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## THE PREVENT DUTY: FIRST ANNUAL RETURN TO HEFCE

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<b>1.1 Purpose of paper</b>	To seek the approval of Council, as the School's governing body, for the first annual return to HEFCE on our implementation of the Prevent duty. It is due by 1 December.
<b>1.2 Recommendations</b>	<p>That Council approve each element of the proposed return, as set out below in section 9 and Annexes A and B.</p> <p>That the Acting Chair agree that the proposed pro-forma declaration of compliance with the Prevent duty (Annex A) may issue in his name.</p>
<b>1.3 Consultation and approval process</b>	On 27 September, Audit Committee approved the approach being taken by the School. HEFCE's specific requirements for the 1 December return issued too late for consideration by that meeting. The requirements were however known by the time of the last meeting of the LSE Prevent Group on 1 November, which approved this paper in draft.
<b>1.4 Strategic context</b>	The recommendation does not directly relate to <a href="#">Strategy 2020</a> but the recommended action is required to ensure compliance with the law.
<b>1.5 Risk assessment and mitigation</b>	A March 2016 risk assessment for the implementation of the Prevent duty at LSE was accepted by HEFCE without comment. There has been no significant change since last March and accordingly we are not required to include it in this return. However, we have revisited and slightly updated the assessment and attach it at Annex C for Council members only, not for inclusion in the return.
<b>1.6 Financial considerations</b>	None.
<b>1.7 Inclusivity considerations</b>	The School's approach to its implementation of the Prevent duty has not yet been subject to a formal Equality Analysis. There is no <i>a priori</i> reason to believe that the School's approach will have adverse (or indeed positive) effects on protected groups under the Equality Act 2010. However the Prevent Group agreed on 1 November to run a formal Equality Analysis in the near future.
<b>1.8 Ethical considerations</b>	<p>Two core principles of the Ethics Code are relevant:</p> <ul style="list-style-type: none"><li>- Particularly as this is a legal requirement, we must ensure that responsibility and accountability are respected</li><li>- We must ensure that implementing the Prevent duty does not compromise intellectual freedom</li></ul>
<b>1.9 Environmental considerations</b>	None
<b>1.10 Next steps</b>	Council to authorise the Acting Chair to sign the declaration of compliance, and to approve the remainder of the draft return to HEFCE.
<b>1.11 Author Name</b>	Robin Hoggard, Director of Government Relations

<b>1.12 Report Sponsor</b>	Andrew Webb, School Secretary
<b>1.13 Release of Paper</b>	Recommend to release to the School community via the Prevent pages on the intranet. However we intend to refuse any request for wider release under FOI, as publication would <u>prejudice the effective conduct of public affairs</u> by releasing information on how School procedures might be exploited or circumvented to allow radicalisation of vulnerable individuals to take place under LSE auspices. This approach is roughly in line with that of other Russell Group universities and HEFCE to release of detailed Prevent material under the FOI Act.

## 2. Background

2.1 Council was last briefed on the Prevent duty and the School's implementation of it at its meeting on 18 October. We reported then that, as required by HEFCE, the School had submitted its first full compliance return to HEFCE by 1 April. HEFCE's initial response to the full return was that further work was needed in two areas. The School addressed both areas without difficulty (see section 6 below) and on 1 August HEFCE wrote to the Director confirming that they were now satisfied with the level of LSE's compliance.

## 3. Main issues arising

3.1 For brevity, the main issues arising in implementation of the Prevent duty, which were reported to the 18 October meeting of Council, are not repeated here. They are however apparent from the risk assessment and action plan (Annexes C and D) and are included in the summary annual report in section 9 below.

## 4. Next step: first annual return

4.1 The next reporting deadline is 1 December, by which date we must submit the first of what are to be annual returns to HEFCE. To lessen the load on institutions, HEFCE have agreed that the main submission may comprise a report as submitted to the governing body – assuming of course that the governing body approve it. In addition, two separate submissions required are a declaration by the chair of the governing body and a spreadsheet containing relevant numerical data. **Council are therefore asked to approve section 9 below as the main return to HEFCE, and Annexes A and B as the two additional documents for the return.**

## 5. Annual return: period covered and content required

5.1 The return needs to cover the period 1 October 2015 (less than two weeks after the duty came into force) to 30 September 2016. The required content is set out at section 9 below.

## 6. Responses to any outstanding feedback and actions from HEFCE's initial assessments

6.1 The two areas in which further work was needed were finalising the guidance to staff on working with students in difficulty, and explaining in more detail in the guidance on running events, especially events with external speakers, how the Prevent duty would be met.

