



HM Government

Prevent duty guidance: a consultation

December 2014



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For consultation:

Guidance for specified authorities on the duty to have due regard to the need to prevent people from being drawn into terrorism.

December 2014

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the 1990s, the number of people in the UK who are aged 65 and over has increased from 10.5 million to 13.5 million, and the number of people aged 75 and over has increased from 4.5 million to 6.5 million (Office for National Statistics 2000).

There is a growing awareness of the need to address the needs of older people, and the UK Government has set out a strategy for the 21st century in the White Paper on *Ageing Better: Our Future as a Nation* (Department of Health 2000). This White Paper sets out a vision of a society in which older people are able to live well, and to contribute to society. It also sets out a number of key objectives for the government, including: to improve the health and well-being of older people; to support older people to live independently; to ensure that older people are able to participate in society; and to ensure that older people are able to live in their own homes.

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Consultation Details

Introduction

The Counter-Terrorism and Security Bill, which is currently before Parliament, seeks to place a duty on specified authorities (identified in full in Schedule 3 to the Bill, and set out in the guidance) to ‘have due regard, in the exercise of its functions, to the need to prevent people from being drawn into terrorism’. Preventing people becoming terrorists or supporting terrorism also requires challenge to extremist ideas where they are used to legitimise terrorism and are shared by terrorist groups. In carrying out this duty, the specified authorities must have regard to guidance issued by the Secretary of State. A draft of that guidance is attached here, for consultation.

Purpose

The purpose of this consultation is to seek views on the draft guidance from: local authorities, schools, further and higher education institutions, the NHS, the police, prison and young offender institution governors, and providers of probation services. These bodies are listed in Schedule 3 and will be subject to the duty, when the provisions come into force.

We would also be interested in hearing from other bodies working in these fields who feel that they should also be subject to the duty.

We have included specific consultation questions throughout the document which we invite responses on. But more generally, we would like to hear views on the practicality of the guidance, what other measures could proportionately be taken to comply with the duty, any examples of existing good practice, and any opportunities and barriers to implementation.

Application in Scotland and Wales

The duty will extend to Scotland and Wales, but at present no Scottish authorities are listed in Schedule 3 to the Bill. Certain Welsh authorities are listed. Where English and Welsh authorities are different, however, the guidance has so far been drafted only to apply to the English authorities. It is the hope and intention of the UK Government that Scottish authorities will be included, and that this guidance will be applicable to authorities in England, Scotland and Wales. We expect that the broad principles and direction set out in this guidance will be applicable to authorities in Scotland and Wales, but fully appreciate that many of the details will not be, and that to reflect the particular circumstances of Wales and Scotland, certain sections will need to be differentiated.

We welcome views on what Scottish authorities should be subject to the duty, what other Welsh authorities should be included, and how the guidance should be adapted to be relevant to them.

This is in addition to formal consultation which the Home Office is undertaking with Scottish and Welsh governments.

Timetable

The consultation will run for a period of 6 weeks. We will consider responses received up until noon on **Friday 30 January 2015**.

How to respond

Consultation questions are included throughout the document to seek views on particular aspects and sections of the guidance. We invite responses to these questions, supporting evidence where available, and, as above, comments on any other issues raised by the guidance, such as examples of good practice.

Please submit responses to the questions and other evidence to:

Preventdutyconsultation@homeoffice.x.gsi.gov.uk marking your response with “Guidance consultation” in the subject field of your email.

Postal responses can be sent to:

Prevent Duty Consultation
6th Floor, Peel Building
2 Marsham Street
London
SW1P 4DF

Handling of Information from Individuals

The information you send may need to be passed to colleagues within the Home Office or other Government departments, and may be published in full or in a summary of responses.

All information in responses, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000, the Data Protection Act 1998 and the Environmental Information Regulations 2004). If you want your response to remain confidential, you should explain why confidentiality is necessary and your request will be acceded to only if it is appropriate in the circumstances. An automatic confidentiality disclaimer generated by your IT system will not, of itself, be regarded as binding on the Department. Contributions to the consultation will be anonymised if they are quoted.

Individual contributions will not be acknowledged unless specifically requested.

Draft statutory guidance issued under section 24 of the Counter-Terrorism and Security Act 2015

A. Status and Scope of the Duty

1. Section 21 of the Counter-Terrorism and Security Act 2015 (the Act) places a duty on certain bodies, listed in Schedule 3 to the Act, to have “*due regard to the need to prevent people from being drawn into terrorism*”. This guidance is issued under s24 of the Act. The Act states that the authorities subject to the provisions must have regard to this guidance when carrying out the duty.
2. The list of authorities subject to the provisions can be found in Schedule 3 to the Act. Further details can be found in the sector-specific sections of this guidance.

B. Introduction

3. The *Prevent* strategy, published by the government in 2011, is part of our overall counter-terrorism strategy, CONTEST. The aim of the *Prevent* strategy is to reduce the threat to the UK from terrorism by stopping people *becoming* terrorists or *supporting* terrorism. In the Act this has simply been expressed as “*prevent people from being drawn into terrorism*”.
4. The *Prevent* strategy has three specific strategic objectives:
 - Respond to the ideological challenge of terrorism and the threat we face from those who promote it;
 - Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
 - Work with sectors and institutions where there are risks of radicalisation that we need to address.
5. Terrorist groups often draw on extremist ideology, developed by extremist organisations; some people who join terrorist groups have previously been members of extremist organisations and have been radicalised by them. The government has defined extremism in the *Prevent* strategy as: “*vocal or active opposition to fundamental British values, including democracy, the rule of law, individual liberty and mutual respect and tolerance of different faiths and beliefs. We also include in our definition of extremism calls for the death of members of our armed forces*”.
6. The *Prevent* strategy was explicitly changed in 2011 to deal with all forms of terrorism and target 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 also made clear that preventing people becoming terrorists or supporting terrorism requires challenge to extremist ideas where they are used to legitimise terrorism and are shared by terrorist groups. And the strategy also means intervening to stop people moving from extremist (albeit legal) groups into terrorist-related activity.

