

Cylchlythyr | Circular

The Prevent Duty: Monitoring Framework for Higher Education Providers in Wales

Date: 04 November 2016
Reference: W16/39HE
To: Heads of HE providers regulated by HEFCW; Clerks and Secretaries to the Governing Bodies; Chairs of HE Wales; Heads of other relevant HE bodies (see paragraph 15); Prevent HE Leads
Of interest to those responsible for: Governance, Administration, Chaplaincy, Student Services, Students' Unions, Information Technology, Security
Response by: 31 December 2016 (HEFCW-regulated institutions)
16 January 2016 (Alternative providers)
Contact: prevent@hefcw.ac.uk

This Monitoring Framework circular sets out how HEFCW will monitor providers' implementation of the statutory Prevent duty in the higher education system in Wales. Relevant higher education bodies will need to follow this framework to demonstrate 'due regard' to the duty.

The Act requires all RHEBs in Wales to provide HEFCW 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.

If you require this document in an alternative accessible format, please email info@hefcw.ac.uk.



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Introduction

1. HEFCW presents this **Monitoring Framework** for the Prevent duty to guide higher education (HE) providers in Wales in their compliance with the duty. This follows a Monitoring Framework consultation circular (W16/35HE) issued on 14 October and inviting responses by 31 October 2016. HEFCW received 9 written responses to the consultation; **Annex G summarises how this Monitoring Framework circular has been amended** to take the responses into account.
2. The formal consultation period was necessarily short because the UK Government requires HEFCW to report on implementation by HE providers in Wales that come under our duty in early 2017. However, it was preceded by a draft circular shared with HE providers via the HE/FE Prevent Fora for Wales and various Universities Wales groups in September. This followed informal discussions (including on our anticipated timeline) with a range of stakeholders and the general endorsement of our proposed approach in June. At that stage we envisaged that the monitoring process would include an annual return, followed by a rolling cycle of meetings between institutions and HEFCW (and this has not changed).
3. Our approach is founded on the principles of **safeguarding** people in the HE sector from being drawn into terrorism and on **protecting the welfare and well-being** of all students and staff at risk of terrorism-related radicalisation. Radicalisation is a dynamic process; everyone is ultimately at risk of being radicalised. Our approach emphasises **a proportionate approach** which must be guided by **the risks** identified by and mitigated for by individual HE providers that come under our monitoring duty (known in the Act as 'relevant HE bodies' or RHEBs, see paragraph 15, below).
4. Our focus is on providing the UK Government with the **assurance** they require that the extensive and effective arrangements for safeguarding and protecting HE students that are already in place in Wales meet with the government's specific requirements, including their protection from radicalisation to violent extremism and from being drawn into terrorism.
5. We recognise that ensuring that HE providers remain safe and secure places of study involves a number of different staff and functions, which will be bespoke to each institutional context. We acknowledge that Prevent is part of a range of broader initiatives established to ensure that providers remain places where debate and free speech can prosper, and safe campus communities can thrive.¹
6. This Monitoring Framework circular requires an **Annual Report, with a data return**, from the governing bodies or proprietors² of all relevant HE providers. The submission dates for the Annual Report and data are:

¹ [Safe campus communities website](#)

² By 'proprietor' we mean the individual(s) with strategic oversight of a RHEB's activities, including ultimate responsibility for its financial management.

31 December 2016	HEFCW-regulated providers
16 January 2017	Alternative providers with specific course designation.

Background³

7. The UK Government published its Prevent strategy in 2011, one of four strands of the wider counter-terrorism strategy, CONTEST.⁴ A key element of the Prevent strategy is to encourage institutions and sectors, including HE, to address risks of terrorism-related 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.
8. 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’.⁵ 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 2015.⁶
9. All specified authorities are required by the Act⁷ to have regard to any guidance issued by the UK Government about how they should exercise their Prevent duty. Such guidance, and any changes to it, have to be approved by Parliament. For HE providers, the Home Secretary is required⁸ 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.
10. There are two sets of statutory guidance⁹ that HE providers need to consider. This Monitoring Framework is linked closely to this 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) – referred to here as ‘General Guidance’
 - [Prevent Duty Guidance: for higher education institutions in England and Wales](#) – referred to here as ‘HE Guidance’.

³ After HEFCE November 2015:

www.hefce.ac.uk/media/HEFCE,2014/Content/Pubs/2015/201532/HEFCE_2015_32.pdf

⁴ For more information on the UK Government’s counter-terrorism strategy see: [2010 to 2015 government policy: counter-terrorism](#)

⁵ Counter-Terrorism and Security Act 2015 (CTSA) Section 26(1).

⁶ CTSA (Commencement No. 2) Regulations 2015 (SI 2015 No. 1698).

⁷ CTSA S29(2).

⁸ CTSA S31(3) and (4).

⁹ Both sets of guidance are available at

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

11. 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.
12. The Home Secretary in consultation with the Welsh Government has delegated to HEFCW responsibility for monitoring compliance with the duty of the relevant HE providers in Wales. This framework sets out how we will go about doing that.
13. The framework is for **Prevent leads, senior management and governing bodies and proprietors of the** providers identified in paragraph 15 below. If not already included in these groups, it will also be of interest to those responsible for Administration, Chaplaincy, Student Services, Students' Unions, Information Technology and Security, and others in these institutions.

