FINAL

Counter-Terrorism & Security Act 2015

Good Practice Guide for Scottish higher education institutions

Prepared by the Higher Education Prevent Working Group, November 2019

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 had 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.

1.3   Common to all of Scotland's higher education institutions is a commitment to academic freedom and freedom of expression. Indeed, higher education plays and 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 HEIs 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);

- the Head of the Scottish Preventing Violent Extremism Unit.

2.4 The convener of the Working Group will be a University Secretary, nominated by the Scottish Secretaries Group. The convener will represent the sector as a member of the national multi-agency Prevent sub-group.

2.5 **Annex 2** shows the membership of the HE Prevent Working Group as at November 2019, the date on which this Good Practice Guide was updated.

3. Managing the Implementation of Good Practice

3.1 It is recommended, in order for the statutory duty to be addressed effectively, that a senior University manager is responsible for implementation, and for observing the Good Practice guidance contained in this document.

3.2 In each HEI, the University Secretary or their nominee 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 confirm the remit of, a high-level group (referred to below as the *'University Prevent Working Group'*) with responsibilities in this area. This will be a small group of senior staff, convened by the University Secretary or their nominee, that is responsible for:

   3.3.1 maintaining a shared awareness and understanding of the risks of radicalisation within the HEI 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 HEI community may have been drawn into terrorism; or

   - deciding whether to allow a controversial speaker to visit the campus, and on what conditions.

3.4 Membership of this group should include: the University Secretary or their nominee; the HE Prevent Working Group member, the Head of Security or their nominee and a senior member of academic staff, with other participants co-opted as required for their specific knowledge. A student representatives should be invited to meetings, where possible. The group will be responsible, through the University Secretary, to the University Court or another senior management oversight group.

4. 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 4.2 above will be employed in a range of functions, as: academic advisors, campus security officers, equality & diversity officers, 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).

4.6 Where possible, HEIs are encouraged to consult with relevant Union representatives to allow them to participate in the discussions around staff training.

5. Safety Online

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

5.2   The Code of Conduct should make specific reference to the institution's statutory Counter-Terrorism duty. The following is suggested as standard wording:

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 HEI's acceptable use policy.

5.4   Where, in the course of monitoring the use of IT facilities, a concern is identified regarding the activities of a member of staff or a student, this should be reported to the University Secretary or their nominee, who should decide on appropriate action in consultation with the members of the University Prevent Working 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 HEIs to take the 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 a 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.

5.7   Each HEI should develop and maintain a policy on supporting staff and students engaged in sensitive research. HEIs may wish to consider using the Security-sensitive or extremism-related research declaration at Annex [number] as part of their process.

6.   Management of Speakers and 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 a HEI. 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 respecting 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 Each HEI should establish a procedure for considering external speaker requests. Procedures for the management of speakers and events must:

- clarify that the organisers of events are responsible for assisting the HEI 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 in the name of 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 Working Group, to be articulated and recorded clearly, and to be made in relation to an established set of criteria such as those found at **Annex 4**, page 20;

- 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 Head of Security should participate in decisions on controversial speakers and events, and should liaise with the Police where appropriate.

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. 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 university 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 in 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 a member of the University Prevent Working Group or the relevant designated person.

7.5   Senior members of University staff should be responsible for the management of clubs and societies using university facilities, including interfaith facilities, and there must be clear policies and procedures governing their use.

7.6   All staff who have a front-line role in providing welfare advice and support to students should be briefed on the University's statutory duty as part of their essential training for the role (see 3.2 above).

8.   **Information Sharing**

8.1   Where a member of the HEI community is concerned about the wellbeing of a student or member of staff, they may want to share personal information about this person with a colleague, so that support may be provided. HEI 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 University's Data Protection Officer.

8.2   Similarly, a HEI 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 Working Group and in line with the institution's data protection policies. Again, advice in these cases should be taken from the HEI's Data Protection Officer.

8.3   With a view to ensuring suitable protection of personal data, the HEI should seek to establish a formal information sharing protocol with Police Scotland, and with any other body with whom it might share personal data.

8.4   Even if there is no information sharing protocol in place, a HEI may have a duty to share information under the Counter-Terrorism and Security Act 2015 or other relevant applicable law.

9.   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 comply with the university's protocol requiring that decisions on controversial speakers and events are made by a group of senior staff.

9.3.2   *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 a member of the University Prevent Working Group for consideration.

9.3.3   *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.

9.4   One way of promoting a positive relationship with the student union is to include a member of their executive group as part of the membership of the University Prevent Working Group.

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.

ANNEX 1

Counter-Terrorism & Security Act 2015, **(Annex 1)**.

ANNEX 2

Scottish Higher Education Prevent Working Group
Membership: October 2020

Convener:	Alastair Merrill (St Andrews)
Scottish HEI members:	Abertay University
	Edinburgh Napier University
	Glasgow Caledonian University
	Glasgow School of Art
	Heriot-Watt University
	Open University in Scotland
	Queen Margaret University
	Robert Gordon University
	Royal Conservatoire of Scotland
	Scotland's Rural College
	University of Aberdeen
	University of Dundee
	University of Edinburgh
	University of Glasgow
	University of St Andrews
	University of Stirling
	University of Strathclyde
	University of the Highlands & Islands
	University of the West of Scotland
AUCSO members:	Les Allan, Heriot-Watt University
	Andy Edmonston, University of St Andrews
	Gary Stephen, University of Glasgow
	David Halliday, Glasgow Caledonian University
Other members:	Head of the Scottish Preventing Violent Extremism Unit
Attending by invitation:	University & College Union
	National Union of Students
	Scottish Government
	Police Scotland

ANNEX 3

Universities UK's guidance on *'Oversight of security-sensitive research material in UK universities'*
(Annex 3)

ANNEX 4

Annex 4 . UK-wide guidance on external speakers, as prepared by Universities UK