7. Our *Prevent* work is intended to deal with all kinds of terrorist threats to the UK. The most significant of these threats is currently from Al Qa'ida associated groups and from other terrorist organisations in Syria and Iraq. But terrorists associated with the extreme right also pose a continued threat to our safety and security.
8. Islamist extremists regard Western intervention in Muslim-majority countries as a 'war with Islam', creating a narrative of 'them' and 'us'. Their ideology includes the uncompromising belief that people cannot be both Muslim and British, and that Muslims living here should not participate in our democracy. Islamist extremists specifically attack the principles of civic participation and social cohesion. These extremists purport to identify grievances to which terrorist organisations then claim to have a solution.
9. The white supremacist ideology of extreme right-wing groups has also provided both the inspiration and justification for people who have committed extreme right-wing terrorist acts.
10. In fulfilling the duty in section 21 of the Act, we expect all specified authorities to participate fully in work to prevent people from being drawn into terrorism. How they do this, and the extent to which they do this, will depend on many factors, for example, the age of the individual, how much interaction they have with them etc. The specified authorities in Schedule 3 to the Act are those judged to have a role in protecting vulnerable people and/or our national security.
11. This guidance identifies best practice for each of the main sectors and describes ways in which they can comply with the duty. It includes sources of further advice and provides information on how compliance with the duty will be monitored.

C. A risk-based approach to the *Prevent* duty

12. In complying with the duty all specified authorities, as a starting point, should demonstrate an awareness and understanding of the risk of radicalisation in their area, institution or body. This risk will vary greatly and can change rapidly; no area, institution or body is risk free. Whilst the type and scale of activity that will address the risk will vary, all specified authorities will need to give due consideration to it.
13. There are three themes throughout the sector-specific guidance, set out later in this document: effective leadership, working in partnership and appropriate capabilities.

Leadership

14. For all specified authorities, we expect that those in leadership positions:
- Establish or use existing mechanisms for understanding the risk of radicalisation;
 - Ensure staff understand the risk and build the capabilities to deal with it;
 - Communicate and promote the importance of the duty; and
 - Ensure staff implement the duty effectively.

Working in partnership

15. *Prevent* work depends on effective partnership. To demonstrate effective compliance with the duty, specified authorities must demonstrate evidence of productive co-operation, in particular with local *Prevent* co-ordinators, the police and local authorities, and co-ordination through existing multi-agency forums, for example Community Safety Partnerships.

Capabilities

16. Frontline staff who engage with the public should understand what radicalisation means and why people may be vulnerable to it. They need to be aware of what we mean by the term “extremism” and the relationship between extremism and terrorism (see section B, above).

17. Staff need to know what measures are available to prevent people from becoming drawn into terrorism and how to challenge the extremist ideology that can be associated with it. They need to understand how to obtain support for people who may be being exploited by radicalising influences.

18. All specified authorities subject to the duty will need to ensure they provide appropriate training for staff involved in the implementation of this duty. Such training is now widely available.

Sharing information

19. The *Prevent* programme must not involve any covert activity against people or communities. But specified authorities may need to share personal information to ensure, for example, that a person at risk of radicalisation is given appropriate support (for example on the Channel programme). Information sharing must be assessed on a case-by-case basis and is governed by legislation. To ensure the rights of individuals are fully protected, it is important that information sharing agreements are in place at a local level. When considering sharing personal information, the specified authority should take account of the following:

- **Necessity and proportionality:** personal information should only be shared where it is strictly necessary to the intended outcome and proportionate to it. Key to determining the necessity and proportionality of sharing information will be the professional judgement of the risks to an individual or the public.
- **Consent:** wherever possible the consent of the person concerned should be obtained before sharing any information about them.
- **Power to share:** the sharing of data by public sector bodies requires the existence of a power to do so, in addition to satisfying the requirements of the Data Protection Act 1998 and the Human Rights Act 1998.
- **Data Protection Act and the Common Law Duty of Confidentiality:** in engaging with non-public bodies, the specified authority should ensure that they are aware of their own responsibilities under the Data Protection Act.

20. There may be some circumstances where specified authorities, in the course of *Prevent*-related work, identify someone who may already be engaged in illegal terrorist-related activity. People suspected of being involved in such activity should be referred to the police.

Question for consultation

1. Are there other general points that should be addressed in this guidance?

D. Monitoring and enforcement

21. All specified authorities must comply with this duty and will be expected to maintain appropriate records to show compliance with their responsibilities and provide reports when requested.

Central support and monitoring

22. The Home Office currently oversees *Prevent* activity in local areas which have been identified as priorities for this programme and will provide central monitoring for the new duty. The Home Office shares management (with local authorities) of local *Prevent* co-ordinator teams.

23. The Home Office will:

- Draw together data about implementation of *Prevent* from local and regional *Prevent* co-ordinators (including those in health, further and higher education), the police, intelligence agencies and other departments and inspection bodies where appropriate;
- Monitor and assess *Prevent* delivery in up to 50 *Prevent* priority areas;
- Maintain contact with relevant departments and escalate issues to them and inspectorates where appropriate.
- Support the *Prevent* Oversight Board, chaired by the Minister for Immigration and Security, which may agree on further action to support implementation of the duty.

24. Where a specified body is not complying with the duty, the *Prevent* Oversight Board may recommend that the Secretary of State use the power of direction under section 23 of the Act. This power would only be used when other options for engagement and improvement had been exhausted. The power would be used only to ensure the implementation and delivery of the *Prevent* duty.

Inspection regime in individual sectors

25. Central support and monitoring will be supported by existing inspection regimes in specific sectors. Not every specified authority has a suitable inspection regime and in some areas it may be necessary to create or enhance existing regimes.

Question for consultation

2. *Are there further areas of activity that should be considered as part of the central monitoring arrangements?*
3. *Which inspection bodies are best placed to monitor compliance with this duty?*

E. Sector-specific guidance**Local authorities**

26. With their wide-ranging responsibilities, and democratic accountability to their electorate, local authorities are vital to *Prevent* work. Effective local authorities will be working with their local partners to protect the public, prevent crime and to promote strong, integrated communities.

Specified local authorities

27. The local authorities that are subject to the duty are listed in Schedule 3 to the Act. They are:

- A county council or district council in England;
- The Greater London Authority;
- A London borough council;
- The Common Council of the City of London in its capacity as a local authority; and
- The Council of the Isles of Scilly.

Question for consultation

4. *Are there additional local authorities that should be subject to the duty?*

28. In fulfilling the new duty, local authorities, including elected Members and senior officers should be carrying out activity in the following areas.

Partnership

29. Local authorities should establish or make use of an existing local multi-agency group to agree risk and co-ordinate *Prevent* activity. Many local authorities use Community Safety Partnerships but other multi-agency forums may be appropriate.

30. It will be important that local or regional *Prevent* co-ordinators have access to senior local authority leadership to give advice and support.

