding policies or provision.
 - c. How Prevent-related policies can remain effective in future to reflect any new operating context.
12. Given the challenges providers have faced in continuing to operate during the pandemic, we do not expect providers to necessarily have completed all of the activities that may be necessary in response to any new or increased risks. Similarly, we have not required providers to temporarily amend their Prevent-related policies or that any longer-term changes to policies have been approved or implemented.
13. We also recognise that for some providers the impact of the pandemic will have been limited and therefore will not require a substantive response about how they have continued to show due regard to the Prevent duty. Providers should give a brief rationale for why coronavirus has not impacted their approach the Prevent duty where this is the case.
14. The accountability statement should be concise and provide a summary of activity, rather than a report detailing evidence of all Prevent-related activity in the previous reporting period. This completed statement should be no longer than two pages.

15. We have also included and updated some prompts and questions in the return documentation to help providers to write the statement. These can be found in an annex to the accountability statement, as in previous years.

Data return

16. The data return covers core areas of the Prevent duty:

- a. Welfare.
- b. External speakers and events.
- c. Staff training.

17. All data questions remain unchanged from the 2018-19 return, except for: 'Number of welfare cases referred for specialist advice and support'. We encourage providers to explain the context of their data in the text areas provided as we understand that definitions could vary between providers. We do not intend to proactively publish returns from individual providers.

Welfare

18. Providers are required to submit:

- a. The number of Prevent related cases referred to the Prevent lead.
- b. The number of cases where external advice is sought from Prevent partners.
- c. The number of referrals to Channel.⁴

Information about the implementation of broader welfare processes should be given in the accountability statement (see above).

External speakers and events

19. Providers are required to submit:

- a. The total number of external speaker and event applications approved through the external speaker's process (i.e. not within the academic curriculum).
- b. The number approved where mitigations have been introduced relating to Prevent (and associated freedom of speech).
- c. The number escalated to the highest decision maker in the process.
- d. The number rejected by the process.

The text box should be used to explain if any external speakers or events were rejected through the process because of Prevent-related issues and what these issues were.

⁴ Channel is a multi-agency programme for supporting individuals who are at risk of radicalisation. Providers should be making referrals externally through to multi-agency partners where they believe someone is at risk of being radicalised.

Training

20. Providers are required to submit:

- a. The number of staff identified as key in relation to the Prevent duty.⁵
- b. The number of key staff receiving induction and refresher training.
- c. The number of all staff receiving broader welfare or safeguarding awareness training.

The question on awareness training allows providers to demonstrate that a broader set of staff are aware of relevant policies and can effectively signpost when necessary.

How the submission will be reviewed

21. The information submitted will be reviewed by early 2021 alongside a range of information to inform a view of risk and need for further Prevent monitoring. This information will include:

- a. The data return and accountability statement.
- b. Previous Prevent compliance judgements.
- c. Information held from other Prevent assessment processes, for example changes of circumstance and serious incidents.
- d. Information held internally within the OfS from wider regulatory processes.
- e. Intelligence from Prevent partners including The Charity Commission, and Department for Education Further Education/Higher Education Prevent Co-ordinators.
- f. Data from sources such as the Higher Education Statistics Agency (HESA) to help provide further contextualisation.

22. While we have not required providers to report temporary changes made to Prevent policies as a result of the coronavirus pandemic, as in previous years, a failure to report significant and permanent material changes and Prevent-related incidents as they arise will be considered alongside the information held. OfS officers will not query data or the information provided routinely. However, we may choose to query information in certain circumstances and will look to agree timescales for resubmitting additional information. This could include where we consider the data return to be inaccurate or technically incorrect, or to confirm that the appropriate individual has signed-off the accountability statement.

Outcomes and follow up

23. Unlike last year, we will not write to every provider giving them a compliance judgement on our assessment of the submitted ADR return. We will instead let providers, who we do not need to engage with, know that we have concluded our assessment and that we do not need any

⁵ The current number of staff the provider has identified as key in relation to the Prevent. This can often include members of an internal Prevent working group, and those involved in the implementation of important Prevent policies such as external speakers or welfare.

further information from them. This will enable us to target engagement with providers where there is cause for concern in order to seek further information and evidence that a provider is demonstrating due regard to the Prevent duty. Where we have completed that engagement activity with a provider, and continue to have concerns, we will confirm a compliance judgement setting out if a provider:

- a. Needs to take further action(s).
- b. Does not demonstrate due regard.

All other providers will not receive a compliance judgement.

24. Where we believe a provider is not complying with the Prevent duty (i.e. does not demonstrate due regard), this is likely to result in a referral to the Department for Education. Further information on how we manage non-compliance with the Prevent duty can be found in paragraphs 91-94 of 'Prevent duty: Framework for monitoring in higher education in England' (OfS 2018.35).⁶ This approach aligns with how the OfS monitors compliance with the OfS's conditions of registration.

Submission deadline

25. The data return is **mandatory**, and the deadline for submitting both the accountability statement sheet and the data survey is **noon on Tuesday 1 December 2020**. However, if you have a governing body meeting due shortly after the deadline, or other mitigating circumstances that may result in a delay to submission, please contact prevent@officeforstudents.org.uk in advance of the deadline to discuss these circumstances.

⁶ Available at www.officeforstudents.org.uk/publications/prevent-duty-framework-for-monitoring-in-higher-education-in-england-2018-19-onwards/



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