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Statutory guidance

Prevent duty guidance: for further education institutions in England and Wales (2015)

Updated 7 May 2024

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This publication is available at https://www.gov.uk/government/publications/prevent-duty-guidance-england-scotland-and-wales-2015/prevent-duty-guidance-for-further-education-institutions-in-england-and-wales-2015

This guidance was in force from 2015 to 31 December 2023. From 31 December 2023, specified authorities in England and Wales should have regard to Prevent duty guidance: England and Wales (2023) (https://www.gov.uk/government/publications/prevent-duty-guidance).

This sector specific guidance for further 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.

1. Further 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. There is an important role for further education institutions, including sixth form colleges and independent training providers, in helping prevent people being drawn into terrorism, which 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. It is a condition of funding that all further education and independent training providers must comply with relevant legislation and any statutory responsibilities associated with the delivery of education and safeguarding of learners.

2. Further education specified authorities

1. The further education institutions specified in Schedule 6 to the Act fall into the following categories:

- further education institutions on the Skills Funding Agency (SFA) register of training organisations (ROTO), including sub- contractors which receive more than £100,000 of SFA funding via lead providers. This includes approximately 950 further education colleges and independent providers – such as private companies and third sector organisations that are eligible to receive public funding from the SFA to deliver education and training and the 93 Sixth Form Colleges and other organisations funded by the Education Funding Agency to deliver post 16 education and training;

- further education institutions in Wales funded by the Welsh Government; and
- private further education institutions who are not in receipt of public funding who may be on the UK Register of Learning Providers and have similar characteristics to those on the register. We define these as institutions that have at least 250 students who are undertaking courses in preparation for examinations which either receive public funding or are regulated by the Office of Qualifications and Examinations Regulation or the Welsh Government.

1. Most institutions already understand their Prevent-related responsibilities, especially in the context of ensuring the welfare of learners, staff and visitors, and there are numerous examples of good practice in these areas. As with higher education, compliance with this duty will reflect existing best practice and should not add significant new burdens on institutions. It is to be implemented in a proportionate and risk-based way.
2. To comply with the duty we would expect further education institutions to be delivering in the following ways.

2.1 External speakers and events

1. In order to comply with the duty all further education institutions should have policies and procedures in place for the management of events held on their premises. The policies should apply to all staff, students and visitors and clearly set out what is required for any event to proceed.
2. Every institution clearly needs to balance its legal duties in terms of both ensuring freedom of speech and also protecting student and staff welfare.
3. Encouragement of terrorism and inviting support for a proscribed terrorist organisation are both criminal offences. Institutions should not provide a platform for these offences to be committed.
4. Furthermore, when deciding whether or not to host a particular speaker, 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.

5. We would expect 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 college- affiliated, funded or branded but which take place off their premises and for taking swift and appropriate action as outlined in paragraph 8.
6. Institutions should also demonstrate that staff involved in the physical security of the estate have an awareness of the Prevent duty. 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.
7. But it is important to realise that the risk of radicalisation in institutions does not just come from 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 staff. Much of this guidance therefore addresses the need for institutions in receipt of public funding to self- assess and identify the level of risk, ensure all staff have access to training, and that there is welfare support for students and effective IT policies in place which ensure that these signs can be recognised and responded to appropriately.

2.2 Partnership

1. In complying with this duty we would expect active engagement from governors, boards, principals, managers and leaders with other partners including police and BIS regional higher and further education Prevent co-ordinators (details of BIS Prevent co-ordinators can be found on the Safer Campus Communities website (https://www.gov.uk/government/publications/prevent-duty-guidance/www.safecampuscommunities.ac.uk). We would expect institutions to seek to engage and consult students on their plans for implementing the duty.

13/. Where the size of an institution warrants, management and co-ordination arrangements should be implemented to share information across the relevant curriculum areas within an institution, with a single point of contact for operational delivery of Prevent-related activity.