Higher education providers that are subject to monitoring by HEFCW

14. The terms 'relevant HE bodies', 'relevant bodies' and 'RHEBs' refer to a range of different providers that provide HE in Wales. In all cases, **the Act refers to the governing body or proprietor as having ultimate responsibility.**
15. Providers delivering HE courses do not automatically become subject to the Prevent duty, nor to monitoring by HEFCW. When providers formally meet at least one of the following criteria they will be classified as a RHEB under the terms of the Act and will immediately need to comply with the duty under our monitoring authority; this applies to providers in Wales as follows:
 - a. **Higher education providers** that have become designated as a regulated institution under the [Higher Education \(Wales\) Act 2015](#).¹⁰ For the purposes of HEFCW's monitoring duty under Prevent, this currently includes all universities in Wales, except the Open University, which is already being monitored by HEFCE as a part of the Prevent duty in England. However, HEFCW's monitoring duty excludes all Further Education Institutions (FEIs) in Wales (including those in dual sector relationships) which are already monitored by Estyn.¹¹ If a

¹⁰ 'Regulated institutions' under the HE Act 2015 are those which meet quality, governance and financial requirements, and have an approved fee and access plan, which enables them to access student support. Also see:

www.hefcw.ac.uk/working_with_he_providers/he_wales_act_2015/regulated_institutions.aspx, but note that FEIs are not included under HEFCW's monitoring duty for Prevent.

¹¹ Estyn: [Supplementary guidance: Inspecting safeguarding in in post-16 provision \(Autumn 2015\), Annex 5.](#)

university is responsible for the oversight of the Prevent duty of an FEI in a dual sector relationship, then their governing body needs to be aware of these responsibilities. See paragraph 17b below.

- b. **Alternative providers in Wales** that are awarded specific course designation as currently administered by the Welsh Government. These providers currently include the Centre for Alternative Technology, Newport & District Group Training Association and the Welsh Evangelical School of Theology.
 - c. **Other providers** in Wales that are teaching 250 or more students by headcount¹² on HE courses and are not captured by the categories above i.e. they do not hold specific course designation, or are designated as a regulated institution under the Higher Education (Wales) Act 2015, or are not already monitored by either Estyn or HEFCE.
16. RHEBs are expected to meet their Prevent duty statutory obligation whether or not they have been expressly identified by HEFCW. If we become aware of previously unidentified organisations we will contact them and bring them into the Monitoring Framework.
17. **Exceptions:** In order to keep regulatory burden to a proportionate level, some providers that meet one of the criteria listed above will not be monitored by HEFCW for the purposes of the Prevent duty. These exceptions apply to:
- a. Providers that meet criterion (c) above that do not have specific course designation in their own right and operate in a **sub-contractual teaching arrangement or 'franchise'** with another provider: In this case, the registering institution (or 'franchiser') provider will have responsibility for ensuring appropriate policies and processes relating to Prevent are in place for students taught through such arrangements.
 - b. Providers that qualify as RHEBs for the purposes of Prevent but which are already monitored by another designated authority. In these instances, HEFCW will liaise with the relevant monitor to ensure that these providers are continuing to give regard to the duty. This mainly applies to FEIs that are regulated by HEFCW, where Estyn, acting as monitor for the further education sector carries out this duty. We already have in place a [Memorandum of understanding for partnership working between HEFCW and Estyn](#).
 - c. If a RHEB **validates** or **awards** qualifications at another provider, the validated partner has responsibility for its own policies and procedures.

¹² The 250 student threshold is a headcount measure (not a full-time equivalent measure) and covers all students (including international students in the UK) on HE-level courses. It does not include students on distance learning courses or on FE-level courses.

18. **RHEBs' overseas provision:** The duty does not apply to activity in other countries – for example, overseas campuses. However, providers may wish to consider adopting a common or similar approach to safeguarding and other policies in these related contexts. **A globally responsible Wales** (taking account of impact on global well-being when considering local social, economic and environmental wellbeing) is one of the goals of the Welsh Government's [Well-Being of Future Generations Act 2015](#) (see paragraph 46d below).

HEFCW's role

19. The duty applies to a wide range of HE providers with very different institutional structures and cultures, who 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.
20. HEFCW will report to the UK Government on the levels of compliance by the HE providers (i.e. across the HE system as a whole) under our monitoring authority in Wales. We will achieve this by requiring the submission of an **Annual Report** from the governing body or proprietor evidencing the RHEBs compliance with the Prevent duty (see paragraphs 32 to 39 below, and **Annex A**).
21. HEFCW will assess whether the action plans, policies and processes set out by each RHEB in their Annual Report 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.
22. Providers will be assessed as having '**due regard**' to the duty if they demonstrate both of the following:
- They have the appropriate policies and processes in place in response to the Prevent statutory guidance, and
 - They satisfactorily demonstrate that they are following these policies and processes in practice.
23. We will provide feedback to individual institutions (paragraph 40, below) and to the relevant HE providers in Wales as a whole (the sector). Our sector level feedback will be primarily through the HE/FE Prevent Fora for Wales (North/Central and South Wales branch), highlighting areas of good practice and/or areas for further consideration by all or most providers.
24. We will report annually to the UK Government on the outcomes of our assessments as well as, where necessary, on an ad hoc basis including where a provider has been found not to be demonstrating due regard to the duty (paragraph 42, below). We will keep the Welsh Government informed of our assessments.
25. Our first report in early 2017 will be our assessment of the Annual

Reports, showing institutional levels of compliance for those under our duty (i.e. in terms of the HE system in Wales as a whole). Thereafter, we expect to report annually to the UK Government on the basis of these annual returns, keeping the Welsh Government informed.