31. We expect local, multi-agency groups, through local authorities, to put in place arrangements to effectively monitor the impact of *Prevent* work.

Risk assessment

32. We expect local authorities to use the existing counter-terrorism local profiles (CTLPs), produced for every region by the police, to begin to assess the risk of individuals 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.

33. This risk assessment should also be informed by engagement with *Prevent* co-ordinators, schools, universities, colleges, local prisons, probation services, health, immigration enforcement and others.

34. We would expect local authorities to incorporate the duty into existing policies and procedures, so it becomes part of the day-to-day work of the authority. The duty is likely to be relevant to fulfilling safeguarding responsibilities in that local authorities should ensure that there are clear and robust safeguarding policies to identify children at risk.

Action plan

35. With the support of co-ordinators and others as necessary, any local authority that assesses, through the multi-agency group, that there is a risk should develop a *Prevent* action plan. This will enable the local authority to comply with the duty and address whatever risks have been identified.

36. These local action plans will identify, prioritise and facilitate delivery of projects, activities or specific interventions to reduce the risk of people being drawn into terrorism in each local authority. Projects could include faith institutions, and local schools.

Staff training

37. Local authorities will be expected to ensure frontline staff have a good understanding of *Prevent*, are trained to recognise vulnerability to being drawn into terrorism and are aware of available programmes to deal with this issue.

38. Local authority staff will be expected to make appropriate referrals to Channel (a programme which provides support to individuals who are at risk of being drawn into terrorism which is made statutory in this legislation) and ensure that Channel is supported by the appropriate organisation and expertise. Guidance on the Channel programme can be found here:

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

Use of local authority resources

39. In complying with the duty we expect local authorities to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views. This includes considering whether IT equipment available to the general public should use filtering solutions that limit access to terrorist and extremist material.

40. We also expect local authorities to ensure that organisations who work with the local authority on *Prevent* are not engaged in any extremist activity or espouse extremist views.

Two-tier authorities

41. In two-tier areas, county and district councils will need to agree proportionate arrangements for sharing the assessment of risk and for agreeing local *Prevent* action plans.

Prevent priority areas

42. The Home Office will continue to identify priority areas for *Prevent*-related activity. Priority areas will, as now, be funded to employ a local *Prevent* co-ordinator to give additional support and expertise and additional Home Office grant funding is available for *Prevent* projects and activities. In certain other areas, which do not have a Home Office-funded local *Prevent* co-ordinator, resource will be made available for projects and activities. The Home Office will continue to have oversight of local *Prevent* co-ordinators and the funding, evaluation and monitoring of these projects.

Other agencies and organisations supporting children

43. A range of private and voluntary agencies and organisations provide services (or, in some cases, exercise functions) in relation to children that would otherwise be provided (or exercised) by local authorities, either on behalf of the local authority or instead of the local authority (this may be in cases of inadequate performance, where the Secretary of State for Education uses intervention powers to direct that a particular local authority's children's social care or education functions be exercised instead of, or on behalf of, the local authority by a third party). The duty applies to those bodies, including children's homes and independent fostering agencies. These bodies should ensure they are part of their local authorities' safeguarding arrangements and that staff are aware of and know how to contribute to *Prevent*-related activity in their area where appropriate.

Out-of-school settings supporting children

44. Many children attend a range of out-of-school settings including after school clubs and groups, supplementary schools, and tuition centres to support home education. These settings are not regulated under education law. Local authorities should take steps to understand the range of activity and settings in their areas and ensure that children attending such settings are properly safeguarded (which should include whether there are any risks related to *Prevent*). In assessing the risks associated with such settings, local authorities should have regard to the whether the settings subscribe to voluntary accreditation schemes and any other evidence about the extent to which the providers are taking steps to safeguard the children in their care. Where safeguarding concerns arise, local authorities should actively consider how to make use of the full range of powers available to them to reduce the risks to children, including planning and health and safety powers.

Questions for consultation

5. *Are there other areas of activity, or examples of good practice, that should be covered in this guidance?*
6. *What other partners should local authorities be working with?*

Monitoring and enforcement

45. In fulfilling its central monitoring role (section D above) the Home Office can (and already does) scrutinise local *Prevent* action plans, project impact and overall performance. It will also work with local authority ‘peers’ to provide targeted assistance and manage a peer review process to help authorities develop good practice.

46. In monitoring compliance with this duty we expect to use existing mechanisms. Under Section 10 of the Local Government Act 1999 the Secretary of State may already appoint an inspector to assess an authority’s compliance with its statutory “best value” duty in relation to one or more of the specified functions.

47. If the Secretary of State is satisfied that a council has failed to discharge its “best value” duty in relation to the new *Prevent* duty, it would be open to him to use his powers under Section 15 of the Local Government Act 1999 to intervene. This could include requiring the council to undertake specific actions, appointing Commissioners and transferring some of the council’s functions to them. The Secretary of State must consult the council before issuing a direction. The Secretary of State may also direct a local inquiry to be held into the exercise by the authority of specified functions.

48. If the Secretary of State is satisfied that a local authority is failing to perform any function relating to education or children’s social care to an adequate standard he may use his powers under section 497A or the Education Act 1996 (applied to children’s social care under section 50 of the Children Act 2004) to take whatever action is deemed expedient to achieve necessary improvement. These intervention measures are considered in cases where Ofsted inspections identify inadequate practice and serious concerns about practice in relation to safeguarding, adoption and looked-after children.

49. In addition to the powers above, the Act provides the Secretary of State with the power to issue a direction where a local authority has failed to discharge the duty (see paragraph 24, above).

Question for consultation

7. *Do you think these monitoring and enforcement arrangements are sufficient? If not, what arrangements would you like to see?*

Higher education

50. Universities' 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. However, there is also a risk that some people may use higher education institutions as a platform for drawing people into terrorism. Universities must take seriously their responsibility to exclude those promoting extremist views that support or are conducive to terrorism.

Higher education specified authorities

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

- All higher education organisations on the Higher Education Funding Council for England (HEFCE) register. This includes institutions which fall under one or more of the following categories:
 - Providers which receive direct public grants for higher education;
 - Those providing courses that have been specifically designated by government as eligible for the purposes of English student support funding; and
 - Higher education institutions with the right to award one or more types of UK degree.
- Private higher education institutions that are not in receipt of public funding from HEFCE but who have similar characteristics to those on the register. We define these as institutions that:
 - Have a physical building;
 - Have at least 250 students; and
 - Teach people in a group setting in preparation for examinations which either receive public funding or are regulated by the Office of Qualifications and Examinations Regulation.

