Illustrative Practice Note 2:
Prevent Strategy

November 2016

Governing Body Responsibility for Counter-Terrorism and Prevent Agenda

What does the HE Code of Governance say?

1. The governing body protects institutional reputation by being assured that clear regulations, policies and procedures that adhere to legislative and regulatory requirements are in place, ethical in nature, and followed.

2. The governing body has a responsibility for all decisions that might have significant reputational or financial implications (including significant partnerships or collaborations). It must therefore seek assurance that the institution meets all legal and regulatory requirements imposed on it as a corporate body, including through instruments of governance such as statutes, ordinances and articles.

3. The governing body **must** understand and respect the principle of academic freedom – the ability within the law for academics to question and test received wisdom, and to put forward new ideas and controversial or unpopular opinions, without placing themselves in jeopardy of losing their jobs or privileges – and its responsibility to maintain and protect it as enshrined in freedom of speech legislation.

4. Alternative providers (APS) operate under a different legal framework in respect of freedom of information and protection of academic freedom. However, if they wish to comply with the Code of HE Governance, their corporate or parent bodies will need to put in place contractual arrangements which protect academic freedom.

Why is it important?

5. The Prevent Strategy, published by the government in 2011, is part of their overall counter-terrorism strategy. The 2011 Prevent Strategy has three specific strategic objectives:

   - Respond to the ideological challenge of terrorism and the threat from those who promote it
   - Prevent people from being drawn into terrorism and ensure they are given appropriate advice and support
   - Work with sectors and institutions where there are risks of radicalisation that we need to address

6. The Counter-Terrorism and Security Act (2015) places a statutory duty on a range of bodies (including Higher Education institutions) to have 'due regard to the need to prevent people from being drawn into terrorism' (the Prevent Duty). On 16 July 2015, the Home Office published updated guidance for Higher Education institutions (HEIs) in England and Wales; separate guidance has been published for institutions in Scotland in order to comply with the legislation. In England, Wales and Scotland the duty on HEIs came into effect on 18 September 2015. It should be noted that Part 5 of the Act, which lays out the Prevent Duty, does not apply to Northern Ireland.

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7. The guidance issued by the Home Office derives from section 29 of the Act, which stipulates that the specified authorities (which include HEIs) must have regard to this guidance when carrying out the Prevent Duty.

8. Although the 2015 Act and guidance places a renewed emphasis on the Prevent agenda, many HEIs across the United Kingdom will already have in place procedures for the assessment of risk for dealing with Prevent-related issues.

9. Many of these expectations connected to the Prevent Duty relate to the protection, care and safeguarding of students, for which universities have extensive and effective arrangements in place. However, given the requirements of the new legal duty and public sensitivities a key element of the sector's response to this agenda needs to be providing assurance that these arrangements are being applied and implemented consistently and include preventing vulnerable people from being drawn into terrorism.

10. In addition, institutions have to give careful consideration to their duty to preserve academic freedom and freedom of speech as set out in the 1986 Education (No 2) Act, as well as respecting and celebrating the diversity that exists within their communities and on their campuses.

11. The core implications for universities are set out in Annex 1.

FAQs

Is this an anti-Muslim agenda?

12. The Home Office states that the Prevent work is intended to deal with all kinds of terrorist threats to the UK, which they state are currently largely posed by terrorist organisations in Syria and Iraq, and al Qaida and associated groups. This also includes terrorists associated with the far right. As such, institutions should avoid a specific focus on any one particular group in their approach to Prevent.

Is this an additional burden on universities?

13. HEIs will also be familiar with other groups such as extremist animal rights activists who have previously targeted universities. The government guidance states, 'we do not envisage the new duty creating large new burdens on institutions and intend it to be implemented in a proportionate risk-based way.' Nevertheless, institutions do face burdens in terms of additional reporting requirements and they are investing a substantial amount of time and resource into reviewing current and developing new approaches and responses. The key for institutions is to judge for themselves the extent of any potential threat they face and ensure that their response is proportionate.

What do the funding councils expect of the governing body in this area?

