



HM Government

Prevent Duty Guidance: for England and Wales

Guidance for specified authorities in England and Wales on the duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism.

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A. Status and Scope of the Duty

Statutory guidance issued under section 29 of the Counter-Terrorism and Security Act 2015.

1. Section 26 of the Counter-Terrorism and Security Act 2015 (the Act) places a duty on certain bodies ("specified authorities" listed in Schedule 6 to the Act), in the exercise of their functions, to have "due regard to the need to prevent people from being drawn into terrorism". This guidance is issued under section 29 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 specified authorities subject to the provisions can be found in Schedule 6 to the Act. Further details can be found in the sector-specific sections of this guidance.
3. The duty applies to specified authorities in England and Wales, and Scotland. Counter terrorism is the responsibility of the UK Government. However, many of the local delivery mechanisms in Wales and Scotland, such as health, education and local government, are devolved. We will ensure close cooperation with the Scottish and Welsh Governments in implementing the Prevent duty where there are interdependencies between devolved and non-devolved elements. There is separate guidance for specified authorities in Scotland.
4. The duty does not confer new functions on any specified authority. The term "due regard" as used in the Act means that the authorities should place an appropriate amount of weight on the need to prevent people being drawn into terrorism when they consider all the other factors relevant to how they carry out their usual functions. This purpose of this guidance is to assist authorities to decide what this means in practice.

B. Introduction

5. 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 the need to "prevent people from being drawn into terrorism".
6. The 2011 *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.
7. 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".

8. The *Prevent* strategy was explicitly changed in 2011 to deal with all forms of terrorism and with non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists then 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.

9. 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 terrorist organisations in Syria and Iraq, and Al Qa'ida associated groups. But terrorists associated with the extreme right also pose a continued threat to our safety and security.

10. 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.

11. 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.

12. In fulfilling the duty in section 26 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 6 to the Act are those judged to have a role in protecting vulnerable people and/or our national security. The duty is likely to be relevant to fulfilling other responsibilities such as the duty arising from section 149 of the Equality Act 2010.

13. 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

14. 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; but 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.

15. There are three themes throughout the sector-specific guidance, set out later in this document: effective leadership, working in partnership and appropriate capabilities.

Leadership

16. 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

17. 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

18. Frontline staff who engage with the public should understand what radicalisation means and why people may be vulnerable to being drawn into terrorism as a consequence of 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).

19. 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.

20. 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

21. 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 and any confidentiality obligations that exist.

22. 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 must be referred to the police.

D. Monitoring and enforcement

23. 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

24. 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.

25. 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.

26. 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 30 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. It is also capable of being exercised in respect of Welsh specified authorities, and would be used following consultation with Welsh Ministers.

Inspection regime in individual sectors

27. 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.

28. We will work with the Welsh Government on *Prevent* monitoring arrangements and provide support to Welsh inspection regimes as required.

Schools and registered childcare providers (excluding higher and further education).

57. 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). In Wales, over 450,000 children attend Local Authority maintained schools, and there are 70 independent schools.¹

58. All publicly-funded schools in England are required by law to teach a broad and balanced curriculum which promotes the spiritual, moral, cultural, mental and physical 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 School Standards, which include an explicit requirement to promote fundamental British values as part of broader requirements relating to the quality of education and to promoting the spiritual, moral, social and cultural development of pupils. These standards also apply to academies (other than 16-19 academies), including free schools, as they are independent schools. 16-19 academies may have these standards imposed on them by the provisions of their funding agreement with the Secretary of State.

59. In Wales, independent schools set their own curriculum, but must comply with Independent Schools Standards made by the Welsh Ministers. These Standards also include a requirement to promote the spiritual, moral, social and cultural development of pupils.

60. Early years providers serve arguably the most vulnerable and impressionable members of society. The Early Years Foundation Stage (EYFS) accordingly places clear duties on providers to

keep children safe and promote their welfare. It makes clear that to protect children in their care, providers must be alert to any safeguarding and child protection issues in the child's life at home or elsewhere (paragraph 3.4 EYFS). Early years providers must take action to protect children from harm and should be alert to harmful behaviour by other adults in the child's life.

61. Early years providers already focus on children's personal, social and emotional development. The Early Years Foundation Stage framework supports early years providers to do this in an age appropriate way, through ensuring children learn right from wrong, mix and share with other children and value other's views, know about similarities and differences between themselves and others, and challenge negative attitudes and stereotypes.

