

Prevent duty guidance for Scotland

Guidance for specified Scottish authorities 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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Statutory guidance for Scotland issued under
Section 29 of the Counter Terrorism and Security
Act 2015

A. Status and Scope of the Duty

1. Section 26 of the Counter-Terrorism and Security Act 2015 (the Act) places a duty on certain bodies, listed in Schedule 6 to the Act, to have, in the exercise of their functions, “*due regard to the need to prevent people from being drawn into terrorism*”. This guidance is issued under s29 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 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.
3. Further details of the Scottish authorities subject to the provisions can be found in the sector-specific sections of this guidance.

B. Introduction

4. The *Prevent* strategy, published by the UK 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 “*prevent people from being drawn into terrorism*”.

The *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.
5. 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”.

6. *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. There is also a threat from terrorism associated with Northern Ireland. Individuals and groups associated with the extreme right also pose a continued threat to our safety and security. Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit.
7. 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.
8. With regard to the threat from terrorism relating to Northern Ireland, there are several dissident republican terrorist groups who reject the 1998 Belfast Agreement and continue to carry out attacks. Loyalist groups do not pose a terrorist threat, but they continue to engage in a range of criminal activity including violent feuding, public disorder and security incidents. Where either dissident republican or loyalist activity extends into Scotland, *Prevent* work is considered.
9. At times, *Prevent* activity in Scotland may touch upon separate anti-sectarianism work, or vice versa. Clearly, the issues here are complex and the relationship (if any) between sectarianism, extremism, violent extremism and terrorism is not straightforward. However, according to the working definition being used, sectarianism can include violence towards a specified religious other¹.

¹ 1. The independent Advisory Group on Tackling Sectarianism in Scotland published its findings in December 2013 and uses the following working definition:

Sectarianism in Scotland is a complex of perceptions, attitudes, beliefs, actions and structures, at personal and communal levels, which originate in religious difference and can involve a negative mixing of religion with politics, sporting allegiance and national identifications. It arises from a distorted expression of identity and belonging. It is expressed in destructive patterns of relating which segregate, exclude, discriminate against or are violent towards a specified religious other, with significant personal and social consequences.

10. 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 acts of violence.
11. 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.
12. 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 collaborative approach to the *Prevent* duty

13. The responsibility to tackle extremism is one we all share and *Prevent* work depends on effective partnership. In complying with the duty all specified authorities, as a starting point, should demonstrate engagement with multi-agency *Prevent* and wider CONTEST governance groups and processes. They should also demonstrate that their approach to the *Prevent* duty is based on a shared awareness and understanding of the risk of radicalisation in their area, institution or body. This risk will vary greatly and can change rapidly. 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 and commit to working in partnership to tackle it.
14. Effective delivery of *Prevent* contributes to several of the Scottish Government's national outcomes:
 - Our young people are successful learners, confident individuals, effective contributors and responsible citizens
 - We live our lives safe from crime, disorder and danger
 - We have strong, resilient and supportive communities where people take responsibility for their own actions and how they affect others
 - We take pride in a strong, fair and inclusive national identity
 - Our public services are high quality, continually improving, efficient and responsive to local people's needs
15. The *Prevent* strategy is also aligned to the Christie Commission report into reform of Scotland's public services which found that a key objective of reform should be to ensure that public service organisations prioritise prevention, reduce inequalities and promote equality.

16. There are two main themes throughout the sector specific guidance set out later in this document: effective leadership and working in partnership. The guidance also looks at what *Prevent* capability each specified authority should have. Appropriate information sharing will also be key to the duty.

Leadership

17. 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

18. *Prevent* work depends on effective partnership. To demonstrate effective compliance with the duty, specified authorities should be able to show that they link in to the single national strategic lead for *Prevent* in their sector, institution or organisation. Details of these are provided in each sector-specific section. They must also demonstrate evidence of productive co-operation in local CONTEST and *Prevent* delivery arrangements.

Capabilities

19. Frontline staff who engage with the public should understand what radicalisation means and why people may be vulnerable to it.
20. Staff need to know what measures are available to prevent people from becoming drawn into terrorism. They need to understand how to access support for people who may be being exploited by radicalising influences.
21. All specified authorities subject to the duty will need to ensure they provide appropriate training for staff involved in the implementation of this duty.

Sharing information

22. 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 through the Prevent Professional Concerns process). 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.

23. 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 should always be referred to the police.

