



Senate

Paper Title	Prevent duty guidance: for higher education institutions in England and Wales.
Outcome requested	Senate is asked to note the Government's 'Prevent' duty guidance for higher education institutions, issued as part of a package of measures under the Counter Terrorism and Security Act 2015. Higher education institutions became subject to the guidance on 18 September 2015.
Points for Senate members to note and further information	HEFCE has launched a consultation on a proposed monitoring framework to satisfy Government that higher education institutions are following the guidance. The consultation closes on 23 October and is available here: http://www.hefce.ac.uk/pubs/year/2015/201522/
Questions for Senate to consider	The implications of the guidance for QMUL.
Regulatory/statutory reference points	QMUL is required to comply with the Prevent duty guidance issued as part of the Counter Terrorism and Security Act 2015.
Strategy and risk	Institutions are required to undertake a risk assessment and develop a 'Prevent' action plan. QMUL will also be subject to the framework for monitoring compliance once this has been approved.
Reporting/consideration route for the paper	n/a
Authors	Jane Pallant, Deputy Academic Registrar
Sponsor	n/a



HM Government

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

This sector specific guidance for higher education institutions in England and Wales subject to the Prevent duty is additional to, and is to be read alongside, the general guidance contained in the Revised Prevent Duty Guidance issued on 16th July 2015.

Higher education

1. Section 26(1) of the Counter-Terrorism and Security Act 2015 (“the Act”) imposes a duty on “specified authorities”, when exercising their functions, to have due regard to the need to prevent people from being drawn into terrorism. Certain higher education bodies (“Relevant Higher Education Bodies”, or “RHEBs”) are subject to the section 26 duty. RHEBs’ commitment to freedom of speech and the rationality underpinning the advancement of knowledge means that they represent one of our most important arenas for challenging extremist views and ideologies. But young people continue to make up a disproportionately high number of those arrested in this country for terrorist-related offences and of those who are travelling to join terrorist organisations in Syria and Iraq. RHEBs must be vigilant and aware of the risks this poses.

2. Some students may arrive at RHEBs already committed to terrorism; others may become radicalised whilst attending a RHEB due to activity on campus; others may be radicalised whilst they are at a RHEB but because of activities which mainly take place off campus.

Higher education specified authorities

3. The higher education institutions specified in Schedule 6 to the Act fall into two categories:

- the governing body of qualifying institutions within the meaning given by section 11 of the Higher Education Act 2004.

- private higher education institutions that are not in receipt of public funding from the Higher Education Funding Council for England (HEFCE) or the Higher Education Funding Council Wales (HEFCW) but have similar characteristics to those that are. This includes governing bodies or proprietors of institutions not otherwise listed that have at least 250 students, excluding students on distance learning courses, undertaking courses of a description mentioned in Schedule 6 to the Education Reform Act 1988 (higher education courses).

4. Most of these institutions already have a clear understanding of their Prevent related responsibilities. Institutions already demonstrate some good practice in these areas. We do not envisage the new duty creating large new burdens on institutions and intend it to be implemented in a proportionate and risk-based way.

5. Compliance with the Prevent duty requires that properly thought through procedures and policies are in place. Having procedures and policies in place which match the general expectations set out in this guidance will mean that institutions are well placed to comply with the Prevent duty. Compliance will only be achieved if these procedures and policies are properly followed and applied. This guidance does not prescribe what appropriate decisions would be - this will be up to institutions to determine, having considered all the factors of the case.

6. We would expect RHEBs to be delivering in the following areas.

External Speakers and Events

7. In order to comply with the duty all RHEBs should have policies and procedures in place for the management of events on campus and use of all RHEB premises. The policies should apply to all staff, students and visitors and clearly set out what is required for any event to proceed.

8. The RHEB clearly needs to balance its legal duties in terms of both ensuring freedom of speech and academic freedom, and also protecting student and staff welfare. Although it predates this legislation, Universities UK produced guidance in 2013 to support institutions to make decisions about hosting events and have the proper safeguards in place: <http://www.universitiesuk.ac.uk/highereducation/Pages/Externalspeakersinhighereducationinstitutions.aspx>

9. The Charity Commission also produced guidance on this matter in 2013: <https://www.gov.uk/government/publications/charities-and-terrorism> and https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/351342/CT-5.pdf

10. Encouragement of terrorism and inviting support for a proscribed terrorist organisation are both criminal offences. RHEBs should not provide a platform for these offences to be committed.

11. Furthermore, when deciding whether or not to host a particular speaker, RHEBs should consider carefully whether the views being expressed, or likely to be expressed, constitute extremist views that risk drawing people into terrorism or are shared by terrorist groups. In these circumstances the event should not be allowed to proceed except where RHEBs are entirely convinced that such risk can be fully mitigated without cancellation of the event. This includes ensuring that, where any event is being allowed to proceed, speakers with extremist views that could draw people into terrorism are challenged with opposing views as part of that same event, rather than in a separate forum. Where RHEBs are in any doubt that the risk cannot be fully mitigated they should exercise caution and not allow the event to proceed.

12. We would expect RHEBs to put in place a system for assessing and rating risks associated with any planned events, which provides evidence to suggest whether an event should proceed, be cancelled or whether action is

required to mitigate any risk. There should also be a mechanism in place for assessing the risks associated with any events which are RHEB-affiliated, funded or branded but which take place off-campus and for taking swift and appropriate action as outlined in paragraph 11.

