



**NUFFIELD COLLEGE PREVENT DUTY RISK ASSESSMENT AND ACTION PLAN – JUNE 2017\_amended January 2018**

**(revised version, following consideration by the College's Governing Body on 14 June 2017)**

## **Introduction**

This *Prevent Duty Risk Assessment and Action Plan* is prepared in accordance with the 'Prevent Duty Guidance: for higher education institutions in England and Wales' (paragraphs 19-21). It is based on the template and the guidance provided by the Conference of Colleges Working Group on Prevent and takes into account the University's Risk Assessment and Action Plan. This is a revised version of the Risk Assessment and Action Plan that Nuffield College submitted to HEFCE in July 2016. The revised version was considered and approved by the College's Governing Body on 14 June 2017.

In line with the Conference of Colleges template, Nuffield's Risk Assessment and Action Plan identifies, first, some overarching risks which the Prevent Duty presents for the College within the context of the collegiate University. It then goes on to discuss more specific risks, actions taken to date in response, and then any further actions required in nine areas drawn from the Statutory Guidance, viz. Leadership and governance, Partnership, Student welfare and pastoral care, Staff welfare and pastoral care, Events and venue hire, Training, IT safety, Research, and Security.

## **Context**

In their May 2016 message to all University and College staff, the Vice-Chancellor and the Chair of the Conference of Colleges noted:

'The Counter-Terrorism and Security Act 2015 imposed a duty both on the University and the Colleges individually to have 'due regard to the need to prevent people from being drawn into terrorism' – the Prevent duty. To comply with this duty we are required to show by August that we have put in place properly considered policies and procedures to address the obligation, and subsequently we will be required to demonstrate that we have acted in a way consistent with them. Non-compliance by the University or a college would be illegal and is not an option.'

The message went on to offer reassurance on the scope of these policies and procedures and the limited extent to which they are likely to have an impact on our University. The importance of following a proportionate and risk-aware evaluation, within a framework of existing rights, was strongly emphasised.

The *Prevent Duty Risk Assessment and Action Plan* of Nuffield College has been drafted in this context and taking into account the College's close links with the University and the collective provision for Prevent within the collegiate University. It draws on both the spirit and substance of the advice provided to Colleges by the Conference of Colleges Working Group on Prevent. The Chair of the Working Group highlighted the very real danger that overzealous attempts at Prevent compliance might seriously undermine the existing rights of academics, students, staff and visiting speakers. He emphasised that the Prevent duty must not be implemented in such a way that overrides those existing rights, without which the University and the Colleges simply cannot function as places of higher learning – these include the rights to free expression, academic freedom, autonomy, confidentiality, privacy and equal treatment under the law.



| <b>Risk area</b>            | <b>Risk</b>   | <b>Level</b> | <b>Assessment and Activity to date</b>  | <b>Action Plan (from June 2017)</b>   |
|-----------------------------|---|--------------|---|---|
| <b>1. Overarching risks</b> | 1.1 PREVENT-related policies undermine free expression and academic freedom.          | Medium       | The College has considered its policies with regard to free expression and academic freedom. It has produced a Free Speech Policy, following guidance from the Conference of Colleges Working Group on Prevent, and a Code of Practice on Meetings and Events which highlights the College's commitment to providing an environment that promotes freedom of expression within the law and within a framework of robust civility. | College to continue to ensure that its free speech and academic freedom policies are openly available to all its members.   |
|                             | 1.2 PREVENT-related policies undermine the autonomy of academics, students and staff. | Medium       | The College has considered its policies that are relevant to the protection of the rights of academics students and staff to hold, articulate and act upon their political, religious and ideological opinions at all times, within the law, and subject only to their contractual agreements and terms of employment.  | College to continue to ensure that its policies that are relevant to the protection of the rights of academics students and staff to hold, articulate and act upon their political, religious and ideological opinions at all times, within the law, are openly available to all its members. |
|                             | 1.3 PREVENT-related policies undermine confidence in relationships within colleges.   | High         | The College has a confidentiality policy which ensures that the rights of academics, students and staff to confidentiality and privacy are protected, as appropriate and in the absence of serious crime (in accordance with article 8 of the European Convention on Human Rights that is incorporated into English Law).   | College to continue to ensure that its confidentiality policy is openly available to all its members.   |
|                             | 1.4 PREVENT-related policies result in discriminatory outcomes.                       | High         | The College has an Equality Statement in accordance with the Equality Act 2010; all members of the College community are expected to act in accordance with the Equality Statement.   | College to continue to ensure that its Equality Statement is openly available to all its members.   |
|                             | 1.5 PREVENT-related policies are not proportionate.                                   | Medium       | The College has adapted any relevant policies (e.g. disciplinary policy and procedure) to ensure that the PREVENT duty is included in a proportionate way, noting that the risk of individuals within the College community being   | College to continue to review any relevant policies to ensure they include the PREVENT duty in a proportionate way.   |