26. The UK Government is keen to collect data and supporting evidence which demonstrates how the sectors in England and Wales are actively implementing the Prevent duty. Data submitted through the Annual Report will be provided to government (who may publish this data) aggregated at a sector level, along with contextual background. **Submission of this data is therefore a requirement of the Annual Report**, and will form part of the evidence of implementation of the Prevent duty. See paragraph 35d below, and **Annex B: Guidance on data returns as part of the Annual Report**.
27. For information on **Freedom of information**, see **Annex C**.

What will RHEBs need to do to demonstrate compliance?

28. The Act requires¹³ all RHEBs to provide HEFCW with any information we may require for the purposes of monitoring their performance in discharging the Prevent duty. If a 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 order.¹⁴
29. We set out in this section the information we need. A **checklist of the information we require** is at **Annex A**. The information that HEFCW requires outside of normal annual reporting includes the ad hoc reporting of serious incidents (Annex D) and significant changes of circumstances impacting on the provider's Prevent responsibilities (such as change in Prevent Lead) throughout the year (see para 56 below).
30. As autonomous bodies, it will be for providers to decide how best to implement their responsibilities. HEFCW recognises that the providers that are under our duty are diverse in nature, varying 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 which reflect the institution's specific circumstances and context.
31. Much of the information we require will be **documentation prepared already by institutions for their own use**, including for submission to their boards of governors, and we expect to collect this in its original format.

¹³ CTSA S32(2).

¹⁴ CTSA S33(1) and (2).

Submission of the Annual Report

32. The submission dates for the Annual Report and data will be:
- 31 December 2016** HEFCW-regulated providers (i.e. this coincides with the date for existing Institutional Annual Assurance Returns (IAARs) to HEFCW which also requires sign off by governing bodies)
- 16 January 2017** Alternative providers with specific course designation.
33. We require the Annual Reports to include the following **three declarations** by the governing body or proprietor:
- ‘Throughout the previous academic year and up to the date of approval in the current academic year, [organisation name]:
- has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty)
 - has provided to HEFCW all required information about its implementation of the Prevent duty
 - has reported to HEFCW 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.’
34. We require RHEBs to send us information to show that they have established appropriate arrangements and are implementing the Prevent duty **in line with the statutory guidance**. We have highlighted where this information links to the statutory guidance in parentheses.
35. The material in the **Annual Report** we require is as follows:
- A copy of the institution’s **Prevent risk assessment**, highlighting any Prevent-related aspects in the institutional risk register (HE Guidance paragraphs 19 and 20).
 - A copy of the institution’s **Action Plan** in response to that risk assessment (HE Guidance paragraph 21), including plans for **training appropriate staff** about Prevent (HE Guidance paragraphs 14, 15 and 22 to 24). Please specify if relevant training is **available in the Welsh language**.
 - Reference to Prevent-related policies and procedures**. The Annual Report should demonstrate that adequate **policies and procedures** are in place for each of the statutory guidance topics below (i-vi). If these are not already addressed in the risk register (a), action plan (b), or included with the evidence for implementation and compliance (paragraphs 35d, and 37, below), please provide a **brief commentary** on those policies and procedures that are not described elsewhere in the report. Provide relevant page references to the institutional Prevent Strategy and/ or to other institutional policies where relevant. We may ask to see

these documents; **do not include them in this submission.**

- 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. 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).
 - iii. Ensuring sufficient pastoral and chaplaincy support for all students (including arrangements for managing prayer and faith facilities) (HE Guidance paragraphs 25 and 26).
 - iv. Engaging with and consulting students on the institution's plans for implementing the Prevent duty (HE Guidance paragraph 16), and 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).
 - v. Sharing information internally and externally about vulnerable individuals, where appropriate (HE Guidance paragraph 23).
 - vi. The use of the institution's computer facilities (hardware, software, networks, social media), to include academic activities that might require online access to sensitive or extremism-related material (HE Guidance paragraphs 27 and 28).
- d. **Evidence of implementation of the Prevent duty.** Annual Reports should include **data covering the past year** and concise supporting examples or narrative on:
- i. The number and proportion of staff who have received Prevent-related training in English and in Welsh.
 - ii. The number of high-risk events escalated to the highest levels of approval.
 - iii. Formal referrals to multi-agency Prevent processes (sometimes referred to as 'Channel referrals').
- e. Evidence for engagement with the All-Wales HE/FE Prevent Coordinator (such as past meeting dates, and/or other information that demonstrates regular contact and a firm working relationship).¹⁵

36. There is **further guidance in Annex B** setting out more detail on the

¹⁵ The HE guidance outlines an expectation for partnership working which includes 'active engagement from senior management of the university' and 'regular contact with the relevant Prevent co-ordinator' (paras 16 and 18). See: [Prevent Duty Guidance: for higher education institutions in England and Wales](#)

data return requirements. Supporting examples or narratives must be in relation to the process undertaken by the RHEB, and not relate to a particular case or any decision or outcomes. Annual Reports should also **note any significant issues** that have arisen over the past year in relation to the Prevent duty.