6.2 The former document is an annual production by the Academic Registrar's Division (ARD) titled Cause For Concern. It sets out comprehensive guidance for staff on working with students who may be in difficulty and require advice or counselling for a wide range of reasons, such as because of stress or mental health issues. ARD updated the then-current 2015-16 version in June 2016 to include a large number of references to the Prevent duty alongside other duties, and agreed to include the changes in future versions.

6.3 With the events guidance, we inserted a number of additions into the existing documentation and guidance, to guide and remind both event organisers and those assisting them such as staff charged with booking large campus venues of the Prevent duty, how to comply with it and where

to go in the School for help on any aspect of the Prevent duty. We then asked the relevant staff to ensure that the updated guidance was promulgated to their teams.

## 7. Declaration by the chair of the governing body

- 7.1 The return needs to include a declaration by the chair of the governing body that “throughout the academic year and up to the date of approval, [organisation name]: has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty); has provided to HEFCE all required information about its implementation of the Prevent duty; and has reported to HEFCE in a timely way all serious issues related to the Prevent duty, or now attaches any reports that should have been made, with an explanation of why they were not submitted.”
- 7.2 The Acting Chair kindly made himself available on 2 November to go through the Prevent documentation and discuss with the School Secretary and the Prevent lead the actions taken to ensure compliance with the duty. As a result, the Acting Chair is prepared to sign the declaration if Council approves. A copy appears at Annex A; this will be uploaded to the HEFCE website along with this document (if approved by Council) and the numerical data return at Annex B, to comprise the full annual return.

## 8. Refreshed risk assessment and action plan, where necessary

- 8.1 We are only required to submit a refreshed risk assessment and action plan where there have been significant changes since the previous submission or where HEFCE has raised significant concerns with the provider in the past. Neither condition applies at LSE and so neither document will be included in the return. However, Council may appreciate sight of them and they are included for Council only at Annexes C and D. Both have been reviewed and slightly updated, but there have been no changes of substance.

## 9. Summary report of ongoing engagement and implementation

- 9.1 The longest part of our return is a “short summary report of evidence of ongoing engagement with the Prevent duty and of active and effective implementation of the relevant institutional policies and processes, including discussion of any significant issues that have arisen over the last academic year in relation to the Prevent duty.” Paragraphs 9.2 to 9.17 below comprise this summary.
- 9.2 As recommended in the statutory guidance, LSE nominated the Director of Government Relations as **Prevent lead**, a single contact point tasked with leading and coordinating Prevent duty implementation and compliance work across the School. Since late 2014, he has devoted considerable time to Prevent work.
- 9.3 As soon as it became clear that the Prevent duty would become a legal obligation, the School established an **LSE Prevent Group**, chaired by the Prevent lead, in January 2015. The purpose of the Group is to oversee the implementation of and compliance with the duty, and to consider and advise senior management on individual cases, should any arise. It comprises representatives of all parts of the School involved in implementing the Prevent duty, including staff responsible for student wellbeing and counselling, internal communications, IT security, event planning and organisation (especially where external speakers are involved), the faith centre and student residences. The LSE Students’ Union General Secretary is invited to attend the Group for the purpose of keeping the Union informed, although the Prevent duty does not apply directly to the Union. The Group has met five times to date.
- 9.4 The School addresses the Prevent duty primarily as a safeguarding issue. In the Prevent Group, there was much discussion over how to ensure that **welfare and counselling** officers and other staff dealing with students who might be vulnerable could be briefed to be aware of Prevent issues and know how to report any concerns. It was agreed that this needed to be done without undermining the fundamentally confidential and student-centred nature of safeguarding work, which was a risk if it was to be seen primarily in the context of counter-terrorism. The agreed approach informed the revision of the comprehensive Cause For Concern guidance mentioned at 6.2 above.