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|                                     |  |              | drawn into terrorism is judged to be low. The College recognises that its policies should not undermine existing legal rights, including under the Education (No 2) Act 1986, the Human Rights Act 1998, the Equality Act 2010 and data protection legislation.   |   |
|                                     | 1.6 PREVENT training fails to secure and protect respect for rights to free expression, academic freedom, autonomy, confidentiality, privacy and equal treatment under the law.            | Low          | The College's Governing Body has already received PREVENT-related briefings which highlighted the need to apply the PREVENT duty in a manner that respects the rights to free expression, academic freedom, autonomy, confidentiality, privacy and equal treatment under the law. The College's Key Individuals have attended briefings held for Senior Tutors, Tutors for Graduates, Domestic Bursars and College Welfare Leads which have focussed on the procedures for raising and sharing welfare concerns and also covered guidance on how to balance the Prevent statutory duty against other legal obligations and the need to protect the rights to free expression, academic freedom, autonomy, confidentiality, privacy and equal treatment under the law. | The College's Key Individuals to ensure that they attend any other relevant training organised by the Conference of Colleges and/or the University.   |
| <b>2. Leadership and governance</b> | 2.1 Governing Body does not assess the ongoing impact of PREVENT on the rights to free expression, academic freedom, autonomy, confidentiality, privacy and equal treatment under the law. | Medium       | The College has considered the policies that are relevant to free expression, academic freedom, autonomy, confidentiality, privacy and equal treatment under the law, to ensure that the impact of PREVENT does not undermine rights of academics, students, staff and visiting speakers under existing law, including the Education (No 2) Act 1986, the Human Rights Act 1998, the Equality Act 2010 and data protection legislation.   | College to conduct an annual review to satisfy Governing Body that PREVENT policies are not undermining, remain subject to, and are operating in a manner that secures and protects the rights of academics, students, staff and visiting speakers under existing law, including the Education (No 2) Act 1986, the Human Rights Act 1998, the Equality Act 2010 and data protection legislation. |



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|-----------------------|---|--------|--|--|
|                       | 2.2 Compliance with PREVENT duty is not reviewed at a sufficiently senior level within the College.   | Low    | The College has reviewed its risk register to ensure it includes compliance with PREVENT. The College's Governing Body receives regular updates on ongoing PREVENT-related discussions within the collegiate University. | College to continue to ensure that compliance with the PREVENT duty is included in the College's risk register and reviewed annually by Governing Body when making the annual report to HEFCE.   |
|                       | 2.3 Governing Body, academics, students and staff do not know who has primary responsibility for compliance with the PREVENT Duty.                      | Medium | The College has nominated the Bursar and Senior Tutor as Key Individuals to take primary responsibility for the PREVENT Duty within its community.   | College to ensure that its members know who its Key Individuals with responsibility for PREVENT are.   |
| <b>3. Partnership</b> | 3.1 External agencies, other colleges and the University do not know whom to contact in college on PREVENT enquiries.                                   | Medium | The College has nominated the Bursar and Senior Tutor to be its PREVENT Leads and notified the Conference of Colleges accordingly.   | College to continue to ensure that its PREVENT Leads are known to the Conference of Colleges.  |
|                       | 3.2 College is not linked adequately with statutory partners and does not know how to share PREVENT related concerns and key information appropriately. | Medium | The College's PREVENT Leads are in contact with, and regularly updated by, the appropriate services within the collegiate University, including the Conference of Colleges Working Group on PREVENT.                     | Where there is a risk of serious cause for concern, the College PREVENT Leads to liaise with the relevant services within the collegiate University (including the University's Security Services). Only the University's Registrar is authorised to make external referrals under PREVENT within the collegiate University. |
|                       | 3.3 Information is not effectively shared with the central University or other colleges.  | Medium | Special arrangements apply to the exchange of sensitive personal data, as set out in the College's confidentiality statement.  | College to review existing data sharing protocols with other colleges and the University, in a manner that is consistent with data protection law and secures and protects the existing legal rights of academics, students and staff, including, in the absence of serious crime, to confidentiality and privacy.           |
|                       | 3.4 Inadequate engagement and consultation with   | Medium | Student representatives sit on all major College committees which discuss and approve new policies or revision to existing policies. Where   | College to continue to work closely with the Junior Common Room (i.e. the College's student union) to ensure that any PREVENT-related policies are   |



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|  | students and student unions and clubs.  |              | appropriate, additional meetings with student representatives take place to discuss particular student concerns.   | communicated to all students.   |
| <b>4. Student welfare and pastoral care</b>  | 4.1 Students at risk of being drawn into terrorism are not identified by the College's welfare systems. | Low          | The College has an extensive welfare support system for students, including a College Counsellor and a Senior Tutor who is in regular contact with the students throughout the academic year. The Senior Tutor is also a nominated Key Individual for PREVENT matters. In the event that an external referral for welfare support and advice is deemed desirable by the College and the individual concerned, the College will seek the advice of the University's Director of Student Welfare and Support Services who is the sole officer within the collegiate University authorised to recommend referral of students to external agencies with the explicit approval of the University's Registrar. | College to review its welfare procedures to include guidance on dealing with any concern that students may be drawn into terrorism, including, in the absence of serious crime, securing and protecting the existing rights of students to confidentiality and privacy. |
| <b>5. Staff welfare and pastoral support</b> | 5.1 Staff at risk of being drawn into terrorism are not identified by college welfare systems.          | Low          | The College's Bursar, who is also a nominated Key Individual for PREVENT matters, has primary responsibility for welfare provision to domestic and ancillary staff. The College Counsellor and the Heads of Department also provide welfare support to staff. In the event that an external referral for welfare support and advice is deemed desirable by the College and the individual concerned, the College will seek the advice of the University's Director of Human Resources who is the sole officer within the collegiate University authorised to recommend referral of staff to external agencies with the explicit approval of the University's Registrar.                                  | College to review its welfare procedures to include guidance on dealing with any concern that staff may be drawn into terrorism, including, in the absence of serious crime, securing and protecting the existing rights of staff to confidentiality and privacy.       |