13. Additionally, institutions should pay regard to their existing responsibilities in relation to gender segregation, as outlined in the guidance produced in 2014 by the Equality and Human Rights Commission: http://www.equalityhumanrights.com/sites/default/files/publication_pdf/Guidance%20for%20universities%20and%20students%20unions%2017-07-14.pdf

14. RHEBs should also demonstrate that staff involved in the physical security of the institution's estate have an awareness of the Prevent duty. In many instances, this could be achieved through engagement with the Association of University Chief Security Officers (AUCSO). Where appropriate and legal to do so, an institution should also have procedures in place for the sharing of information about speakers with other institutions and partners.

15. But managing the risk of radicalisation in RHEBs is not simply about managing external speakers. Radicalised students can also act as a focal point for further radicalisation through personal contact with fellow students and through their social media activity. Where radicalisation happens off campus, the student concerned may well share his or her issues with other students. Changes in behaviour and outlook may be visible to university staff. Much of this guidance therefore addresses the need for RHEBs to have the necessary staff training, IT policies and student welfare programmes to recognise these signs and respond appropriately.

Partnership

16. In complying with this duty we would expect active engagement from senior management of the university (including, where appropriate, vice chancellors) with other partners including police and BIS regional higher and further education

Prevent co-ordinators. We would expect institutions to seek to engage and consult students on their plans for implementing the duty.

17. Given the size and complexity of most institutions we would also expect RHEBs to make use of internal mechanisms to share information about Prevent across the relevant faculties of the institution. Having a single point of contact for operational delivery of Prevent related activity may also be useful.

18. We would expect institutions to have regular contact with the relevant Prevent co-ordinator. These co-ordinators will help RHEBs comply with the duty and can provide advice and guidance on risk and on the appropriate response. The contact details of these co-ordinators are available on the Safe Campus Communities website: www.safecampuscommunities.ac.uk.

Risk assessment

19. RHEBs will be expected to carry out a risk assessment for their institution which assesses where and how their students might be at risk of being drawn into terrorism. This includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. Help and support will be available to do this.

20. We would expect the risk assessment to look at institutional policies regarding the campus and student welfare, including equality and diversity and the safety and welfare of students and staff. We would also expect the risk assessment to assess the physical management of the university estate including policies and procedures for events held by staff, students or visitors and relationships with external bodies and community groups who may use premises, or work in partnership with the institution.

Action Plan

21. With the support of co-ordinators, and others as necessary, any institution that identifies a risk should develop a Prevent action plan to set out the actions they will take to mitigate this risk.

Staff Training

22. Compliance with the duty will also require the institution to demonstrate that it is willing to undertake Prevent awareness training and other training that could help the relevant staff prevent people from being drawn into terrorism and challenge extremist ideas which risk drawing people into terrorism. We would expect appropriate members of staff to have an understanding of the factors that make people support terrorist ideologies or engage in terrorist-related activity. Such staff should have sufficient training to be able to recognise vulnerability to being drawn into terrorism, and be aware of what action to take in response. This will include an understanding of when to make referrals to the Channel programme and where to get additional advice and support.

23. We would expect the institution to have robust procedures both internally and externally for sharing information about vulnerable individuals (where appropriate to do so). This should include appropriate internal mechanisms and external information sharing agreements where possible.

24. BIS offers free training for higher and further education staff through its network of regional higher and further education Prevent co-ordinators. This covers safeguarding and identifying vulnerability to being drawn into terrorism and can be tailored to suit each institution or group of individuals.

Welfare and pastoral care/chaplaincy support

25. RHEBs have a clear role to play in the welfare of their students and we would expect there to be sufficient chaplaincy and pastoral support available for all students.

26. As part of this, we would expect the institution to have clear and widely available policies for the use of prayer rooms and other faith-related facilities. These policies should outline arrangements for managing prayer and faith facilities (for example an oversight committee) and for dealing with any issues arising from the use of the facilities.

IT policies

27. We would expect RHEBs to have policies relating to the use of their IT equipment. Whilst all institutions will have policies around general usage, covering what is and is not permissible, we would expect these policies to contain specific reference to the statutory duty. Many educational institutions already use filtering as a means of restricting access to harmful content, and should consider the use of filters as part of their overall strategy to prevent people from being drawn into terrorism.

28. To enable the university to identify and address issues where online materials are accessed for non-research purposes, we would expect to see clear policies and procedures for students and staff working on sensitive or extremism-related research. Universities UK has provided guidance to help RHEBs manage this, which available at <http://www.universitiesuk.ac.uk/highereducation/Pages/OversightOfSecuritySensitiveResearchMaterial.aspx>

Student unions and societies

29. Institutions should have regard to the duty in the context of their relationship and interactions with student unions and societies. They will need to have clear policies setting out the activities that are or are not allowed to take place on campus and any online activity directly related to the university. The policies should set out what is expected from the student unions and societies in relation to Prevent including making clear the need to challenge extremist ideas which risk drawing people into terrorism. We would expect student unions and societies to work closely with their institution and co-

operate with the institutions' policies.

30. Student unions, as charitable bodies, are registered with the Charity Commission and subject to charity laws and regulations, including those that relate to preventing terrorism. Student Unions should also consider whether their staff and elected officers would benefit from Prevent awareness training or other relevant training provided by the Charity Commission, regional Prevent co-ordinators or others.

Monitoring and enforcement

31. The Secretary of State will appoint an appropriate body to assess the bodies' compliance with the Prevent duty. A separate monitoring framework will be published setting out the details of how this body will undertake monitoring of the duty.