Question for consultation

8. *Are there other institutions, not listed here, which ought to be covered by the duty? Please explain why.*

52. Most of these institutions already have a clear understanding of their *Prevent*-related responsibilities, including the need to ensure and promote 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.

53. To comply with the duty we would expect universities and higher education institutions to be delivering in the following areas.

Partnership

54. In complying with this duty we would expect active engagement from Vice Chancellors and senior management of the university with other partners including police and local authority *Prevent* co-ordinators.

55. Given the size and complexity of most institutions we would also expect to see an internal cross-department group that shares information across the relevant faculties of the institution, with a single point of contact for operational delivery of *Prevent*-related activity.

56. We would expect institutions to have regular contact with their regional higher education *Prevent* co-ordinators. These co-ordinators will help universities 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 BIS website.

Risk assessment

57. Institutions will be expected to carry out a risk assessment which makes an assessment of 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.

58. 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.

Action Plan

59. With the support of co-ordinators, and others as necessary, any institution that identifies a risk should develop a *Prevent* action plan. This will enable the institution to comply with the duty and address those risks.

Staff Training

60. 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 prevent people from being drawn into terrorism and challenge extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups. As a result we would expect all staff to have an understanding of the factors that make people support terrorist ideologies or engage in terrorist-related activity. 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.

61. 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. For larger institutions with numerous faculties and departments we would also expect there to be an internal staff Channel panel

to provide support and advice and make decisions prior to sharing information outside of the university.

62. 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

63. Universities 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 chaplaincy and 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. Support is available from the regional higher and further education *Prevent* co-ordinator.

Speakers and events

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

65. The university clearly needs to balance its legal duties in terms of both ensuring freedom of speech and also protecting student and staff welfare. Guidance is available from Universities UK and the National Union of Students 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>

<http://www.nusconnect.org.uk/asset/News/6013/Hate-Speech-Guidance-Web.pdf>

66. Universities must take seriously their responsibility to exclude those promoting extremist views that support or are conducive to terrorism. We would expect the policies and procedures on speakers and events to include at least the following:

- Sufficient notice of booking (generally at least 14 days) to allow for checks to be made and cancellation to take place if necessary;
- Advance notice of the content of the event, including an outline of the topics to be discussed and sight of any presentations, footage to be broadcast etc;
- A system for assessing and rating risks associated with any planned events, providing evidence to suggest whether an event should proceed, be cancelled or whether mitigating action is required (for example a guarantee of an opposing viewpoint in the discussion, or someone in the audience to monitor the event); and
- A mechanism for managing incidents or instances where off-campus events of concern are promoted on campus.

67. Where appropriate and legal to do so, a university should also have protocols in place for the sharing of information about speakers with other institutions and partners.

Safety online

68. We would expect universities 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. 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.

69. 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 universities manage this, which available at:

<http://www.universitiesuk.ac.uk/highereducation/Pages/OversightOfSecuritySensitiveResearchMaterial.aspx>

Student unions and societies

70. 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 are used to legitimise terrorism and are shared by terrorist groups. We would expect student unions and societies to work closely with their institution and co-operate with the institutions' policies.

71. Student unions should also consider whether their staff and elected officers would benefit from *Prevent* awareness training or the charring and facilitation training offered by the regional higher and further education *Prevent* co-ordinators. Many student unions have already undertaken *Prevent* awareness training and higher education co-ordinators can give advice on the most appropriate training packages.

Prayer and faith facilities

72. 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. The policies and procedures should clearly set out the times and availability of such facilities and how out of hours access is managed

Question for consultation

9. *Are there other areas of activity, or examples of good practice, that should be covered in this guidance?*

Monitoring and enforcement

73. In addition to the central monitoring (section D, above) BIS will use the regional higher and further education *Prevent* co-ordinators and other local providers to determine how the duty is being implemented and complied with in institutions (this will include evaluation of action on complaints and whistle-blowing).

74. In order to ensure that higher education institutions are complying with this duty, the government is considering expanding the current powers of the Higher Education Funding Council for England (HEFCE) to allow it to become the body which monitors compliance with this duty for higher education institutions and private HE providers. It is the government's view that HEFCE is best placed to undertake this role because they already have a role in monitoring some HE institutions in relation to governance and finance. Any extension to HEFCE's current role would require changes to primary legislation.

Questions for consultation

10. *Do you agree that the Higher Education Funding Council for England is the appropriate body to monitor compliance with this duty?*
11. *Are there other higher education regulatory bodies that should be involved in monitoring compliance?*

Further education

75. There is an important role for further education institutions, including sixth form colleges, 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 providers must comply with relevant legislation and any statutory responsibilities associated with the delivery of education and safeguarding of learners.

Further education specified authorities

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

- Further education institutions on the Skills Funding Agency (SFA) register. 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 – as well as sub-contractors who receive more than £100,000 of SFA-funding via lead providers;
- Private further education institutions who are not in receipt of public funding from the SFA but who have similar characteristics to those on the register. We define these as institutions that:
 - Have a physical building;
 - Have at least 250 students; and
 - Teach people in a group setting in preparation for examinations which either receive public funding or are regulated by the Office of Qualifications and Examinations Regulation.

Question for consultation

12. *Are there other institutions, not listed here, which ought to be covered by the duty? Please explain why.*

77. 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.

78. To comply with the duty we would expect further education institutions to be delivering in the following areas.

Partnership

79. In complying with this duty we would expect active engagement from Governors, Principals, managers and leaders with other partners including police and local authority *Prevent* co-ordinators.

80. Where the size of an institution warrants, we would expect to see management and co-ordination arrangements being 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.

81. We would expect institutions to have regular contact with their regional further education *Prevent* co-ordinators. These co-ordinators will help institutions comply with the duty and can provide advice and guidance on risk and on the appropriate response.

Risk assessment

82. As independent organisations, each institution is required to have clear and visible policies in place covering staff, learners, learning and infrastructure (use of premises), capable of identifying where 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.

83. This duty will complement the institution's responsibility under the Equality Act 2010 and cover student welfare, including equality and diversity, the safety of students and staff, and ensure there is awareness of the risks of being drawn into terrorism through *Prevent* awareness training.

84. 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, and/or work in partnership with the institution.

85. Institutions must have clear and visible policies and procedures for managing whistleblowing and complaints.

86. Where an institution has sub-contracted the delivery of courses, we expect robust procedures in place to ensure this does not lead to inadvertently funding extremist organisations.