37. In addition to the required data above (paragraph 35d), we encourage institutions to provide **additional supporting evidence** of their compliance with the Prevent duty by reference to any or all of the following in their Annual Report submission:
 - a. Outcomes from Institutional Internal Audits (IIAs) on Prevent.
 - b. Outcomes (submitted by the receiving institution) of institutional peer reviews. These are voluntary, HE provider-owned arrangements to enable constructive peer support and good practice.
 - c. Membership by the institution's designated Prevent Lead or contact of the HE/FE Prevent Fora for Wales (North/ Central or South Wales branch).
38. We expect to receive the same documentation that has been submitted to and considered by the governing body or proprietor where appropriate. We expect this documentation to be concise.
39. It will therefore be up to each institution to determine what information it is appropriate to include in this report. Our expectation is that the duty should be implemented proportionately, so this evidence will look different for different institutions depending on their particular context, the levels and types of risk. An absence of incidents across the previous year will not be seen as sole evidence that the provider has had 'due regard'; equally an incident occurring will not be seen in itself as a sign of non-compliance, where risks have been assessed and managed appropriately. 'Incidents' in this context might refer to the number of high-risk events escalated to this highest level of approval, formal referrals to multi-agency Prevent processes (Annex B), and/or to 'serious incidents' (as defined in Annex D).

Assessment process

40. We will review the Annual Reports in the context of our understanding of the provider and of the sector generally. If we consider that individual reports have omissions, or that they highlight particular issues of concern, we will consider more detailed engagement in line with paragraphs 42 and 43. Once we are satisfied we will write to the provider accordingly. We will also consider on an ongoing basis where it is helpful to feedback learning or good practice to the sector as a whole primarily via the HE/FE Prevent Fora.
41. HEFCW will review all the submitted material, with a view to confirming

that it provides satisfactory evidence that each RHEB has established appropriate arrangements to implement the Prevent duty and it has provided evidence that it is doing so. Once we are satisfied on these matters we will write to the institution accordingly.

42. If we are not satisfied about any element of an RHEB's arrangements, we will require the submission of revised or additional information within an agreed timeframe (unlikely to be longer than one month from our notification). We will discuss with the institution the ways in which it might be able to address our concerns. This may involve an institutional visit on a risk-based approach, where we have particular compliance concerns. Again, once we are satisfied we will write to the institution.
43. After resubmission, 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 advise the Home Office (keeping the Welsh Government informed of concerns) who may in turn, refer the matter to their Prevent Oversight Board which advises the Home Secretary as to whether further action is necessary.

Ongoing monitoring

44. At the end of the first Annual Reporting phase in early 2017 we will expect to have reviewed detailed material from every RHEB. Beyond this, we will move to an **ongoing monitoring process** aimed at assessing the continuing effectiveness of institutions' policies and practices.
45. We will therefore require the submission of an **Annual Report at the end of 2017** (see paragraph 48 below). **From April 2018 onwards** we will carry out a rolling programme of institutional visits intended to ensure that RHEBs are actively managing their Prevent policies and procedures. We intend that all providers will be subject to **an institutional visit at least once every three years**.
46. We expect these face-to-face meetings to:
 - a. Further explore with Prevent leads, senior managers and governing body members or proprietors their approach to implementing the Prevent duty.
 - b. Discuss information previously submitted to HEFCW where we would want to discuss in greater detail how a particular policy or procedure is operating in practice.
 - c. Identify any further actions to be taken or lessons to be learnt as a result of incidents – for example, where a particular event has highlighted concerns about how a RHEB's external speaker's policy is operating which needs to be addressed.

- d. Advise us if providers are adopting (or have considered or intend to adopt) a common or similar approach to safeguarding and other policies in related contexts, such as overseas campuses. This is because the Well-Being of Future Generations Act 2015 requires HEFCW to take account of **global well-being** when considering impacts to local well-being.
47. For universities, we will seek to incorporate these visits into the existing cyclical programme of HEFCW assurance reviews.
 48. The **ongoing monitoring** process will involve:
 - a. An **Annual Return (including a data return)** from the institutional governing body or proprietor on the delivery of the Prevent duty in the previous year, including policies and procedures that have been updated since we reviewed them in the initial Annual Report, their refreshed risk assessment and action plan, and any significant developments up to the date of the report. We would not necessarily expect this to cover all areas of the guidance but to reflect the activity undertaken since the previous Annual Return. This will be due by **31 December 2017 for all providers**. The assessment process for this will inform our existing Institutional Risk Review (IRR) process, and unless there are particular concerns, our assessment will normally be reported to institutions via this process.
 - b. **An institutional visit to review the Prevent duty being implemented on a three-yearly cycle** (paragraphs 45-47 above).
 - c. **An institutional visit on a risk-based approach**, where we have particular compliance concerns. This may occur at any time in the monitoring cycle, but we will notify the institution of our intention to visit in advance.
 49. Providers will also need to report to HEFCW as soon as possible:
 - Any **significant changes of circumstance** impacting on the provider's Prevent responsibilities (such as a change in Prevent Lead).
 - Any **serious Prevent-related incidents (Annex D)**.

For more information on **serious incidents and third party reports**, see **Annex D**.

Promoting good practice

50. We will work with providers, government, and key sector stakeholders, including the All-Wales HE/FE Prevent Coordinator, to ensure the effective implementation of the Prevent agenda in what is a dynamic area of government policy. We will work with HE providers to nurture the sharing of good practice approach to implementing the Prevent duty that they have already established in Wales.
51. We will do this by providing feedback to individual institutions on their Annual Report submissions, and to the HE providers as a whole via the HE/FE Prevent Fora for Wales (paragraph 23 above). Our sector level feedback will be primarily through the highlighting areas of good practice and/or areas for further consideration by all or most providers.
52. We will aim to facilitate training and development aspects of Prevent, especially where providers in Wales have bespoke requirements that are not already being met through existing support arrangements.
53. With input and advice from HE providers, HE/FE Prevent Fora for Wales and the All-Wales HE/FE Prevent Coordinator, HEFCW will also evaluate the effectiveness of this Monitoring Framework (i.e. the monitoring process) and of HEFCW's role as monitor. We will do this on an ongoing basis, such as at HE/FE Prevent Fora meetings, and this will not require us to share individual RHEB's annual reports. As we and HE providers gain experience of the way the framework operates we will seek to introduce modifications, particularly where we can reduce the burden of reporting and assessment on institutions and ourselves. This may result in changes to the Monitoring Framework for future years, but we will give providers sufficient notice of any changes which affect them.

