



HM Government



The Scottish
Government
Riaghaltas na h-Alba

Prevent Duty Guidance:
for higher education
institutions in Scotland

This sector specific guidance for higher education institutions in Scotland 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 are subject to the section 26 duty. Those bodies' 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.

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

3. The higher education institutions specified in Schedule 6 to the Act are:

- The proprietor or governing body of a post-16 education body within the meaning of the Further and Higher Education (Scotland) Act 2005

4. Most of these institutions already have a clear understanding of their Prevent-related responsibilities, including the need to ensure freedom of speech whilst having due regard for the welfare of their students, staff and visitors. 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 and this guidance sets out expectations as to the general content of such procedures and policies. 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. To comply with the duty we would expect the higher education institutions to be undertaking *Prevent* activity in the following areas:

External Speakers and Events

7. In order to comply with the duty all such institutions should have policies and procedures in place for the management of events on campus and use of all the institution's 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 institution 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. Higher education institutions should not provide a platform for these offences to be committed.

11. Furthermore, when deciding whether or not to host a particular speaker, the institutions 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 institutions 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 institutions 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 higher education institutions 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 institution-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. Institutions 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 institutions is not simply about managing external speakers. Much of this guidance therefore addresses the need for institutions to have the necessary staff training, IT policies and student welfare programmes to recognise these signs and respond appropriately.

Leadership

16. In complying with this duty we would expect active engagement from the senior management of the institution (including, where appropriate, Vice Chancellors) with the range of Prevent partners including police. We would also expect to see the appointment at a senior level of a single point of contact for *Prevent*.

17. Each institution will demonstrate that they are engaged with the Scottish HE Prevent network at a senior level (University Secretary or equivalent senior manager). A national strategic Prevent lead for higher education will represent the sector at the Prevent sub-group.

Implementation Plan

18. Institutions will demonstrate that they have an awareness of, and – where appropriate – participate in local *Prevent* or CONTEST multiagency groups. In addition to any action plans agreed by each institution, these multi-agency groups will monitor delivery against the wider *Prevent* implementation plan. Performance against the implementation plan is monitored by

multi-agency groups (see section D of the *Prevent Duty Guidance: for Scotland*) who provide exception reporting to the Multi-Agency Strategic CONTEST Board.

19. Information about the threat of, risk from and vulnerability to terrorism and violent extremism is shared with the national Prevent leads for the higher education sector at both a senior leadership and operational level. Appropriate *Prevent* activity in response to the shared understanding of the threat, risk and vulnerability is then agreed and contained in joint implementation plans at both national and local level.

Staff training

20. 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 staff and students to prevent people from being drawn into terrorism. Institutions should give relevant staff sufficient training to be able to recognise vulnerability to being drawn into terrorism, and be aware of what action to take. Student unions should also consider whether their staff and elected officers would benefit from Prevent awareness training.

21. 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 information sharing agreements where possible. These procedures should link to existing institutional policies relating to student welfare and safeguarding good practice.

22. Institutions must demonstrate that they have regard to the duty in the context of their relationship and interactions with student unions and societies. We would expect student unions and societies to have due regard to the institution's policies relating to *Prevent*.

23. There is training available for higher and further education staff. However, institutions may also have a role to play in developing additional *Prevent* training tools that may better

suit the individual circumstances of the institution and make best use of their own expertise. Where additional training tools have been developed, institutions should consider how best to use them in appropriate courses offered.

Safety online

24. We would expect institutions to have policies relating to the use of IT on campus. 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. Some educational institutions already use filtering as a means of restricting access to harmful content. Consideration should be given to the use of filters as part of the institution's strategy to prevent people from being drawn into terrorism.

25. 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>

Welfare and Pastoral care

26. Institutions have a responsibility to care for their students and we would expect, as part of the pastoral care and support available, there to be sufficient pastoral support for all students according to the needs of the particular institution. This is seen as a key element of compliance with the duty.

27. We would also 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 and for dealing with any issues arising from the use of the facilities. The policies and procedures should clearly set out the times and availability of such facilities and how out of hours access is managed.

Monitoring and enforcement

28. As detailed in section D of the Prevent Duty Guidance: for Scotland, both local multi-agency CONTEST groups and the national Prevent and CONTEST governance structures will determine how the duty is being implemented and complied with in institutions.

29. In order to ensure that higher education institutions are complying with this duty, there may be a role for the governing body. The governing body is responsible for ensuring the effective management of the institution and has a role in reviewing policies relating to compliance with its statutory duties, including compliance with equality and diversity requirements.

30. There may also be a role for other organisations in monitoring the compliance of higher education institutions with the duty.