14. In England, under section 32 of the Act, the Higher Education Funding Council for England (HEFCE) has been appointed to monitor the performance of relevant Higher Education bodies (RHEBs) in England[1] against the Prevent Duty. Section 32 also places a duty on RHEBs to provide information it requires in order to monitor institutions' performances in discharging their duty in having 'due regard to the need to prevent people from being drawn into terrorism.'

[1] **A full list of all relevant Higher Education bodies can be found at www.hefce.ac.uk/reg/prevent**

Bucks New University

Buckinghamshire New University has taken a proactive, anticipatory approach to the requirements placed on Higher Education under the Counter-Terrorism and Security Act 2015. It began the process in earnest in early 2015 and then briefed the Senior Team and Governing Council on the anticipated legal and governance requirements. It adapted legislative guidance into the body of its plan to explain the rationale and mapped Prevent guidance to the university structure to devise the action plan. This included interlinking with existing policies and procedures around guest speakers, freedom of speech, IT and systems security and student and employee safeguarding. As required by the Act it conducted a risk analysis against current assessed threats which is related directly to its context and profile as an HEI.

Its plan is now in place with actions underway and a key aspect of this is employee and student union assurance and communication to achieve best possible 'buy in'. It has been shared with over 70 UK HEIs and submitted to the Home Office by our local Prevent coordinator as an example of good practice. Throughout the process it has emphasised that it is important that the actions taken by the university are neither sensationalist nor excessive; and must be aligned with its organisational culture, context, priorities and the risk itself. It continues to be a work in progress.

15. The approach to monitoring compliance adopted by HEFCE is set out in a revised monitoring framework (September 2016). This supersedes original monitoring guidance published by HEFCE in November 2015. They include:

- an initial self-assessment of preparedness for Prevent duties which was due by 22 January 2016
- providing detailed information about policies, processes and arrangements (April to August 2016)
- an annual report on the active and ongoing implementation of the Prevent duty (with the first report due for most HEFCE-funded providers in December 2016; Alternative providers in February 2017)
- face-to-face Prevent reviews on a risk-based approach
- reports to HEFCE on all serious issues and material changes relating to the Prevent duty

16. The annual report will be required to include the following three declarations by the governing body:

'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.'

17. HEFCE will also expect governing bodies and proprietors to provide written confirmation that they have considered a refreshed Prevent risk assessment for the year ahead, and an updated action plan addressing any issues identified.

18. In Wales, HEFCW is named as a potential monitoring authority within the Act and it formally received confirmation of this duty in July 2016. HEFCW will issue its Monitoring Framework in the autumn, following a short consultation. The general thrust of HEFCW's framework is expected to be broadly in line with HEFCE's monitoring approach, but there is also likely to be variation in order to take the on-going work on Prevent in Wales into account.

19. Arrangements in Scotland are different. It is the responsibility of each HEI to determine what measures it will take to address this statutory duty. A Good Practice Guide has been prepared in order to assist the HEIs in deciding what measures are appropriate and, in doing so, to encourage the adoption of consistent good practice across the Scottish Higher Education sector, taking account of local needs and of institutional structures and culture.

Who is responsible for this agenda?

20. Ultimately responsibility for this agenda and compliance sits squarely with the governing body. In order to comply with the Prevent Duty, HEIs will discharge this by ensuring they have 'properly thought through procedures and policies in place… which match the general expectations set out in the guidance.'

How can the governing body be expected to understand all of the complexities of the Prevent agenda and manage the risks involved?

University of Roehampton

The University of Roehampton has engaged with the Prevent agenda in a number of ways. It held debates at Senate and at a Council away day on controversial 'hate' speakers and related issues, including a wider debate on the limits of free speech. These discussions involved academic and administrative staff, the Students' Union and governors. It also held focus groups of students, including with those of faith, to discuss how the university engages with their issues and concerns. It has regular contact with regional Prevent teams, including attendance by them at a Council away day. A Prevent working group, coordinated by a Pro Vice-Chancellor, is reviewing policies and procedures so that they are fully compliant with Prevent and is rolling their accredited training on Prevent Awareness to the wider university community, including Council. It already has longer-standing policies on related issues including handling sensitive issues, such as external speakers.