Action Plan

87. Any institution that identifies a risk should notify their co-ordinator and others as necessary and develop a *Prevent* action plan. This will enable the institution to comply with the duty and take action to address whatever risks have been identified.

Staff Training

88. Compliance with the duty will also require an institution to demonstrate that it undertakes appropriate training and development for 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

ensuring that opportunities in the further education curriculum are used to promote the British values to learners.

89. We define fundamental British values as “*democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs*”, and we expect institutions to encourage students to respect other people with particular regard to the protected characteristics set out in the Equality Act 2010 (including with that being used for schools).

90. We would expect all 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 terrorism. Staff should have sufficient training to be able to recognise this vulnerability and be aware of what action to take in response. If a specialist is appointed, they should understand the process and policies in place when vulnerability has been identified, know when to make referrals to the Channel programme and where to get additional advice and support.

91. 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. For larger institutions with numerous curriculum areas and departments we would also expect there to be an internal staff Channel panel to provide support and advice and make decisions prior to sharing information outside of the institutions.

92. As the independent body responsible for standards and quality improvement in 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 regional further education *Prevent* co-ordinators.

Welfare and pastoral care/chaplaincy support

93. All institutions have a duty of care to their students and we would expect that there would be sufficient pastoral care and support for all students, according to the needs of the particular institution. This is seen as a key element of compliance with the duty. Support is available from the regional further education *Prevent* co-ordinator.

Speakers and events

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

95. Further education institutions must take seriously their responsibility to exclude those promoting extremist views that support or are conducive to terrorism. We would expect the policies and procedures to at least include the following:

- Sufficient notice to allow for checks to be made and cancellation to take place if necessary;
- Advance notice of the content of the event, including an outline of the topics to be discussed and sight of any presentations, footage to be broadcast etc;

- A system for assessing and rating risks associated with any planned events, providing evidence to suggest whether an event should proceed, be cancelled or whether mitigating action is required (for example a member of staff alerting the further education *Prevent* co-ordinators to concerns in relation to a guest speaker); and
- A mechanism for managing incidents or instances where off-campus events of concern are promoted on campus.

96. Where appropriate and legal to do so, an institution with robust policies and procedures may also have protocols in place for the sharing of information with other institutions and key partners.

Safety online

97. As part of compliance with the duty, institutions should have policies relating to the use of IT on the premises. 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. Those further education institutions providing internet access to children will be expected to ensure they are safe from terrorist and extremist material when accessing the internet, including by establishing appropriate levels of filtering.

98. As some students and staff may be using IT in the course of their learning, and this may involve research relating to terrorism and counter-terrorism, the institution must have clear policies in place to identify and address instances where online materials are accessed for curriculum purposes.

Prayer and faith facilities

99. 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 the managing prayer and faith facilities (for example an oversight committee) and mechanisms for managing 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.

Question for consultation

13. *Are there other areas of activity, or examples of good practice, that should be covered in this guidance?*

Monitoring and enforcement

100. All publicly-funded further education colleges and independent training providers come under the Ofsted inspection regime. This inspection is risk-based and the frequency with which providers are inspected depends on this risk.

101. Ofsted inspects under the Common Inspection Framework. Safeguarding is inspected as part of leadership and management judgement. Since September 2014, as a result of Ofsted's involvement in the Trojan Horse case and increased levels of public awareness, Ofsted's risk-based inspections have increased their focus on fundamental British values and preventing extremism. As such Ofsted are already undertaking this activity and will enhance their procedures further when the legislation comes into effect.

102. Where Ofsted finds a publicly-funded further education institution or independent training provider inadequate, which will include where the institution or provider has failed to comply with this duty, 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 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 Act, and following intervention action, it would also be possible for the Secretary of State to issue a direction as the ultimate sanction.

103. For those institutions that are not publicly funded and have more than 250 students on a campus-like site, similar to the higher education proposals we are considering whether to give the Secretary of State a power to nominate a body to undertake risk-based assessments.

Questions for consultation

14. *Do you agree that Ofsted should monitor compliance with this duty as part of their existing remit to inspect publically-funded further education colleges and independent training providers?*
15. *Are there other bodies that should be involved in monitoring compliance with this duty?*
16. *For those institutions not in receipt of public funding, which body do you think would be best placed to carry out this role?*

Schools (excluding higher and further education)

104. In England about eight million children are educated in some 23,000 publicly-funded and around 2,400 independent schools. The publicly-funded English school system comprises maintained schools (funded by local authorities), and academies (directly funded by central government).

105. All publicly-funded schools are required by law to teach a broad and balanced curriculum which promotes the spiritual, moral, social and cultural development of pupils and prepares them for the opportunities, responsibilities and experiences of life. They must also promote community cohesion. Independent schools set their own curriculum but must comply with the Independent Schools Standards, which include an explicit requirement to promote fundamental British values as part of a broader requirement to promote the spiritual, moral, social and cultural development of pupils. These standards also apply to academies, including free schools, as they are independent schools. Guidance on promoting fundamental British values in schools is available at:

<https://www.gov.uk/government/news/guidance-on-promoting-british-values-in-schools-published>

106. Schools have a duty of care to their pupils and staff. This includes safeguarding them from the risk of being drawn into terrorism. Being drawn into terrorism 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. Schools should be safe spaces in which children and young people can understand and discuss sensitive topics, including terrorism and the extremist ideas that are part of the terrorist ideology and learn how to challenge these ideas.

Education and childcare specified authorities

107. The education specified authorities in Schedule 3 to the Act are as follows:

- Maintained schools
- Non-maintained special schools
- Alternative provision academies
- Independent schools
- Pupil Referral Units
- Maintained nursery schools
- Registered early years childcare providers¹
- Registered later years childcare providers²
- Childcare in schools that is exempt from registration
- Holiday schemes for disabled children

¹ Those registered under Chapter 2 of Part 3 of the Childcare Act 2006, including childminders

² Those registered under Chapter 3 of Part 3 of the Childcare Act 2006, including childminders

- Persons to whom local authority functions are outsourced when the local authority is performing inadequately.

Question for consultation

17. *Are there other areas of activity, or examples of good practice, that should be covered in this guidance?*

108. In fulfilling the new duty, we would expect proprietors, governors and head teachers of schools to demonstrate activity in the following areas.

Risk assessment

109. Senior management and governors are expected to assess the risk of pupils being drawn into terrorism, including support for the extremist ideas that are part of terrorist ideology. This should be based on an understanding, shared with partners, of the potential risk in the local area.