D. Monitoring and enforcement

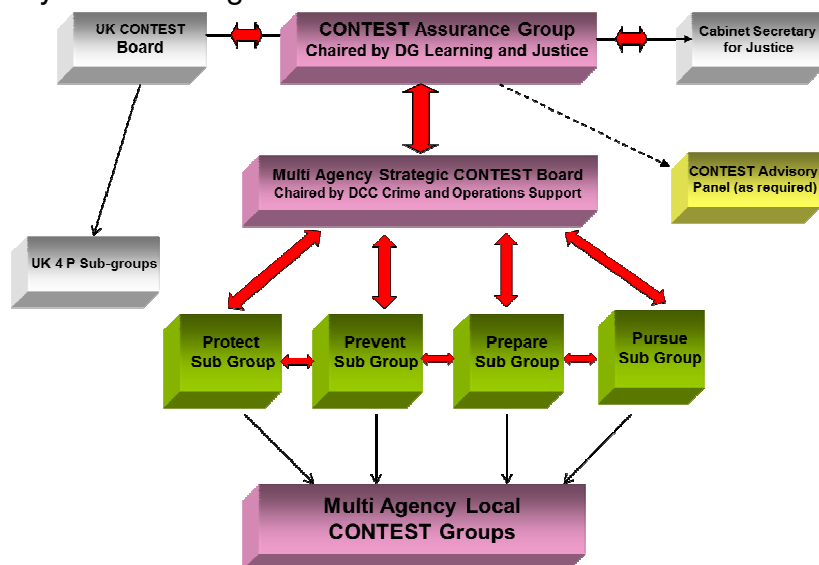
24. All specified authorities must comply with this duty and will be expected to maintain appropriate records to show compliance with their responsibilities and provide reports when requested.

Central support and monitoring

25. *Prevent* activity in Scotland is overseen by the *Prevent* sub-group of the Multi-Agency Strategic CONTEST Board (MASCB) for Scotland. Institutions and organisations can provide exception reporting to the MASCB directly through their national CONTEST lead at the MASCB, or through the strategic *Prevent* lead via the *Prevent* sub-group if they are not represented at the MASCB itself. This is further explained in the sector-specific sections of this guidance.

26. Local multi-agency CONTEST groups oversee *Prevent* activity in their area and provide progress updates on activity contained in the local implementation plan. Where required, local *Prevent* groups may also be convened. Local CONTEST groups will provide exception reporting to the MASCB.

27. Multi-agency CONTEST governance structures are as shown below:



28. The Scottish Government will draw together data about the implementation of *Prevent* from all partners engaged in delivery as appropriate. An annual progress report of performance against the *Prevent* delivery plan is submitted to the Cabinet Secretary for Justice.
29. The Scottish Government will provide data on the delivery of *Prevent* in Scotland, exception reporting and examples of best practice to the Home Office. The Home Office will 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. If Scottish authorities are to be discussed at the Prevent Oversight Board, Scottish Ministers will be consulted and will attend in order to provide further advice.
30. 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. Scottish Ministers would be present at the Prevent Oversight Board if the power of direction in respect of any Scottish specified authority is under discussion. 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.

Inspection regime in individual sectors

31. Central support and monitoring will be supported by existing inspection and audit regimes in specific sectors. There are a number of different regimes and a range of inspection options that may be appropriate. Some sectors may see a

parallel with the equality duty and wish to explore whether or not they can use existing bodies that monitor compliance with that duty for *Prevent* purposes.

E. Sector-specific guidance

Local authorities

32. With their wide-ranging responsibilities, and democratic accountability to their electorate, local authorities are vital to the delivery of *Prevent*. Local authority staff and front-line professionals will meet people who may be vulnerable to being drawn into terrorism. Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. Effective local authorities will be working with their local partners to protect the public, prevent crime and to promote strong, integrated and resilient communities.

Specified local authorities

33. The local authorities that are subject to the duty are listed in Schedule 6 of the Act. They are:

- A council constituted under section 2 of the Local Government etc. (Scotland) Act 1994

34. In fulfilling the new duty, local authorities should be carrying out activity in the following areas.

Leadership

35. In complying with this duty we would expect active engagement from Chief Executives and the senior management team with the range of *Prevent* partners including police. We would also expect to see local authorities appoint a single point of contact for *Prevent*.

36. A national strategic *Prevent* lead from both SOLACE and COSLA will represent local authorities at the *Prevent* sub-group. Each local authority will demonstrate awareness of and engagement with these *Prevent* leads.

Partnership

37. Local authorities should support and engage with local multi-agency CONTEST groups in order to agree and co-ordinate *Prevent* activity based on a shared understanding of the risk, threat and vulnerability in the area. They should also

make use of other existing multi-agency forums, such as Community Planning Partnerships, where appropriate.

38. We expect local, multi-agency groups to put in place arrangements to effectively monitor local *Prevent* activity. Local authorities will report to these local groups and provide a performance update on any relevant *Prevent* objectives in the implementation plan.

