Appendix A

Briefings to Governors and Strategic Planning Committee
20  COUNTERTERRORISM AND SECURITY ACT 2015
Noted

20.1 An update on the College’s response to the Counterterrorism and Security Act 2015.

20.2 The Act makes it compulsory for specified authorities, including universities, to comply with the Prevent duty, taking measures to prevent people from being drawn into terrorism. The Committee noted the actions that the College will need to take, including risk assessment, liaison with the local Prevent co-ordinator, and ensuring that appropriate staff are trained.

20.3 The College Secretary had convened a working group to ensure the necessary actions were taken. The group would welcome comments from SPC members on how best to ensure the duty is understood and communicated widely, and implemented effectively, with appropriate engagement from the diverse College community and in line with Birkbeck’s ethos.

20.4 Members noted that the College had a duty to its students to recognise issues affecting student wellbeing, and enable students to access support. Compliance with the counter-terrorism guidance should be considered as part of a wider agenda around enhancing the student experience and providing support and safeguarding
where appropriate. SPC thanked the College Secretary for ensuring that the duty was being implemented in a way that complemented the College’s ethos.
1. The Counterterrorism and Security Act received royal assent in February 2015. Its provisions cover communications data, information, travel security and immigration and, for a group of “specified authorities”, impose a duty to have due regard to the need to prevent people from being drawn into terrorism. This is the Prevent duty. The “specified authorities” are various public bodies including the governing bodies of most universities.

2. The application of the Act to universities was delayed until September 2015 because it was necessary for Parliament to be involved in finalising guidance for external speakers on campus. Universities are bound by the Education (No.2 Act) 1986 and the Education Reform Act 1988 to promote academic freedom and free speech.

3. Birkbeck is a diverse and complex community whose members come from different backgrounds, have different experiences and are at different stages in life. While there may be students who fit the standard expectation of being young, isolated, and possibly vulnerable to ideology, equally there are mature, professional local people and many students and staff who are dedicated to sincerely held beliefs about politics, society and freedom. As a community, we value being able to operate inclusively, with diverse views and expressions and vigorous debate. We seek to work collaboratively with the Students’ Union and the Trade Unions in all areas of joint interest, and note the reservations that these organisations have expressed about Prevent. Birkbeck values its own radical beginnings as a college specifically for working people and we are aware that much of our academic culture is built on the concept of radicalism.

4. Nevertheless, we have due regard to the law, and to the need to assist vulnerable individuals, and are taking practical steps to assure the College community and the Governors that we are meeting the duty in a way that complements the College’s ethos and is of genuine benefit to individuals.

5. The Government’s general guidance issued on the duty requires organisations to establish senior management oversight arrangements, carry out a risk assessment and develop an action plan. The College has set up a working group, chaired by the College Secretary and bringing together academic and operational staff and the Students’ Union, with the aim of navigating a practicable way for Birkbeck to meet the new duty. The group is working through the Government’s Prevent guidance for HE institutions in England and Wales, which is attached, and will produce a risk assessment and action plan. The College Secretary is reporting to the Strategic Planning Committee on progress.
6. The rest of this document summarises our plans in regard to the Prevent expectations.

**External Speakers and Events**

7. The College has policies and procedures in place for external and internal room bookings, and a Free Speech policy which includes procedures for managing events with controversial speakers or subjects. Our approach has been, and remains, to balance individual rights to free speech with everybody’s right to be free from harassment and to be safe.

8. We will review these arrangements, ensuring they apply to all staff, students and visitors, and take into account recent UUK and charity commission guidance. We will introduce a risk management based approach, involving event organisers in risk assessment and clearly identifying a chair, or event manager, for each event, who will take responsibility for being present and promoting a balance of expressed views. Our front of house and security staff have already received training on the new requirements, and they work in close liaison with their opposite numbers in the other HE institutions on the Bloomsbury campus.

**Partnership**

9. As well as liaison between front of house and security staff on the Bloomsbury campus, the Bloomsbury Colleges Heads of Administration have been considering how to meet the duty in a way that is fitting for the campus community, which shares many of the values of diversity and freedom that are important to Birkbeck. The Colleges all share and work with the same local Prevent co-ordinator contacts, who are employed by Camden Council.

**Risk Assessment and Action Plan**

10. The working group is undertaking a risk assessment, which focuses on risks to people, including students, staff and visitors, risks involving events, risks to our facilities and services should there be disruption, and risks involving external organisations, whether external room hire clients or our Bloomsbury neighbours.

11. To manage the risks to people we anticipate creating a broad safeguarding policy, with provision for people who are vulnerable because of a number of reasons which could include mental health issues, age, isolation and other adverse circumstances. This will include different referral routes for different circumstances.

12. To manage the risks involving our estate we will review our events and external room hire policies as described above. We will also review and refresh the procedures we have for managing disruption should it occur, including communications for students, staff and the wider world.