21. It isn't expected to. In many ways its role here is similar to that in other areas (although perhaps more high profile): concentrating on strategy, measuring performance and getting assurance that effective risk management is in place.

What is the role of the governing body in relation to the Prevent agenda?

22. It needs to satisfy itself that an appropriate set of policies are in place and are being actively and effectively implemented, that there are effective communication channels both within the university and with outside organisations, and that senior officers of the University are exercising appropriate judgements in line with the agreed policies. It will also need assurance that there are appropriate reporting mechanisms in place to keep HEFCE sufficiently informed.

Is there any support available for governors in tackling this area?

23. A list of links is provided at the end of Annex 1.

24. The Leadership Foundation together with the Committee of University Chairs (CUC) have hosted round table sessions for governors and chairs to discuss implications for governing bodies, and will arrange more sessions for the future. The Foundation, commissioned by HEFCE, has also produced a HE-specific Prevent training package. The materials are intended to support in-house training provision and are freely downloadable from the Safe Campus Communities' website www.safecampuscommunities.ac.uk. Information about the materials has been circulated to all Higher Education providers.

What sort of information on Prevent could come to the governing body or one of its committees?

25. A report that covers in respect of the Prevent agenda

   - the institution's assessment of risk and its mitigation of that risk
   - its action plan to address the risks identified
   - its key policies (for example training, external speakers, engagement with partners)
   - arrangements for pastoral care and chaplaincy support
   - arrangements for the use of computing facilities
   - any Funding Council data reporting requirements[2]
   - any matters (such as serious incidents or material changes relating to Prevent) reported to a Funding Council

Some things to avoid

26. Requiring details of all events to be reported to or approved by the governing body

27. Focusing attention on one particular group

28. Policy statements that require risks to be completely mitigated

29. Developing new processes and structures, where appropriate arrangements are already in place

[2] **For England Para 33 and Para 44 www.hefce.ac.uk/reg/prevent/frame-work**

Greenwich University

Following the enactment of Ofsted's new Common Inspection Framework in September 2015, the university's Information Security Unit is investigating supplementary solutions for potential adoption to optimise the network monitoring and web filtering system and underpin its efforts against any internet activities that promote acts of violence and terrorism. The university uses its networks and senior contacts with other institutions to share information about external speakers and hosted a meeting of institutions across London to discuss a range of related issues and build on its links and networks in this regard. In order to support and protect academic freedom in relation to the Prevent Duty, the terms of reference and operation of the university's Research Ethics Committee have been revised and its remit extended to consider security sensitive research, while the Research Ethics Policy is being updated. The University Court (governing body) receives regular updates on the university's Prevent-related activity, on at least a termly basis, as part of its legal oversight responsibility, and is required to approve all relevant documentation.

30. Putting arrangements in place that restrict academic freedom and/or freedom of speech within the law

Some questions to think about

Below are some questions that governing bodies/councils can think about or gain assurance from senior management that they are being addressed.

31. Does responsibility for Prevent (i.e. the Prevent Lead) sit at an appropriately senior level?

32. What are the major risks relating to the Prevent agenda facing the institution, what are the mitigating actions and how is progress on dealing with them reported to the governing body?

33. Have governors and board members been appropriately briefed in Prevent responsibilities and does the institution think there is any need for specific governor development in this area?

34. Have policies been reviewed in relation to the Prevent Duty? How will they be kept up to date?

35. Has any review (including Internal Audit review or peer review with other institutions) of the effectiveness of our Prevent arrangements been undertaken and were the governing body provided with the outcomes?

36. Do our arrangements reflect the individual circumstances and context of the institution?

37. Are our policies for managing external speakers sufficiently robust yet proportionate?

38. What actions have been identified and how will they be addressed?

39. What are the barriers, if any, to the implementation of the Prevent Duty? How will they be overcome?

40. What is the training strategy for the staff, students and volunteers? How will we ensure that training is regularly refreshed?