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| <b>6. Events and venue hire</b> | 6.1 Arrangements to risk assess events contravene the College's statutory duty to promote freedom of speech.                   | Medium       | The College has a Free Speech policy (cf. 1.1 above) and protects the primacy of free expression and academic freedom in the context of institutions of higher education.  | College to continue to ensure its Free Speech policy is available to all its members. College members are expected to take this policy into account when booking events. Risk assessments to be applied in a proportionate way.   |
|                                 | 6.2 Students book external speakers (defined as being speakers external to the collegiate University) without risk assessment. | Medium       | The College to continue to review its arrangements for student bookings of external events.  | Student bookings for student external speaker events to be approved by a Key Individual (the College's Senior Tutor or Bursar), who is responsible for risk assessment. In cases that require serious consideration both the Bursar and the Senior Tutor may be consulted.  |
|                                 | 6.3 Academics arrange external speakers without risk assessment.   | Medium       | Academics are responsible for booking and risk assessing their own events, with support from relevant College officers and staff. Academics who are members of the College's Governing Body have received PREVENT-related briefings which noted that academics are responsible for risk assessing their own events.  | College to continue ensure its academics are aware that they are responsible for risk-assessing their own events and for implementing College policy to secure and protect the primacy of free expression within the College, and for external speakers, including under the Education (No 2) Act 1986 and Equality Act 2010.   |
|                                 | 6.4 Conference organisers arrange external speakers without risk assessment.   | Medium       | Conference organisers (including staff working at the College's conference office) are subject to existing rules on appropriate activities. The College has considered its policy on external bookings for conferences with a view to ensuring that it reflects the College's commitment to protect the primacy of free expression and that risk assessments are conducted in a proportionate way. | College has updated its policy on external bookings for conferences in a way that reflects College policy to secure and protect the primacy of free expression within the College, and for external speakers, including under the Education (No 2) Act 1986 and Equality Act 2010. College to ensure that conference organisers (including staff working at the College's conference office) are aware of the updated policy and the need for risk-assessing events in a proportionate way. |
|                                 | 6.5 Faith facilities arrange external speaker events without risk assessment.  | Low          | The College is currently considering the function of its Chapel, including the possibility of appointing a Chaplain. At present, any external speaker events taking place in the College's   | College to draft a policy for the management and use of its Chapel which should reflect College policy to secure and protect the primacy of free expression within the College, and for external speakers,  |



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|                     |  |              | chapel are normally organised through the conference office and are subject to existing rules on appropriate activities (see 6.4 above).   | including under the Education (No 2) Act 1986 and Equality Act 2010.   |
| <b>7. Training</b>  | 7.1 Key Individuals do not understand their duties and are not aware of the resources available to them.                                 | Low          | Key Individuals have received briefing notes on PREVENT training from the Conference of Colleges. Governing Body has received suitable briefing, including rights protection briefing.   | Key Individuals in College to continue to receive appropriate briefings and training, including rights protection training, as and when these become available through the Conference of Colleges and/or the University.   |
| <b>8. IT safety</b> | 8.1 Users of College IT systems break the law and use IT facilities in a way that is inappropriate under the PREVENT statutory guidance. | Medium       | All academics, students and staff are bound by the College's IT policy. The College's IT policy is has been reviewed to refer to the PREVENT duty, in accordance with advice received from the Conference of Colleges and the University. Filtering will not be introduced, but an amendment to the policy is being considered to provide that users of College IT facilities are not permitted to use these facilities with the intention of drawing people into terrorism. | Users of all college IT systems to be reminded that they are required to abide by all applicable laws and by College and University IT policies as a strict condition of use.  |
| <b>9. Research</b>  | 9.1 College researchers are in breach of research ethics governing research using human subjects, including on-line.                     | Low          | All research involving human subjects which requires ethical clearance is considered in accordance with the College's and University's research ethics process, as appropriate.  | College to consider its research ethics policy covering college-only staff as well as jointly appointed staff and students, including to secure and protect the existing legal rights of researchers, their equal treatment under the law, and academic freedom. |
| <b>10. Security</b> | 10.1 College does not have adequate physical security measures in place.   | Medium       | The College has robust systems to ensure physical security and liaises routinely with the University's Security Service, as and when appropriate.  | College to review its physical security policy, including staffing arrangements at the Porter's Lodge.   |