2.3 Risk assessment

1. Each institution should carry out a risk assessment which assesses where and how students or staff may be at risk of being drawn into terrorism. These policies and procedures will help an institution satisfy itself and government that it is able to identify and support these individuals.
2. 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 expect the risk assessment to address the physical management of the institution's 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.
3. Institutions must have clear and visible policies and procedures for managing whistleblowing and complaints. In England, if an individual feels that their complaint has not been taken seriously by the college or provider they can raise it with the SFA (for Further Education and Private Providers) or EFA (for sixth form colleges or private providers funded by it).
4. Where an institution has sub-contracted the delivery of courses to other providers, we expect robust procedures to be in place to ensure that the sub-contractor is aware of the Prevent duty and the sub-contractor is not inadvertently funding extremist organisations.
5. In Wales the Safer Working Practice Guidance and assessment process should also be adhered to.

2.4 Action plan

1. Any institution that identifies a risk should notify the relevant BIS Prevent co-ordinator and others as necessary (such as the SFA, EFA Welsh Government and the police) and develop a Prevent action plan to set out the actions they will take to mitigate the risks.

2.5 Staff training

1. We would expect institutions to demonstrate that it undertakes appropriate training and development for principals, governors, leaders

and staff. This will enable teachers and others supporting delivery of the curriculum to use opportunities in learning to educate and challenge. It will also allow leaders and teachers to exemplify British values in their management, teaching and through general behaviours in institutions, including through opportunities in the further education curriculum. We expect institutions to encourage students to respect other people with particular regard to the protected characteristics set out in the Equality Act 2010.

2. We would expect appropriate members of staff to have an understanding of the factors that make people vulnerable to being drawn into terrorism and to challenge extremist ideas which are used by terrorist groups and can purport to legitimise terrorist activity. We define extremism as “vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces, whether in this country or overseas.” Such staff should have sufficient training to be able to recognise this vulnerability 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.
3. At a corporate level we would expect the institution to have robust procedures both internally and externally for sharing information about vulnerable individuals. This should include information sharing agreements where possible.
4. As the independent body responsible for standards and quality improvement for further education, the Education and Training Foundation will work with the sector to ensure that appropriate training is available. This will include and draw from training provided through the network of Prevent co-ordinators.

2.6 Welfare and pastoral care/chaplaincy support

1. All institutions have a clear role to play in the welfare of their students and we would expect there to be sufficient pastoral care and support available for all students.
2. 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 structures in place for managing prayer and faith facilities (for example an oversight committee) and mechanisms for managing any issues arising from the use of the facilities.

2.7 IT policies

1. We would expect institutions 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 that all policies and procedures will contain specific reference to the 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.
2. Institutions must have clear policies in place for students and staff using IT equipment to research terrorism and counter terrorism in the course of their learning.
3. The Joint Information Systems Committee (JISC) can provide specialist advice and support to the FE sector in England to help providers ensure students are safe online and appropriate safeguards are in place. JISC also has a Computer Security Incident Response Team who can provide assistance in the event of an online incident occurring.

2.8 Monitoring and enforcement

1. Ofsted inspects publicly funded further education and skills providers in England under the Common Inspection Framework. This inspection is risk-based and the frequency with which providers are inspected depends on this risk. Safeguarding is inspected as part of leadership and management judgement. In Wales the inspection regime is operated by Estyn.
2. Where Ofsted finds a publicly-funded further education institution or independent training provider inadequate, intervention action would be taken. In the case of independent providers this is likely to result in their contract being terminated by the Skills Funding Agency. In the case of further education institutions and local authority providers, this would result in the Further Education or Sixth Form College Commissioner making an immediate assessment. This could lead to governance and leadership change, restructuring or even dissolution under the Secretary of State's reserve powers. Under the Further and Higher Education Act 1992 Act, and following intervention action, it would also be possible for the Secretary of State to issue a direction as the ultimate sanction.
3. For those institutions that are not publicly funded, the Secretary of State will have a power to nominate a body to monitor compliance with the duty and undertake risk-based assessments.

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