Next Steps

54. This Monitoring Framework circular sets out how HEFCW will monitor providers' implementation of the statutory Prevent duty in the higher education system in Wales. Relevant higher education bodies will need to follow this framework to demonstrate 'due regard' to the duty. This circular now formally requests an Annual Report, with a data return, from the governing bodies or proprietors of all relevant HE providers as proposed in the timetable below.

Timetable

55. The UK Government requires us to quickly establish that RHEBs in Wales have appropriate policies, procedures or arrangements in place to enable them to deliver the Prevent duty.
56. **Table 1** summarises the reporting requirements and submission dates for each of the main types of RHEB that fall under our duty.

Table 1: Timetable for reporting to HEFCW

Type of submission	HEFCW-regulated institutions	Alternative providers with specific course designation
Annual report, including data return from governing body	31 December 2016	16 January 2017
Ad hoc reporting of serious incidents (Annex D) or significant changes of circumstances impacting on the provider's Prevent responsibilities (such as change in Prevent Lead) throughout the year.		

Further information / responses to

57. For further information, contact prevent@hefcw.ac.uk.

Impact Assessment

58. We have carried out an impact assessment (IA) screening to help safeguard against discrimination and promote equality, and impacts under the Well-Being of Future Generations (Wales) Act 2015. We also considered the impact of policies on the Welsh language, and Welsh language provision within the HE sector in Wales. Contact equality@hefcw.ac.uk for more information about IAs.
59. A similar responsibility rests on higher education institution partners to assess the impact of their proposals to help safeguard against discrimination and promote equality.

Annex A: Checklist for submitting the Annual Report

The material in the **Annual Report** we require is as follows:

- a. A copy of the institution's **Prevent risk assessment**
- b. A copy of the institution's **Action plan** in response to that risk assessment including plans for **training appropriate staff** about Prevent.
- c. **Reference to Prevent-related policies and procedures.** The Annual Report should demonstrate that adequate **policies and procedures** are in place for each of the statutory guidance topics below (i-vi).
 - i. Senior management and governance and engagement with Prevent partners.
 - ii. Managing and mitigating the risks around external speakers and events on campus and institution-branded events taking place off campus.
 - iii. Ensuring sufficient pastoral and chaplaincy support for all students.
 - iv. Engaging with and consulting students on the institution's plans for implementing the Prevent duty, and with students' unions and societies.
 - v. Sharing information internally and externally about vulnerable individuals, where appropriate.
 - vi. The use of the institution's computer facilities, that might require online access to sensitive or extremism-related material.
- d. **Evidence of implementation of the Prevent duty.** Annual Reports should include **data covering the past year** with concise supporting examples or narrative, and **note any significant issues** that have arisen over that year in relation to the Prevent duty.
- e. Evidence for engagement with the All-Wales HE/FE Prevent Coordinator (such as past meeting dates, and/or other information that demonstrates a firm working relationship).

There is **further guidance in Annex B** setting out more detail on the **data return requirements**.

In addition to the required evidence (a-e above), **additional supporting evidence** submitted in the Annual Report may include any or all of the following:

- a. Outcomes from Institutional Internal Audits (IIAs) on Prevent.
- b. Outcomes of institutional peer reviews (if undertaken).
- c. Membership of the HE/ FE Prevent Fora for Wales.

It will be up to each institution to determine what information it is appropriate to include in this report. The evidence provided will look different for different institutions depending on their particular context, the levels and types of risk. We will expect to receive the same

documentation evidence that has been submitted to and considered by the governing body or proprietor.

We will require the Annual Reports to include the following three declarations by the governing body or proprietor:

‘Throughout the previous academic year and up to the date of approval in the current academic year, [organisation name]:

- a. has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty)
- b. has provided to HEFCW all required information about its implementation of the Prevent duty
- c. has reported to HEFCW 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.’

The submission dates for the Annual Report and data will be:

31 December 2016 HEFCW-regulated institutions

16 January 2017 Alternative providers with specific course designation.

Annex B: Guidance on data returns as part of the Annual Report

As part of the Annual Report process, providers should include data covering the past year and any supporting examples or narrative on three key areas of Prevent-related activity.

- staff training;
- external speakers and events,
- and formal referrals to multi-agency Prevent processes (sometimes referred to as 'Channel referrals').

This annex provides further guidance on the data and supporting narrative that we expect to see submitted. Supporting examples or narratives must be in relation to **the process** undertaken by the RHEB, and not relate to a particular case or any decision or outcomes. We provide **a standard template to providers for submitting data as part of their Annual Reports (Annex F)**.

Staff training:

RHEBs should be ensuring that all relevant staff receive Prevent-related training, and that they have plans in place for refreshing this training as necessary in the future. In their Annual Report, we will expect RHEBs to provide data on **the number/proportion of staff who have received Prevent-related training**, broken down by the kinds of training different staff have received. For example, whether this was face-to-face or online and what resources were used, and if this training was made available in Welsh. RHEBs should provide a short supporting narrative to explain the approach taken.

External speakers and events:

We expect all providers to have established a process for ensuring that high-risk events or speakers are approved at a senior level within the institution, with appropriate mitigations put in place where necessary. Providers should include in their Annual Report **the number of high-risk events escalated to this highest level of approval** and a brief supporting commentary.