110. Institutions will need to demonstrate that they are protecting children and young people from being drawn into terrorism by having robust safeguarding policies in place to identify children at risk, and intervening as appropriate (by referring pupils to Channel or Children's Social Care, for example). These policies should set out clear protocols for ensuring that any visiting speakers – whether invited by staff or by pupils themselves – are suitable and appropriately supervised within school.

111. Institutions should ensure that fundamental British values are promoted in the delivery of the curriculum and extra-curricular activities and reflected in the general conduct of the school.

Working in partnership

112. Institutions will be required to work in partnership with other bodies in the area. In particular, governing bodies and proprietors of all schools should ensure that their safeguarding arrangements take into account the procedures and practice of the local authority as part of the inter-agency safeguarding procedures set up by the Local Safeguarding Children Board (LSCB). Schools' child protection policies should describe procedures which are in accordance with government guidance and refer to locally agreed inter-agency procedures put in place by the LSCB.

Staff training

113. Senior management and governors should make sure that staff have training that gives them the knowledge and confidence to identify children at risk of being drawn into terrorism and challenge extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups. They should know where and how to refer children and young people for further help. *Prevent* awareness training will be a key part of this.

Safety online

114. Institutions will be expected to ensure children are safe from terrorist and extremist material when accessing the internet in school, including by establishing appropriate levels of filtering.

Question for consultation

18. *Are there other areas of activity, or examples of good practice, that should be covered in this guidance?*

Monitoring and enforcement

115. All publicly-funded schools – including academies and free schools – are inspected by the Office for Standards in Education, Children’s Services and Skills (Ofsted) and are subject to intervention if they fail to provide a satisfactory education. Where failure is very severe the governing body can be replaced or they can be closed. When assessing the effectiveness of schools, Ofsted inspectors already have regard to the school’s approach to keeping pupils safe from the risk of radicalisation and extremism, and to procedures when it is suspected that pupils are being drawn into extremism or terrorist-related activity.

116. Independent schools are inspected by Ofsted or one of three independent inspectorates. If they fail to meet the Independent School Standards, they must remedy the problem or be subject to regulatory action, which could include de-registration (which would make their continued operation illegal).

117. Early education funding regulations have been amended to ensure that providers who fail to promote the fundamental British values of democracy, the rule of law, individual liberty and mutual respect and tolerance for those with different faiths and beliefs do not receive funding.

118. Ofsted’s current inspection framework for early years provision reflects the requirements in the Statutory Framework for the Early Years Foundation Stage.

The health sector

119. Healthcare professionals will meet and treat people who may be vulnerable to being drawn into terrorism. Being drawn into terrorism 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. The key challenge for the healthcare sector is to ensure that, where there are signs that someone has been or is being drawn into terrorism, the healthcare worker is trained to recognise those signs correctly and is aware of and can locate available support, including the Channel programme where necessary. Preventing someone from being drawn into terrorism is substantially comparable to safeguarding in other areas, including child abuse or domestic violence.

120. There are already established arrangements in place, which we would expect to be built on in response to the statutory duty.

Health specified authorities

121. The health specified authorities in Schedule 3 to the Bill are as follows:

- NHS Trusts
- NHS Foundation Trusts

Question for consultation

19. *Are there other institutions, not listed here, which ought to be covered by the duty? Please explain why.*

122. NHS England has incorporated *Prevent* into its safeguarding arrangements, so that *Prevent* awareness and other relevant training is delivered to all staff who provide services to NHS patients. These arrangements have been effective and should continue.

123. The Chief Nursing Officer in NHS England has responsibility for all safeguarding, and a safeguarding lead, working to the Director of Nursing, is responsible for the overview and management of embedding the *Prevent* programme into safeguarding procedures across the NHS.

124. Each regional team in the NHS has a Head of Patient Experience who leads on safeguarding in their region. They are responsible for delivery of the *Prevent* strategy within their region and the health regional *Prevent* co-ordinators (RPCs).

125. These RPCs are expected to have regular contact with *Prevent* leads in NHS organisations to offer advice and guidance.

126. In fulfilling the duty, we would expect health bodies to demonstrate effective action in the following areas.

Partnership

127. All Area Teams (under the four regions in the NHS) should, under the NHS England Accountability and Assurance Framework, have in place local Safeguarding Forums, including local commissioners and providers of NHS Services. These Forums have oversight

of compliance with the duty, and ensure effective delivery. Within each area, the RPCs are responsible for promoting *Prevent* to providers and commissioners of NHS services, supporting organisations to embed *Prevent* into their policies and procedures, and delivering training.

128. We would expect there to be mechanisms for reporting issues to the National *Prevent* sub board.

129. We would also expect the *Prevent* lead to have networks in place for their own advice and support to make referrals to the Channel programme.

130. Since April 2013 commissioners have used the NHS Standard Contract for all commissioned services excluding Primary Care, including private and voluntary organisations. Since that time, the Safeguarding section of the contract has required providers to embed *Prevent* into their delivery of services, policies and training. This should now be bolstered by the statutory duty.

Risk Assessment

131. All NHS Trusts have a *Prevent* lead who acts as a single point of contact for the health regional *Prevent* co-ordinators, and is responsible for implementing *Prevent* within their organisation. To comply with the duty, staff are expected, as a result of their training, to recognise and refer those at risk of being drawn into terrorism to the *Prevent* lead who may make a referral to the Channel programme. Regional health *Prevent* co-ordinators are able to provide advice and support to staff as required.

Staff Training

132. The intercollegiate guidance, *Safeguarding Children and Young people: roles and competences for health care staff* includes *Prevent* information and identifies competencies for all healthcare staff against six levels. This commits to providing *Prevent* awareness training to over 90% of staff.

133. The training should allow all relevant staff to recognise vulnerability to being drawn into terrorism, including extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups, and be aware of what action to take in response, including local processes and policies that will enable them to make referrals to the Channel programme and how to receive additional advice and support.

134. It is important that staff understand how to balance patient confidentiality with the duty. They should also be made aware of the information sharing agreements in place for sharing information with other sectors, and get advice and support on confidentiality issues when responding to potential evidence that someone is being drawn into terrorism, either during informal contact or consultation and treatment.