- 9.5 The organisation of **events**, particularly those involving external speakers, requires close attention under the Prevent duty. Working with the staff concerned with event arrangements in Communications and Estates Divisions, the Prevent lead undertook a comprehensive review of LSE policies and procedures for events. By and large, the conclusion was that few if any new procedures were needed to ensure that LSE events on and off campus could go ahead wherever possible, respecting the Prevent statutory guidance and all other relevant legal obligations. This was primarily because LSE has for many years had a very extensive programme of Public Lectures, student society events and other events, many of them dealing with controversial social and political issues. The School already had arrangements to risk-assess events at an early stage and put mitigation in place if necessary, and staff involved in the process have extensive experience. However, it was necessary to raise staff awareness of the Prevent duty insofar as it brought new challenges, and the policies and guidance on event organisation needed to address the Prevent duty at every relevant stage. Our first attempt at overhauling the documentation was not entirely successful, as this was the second of the two areas in which HEFCE judged that our April compliance return required further development. However, after a constructive meeting with HEFCE officers, the documentation was revised further and the School achieved its overall compliance rating of “satisfied”.
- 9.6 The previous paragraph refers to other legal obligations relevant to Prevent. One of the most important of these is the School’s **Code of Practice on Freedom of Speech**. English universities are required to have such a code under the Education (No. 2) Act 1986. The prime requirement is to ensure freedom of speech within the law for everyone on campus, whether a member of the university community or a visitor. In parallel with work directly on Prevent, throughout 2015 and early 2016 the Prevent lead oversaw a revision of the LSE Code, taking it through the Ethics Policy Committee and Academic Board and then securing Council approval on 26 April 2016. The updated Code does not, and does not need to, mention by name Prevent or many of the other legal duties concerned. However, it supports and is entirely compatible with the Prevent duty. One of its aspects is a refashioned and strengthened Free Speech Group comprising Lay Governors and others. The Group’s purpose is to advise senior management on issues of free speech, such as those that might come into play in relation to events on controversial issues. Although escalation to Free Speech Group (or even senior managerial) level has been very rare in the past, we hope to reconstitute the Group soon so that it stands ready if needed. However, to date it has not been possible to identify a Lay Governor to chair or another to serve as a group member.
- 9.7 The Prevent Group agreed early on that transparency to the whole School community was important, not least to allay unjustified concerns about the duty. LSE **Prevent web pages** have been set up on the School intranet, accessible by all the community. These pages carry links to external sites such as the government’s main Prevent site, full details of LSE’s implementation and compliance and the returns to and responses of HEFCE.
- 9.8 **Training and briefing** of the relevant staff is a major part of the Prevent duty. As set out in Annex B, we have run a large number of face-to-face training sessions aimed mainly at staff and carried out with the help of Pinsent Masons, the School’s legal advisers who have extensive expertise in this area. Sessions have been kept small – usually 12 participants or fewer – to allow interaction. Staff trained have mainly been drawn from the key areas in the context of the Prevent duty: room bookings, communications, legal, governance, security, student services (include wellbeing, counselling and related areas), student residences, event approval and organisation, IT security and the faith centre. However, most training events have been open to all, including students, about ten of whom have attended, as have a few academic staff. A special session has been run for the School Management Committee. The Head of LSE Security has been a member of the LSE Prevent Group from the start, but we are also running a series of special sessions to train (or refresher train) all staff on his team, early in 2017. Full briefing and training materials are available to all members of the LSE community on or through the web pages mentioned above; this includes a selection of the Leadership Foundation materials and links to the remainder. Our online study tool (Moodle) also hosts the Leadership Foundation’s e-learning package giving an introduction to Prevent. 145 staff and students have attended sessions to date; this covers the great majority of staff in relevant positions.