Formal referrals to multi-agency Prevent processes (sometimes referred to as 'Channel referrals'):

In response to the guidance all providers should have a process for internally escalating Prevent-related concerns. Providers should also have established relationships with external Prevent partners in order to access advice and where appropriate to make formal referrals to Prevent partners. As part of the Annual Report, we will expect providers to report on: **the number of cases which are formally referred on to Prevent partners** (sometimes referred to as 'Channel referrals'¹⁶) including a brief supporting commentary.

In all cases this **data should cover the previous year from 1 October 2015 to 30 September 2016**. We recognise that in the first year of annual reporting,

¹⁶ '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.

providers may not have data collection systems in place for some elements of the data requirements listed above. **Should this be the case, providers should make this clear in their return.**

Annex C: Freedom of information

- a. Although we do not intend to actively release information other than as indicated above, information provided to HEFCW may be made public, under the terms of the Freedom of Information Act (FOIA) 2000 or of an appropriate license, or through another arrangement. Such information includes text, data and datasets.
- b. 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 HEFCW, 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 HEFCW considers it appropriate and practicable we will seek views from any affected provider before disclosing information under the FOIA.
- c. If a 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 D: Serious incidents and third party reports

- a. All RHEBs should inform HEFCW of serious incidents related to their Prevent duty responsibilities as soon as possible after they occur. This is because we are required to report serious incidents to the Home Office within 24 hours of their occurrence, and within 3 days provide a follow up report on how the matter has been resolved.
- b. HEFCW's [Memorandum of Assurance and Accountability](#) with the institutions that we fund 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.
- c. It is for RHEBs to decide what constitutes a serious Prevent-related incident which should be reported to HEFCW, but we would expect this to include incidents which are **likely** to result in serious harm to any individual, have a significant community impact, reputational damage to the Welsh HE sector or impact on public confidence in the Home Office (such as through negative media coverage). We would not expect this to cover business as usual (for example, straightforward Channel referrals or informal contact with the police or local Prevent partners).
- d. We may also be notified of concerns from third parties that a RHEB is not fulfilling its Prevent duty in some way. This could be from individuals; media reports or other organisations involved in the delivery of Prevent. We will approach such reports in line with our normal public interest disclosure (whistleblowing) policy and procedure. 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 notification of the consequences.
- e. **Process for reporting of serious incidents:** Providers should contact HEFCW's Prevent team at the time that a serious incident is identified and inform HEFCW on how they have responded to the incident. Our interest will be to ensure that the RHEB has incorporated any lessons learned into its Prevent duty programme. Where they are unsure, providers should contact HEFCW's Prevent team to discuss the issue. Providers should note that informing HEFCW of an is not a substitute for reporting it to the police or other appropriate authority – for example, if criminality is suspected.

Annex E: Useful sources of information

While HEFCW's Monitoring Framework is distinct from process in England, our Monitoring Framework draws on the two versions of HEFCE's Monitoring Framework. See: [The Prevent duty: Monitoring framework for the higher education sector](#) (November 2015), and, [Updated framework for the monitoring of the Prevent duty in higher education in England](#) (September 2016).

HE providers under our duty may also find HEFCE's short '[advice note](#)' helpful. This sets out a number of questions that institutions may wish to consider when deciding what action to take.

Working with the Leadership Foundation for Higher Education, the Committee of University Chairs has published an illustrative practice note for governing bodies (and equivalent) regarding their role on Prevent. See: [Illustrative Practice Note 2: Prevent Strategy Governing Body Responsibility for Counter-Terrorism and Prevent Agenda](#), (May 2016). This is in the process of being updated.

[Safe Campus Communities website](#) promotes **Knowledge sharing for a safe learning environment**. This aim is achieved by communities and partners working together to tackle ideologies and grievances that can fuel violent extremist behaviour. It also explores the reasons or factors that contribute to radicalisation. It also hosts the [Safe Campus Communities 'HE-specific training package'](#) developed in collaboration between HEFCE and the Leadership Foundation for Higher Education (see below).

These materials aim to complement training already available. The Home Office have published:

- a 'Prevent: Training Catalogue' which provides details on Prevent-related training courses for staff
- an introduction to the Prevent duty eLearning training package. This is not specific to higher education but is targeted at those in the education sector including school and college environments.

Leadership Foundation for Higher Education

- The Leadership Foundation for Higher Education has also developed a range of [events including for alternative providers and governing bodies](#).

Jisc

- Jisc offers [free online facilitated training](#) which builds on WRAP (Workshop to Raise Awareness of Prevent).

Individual universities

- Some UK and Welsh universities have developed, and are willing to share, their own Prevent-related training materials.

[Universities UK External Speakers in Higher Education Institutions](#) (November 2013). Provides a framework for institutions to review their approach to managing external speakers.

Sample Annex F: Excel version available at <http://www.hefcw.ac.uk/publications/circulars/circulars.aspx>

**Prevent duty monitoring
Annual report data return**

Institution:

Contact:	<input type="text"/>
Phone:	<input type="text"/>
Email:	<input type="text"/>

This is a mandatory return. In all cases this data should cover the previous year from 1 October 2015 to 30 September 2016. We recognise that in the first year of annual reporting, providers may not have data collection systems in place for some elements of the data requirements listed below. Should this be the case, providers should make this clear in the text box provided below.