135. We would therefore expect providers to have in place:

- Policies that include the principles of the *Prevent* NHS guidance and toolkit, which are set out in *Building Partnerships*, *Staying Safe: guidance for healthcare organisations*, which can be found here:

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/215253/dh_131912.pdf

- A programme to deliver *Prevent* training, resourced with accredited facilitators;
- Processes in place to ensure that using the intercollegiate guidance, staff receive *Prevent* awareness training appropriate to their role; and
- Procedures to comply with the *Prevent* Training and Competencies Framework.

Question for consultation

20. *Are there other areas of activity, or examples of good practice, that should be covered in this guidance?*

Monitoring and enforcement

136. Within the NHS, we expect local safeguarding forums, including local commissioners and providers of NHS Services to have oversight of fulfilling the duty and ensuring effective delivery.

137. Externally, Monitor is the sector regulator for health services in England ensuring that independent NHS Foundation Trusts are well-led so that they can provide quality care on a sustainable basis. The Trust Development Authority is responsible for overseeing the performance of NHS Trusts, and the Care Quality Commission is the independent health and adult social care regulator that ensures these services provide people with safe, effective and high quality care.

138. We are considering whether these internal arrangements are robust enough to effectively monitor compliance with the duty or whether the duty should be incorporated into the remit and inspection regimes of one of the existing health regulatory bodies, or another body.

Question for consultation

21. *How could the existing healthcare and regulatory bodies monitor compliance with this duty?*

Prisons and probation

139. As an executive agency of the Ministry of Justice, the National Offender Management Service (NOMS) is responsible for protecting the public and reducing re-offending through delivery of prison and probation services.

140. There are 122 prisons in England and Wales including 14 prisons operated under contract by private sector organisations. There are around 85,000 prisoners in custody and 150,000 individuals in custody during a 12 month period.

141. Probation services are delivered by the National Probation Service (NPS), which supervises high-risk and other serious offenders, and 21 Community Rehabilitation Companies (CRCs), which supervise low and medium-risk offenders. NOMS is currently responsible for around 220,000 offenders under probation supervision, subject either to community sentences or to licence conditions after release from custody.

142. This responsibility for public protection and reducing re-offending gives both prisons and probation services a clear and important role both in working with offenders convicted of terrorism or terrorism-related offences and in preventing other offenders from being drawn into terrorism and the extremist ideas that are used to legitimise terrorism and are shared by terrorist groups.

Criminal justice specified authorities

143. The criminal justice specified authorities listed in Schedule 3 to the Act are as follows:

- Prisons and Young Offender Institutions, including those that are contracted out;
- Secure training centres;
- The National Probation Service; and
- Community Rehabilitation Companies.

Question for consultation

22. *Are there other institutions, not listed here, which ought to be covered by the duty? Please explain why.*

Prisons

144. NOMS manages the risk of offenders being drawn into, or reverting to, any form of offending as part of its core business (identifying and managing the risks presented by offenders).

145. To comply with the duty we would expect public and contracted out prisons to carry out activity in the following areas.

Preliminary risk assessment

146. Prisons should perform initial risk assessments on reception, including cell-sharing risk assessments, and initial reception and induction interviews.
147. Contact with prisons chaplaincy should take place, particularly for those whose initial assessments cause concern. The chaplain's initial assessment should seek to establish longevity and knowledge of faith, and look for any indication that the prisoner endorses extremist ideology or supports terrorism.
148. Prisoners should have regular contact with trained staff who will establish an intelligence picture about the prisoner.
149. Appropriate information and intelligence sharing should take place, for example with law enforcement partners, to understand whether extremism is an issue and to identify and manage any behaviours of concern.

Assessing on-going risk and interventions

150. For offenders convicted of terrorist or terrorist-related offences, mainstream offender management processes will be used to determine whether interventions are necessary. These are intended to challenge the index offence and can include, where appropriate, disruption and relocation.
151. Where concerns around someone being drawn into terrorism (which includes someone with extremist ideas that are used to legitimise terrorism and are shared by terrorist groups) are identified, either during the early days in custody or later, prison staff should report accordingly, through the intelligence reporting system. All such reporting should be regularly assessed by specialist staff in conjunction with the police.
152. Where such concerns are identified an establishment should look to support that individual. This could take the form of moving them away from a negative influence or providing them with mentoring from the relevant chaplain or placing them on religious classes.
153. Management actions could also include a reduction in privilege level, anti-bullying intervention, adjudication or segregation. Alternatively, it may be appropriate to provide theological, motivational and behavioural interventions.
154. Intelligence and briefing packages targeted at staff working with terrorist and extremist prisoners and those at risk of being drawn into terrorism should continue to be made available and delivered. These should continue to be jointly delivered by prison counter-terrorism staff and police, and will be regularly updated. In complying with this duty, extremism awareness training to new staff should be increased.

Transition from custody to supervision in the community

155. Pre-release planning should take place for all prisoners, including those subject to sentences under 12 months, who will now receive some level of post-release supervision. Prisons, probation providers and the police should consider what risks need to be managed in the community including those that have arisen whilst in custody and indicate a vulnerability to being drawn into terrorism. Where this is the case, a Channel referral will be considered as part of the risk management plans and a referral to Channel made at the earliest opportunity.

156. For offenders already convicted of terrorism or terrorism-related offences, prisons will complete appropriate pre-release processes such as Multi-Agency Public Protection Arrangements (MAPPA) with relevant agencies including the police. These processes ensure that the requirements of the duty are met in the management of terrorist offenders in the community.

157. For all prisoners, where sufficient remaining sentence time permits, a formal multi-agency meeting which includes the police, should take place to inform decisions after release. This will ensure that partner agencies work together to share relevant information and put provision in place to manage the risk or any outstanding concerns.

158. Where insufficient time remains, police and probation staff should be given fast time briefing by prison counter-terrorism staff as above and the National Probation Service CT lead will ensure the probation provider in the community is aware of the information, the risks and relevant personnel within partner agencies.

Staff training

159. In complying with the duty, we would expect all new prison staff to receive *Prevent* awareness training (tailored specifically to the prison environment). For staff already in post, this should be provided through specialist training and briefing packages that cover working with extremist behaviour. This training should be delivered in partnership with the police and be available to those members of staff who work most closely with terrorist and identified extremist prisoners. All staff should be trained in general intelligence systems, reporting and procedures to enable them to effectively deal with extremist prisoners and those vulnerable to extremist messaging.

Probation

160. To comply with the duty we would expect the National Probation Service (NPS) and Community Rehabilitation Companies (CRCs) to demonstrate that they are delivering activities under all of the following categories.

