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Counter-Terrorism and Security Act 2015
Delegation of monitoring authority function to HEFCW

I write to give notice under section 32(5) of the above Act of the delegation to the Higher Education Funding Council for Wales (HEFCW) of the function of 'monitoring authority' of 'relevant higher education bodies' (RHEBs) in Wales, pursuant to section 32(4)(b) of the Act. The delegation is with immediate effect.

I have consulted Welsh Ministers about delegating to HEFCW, as required under section 32(4) of the Act. Huw Lewis, Welsh Minister for Education and Skills, responded stating that HEFCW is the appropriate body to monitor the higher education sector's compliance with the Prevent duty and that HEFCW are willing to accept the monitoring role.

As monitoring authority, HEFCW's function will be to monitor those bodies' performance in discharging the duty imposed on them by section 26(1) of the Act; and RHEBs are under a duty to provide information requested by the monitoring authority to allow it to perform this function (section 32(2)). The section 26(1) duty – which requires RHEBs, amongst others, to have due regard to the need to prevent people from being drawn into terrorism – is known as the Prevent duty.

The term 'relevant higher education body' has the meaning set out in section 32(1) of the Act. In all cases it is the governing body or proprietor of the RHEB that is responsible for discharging the Prevent duty. For the avoidance of doubt, most students' unions and societies are not subject to the Prevent duty; a small number that are not independent of their RHEB will - as part of the RHEB - be subject to the duty and monitoring requirements.

I propose that HEFCW carry out its monitoring function in line with a monitoring framework that will, among other things:

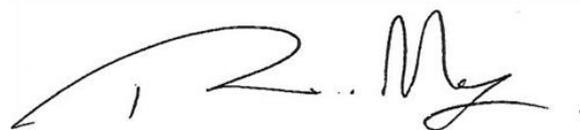
- a. Set out the new Prevent duty as it applies to RHEBs, including its relationship to the duty of freedom of speech and the importance of academic freedom on campus.
- b. Outline the respective roles of the Home Office, HEFCW and the Higher and Further Education Regional Prevent Co-ordinator for Wales.
- c. Set out the information that HEFCW will require from RHEBs, whether on a one-off or regular basis.
- d. Explain the consequences for any RHEB that does not provide requested information on a timely basis.
- e. Explain the consequences for any RHEB whose information is considered by HEFCW to indicate that the RHEB is not fulfilling its section 26(1) Prevent duty.

I acknowledge that the requirements for the first monitoring period or cycle will require the submission and review of information that HEFCW does not currently receive from RHEBs. However, while expecting HEFCW to require RHEBs to demonstrate a high standard of active compliance, I hope HEFCW will be able to use and build on its existing monitoring/oversight processes as much as possible, particularly in subsequent cycles.

I expect HEFCW to review the effectiveness of the framework and to make changes, if considered desirable, in the light of the review's findings.

I expect HEFCW to report to me at appropriate intervals on progress in establishing its monitoring role and on the levels of compliance by RHEBs with the Prevent duty. The frequency and timing of reports will be influenced by the processes and deadlines in the monitoring framework. I will therefore agree a reporting schedule with you once the framework is established and again following its review.

I understand that you have been in discussions with my officials about resourcing the implementation of HEFCW's monitoring responsibilities for the Prevent duty. I can confirm that the Home Office will be able to fund 0.5 HEFCW staff – up to £35,000 in 2016-17 - to support HEFCW in delivering this function.

A handwritten signature in black ink, appearing to read 'Theresa May', with a large, sweeping flourish at the end.

The Rt Hon Theresa May MP