	Number
<i>Events</i>	
Events referred to the highest levels of approval required by the institution's procedures	0
<i>Channel referrals</i>	
Number of times your institution has been kept informed on cases going through this process	0
<i>Staff training</i>	
TOTAL Number of staff who received Prevent-related training	0
<i>All training in English</i>	0
<i>All training in Welsh</i>	0
<i>Training in English and Welsh</i>	0

Please add any technical information in the free text box below which you believe would be helpful or relevant for HEFCW to know.

[For example, any issues in collecting data]

HEFCW circular W16/39HE: Annex G

Summary of Consultation Responses for HEFCW circular W16/35 HE

The key points from responses to the consultation are provided below, together with HEFCW's decision in respect of each of the points.

Respondents ¹ :	HEFCW response	Para. ²
welcomed the clear and detailed guidance on the monitoring framework	Noted	
were pleased with the ongoing consultation with the sector over recent months during the development of the Monitoring Framework and the response to earlier comments made before this final draft was issued	Noted	
stated that the reporting requirements outlined in the circular appeared overall to be reasonable and proportionate	Noted	
welcomed the general approach being proposed by HEFCW in monitoring compliance with the Prevent Duty – and specifically that HEFCW ‘will seek to introduce modifications, particularly where we can reduce the burden of reporting and assessment on institutions and ourselves’	Noted	
appreciated the prior consultation that had led to this formal consultation document and were in general supportive of the document	Noted	
welcomed HEFCW's approach in establishing this framework, including its commitment to a light touch proportionate approach and its demonstration of understanding the uniqueness of individual Welsh HEIs	Noted	
welcomed institutional visits as a part of the existing cyclical programme of assurance reviews	Noted	
in relation to the Monitoring Framework's section on <i>Promoting Good Practice</i> , had concerns about being publically identified as overly active in establishing Prevent	Noted	50
stated that publicity does not best serve their efforts to engage with staff	Noted	

¹ Paragraph references in this column are for HEFCW consultation circular W16/35HE

² Paragraph references in this column are for HEFCW circular W16/39HE

and students and that their aim is to be judged and recognised by the monitoring body as being Compliant under the duty		
believed that the key to successful and effective compliance with the duty lies in a robust and balanced approach in considering its broad legal obligations as a HEI	Noted	
recommend that it should be made clear that the word radicalisation refers to violent extremism and terrorism to avoid confusion of freedom of speech and discussion of radical ideas	Inserted: ‘...of all students and staff at risk of terrorism-related radicalisation.’	3
proposed amendment ‘from radicalisation to violent extremism and from being drawn into terrorism’	Inserted: ‘...including their protection from radicalisation to violent extremism and from being drawn into terrorism.’	4
commented that it would be interesting to know what enforcement means within this context ‘if a 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 order’	No amendment needed; references to the relevant sections of the Counter Terrorism and Security Act 2015 are already provided in the Monitoring Framework	28
will seek confirmation of their interpretation of the guidance that responsibility for the activities of their FE partners lies with the FE partner and will be monitored via an Estyn process	Noted. No amendment needed; the Monitoring Framework already confirms that ‘HEFCW’s monitoring duty excludes all Further Education Institutions (FEIs) in Wales (including those in dual sector relationships) which are already monitored by Estyn. If a university is responsible for the oversight of the Prevent duty of an FEI in a dual sector relationship, then their governing body needs to be aware of these responsibilities.’	15a
noted that HEFCW’s monitoring duty excludes all FEIs (including those in dual sector relationships) which area already monitored by Estyn		
requested further information regarding HEFCW’s approach to providers with dual responsibilities		
sought clarification on paragraph 16 and the expectation of their responsibility regarding overseas partners	Inserted: ‘...providers may wish to consider adopting a common or similar approach to safeguarding and other policies in these related contexts.’	18
would welcome further clarity, advice and guidance relating to Paras 16 and 46b (RHEBs overseas provision) and		

information requirements for future ongoing monitoring for e.g. overseas campuses	Deleted: 'We will therefore request evidence of this in our on-going monitoring cycle'	18
remained concerned regarding the requirements in the 2017 Annual Report to update HEFCW on the University's approach to overseas campuses and concerned about the ability to deliver on this requirement at overseas campuses where the threats and political contexts are very different to the UK. Would value further advice about what HEFCW expects in terms of 'adopting a common approach to safeguarding and other policies in these related contexts'	Deleted: 'Because the Well-Being of Future Generations Act 2015 requires us to take account of global well-being when considering impacts to local well-being, we will ask providers to update us (via their Annual Report) on their approach to safeguarding and other policies in related contexts, such as overseas campuses.'	48b
asked how HEFCW will balance its ambitions of achieving its goals under the Well-being of Future Generations Act 2015, in terms of 'overseas provision', with monitoring an institution's compliance under the Duty, and suggests this be part of an alternative institutional monitoring process	In the context of an institutional visit at least once every 3 years which we will seek to incorporate into the existing cyclical programme of HEFCW assurance reviews:	(45) 46d
stated that the Well-Being of Future Generations Act 2015 should not form part of the criteria for compliance monitoring with the Prevent duty	Inserted: 'Advise us if providers are adopting (or have considered or intend to adopt) a common or similar approach to safeguarding and other policies in related contexts, such as overseas campuses. This is because the Well-Being of Future Generations Act 2015 requires HEFCW to take account of global well-being when considering impacts to local well-being.'	
asked if HEFCW will provide information regarding the scaling system and scaling required to attain	Inserted for clarification: 'HEFCW will report to the UK Government on the levels of	20