Cardiff Metropolitan University

Cardiff Metropolitan began its Prevent response some three years ago. It developed its 'Radicalisation and Indoctrination Research Hub' because it felt there was simply no clear research basis for implementing policies and protocols for protecting its students. It rapidly developed an understanding of how radicalisation occurs in HEIs and linked its research through other areas of expertise. This led to a very broad and singular risk assessment which formed the basis of its Prevent platform. The university found that the training programmes available simply did not support its detailed analysis on radicalisation. It therefore developed its own accredited postgraduate programme (which has now been made available as an option to those wishing to participate across Wales) structured though five 'Tiers' which are tailored to different staff requirements, the most complex being two days (15 credits) on the Masters of Education Programme. This process is also directly linked to its evolving action plan providing positive feedback to the training programme. The key, to everything they do, is 'flux'. The threat is always changing and evolving and so too must Cardiff Met's response. Therefore, review and continuing research is constant.

University of Lincoln

At the University of Lincoln, the Board of Governors has been regularly updated through briefings from a Deputy Vice-Chancellor, who is a member of the Board and chairs our internal Prevent Steering Group. The Prevent Steering Group is responsible for maintaining oversight of our compliance with the Prevent Duty, while individual members of the group lead on areas of the action plan and report back to the Group. They work very closely with partners through the Lincolnshire Prevent Steering Group, the East Midlands HE Prevent Group and as members of UUK, ARC, AHUA and other bodies where sector information and best practice is shared. All of the information that colleagues gather is fed back into the Steering Group and used to inform action planning and prioritisation. The Steering Group is an essential element in bringing together colleagues from different perspectives, facilitating the sharing of information and good practice and enabling the Deputy Vice-Chancellor to ensure that the Board are kept well informed and can be alerted to any areas of concern as soon as they arise.

41. What arrangements have we got in place to preserve and promote campus harmony?

42. How have academic staff been involved or engaged in the development of our approach?

43. Do we have a clearly defined approach to recruitment, training and oversight of chaplains or faith providers?

44. Are we confident that we are providing staff and students with a safe environment to engage in full, open and honest academic debate?

45. Can we position this agenda not as a response solely to the Prevent agenda but rather as a way of protecting and safeguarding students and engaging with local communities?

46. Are there adequate pastoral care/welfare arrangements in place for both students and staff? Do we have adequate internal mechanisms for escalating concerns, and for seeking external advice when necessary?

47. Are there any issues over the use of university branding at off-site events?

48. What is the response of the Students' Union to this agenda?

49. What information has the governing body received on the effectiveness of relationships with external bodies such as the HE Prevent coordinators, local authority coordinators or police coordinators?

50. What are the future challenges in relation to the Prevent agenda that the governing body needs to be aware of?

51. When will the next Prevent Duty risk assessment take place? Is this effectively integrated into our corporate risk assessment?

52. What significant issues have occurred in relation to Prevent over the reporting period and how have we dealt with them? What changes have we implemented as a result of any serious incidents? Are there areas where we require more support from external partners?

Annex

1. Specific areas on which Higher Education institutions (HEIs) are expected to deliver in order to comply are:

   - External speakers and events
   - Leadership (and arrangements to ensure institution-wide embedding)
   - Partnership (including regional Prevent coordinators from the Department for Education (DfE), Channel Panels, local authorities)
   - Risk assessment
   - Action plan
   - Staff training
   - Welfare, pastoral/chaplaincy support
   - IT policies
   - Students' Unions and societies

External speakers

2. Every university will need a policy in place for the management of events on campus. These policies should encompass, 'all staff, students and visitors and clearly set out what is required for any event to proceed.'

3. When making a decision about speakers and events, this responsibility needs to be discharged and weighed up against the duty to ensure freedom of speech, and the protection of staff and student welfare.

4. In 2013, Universities UK published guidance for HEIs on approaches to ensuring freedom of speech on campus which includes a summary of the legal position, effective approaches for external speaker processes and case studies for dealing with external speakers.

5. Statutory guidance makes clear that, 'Encouragement of terrorism and inviting support for a proscribed terrorist organisation are both criminal offences. HEIs should not provide a platform for these offences to be committed.'

6. When determining whether or not to proceed with an event, the HEI will consider whether the views expressed, or likely to be expressed, risk drawing people into terrorism. Where events with extremist speakers are allowed to proceed, speakers with opposing views should be included as part of that event and not in a separate forum.