Implementation plan

39. Emerging and Residual Threat Local Profiles (ERTLPs) produced by the police will be used to brief Chief Executives and their senior management team on the threat, risk and vulnerability in their area. This will enable senior leadership to give their support and advice to the nominated *Prevent* lead at the local authority. A summary of information contained in the ERTLP will be provided to the local multi-agency CONTEST group so that they can develop and agree *Prevent* actions for the local implementation plan.
40. Every local authority should participate in local multi-agency CONTEST groups and consider the most effective way of developing a local *Prevent* implementation plan that will describe local prevent actions, aligned to the national prevent strategy. Many of these activities will be community based.

Staff training

41. Local authorities will be expected to ensure frontline staff have a good understanding of *Prevent* and are aware of available programmes to deal with any individual who is vulnerable to being drawn into terrorism.
42. Local authority staff will be expected to make appropriate referrals to the Prevent Professional Concerns process (a programme which provides multi-agency support to individuals who are at risk of being drawn into terrorism).

Venues and Premises

43. In complying with the duty we expect local authorities to ensure that publicly-owned venues and resources do not provide a platform for extremists and are not used to disseminate extremist views. This includes considering whether IT equipment available to the general public should use filtering solutions that limit access to terrorist and extremist material.

Schools and young people

44. We would expect local authority arrangements in relation to the *Prevent* duty to be applied to schools. In addition to staff training, it may be appropriate to consider the need for training for Parent Councils.
45. We would expect local authorities to have policies relating to the use of IT in schools. We would expect policies around general usage, covering what is and is not permissible, to contain specific reference to the statutory duty. Some educational institutions already use filtering as a means of restricting access to harmful content. Consideration should be given to the use of filters as part of the strategy to prevent people from being drawn into terrorism.
46. Risks to young people are often multi-dimensional. Local authorities would be expected to demonstrate an awareness of *Prevent* in their work to implement the *Getting it right for every child* (GIRFEC) approach. Curriculum for Excellence and arrangements for recognising and realising children's rights are also relevant. For example, Curriculum for Excellence highlights the importance of global citizenship and engaging young people in a healthy, democratic society.

Other agencies and organisations providing local authority services

47. A range of private and voluntary agencies and organisations are involved in the delivery of council services. Local authorities should ensure that the *Prevent* duty is covered in contracts and grants they make with and to any organisation performing a relevant function.

Monitoring and enforcement

48. Scrutiny of local *Prevent* plans and performance against agreed objectives is primarily done by the local multi-agency CONTEST group that owns the plan. If a *Prevent* grant has been provided to fund local activity then the Scottish Government will also evaluate the success of the project funded. This will be in addition to the central monitoring (see section D above) fulfilled by the Scottish Government and the scrutiny role of the Prevent sub-group and the MASCB. The Scottish Government will work with local authorities to develop good practice.
49. In monitoring compliance with this duty we expect to use existing mechanisms. Under the Local Government Scotland Act 2003 – Part 1, local authorities in Scotland are required to secure best value and deliver community planning. Further details can be found at: <http://www.legislation.gov.uk/asp/2003/1/contents>
50. In addition to the powers above, the Act provides the Secretary of State with the power to issue a direction where a local authority has failed to discharge the duty.

Independent and Grant-aided schools

51. All local authority schools are covered by the sector-specific guidance relating to local authorities. The education specified authorities in Schedule 6 to the Act are therefore as follows:

- Independent schools as defined by s135 of the Education (Scotland) Act 1980
- Grant-aided schools as defined by s135 of the Education (Scotland) Act 1980

52. To comply with these duties we would expect the governance of these schools to be considering *Prevent* activity in the same areas as local authority run schools, including the following:

Leadership

53. To comply with the duty, we would expect the independent schools sector to identify a single point of contact for *Prevent*, to liaise with Education Scotland and local authority *Prevent* leads in order to benefit from best practice. The *Prevent* lead for independent schools should demonstrate an understanding of the local and national multi-agency *Prevent* governance arrangements.

Staff training

54. Compliance with the duty will also require the sector to demonstrate that it is willing to undertake *Prevent* awareness and other training that could help staff to prevent people from being drawn into terrorism.

55. We would expect the sector to have robust procedures in place for sharing information about vulnerable individuals (where appropriate to do so) and to link these policies into existing safeguarding good practice.

Monitoring and enforcement

56. All schools – including independent schools – are inspected by Education Scotland. In order to ensure that schools are complying with this duty, the Independent School inspection team will have a role. Inspectors would follow existing safeguarding processes were any extremism-related issue to arise.