these levels, given that the document refers to 'levels of compliance'	compliance by the HE providers <u>(i.e. the HE system as a whole)</u> under our monitoring authority in Wales.'	25
stated that reference to compliance levels was not consistent with the duty guidance	<u>Inserted for clarification:</u> 'Our first report in early 2017 will be our assessment of the Annual Reports, showing institutional levels of compliance for those under our duty <u>(i.e. in terms of the HE system in Wales as a whole)</u> .'	
requested clarity on data that is a requirement for compliance and data that the government may desire that is not necessarily a requirement for compliance	<u>Inserted for clarification:</u> 'Data submitted through the Annual Report will be provided to government (who may publish this data) aggregated at a sector level, along with contextual background. <u>Submission of this data is therefore a requirement of the Annual Report, and will form part of the evidence of implementation of the Prevent duty. See paragraph 35d below, and Annex B: Guidance on data returns as part of the Annual Report.</u>	26
suggested that references to data are not required by the duty and should be removed from the Monitoring Framework, and that data requests should be justified by an explanation of why the disclosure is requested		
stated that, out of context, data could give a misleading impression, and that the ability to informally consult and share with external partners without the requirement to report on it is broadly accepted as an effective safeguard and implementation of the Prevent duty	Noted. However, HEFCW has already significantly reduced the breadth of data that was proposed in the draft consultation circular (September 2016), and which is required by HEFCE for English institutions	35d
requested that the requirement for data relating to the number of high risk events and formal referrals be reconsidered		
requested a clear definition of the term 'any information' in the context of paragraphs 26-36: 'The Act requires all RHEBs to provide HEFCW with any information we may require for the purposes of monitoring their performance in	The Monitoring Framework already states in paragraph 29 that 'We set out in this section the information we consider we will need. A checklist of the information we require is at Annex A. '	28 29

<p>discharging the Prevent duty'</p> <p>stated that while it is reasonable to ask for any information necessary to establish duty compliance, it is not reasonable to request information for broader and additional purposes (including for wider evidence of good practice)</p>	<p><u>Inserted for clarification:</u> <u>'The information that HEFCW requires outside of normal annual reporting includes the ad hoc reporting of serious incidents (Annex D) and significant changes of circumstances impacting on the provider's Prevent responsibilities (such as change in Prevent Lead) throughout the year (see para 56 below).'</u></p>	
<p>suggested that it is confusing to request the 'additional information' in paragraph 35 as not necessary nor required for compliance to the duty</p>	<p><u>Inserted for clarification:</u> 'HEFCW will review all the submitted material, with a view to confirming that it provides appropriate arrangements to implement the Prevent duty and it has provided evidence that it is doing so.'</p> <p>The Monitoring Framework already states that:</p> <p>'In addition to the required data above (paragraph 35d), we will encourage institutions to provide additional supporting evidence of their compliance with the Prevent duty by reference to any or all of the following in their Annual Report'.</p> <p>This information was included following detailed pre-consultation discussions with the HE/FE Prevent Fora, and together with the 'required data', it will provide us with evidence of compliance</p>	<p>41</p> <p>37, 2</p>
<p>suggested that paragraph 31c should be rephrased as follows: 'has informed HEFCW of serious issues relating to the 'Prevent duty' for information only or now attaches such information' and that HEFCW should provide a protocol</p>	<p><u>Inserted for clarification:</u> 'All RHEBs should inform HEFCW of serious incidents related to their Prevent duty responsibilities as soon as possible after they occur. This</p>	<p>Annex D</p>

<p>setting out how they would use any information provided to them</p>	<p><u>is because we are required to report serious incidents to the Home Office within 24 hours of their occurrence, and within 3 days provide a follow up report on how the matter has been resolved.'</u></p>	
<p>requested clarification on the use of the term 'incidents in paragraph 37 and comments that 'zero incident' return could come about as a result of having robust Prevent safeguarding processes in place</p>	<p>Noted <u>Inserted for clarification:</u> 'An absence of incidents across the previous year will not be seen as <u>sole</u> evidence that the provider has had 'due regard'; equally an incident occurring will not be seen in itself as a sign of non-compliance, where risks have been assessed and managed appropriately. <u>'Incidents' in this context might refer to the number of high-risk events escalated to this highest level of approval, formal referrals to multi-agency Prevent processes (Annex B), and/ or to 'serious incidents' (Annex D).'</u></p>	<p>39</p>
<p>stated that following a recent informal visit by the Wales HE/FE Coordinator they were reassured that they can make a satisfactory annual report submission for 2015/16</p>	<p>Noted</p>	
<p>noted that the expectation in terms of evidence required to fulfil their reporting duty is not overly onerous, and was confident in their ability to supply sufficient supporting documentation to meet the requirements of the Annual Report</p>	<p>Noted</p>	
<p>accepted that the UK Government has requested that HEFCW establishes quickly that RHEBs in Wales have appropriate policies etc in place, but noted that it is unfortunate that the consultation period is extremely short, providing little opportunity for engagement more widely across the institution, particularly with governors</p>	<p>Noted</p>	

<p>had concerns about the proposed first reporting date of 31 December 2016, suggesting this be extraordinarily delayed until end February 2017</p>	<p>Declined; HEFCW has liaised closely with the North and South Wales Prevent HE/FE Fora and made clear our general expectations for reporting since June 2016. Specific expectations (including reporting deadlines) have been available for comment since 2 September 2016. The Monitoring Framework circular <i>Introduction</i> section has been amended to explain this.</p>	<p>2</p>
<p>asked when will a copy of the standard template be available as the deadline for submission of the Annual report is on a short time scale</p>	<p>Available at Annex F of the Monitoring Framework</p>	