

Counter-Terrorism & Security Act 2015

GOOD PRACTICE GUIDE

FOR SCOTTISH
HIGHER EDUCATION
INSTITUTIONS

Prepared by the Higher Education Prevent Working Group,
June 2015

1. Introduction

- 1.1 Scottish higher education institutions (HEIs) have a statutory duty, in terms of the Counter-Terrorism & Security Act 2015, '*to have due regard to the need to prevent people from being drawn into terrorism*'. The nature of the statutory duty is explained in **Annex 1**, which is the statutory guidance issued to accompany the Act.
- 1.2 It is the responsibility of each HEI to determine what measures it will take to address this statutory duty. This Good Practice Guide has been prepared in order to assist the HEIs in deciding what measures are appropriate and, in doing so, to encourage the adoption of consistent good practice across the Scottish higher education sector, taking account of local needs and of institutional structures and culture.
- 1.3 Common to all Scotland's higher education institutions is a commitment to academic freedom and freedom of expression. Indeed, higher education plays an essential societal role in providing a culture where challenging and controversial views may be expressed. While recognising their responsibility to address the statutory duty, the Scottish HEIs are committed to supporting freedom of expression within the law.
- 1.4 The Good Practice Guide has been compiled by the Higher Education Prevent Working Group, which will keep it under regular ongoing review, informed by examples of good practice from across Scotland.

2. The Higher Education Prevent Working Group

- 2.1 The Higher Education Prevent Working Group was established by the Scottish University Secretaries in February 2015. It reports to the Secretaries Group.
- 2.2 The Remit of the Working Group is:
 - *To develop guidance to assist the Scottish universities in meeting their statutory duty per the Counter-Terrorism & Security Act 2015; and*
 - *To be a forum for sharing good practice in addressing the statutory duty.*
- 2.3 Membership of the Working Group is:
 - one member from each Scottish HEI, as nominated by the University Secretary or equivalent;
 - in addition, four members nominated by AUCSO (the Association of University Chief Security Officers); and
 - the Head of the Scottish Preventing Violent Extremism Unit.

In addition, representatives of NUS Scotland and UCU Scotland attend the Working Group by invitation.

The convener of the Working Group is a University Secretary, nominated by the Scottish Secretaries Group. The convener represents the sector as a member of the national multi-agency Prevent sub-group.
- 2.4 **Annex 2** shows the membership of the HE Prevent Working Group in June 2015, the date on which this Good Practice Guide was published.

3. Managing the Implementation of Good Practice

- 3.1 It is essential, in order for the statutory duty to be addressed effectively, that a senior manager in each institution is responsible for implementation, and for observing the Good Practice guidance contained in this document.
- 3.2 In each HEI, the University Secretary or equivalent should be responsible for implementation, and also for ensuring that the HEI participates at an appropriate level in local multi-agency CONTEST groups. S/he will be supported in this role by the institutional member of the HE Prevent Working Group.
- 3.3 Each HEI should establish, or identify an existing high-level group (referred to below as the 'University Prevent Group') to assume operational responsibility in this area. This will be a small group of senior staff, convened, for example, by the University Secretary, that is responsible for:
 - 3.3.1 maintaining a shared awareness and understanding of the risks of radicalisation within the campus community;
 - 3.3.2 communicating to relevant staff the requirements and importance of the statutory duty;

3.3.3 ensuring that the statutory duty is addressed effectively; and

3.3.4 making decisions on sensitive matters that may arise in relation to Counter-Terrorism and Security. Examples are:

- deciding what action to take where concerns are raised that a member of the campus community may be being drawn into terrorism; or
- deciding whether to allow a controversial speaker to visit the campus, and on what conditions.

Membership of this group should include: the University Secretary, or equivalent; the HE Prevent WG member, a senior manager responsible for campus security and a senior member of academic staff. Other participants should be co-opted as required for their specific knowledge. The group will be responsible, through its convener, to the governing body.

4. Guidance on Staff Training

4.1 The statutory guidance in the Counter-Terrorism & Security Act states that:

- *'Institutions should give relevant staff sufficient training to be able to recognise vulnerability to being drawn into terrorism, and be aware of what action to take.'*

4.2 To address this requirement, each HEI will identify those roles within the institution for which training is relevant, and they will make arrangements for the postholders to receive relevant training. They will be assisted in this by the work of the HE Prevent Working Group, which will organise regional and Scotland-wide training events and make recommendations on suitable training materials.