62. This guidance should be read in conjunction with other relevant guidance. In England, this includes Working Together to Safeguard Children, Keeping Children Safe in Education and Information Sharing: Her Majesty's Government advice for professionals providing safeguarding services to children, young people, parents and carers.

<https://www.gov.uk/government/publications/working-together-to-safeguard-children>;

<https://www.gov.uk/government/publications/keeping-children-safe-in-education>;

63. In Wales it should be read alongside Keeping learners safe²:

<http://wales.gov.uk/docs/dcells/publications/150114-keeping-learners-safe.pdf>.

64. The authorities specified in paragraph 65 below are subject to the duty to have due regard to the need to prevent people from being drawn into terrorism. Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an

¹ Schools Census results on Wales.gov.uk

² Keeping Learners Safe includes advice on radicalisation on page 51

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 terrorist ideology, and learn how to challenge these ideas. The Prevent duty is not intended to limit discussion of these issues. Schools should, however, be mindful of their existing duties to forbid political indoctrination and secure a balanced presentation of political issues. These duties are imposed on maintained schools by sections 406 and 407 of the Education Act 1996. Similar duties are placed on the proprietors of independent schools, including academies (but not 16-19 academies) by the Independent School Standards.

Education and childcare specified authorities

65. The education and childcare specified authorities in Schedule 6 to the Act are as follows:

- the proprietors³ of maintained schools, non-maintained special schools, maintained nursery schools, independent schools (including academies and free schools) and alternative provision academies⁴
- pupil referral units
- registered early years childcare providers⁵
- registered later years childcare providers⁶
- providers of holiday schemes for disabled children
- persons exercising local authority functions under a direction of the Secretary of State when the local authority is performing inadequately; and
- persons authorised by virtue of an order made under section 70 of the Deregulation and Contracting Out Act 1994 to exercise a function specified in Schedule 36A to the Education Act 1996.

66. In fulfilling the new duty, we would expect the specified authorities listed above to demonstrate activity in the following areas.

Risk assessment

67. Specified authorities are expected to assess the risk of children being drawn into terrorism, including support for 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.

68. Specified authorities 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. Institutions will need to consider the level of risk to identify the most appropriate referral, which could include 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 children themselves – are suitable and appropriately supervised.

Working in partnership

69. In England, governing bodies and proprietors of all schools and registered childcare providers should ensure that their safeguarding arrangements take into account the policies and procedures of the Local Safeguarding Children Board (LSCB). In Wales, Local Service Boards provide strategic oversight.

³ Reference in this guidance to the 'proprietor' in the case of a maintained school, maintained nursery school and non-maintained special school is a reference to the governing body of the school.

⁴ Including early years and later years childcare provision in schools that is exempt from registration under the Childcare Act 2006

⁵ Those registered under Chapter 2 or 2a of Part 3 of the Childcare Act 2006, including childminders

⁶ Those registered under Chapter 3 or 2a of Part 3 of the Childcare Act 2006, including childminders

Staff training

70. Specified authorities 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 to 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.

IT policies

71. Specified authorities 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.

Monitoring and enforcement

72. The Office for Standards in Education, Children's Services and Skills (Ofsted) inspects the specified authorities in England listed above, with the exception of some privately funded independent schools. When assessing the effectiveness of schools, Ofsted inspectors already have regard to the school's approach to keeping pupils safe from the dangers of radicalisation and extremism, and what is done when it is suspected that pupils are vulnerable to these. Maintained schools are subject to intervention, and academies and free schools may be subject to termination of their funding agreement, if they are judged by Ofsted to require significant improvement or special measures, or if they fail to take the steps required by their local authority, or for academies or free schools by the Secretary of State pursuant to their funding agreement, as applicable, to address unacceptably low standards, serious breakdowns of management or governance or if the safety of pupils or staff is threatened. In Wales, all publicly funded schools are inspected by Estyn.

73. Ofsted inspects 16-19 academies under the Common Inspection Framework for further education and skills.

74. Privately funded independent schools in England are inspected by Ofsted or one of three independent inspectorates. In Wales, Estyn inspects independent schools. If they fail to meet the Independent School Standards, they must remedy the problem or be subject to regulatory action by the Department for Education or the Welsh Government, which could include de-registration (which would make their continued operation unlawful).

75. Early education funding regulations in England 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 from local authorities for the free early years entitlement.

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