- 9.9 The School regards it as important to accompany Prevent training with training in **Equality, Diversity and Inclusion (EDI)** issues and in **unconscious bias**. Online EDI training has been made mandatory for all staff. Unconscious bias training is being rolled out, currently to targeted groups.
- 9.10 **External engagement** is important as many in the sector face common issues and can learn from one another. The Prevent lead and previously the Head of Security have actively engaged in the London HE Prevent Network, attending and contributing to all meetings. The Prevent lead offered to lead a working sub-group of the network on the definition of extremism in a university context; this met twice but is currently on hold pending the government's promised consultation in the context of the forthcoming Counter-Extremism and Safeguarding Bill. The Prevent lead attends an occasional informal Russell Group Prevent leads forum and hosted the latest meeting at LSE in October.
- 9.11 If it should ever become necessary to share personal or other sensitive data outside LSE for Prevent purposes, such sharing needs a legal basis and appropriate safeguards. The School Management Committee approved a generic template for a Prevent **data-sharing agreement** in June 2016. The template draws on one circulated in the London network by Brunel University, but it has been adjusted for LSE use.
- 9.12 The statutory guidance requires relevant **IT policies** to be reviewed, with explicit reference to Prevent as appropriate. The School's Information Security Manager completed this process, securing approval from the Information Security Advisory Board (chaired by the Prevent lead) and IT Committee earlier in 2016. A system has been established, drawing on sector guidance, to ensure that legitimate research into sensitive subjects may take place and the results safely stored on discrete servers, without the motives for the accessing of sensitive material being called into question. The one remaining issue on IT is web filtering, on which see paragraph 9.15 below.
- 9.13 HEFCE monitoring arrangements require **significant Prevent-related incidents** to be reported proactively and requests from HEFCE about such incidents to be responded to without delay, rather than left for the next scheduled compliance return. During the reference period, no incident took place requiring the School to report proactively to HEFCE. However, HEFCE themselves made enquiries about two incidents:
- On 5 March 2016 the Federation of Student Islamic Societies (FOSIS) held a conference at LSE, on LSESU premises, in conjunction with the LSESU Islamic Society. A member of the public complained in advance to HEFCE that one of the planned speakers was an extremist who had advocated violence against Israelis. HEFCE asked for a report. The Prevent lead was able to send a written report to HEFCE stating that he had already been made aware of this and drawn it to the attention of the LSESU. The LSESU had investigated the speaker's background and decided that the speaker could not be allowed to run a session at the conference as planned; he would be allowed only to participate in a panel discussion moderated by an LSE academic.
  - On 13 March 2016 the LSESU Islamic Society held an annual dinner off campus at a venue in which men and women were assigned separately to seating segregated by a high barrier in the middle of the room. HEFCE asked for a report. The Prevent lead replied that the School was aware of the incident, which had caused certain questions to be raised; however, there was no conceivable terrorism angle and so no relevance to the Prevent duty.
- No further communication was received from HEFCE in respect of either report.
- 9.14 We are asked to mention in this return any significant issues that have arisen in our implementation of the Prevent duty. The main ones have been as follows.
- There was, and in some quarters may still be, a concern that the Prevent duty has placed new limits – or had a “chilling effect” - on freedom of speech. Accordingly, in all guidance and training sessions, we have sought to emphasise that the Prevent duty does not in any way change the definition of free speech within the law; and that the Prevent duty in any case

does not trump other legal duties (such as the duty to ensure free speech) but must be given “due regard” alongside them.

- As mentioned in paragraph 9.4 above, there are concerns that there is a tension between safeguarding duties and the Prevent duty. This clearly requires continued attention in future, in order not to undermine safeguarding work while respecting the Prevent duty.
- Some in the LSE community, especially students, have expressed concern that Prevent targets and stigmatises Muslims. We have pointed out in guidance and training that Prevent covers terrorism of all sorts. However, we are aware that this is a widespread concern which may not easily be allayed in the long term.

9.15 For this year only, HEFCEC have asked institutions to report on their approach to **web filtering** in relation to the Prevent duty, particularly where a decision had yet to be taken at the time of the previous submission to HEFCE; the latter is the case for LSE. We have considered this a number of times and raised it in external Prevent networks. While LSE applies filters to certain types of content, we have not so far found an authoritative source of reference for websites and other online locations judged sensitive in the context of Prevent. JISC’s website refers to “the Unlawful Extremism Content (Prevent) filters”. This suggests an authoritative source, presumably supplied by the government. On enquiry we have learned that while there does appear to be such a source, its contents are not freely available but in this context are only available to a single company, one which provides material for the filtering service that JISC itself offers. This service is intended for small institutions; our enquiries quickly determined that even a small university like LSE would swamp the available resources as our internet connection is larger than the entire bandwidth available to the JISC service. For the moment we intend to continue to explore the possibilities but are not hopeful of finding an external source of reference to which we would be prepared to concede judgement.

9.16 The second area for this year only is the approach to implementing the Prevent duty with **franchise partner institutions**. LSE has none so this does not apply.

9.17 Finally, HEFCE invite institutions to use their annual report to **highlight any areas where they feel they need further support**, or any particular issues that they have encountered over the past year. Particular issues are highlighted in 9.14 above. There are no areas in which we feel we need further support.

## 10. Numerical data

10.1 Data and any supporting examples or narrative are requested on:

- the number of staff who have received Prevent-related training
- the number of high-risk events escalated to the highest levels of approval
- any welfare concerns escalated internally and shared externally with Prevent partners (such as Further Education and Higher Education Prevent Coordinators, Local Authority Prevent leads or Police Prevent teams); and
- formal referrals to multi-agency Prevent processes (sometimes called Channel referrals).

These are included at **Annex B**.

**Robin Hoggard**

Director of Government Relations

**Annex A: Declaration by Acting Chair**

**Annex B: Numerical data return**

**Annex C: LSE Prevent risk assessment\***

**Annex D: LSE Prevent action plan\***

\***Annexes C and D** to be omitted from return to HEFCE, as there has been no significant change in either since they were previously submitted.