4.3 Relevant postholders will fall into two categories:

4.3.1 Staff who have a management role; either in the provision of welfare advice and support to students, or in the oversight of security on campus. For those staff, the HE Prevent Working Group will:

- arrange inter-institutional training events, in which all relevant staff will be expected to participate; and
- review available training materials on a continuing basis, and recommend the material that appears best-suited to this group of staff.

4.3.2 Staff who do not have a management role, but who ought to have a general understanding of the statutory duty and the way in which it impacts on their institution. The HE Prevent Working Group will recommend to HEIs relevant briefing material, including on-line material, that should be made available to these staff as part of their regular induction and training.

4.4 Staff referred to in 4.3.2 above will be employed in a range of functions, as: academic advisors, campus security officers, equality & diversity officers, events organisers, health & safety officers, HR managers, interfaith chaplains, IT services officers, media/communications officers, student residence managers, student counsellors.

4.5 Staff training will include guidance on information sharing (see Section 8 below).

5. Guidance on Safety Online

5.1 Every HEI must have a policy on the acceptable use of IT facilities and, as a condition of using these facilities, all users must explicitly agree to observe the policy.

5.2 The policy should make specific reference to the institution's statutory Counter-Terrorism duty.

5.3 The IT regulations should state that the HEI may monitor IT use, in order to ensure that this use is compliant with the law and with the University's acceptable use policy.

5.4 Where, in the course of monitoring the use of IT facilities, a concern is identified regarding access to terrorism-related material by a member of staff or a student, this should be reported to the University Secretary, who should decide on appropriate action in consultation with the members of the University Prevent Group (3.3 above).

5.5 Web filtering is a tool that may be used as a means of monitoring access, whereby visits to websites that breach policy are logged but access is granted, or as a means of denying access to websites that breach policy.

To date, Scottish HEIs have been reluctant to adopt a policy of web filtering, in view of the potential negative impact on academic research. It would be advisable for the institution to take its lead in this area from the Higher Education IT Directors in Scotland group (HEIDS), which has kept the topic under review and which, if web filtering were considered appropriate by an HEI, could advise on the most appropriate filtering tool

If web filtering is applied by the institution, then staff and students must be informed of this.

- 5.6** A member of staff or a student may wish to access terrorism-related material a part of a legitimate piece of academic research. In this situation, the institution should follow the guidance contained in Universities UK's guidance on '*Oversight of security-sensitive research material in UK universities*' (**Annex 3**). In particular:
- ethical approval for the research must be obtained through the HEI's established Ethics approval process;
 - explicit approval must also be obtained from the member of staff's academic line-manager; and
 - robust central storage arrangements must be put in place so that the material may be accessed only by the relevant member of academic staff.

6. Guidance on Management of Speakers at Events

- 6.1** The statutory guidance requires institutions to have in place policies and procedures for the management of speakers and events.
- 6.2** Freedom of speech within the law is fundamental to the work of an institution of higher education. Policies and procedures on the management of speakers and events must recognise this, in the way they are framed and in the way they are implemented.
- 6.3** While upholding the fundamental importance of freedom of speech, institutions may nevertheless require to place conditions on certain speakers or events, or indeed to refuse to allow them on campus. This should be done only in exceptional circumstances, and where the institution, having considered carefully the available information, believes that there is a serious risk that the speaker or event will breach the law and/or will pose a significant risk to the wellbeing of students, staff or visitors.
- 6.4** Procedures for the management of speakers and events must:
- clarify that the organisers of events are responsible for assisting the institution in addressing its statutory duty;
 - establish clearly who has authority for agreeing to the provision of campus accommodation for a speaker or event;
 - encompass all activities taking place on the campus, whether organised by institutional managers, by other members of staff, by students, or by a third party;
 - include arrangements for managing any institutional events that are run by the institution but housed in external premises;
 - include a clear protocol for escalating decisions to senior staff where they are controversial or difficult;
 - require decisions on controversial speakers and events to be made by the University Prevent Group, to be articulated and recorded clearly, and to be made in relation to an established set of criteria;
 - address the need to ensure that speakers on campus are not prevented, by aggressive or intimidating behaviour, from communicating with their audience;
 - require that the senior manager responsible for campus security should participate in decisions on controversial speakers and events, and should liaise with the Police where appropriate.
 - involve effective cooperation with the student union.
- 6.5** Through AUCSO (Association of University Chief Security Officers), HEIs should share their experience in the management of controversial speakers and events.
- 6.6** **Annex 4** is UK-wide guidance on external speakers, as prepared by Universities UK.