7. All such events on or off site should have an appropriate risk rating and plan.

8. The Safe Campus Communities website has further links on external speakers and events.

Partnership

9. HEIs are expected to engage actively with other partners that can support this agenda, which would include the DfE FE and HE Prevent coordinators. Due to the complexity of HEIs, it would be expected that there would still be a single point of entry for operational contact for external partners.

10. As relevant HEIs may also wish to liaise with other national bodies including the Association of Chief Police Officers (ACPO), the National Extremism Tactical Co-ordination Unit (NECTU), the Welsh Extremism and Counter-Terrorism Unit (WECTU), the Association of University Chief Security Officers (AUCSO), the National Union of Students (NUS) and the Association of Managers of Student Services in Higher Education (AMOSSHE).

Risk assessment

11. All HEIs will want to carry out a risk assessment for their institution to determine the extent to which their students are at risk of being drawn into terrorism. Attention will usually be given to non-violent, as well as violent extremism.

12. When considering risk assessment this will take into account welfare, but also appropriate regard for the equality and diversity of staff. Risk assessment procedures will need to cover staff, students and visitors to the HEI estate.

Staff Training

13. In order to comply with the duty, HEIs will need to demonstrate a willingness to offer training to those who would be considered to benefit from training. There are a number of providers of training to support this including a Jisc Workshop to Raise Awareness of Prevent (WRAP).

14. Training should also include guidance on an understanding of when to make referrals to the Channel programme.

15. Universities UK and the Leadership Foundation have also offered training sessions aimed at both management and staff with an operational responsibility for leading on the prevent agenda in your institution. The Leadership Foundation has also produced a suite of online training materials, available from the Safe Campus Communities website.

16. DfE offers free training through its network of HE and FE Prevent coordinators.

IT policies

17. HEIs should have existing policies that relate to the use and access to IT equipment and facilities. There is an expectation that this policy should refer to the statutory duty and cover what is acceptable/unacceptable in relation to the duty.

18. Particular consideration should be given to assessing whether extremist materials are being accessed for academic or non-academic purposes. Institutions should also consider whether it would be appropriate to implement web filtering.

19. In October 2012, Universities UK published guidance on Oversight of security-sensitive research material in UK universities.

Students' Unions and societies

20. The approach to Prevent will need to take into account the relationship with the Students' Union and any other appropriate societies. Institution-wide policies will need to be implemented to determine what may or may not take place on campus.

21. Policies should also set out clearly what expectations and contribution are expected from the Students' Union. And there is an expectation that the institutions and Students' Union will work closely together in order to implement this.

22. Students' Unions are charitable bodies, and as a result are regulated by the Charities Commission. Consideration should be given as to whether it would be beneficial for any training to be extended to elected officers or staff of the Students' Union.

Additional Resources

Bates Wells and Braithwaite London LLP (2015) Prevent Duty: NUS Guidance for Students' Unions. London: National Union of Students.

Charity Commission (2013) Compliance Toolkit: Protecting Charities from Harm. London: Charity Commission.

HEFCE (2015) The HEFCE Monitoring Framework. Bristol: Higher Education Funding Council for England.

Higher Education Prevent Working Group (2015) Good Practice Guide for Scottish Higher Education Institutions

Home Office (2015) Revised Prevent Duty guidance for England and Wales

Home Office (2015) Prevent Duty guidance for higher education institutions in England and Wales

Home Office (2015) Prevent Duty guidance for higher education institutions in Scotland

Jisc Workshop to Raise Awareness of Prevent training

Safe Campus Communities

Universities UK (2013) External Speakers in Higher Education institutions. London: Universities UK.

Universities UK (2012) Oversight of security-sensitive research material in UK universities. London: Universities UK.

E-learning resources available through Safe Campus Communities website

Train the trainer resources on Prevent
www.safecampuscommunities.ac.uk/training

Introduction to Prevent e-learning module
www.safecampuscommunities.ac.uk/training/resources-module

The Introduction to Prevent e-learning module can also be uploaded to your institutions learning management system or intranet
www.safecampuscommunities.ac.uk/training/prevent-training-materials-e-learning

All links accessed November 2016

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