13. Given the nature of our community, there is a risk of perception that new duty will restrict the ability for individuals and groups to engage in enquiry and debate. We are considering how to involve a broad representative community in a group
overseeing all aspects of wellbeing on campus, to ensure that views and concerns and heard, understood and addressed if needed.

**Staff Training**

14. The new duty includes an expectation that staff should receive awareness training to help them prevent people being drawn into terrorism. Our front of house staff have already taken part in training provided by the Prevent co-ordinators. The working group members have also been attending externally organised awareness events. For the broader body of staff, the working group’s view is that bespoke Birkbeck training, possibly integrated with the training and development already offered to staff, will be most effective.

**Welfare and Chaplaincy**

15. Birkbeck’s Student Services team has been expanding wellbeing and counselling services, available via a dedicated wellbeing centre on the ground floor with an expanded staff complement of counsellors and advisers. For chaplaincy, we are part of the wider University of London faith community, which has a multi faith team. We have a multi faith prayer and contemplation room in the main building, open to everyone with a Birkbeck card, with a clear use policy and details of the chaplaincy team posted outside the room. Currently, the room is managed by the College Secretariat, although it could come under the remit of a wider wellbeing group if one is set up.

**IT Policies**

16. The College Computing Regulations have been updated to make it clear that users must not create, download, store or transmit unlawful material, or material that is indecent, offensive, threatening or discriminatory.

17. As a research intensive organisation with a large community of mature students we do not consider it to be appropriate to filter the content available on the Internet via our network. This is more commonly done in Schools and FE Colleges.

18. We will review policies and procedures for sensitive or extremism related research through the College Ethics Committee, which is responsible for considering all aspects of research integrity and ethics.

**Students’ Union**

19. While recognising the right of all, including students, to freedom of expression including expressing reservations about the counterterrorism legislation, we intend to ensure that SU events and activities are fully covered by our policies and procedures. Our events policies extend to the Students’ Union as well as internal and external bookings, and we are involving the Students’ Union in our overhaul of them. As already noted, the Students’ Union is represented on the working group.

**Monitoring and Enforcement**
20. HEFCE is currently the body with responsibility to assess compliance with the new duty. HEFCE’s Accounts Direction for 2015-16 includes a requirement for governing bodies to consider whether to report as a serious internal control weakness any incident relating to the ‘Prevent’ duty or to terrorism linked to the institution. We will provide Audit Committee with advice and assurance before we submit the 2015-16 accounts.

21. HEFCE recently closed a consultation exercise on its proposed monitoring of the duty. It intends to require institutions to submit a preliminary self-assessment report in December/January and more detailed documentation and self-assessment in spring/summer 2016. There will then be an annual return, with a five yearly cycle of resubmission of documentation mooted. Given that HEFCE may be closed if the current Government Green Paper proposals are followed through, it will need to pass these responsibilities on to another body.
HEFCE Prevent duty monitoring

1 In October SPC discussed the College’s response to the Counterterrorism and Security Act 2015, requiring HE institutions to take measures to prevent people from being drawn into terrorism.

2 HEFCE has been nominated as the compliance body for the Prevent duty in respect of the institutions that it funds. It has published a Prevent duty monitoring framework through which providers must submit documentation by 1 April 2016.

3 Institutions are required to submit a Prevent duty risk assessment, an action plan in response to the risk assessment, policies and procedures for managing risk linked to external speakers and events and a report on management oversight, student engagement, staff training, procedures for vulnerable individuals, pastoral/chaplaincy support and faith facilities, computer facilities, and students’ union engagement in relation to the duty.

4 HEFCE will assess the documents and return a judgement to each institution. There are three possible judgments: that the institution satisfies the requirement; that improved information is needed before the institution satisfies the requirement; or that the institution does not satisfy the requirement. The intermediate judgment is seen as transitional: institutions will either go on to satisfy the requirement after further engagement with HEFCE, or they will not satisfy the requirement and will be notified to BIS. HEFCE does not plan to publish the judgements.

5 As reported in October the College Secretary and Vice Master have convened a working group to ensure the necessary actions are implemented effectively, with appropriate engagement from the diverse College community, in line with Birkbeck’s ethos, as well as academic oversight.

6 The working group has commissioned updated policies and procedures including Freedom of Speech with a section on events and speakers, safeguarding, recommendations on filtering Internet content and a staff development plan, which will underpin our submission to HEFCE. They respond broadly to the need for us to demonstrate a duty of care to our students and staff, promoting wellbeing, safeguarding, health and safety and freedom of thought and expression rather than narrowly to the counterterrorism legislation, given the small role that Prevent and violent extremism plays in the College community.

7 The Freedom of Speech and Safeguarding policies have been circulated for consultation to Schools and key College committees, where the importance of academic oversight of
decisions on events and external speakers was discussed. The policies will be revised in response. The advice on filtering is also on today’s SPC agenda.

HEFCE has published information on its monitoring of the Prevent duty here.

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March 2016