7. Guidance on Provision of Welfare and Pastoral Support

- 7.1** All HEIs have a duty of care to their students. They must have early warning systems in place to alert them when students are experiencing difficulties in their student life, and they must ensure that effective sources of advice and support are available when students need help.
- 7.2** Effective advice and support should be provided to students according to their needs, and typically would cover the following areas:
- academic study support;
 - health and wellbeing;
 - personal counselling;
 - financial advice;
 - advice on immigration and visas;
 - faith support;
 - support from other students (through student union or association); and
 - life in student residences.
- 7.3** All staff and students should be made aware that, should they have concerns regarding the wellbeing of a student, they can raise these in confidence with a member of staff.
- 7.4** Staff who are engaged in the provision of advice to students should be made aware that, should they have concerns that a student may be being drawn into terrorism, they should raise these with the University Secretary or equivalent, who will then discuss the concern with the University Prevent Group.
- 7.5** All staff who have a front-line role in providing welfare advice and support to students should be briefed on the institution's statutory duty as part of their essential training for the role (see 3.2 above).
- 7.6** Where the institution provides interfaith facilities there must be clear policies and procedures governing their use. A senior member of staff should be responsible for the management of these facilities.

8. Information Sharing

- 8.1** Where a member of the campus community is concerned about the wellbeing of a student or member of staff, s/he may want to share personal information about this person with relevant staff whose role is to provide support in such circumstances. Higher education staff can generally disclose information about a student to enable another member of staff to do their job, in line with the institution's data protection policies. Whenever in doubt, advice should be taken from the institution's Data Protection Officer.
- 8.2** Similarly, an institution may wish to share personal information about a student or member of staff with a third party, because of concerns regarding the person's wellbeing. Decisions to share information with a third party should be taken by the University Prevent Group and in line with the institution's data protection policies. Again, advice should be taken from the institution's Data Protection Officer.
- 8.3** With a view to ensuring suitable protection of personal data, the HEIs will seek as a group to establish a formal information sharing protocol with Police Scotland.

9. Guidance on Effective Liaison with Student Unions

- 9.1** The counter-terrorism statutory duty does not apply directly to student unions where they are constituted as independent charitable bodies. However, their cooperation with the HEI will be important in helping it address its statutory duty.
- 9.2** Each HEI must be clear with its student union about the duties placed on the institution by the Counter-Terrorism & Security Act, and the assistance it seeks from the student union in addressing its statutory duty.

9.3 Particular areas in which institutions should seek cooperation from their student unions are:

9.3.1 *Management of speakers and events.* HEIs must ensure that their student unions work in partnership with them in relation to controversial speakers and events. Unions may, as independent charitable bodies, wish to establish their own protocol for making decisions on controversial speakers and events organised by student societies. It is possible though that, where a student union supports a particular speaker or event, the institution may nevertheless be unwilling to allow the event to take place on campus.

9.3.1 *Provision of welfare and pastoral support.* Student unions are often better placed than institutional staff to provide welfare and pastoral support to students. Where in the course of this work, student officers have concerns that a student may be being drawn into terrorism, they should be encouraged to raise this concern in confidence with the University Secretary or equivalent, who would refer it to the University Prevent Group for consideration.

9.3.1 *Training.* Where student union staff or elected officers are engaged in the provision of welfare and pastoral support, the institution should invite them to attend Prevent training.

10. Ongoing Review of the Good Practice Guide

10.1 After its initial work in preparing this Good Practice Guide, the HE Prevent Working Group will meet twice per year to address its continuing role as a forum for good practice in addressing the statutory duty. As part of that role, the Group will regularly review the terms of this Good Practice Guide, and will update it as appropriate to effect improvements and to reflect changing circumstances.

HE Prevent Working Group, 26 June 2015