Leadership

161. We would expect every NPS division to have a designated probation counter-terrorism lead (PCTL) to provide the leadership necessary at a regional level to ensure processes for identifying, assessing and managing high-risk terrorist offenders are followed. We would expect PCTLs to provide a consultative role to CRCs.

Partnerships

162. Both the NPS and CRCs are partners in local Community Safety Partnerships (CSPs). Active participation in CSPs will enable all probation providers to work together with other partners to share information and develop joint referrals and interventions.

Risk assessment

163. We would expect existing risk assessment processes before sentence, after release from custody and (for community sentences) at the start of sentence to be used to identify those at risk of being drawn into terrorism and / or who have adopted extremist ideas

which purport to legitimise terrorist-related activity. Additionally, we would expect existing risk assessment processes to be supplemented by specialist assessments, for example, extremism risk screening. We would expect PCTLs to provide a consultative role to CRCs in doing this, where appropriate.

164. For offenders already convicted of terrorist or terrorist-related offences we would expect providers to work in partnership with other agencies, including prisons and the police, to manage any risks identified via MAPPA and the provision of bespoke interventions. For offenders who have not have been convicted of a terrorism-related offence but who are subsequently at risk of being drawn into terrorism, we would expect probation providers to have processes in place to escalate these cases to other agencies or otherwise refer the offender for appropriate interventions – for example to the Channel programme.

Staff training

165. We would expect probation providers to ensure that staff receive appropriate training in identifying and managing those at risk of being drawn into terrorism including those with extremist ideas that can be used to legitimise terrorism and are shared by terrorist groups. *Prevent* awareness training has already been given to probation staff. In complying with the duty, we expect this and other relevant *Prevent* training to continue.

166. In the future, we expect *Prevent* awareness training to be included within the Probation Qualification Framework, which is completed by all newly qualified probation staff in both the NPS and CRCs. In addition PCTLs should lead the development of local training and staff development to supplement the *Prevent* awareness training. This should focus on emerging issues and any new support and interventions that become available.

Question for consultation

23. *Are there other areas of activity, or examples of good practice, that should be covered for prisons and probation providers?*

Monitoring and enforcement for prisons and probation

167. Within **prisons**, we would expect compliance with the duty to be monitored and enforced internally by:

- Mandatory compliance with Prison Service Instructions and Orders which define policy and best practice; and
- Regular assessment of levels and risk of extremism and radicalisation internally via regional counter-terrorism co-ordinators.

168. Externally, our preference is to use existing inspection regimes where appropriate to do so. We consider that a thematic inspection by HM Inspector of Prisons could be a useful addition to the monitoring arrangements outlined above.

169. For **probation providers**, internally, we would expect compliance with the duty to be reinforced by detailed operational guidance set out in Probation Instructions. CRCs are contractually required to comply with relevant Probation Instructions and a similar requirement

exists for the NPS in Service Level Agreements. Compliance with Probation Instructions is monitored and assured internally by contract management and audit functions within NOMS and the Ministry of Justice.

170. Externally, we consider that a thematic inspection by HM Inspector of Probation could be a useful addition to the monitoring arrangement outlined above.

Question for consultation

24. How could existing inspectorates best monitor compliance with this duty?

The Police

171. *Prevent* is not a police run programme. But the police play an essential role in most aspects of *Prevent* work; they hold information which can help assess the risk of radicalisation, disrupt people engaged in drawing others 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), and support people vulnerable to it. They have a wide range of day-to-day contacts with communities and with other partners with *Prevent* responsibilities. *Prevent* work needs to be part of many aspects of policing including patrol, neighbourhood and safeguarding functions. The police are uniquely placed to tackle terrorism and to challenge the extremist ideas that are part of terrorist ideology.

Police specified authorities

172. The police specified authorities listed in Schedule 3 to the Act are as follows:

- Police Forces in England and Wales;
- Police and Crime Commissioners;
- The British Transport Police;
- Port Police Forces; and
- The Civil Nuclear Police Authority

173. In fulfilling the new duty we would expect the police to take action in the following areas.

Partnership and risk assessment

174. The police should:

- Engage fully with the local multi-agency groups that will assess the risk of people being drawn into terrorism, providing (where appropriate) details of the police counter-terrorism local profile (CTLP);
- Support the development and implementation by the multi agency group of a *Prevent* action plan to address that risk;
- Support local authority *Prevent* co-ordinators, regional further and higher education co-ordinators, regional health *Prevent* leads and regional NOMS *Prevent* co-ordinators in carrying out their work;
- Work with other specified authorities, for example local authorities or universities, to support effective and proportionate action with respect to extremist speakers;
- Co-ordinate the delivery of the Channel programme by accepting referrals, including acting as a conduit for Channel referrals with partners;
- Ensure that mechanisms are in place to ensure that relevant information is shared with partner agencies where appropriate to do so; and

- Conduct risk assessments pre- and post-police counter-terrorism action (such as arrests and searches) in order to identify vulnerable individuals and venues that might be subject to *Prevent* interventions.

175. The success of *Prevent* work relies on communities supporting efforts to prevent people being drawn into terrorism and challenging the extremist ideas that are also part of terrorist ideology. The police have a critical role in helping communities do this. To comply with the duty, we would expect the police, working with others, to build community resilience by:

- Developing *Prevent*-related projects; and
- Providing guidance to avoid money being inadvertently given to organisations which may endorse extremism or terrorism.

Prosecute, disrupt and deter extremists

176. In complying with the duty, police should engage and where appropriate disrupt extremist activity, in partnership with other agencies. We expect the police to prioritise projects to disrupt terrorist and extremist material on the internet and extremists working in this country. Officers should consider the full range of investigative and prosecution options when it comes to disrupting extremist behaviour, including the use of public order powers where appropriate. This may include:

- Enforcing proscription legislation; and
- Working with local authorities to consider municipal powers, including local highways and leafleting by-laws, using safeguarding of young people legislation.

Question for consultation

25. *Are there other areas of activity, or examples of good practice, that should be included for the police?*

Monitoring and enforcement

177. The Strategic Policing Requirement makes clear that Police and Crime Commissioners and Chief Constables must demonstrate that they have contributed to the government's counter terrorism strategy (CONTEST). This includes the *Prevent* programme, where they are required to take into account the need to identify and divert those involved in or vulnerable to radicalisation. The Home Secretary can direct a PCC to take specific action to address a specific failure.

178. HM Inspectorate of Constabulary (HMIC) is the statutory body for inspecting the police. They can carry out thematic inspections and can be asked to inspect a particular force or theme by the Home Secretary.