Further education

57. There is an important role for further education institutions in helping prevent people being drawn into terrorism. Institutions should note that being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit..
58. The further education institutions specified in Schedule 6 to the Act are:
- The proprietor or governing body of a post-16 education body within the meaning of the Further and Higher Education (Scotland) Act 2005
59. Most institutions already understand their *Prevent*-related responsibilities, especially in the context of ensuring the welfare of learners, staff and visitors and there are numerous examples of good practice in these areas. Compliance with this duty will reflect existing best practice and should not add significant new burdens on institutions. It is to be implemented in a proportionate and risk-based way.
60. There will be further guidance issued on the management of external speakers and events, including on the interaction of the *Prevent* duty with the need to secure freedom of speech.
61. But it is important to realise that the risk of radicalisation in institutions does not just come from external speakers. Much of this section therefore addresses the need for institutions to ensure staff have access to training, and that there is welfare support for students and effective IT policies in place which ensure that vulnerabilities can be recognised and responded to appropriately.
62. To comply with the duty we would expect further education institutions to be delivering in the following areas.

Leadership

63. In complying with this duty we would expect active engagement from college principals and the senior management of the institution with the range of *Prevent* partners including police. We would also expect to see the appointment at a senior level of a single *Prevent* point of contact for each college.
64. Each college will demonstrate that they are engaged with the Scottish FE *Prevent* network at a senior level through Regional Chairs and Principals. A

national strategic *Prevent* lead from both will represent the sector at the *Prevent* sub-group. In addition, colleges will demonstrate that they have an awareness of, and – where appropriate – participate in local CONTEST or *Prevent* multi-agency groups. As well as any action plans agreed by each institution, these multi-agency groups will monitor delivery against the wider *Prevent* implementation plan.

Staff training

65. Compliance with the duty will also require the institution to demonstrate that it is willing to undertake *Prevent* awareness training and other training that could help staff and students to prevent people from being drawn into terrorism. 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. Student unions should also consider whether their staff and elected officers would benefit from *Prevent* awareness training.
66. We would expect the institution to have robust procedures both internally and externally for sharing information about vulnerable individuals (where appropriate to do so). This should include information sharing agreements where possible. These procedures should link to existing institutional policies relating to student welfare and safeguarding good practice.
67. Institutions must demonstrate that they have regard to the duty in the context of their relationship and interactions with student unions and societies. We would expect student unions and societies to work closely with their institution and to cooperate with the institution's policies relating to *Prevent*.
68. There is training available for higher and further education staff. However, colleges may also have a role to play in developing additional *Prevent* training tools that may better suit the individual circumstances of the institution and make best use of their own expertise. Where additional training tools have been developed, institutions should consider how best to use them.
69. Examples of good practice should be provided and could be disseminated to college *Prevent* leads by the Colleges Development Network.

Safety online

70. We would expect colleges to have policies relating to the use of its IT facilities. Whilst all institutions will have policies around general usage, covering what is and is not permissible, we would expect these policies to contain specific reference to the statutory duty. Many educational institutions already use filtering as a means of restricting access to harmful content, and should consider

the use of filters as part of their overall strategy to prevent people from being drawn into terrorism.

71. To enable the college to identify and address issues where online materials are accessed for non-research purposes, we would expect to see clear policies and procedures for students and staff working on sensitive or extremism-related research. Guidance is available to help with this.

Welfare and Pastoral care

72. Colleges have a responsibility to care for their students and we would expect there to be sufficient pastoral support for all students according to the needs of the particular institution.
73. We would expect the institution to have clear and widely available policies for the use of prayer rooms and other faith-related facilities. These policies should outline arrangements for managing prayer and faith facilities (for example an oversight committee) and for dealing with any issues arising from the use of the facilities. The policies and procedures should clearly set out the times and availability of such facilities and how out of hours access is managed.

Monitoring and enforcement

74. As detailed above (section D), both local multi-agency CONTEST groups and the national *Prevent* and CONTEST governance structures will have a role to play in determining how the duty is being implemented and complied with in institutions.
75. In order to ensure that colleges are complying with this duty there will also be a role for the Education Scotland college inspection team covering all publicly funded further education colleges and independent training providers. Inspectors evaluate colleges annually through annual engagement visits. Colleges are also subject to external review every four years. Inspectors would follow existing safeguarding processes were any extremism-related issue to arise.
76. There may also be a role for other organisations in monitoring the compliance of higher education institutions with the duty.

Higher education

77. Universities' commitment to freedom of speech and the rationality underpinning the advancement of knowledge means that they represent one of our most important arenas for challenging extremist views and ideologies.
78. Some students may arrive at universities already committed to terrorism; others may become radicalised whilst attending university due to activity on campus; others may be radicalised whilst they are at university but because of activities which mainly take place off campus.
79. There will be further guidance issued on the management of external speakers and events, including on the interaction of the *Prevent* duty with the need to ensure freedom of speech and have regard to the importance of academic freedom.
80. But managing the risk of radicalisation in universities is not simply about managing external speakers. Much of this section addresses the need for universities to have the necessary staff training, IT policies and student welfare programmes to recognise these signs and respond appropriately.
81. The higher education institutions specified in Schedule 6 to the Act are:
- The proprietor or governing body of a post-16 education body within the meaning of the Further and Higher Education (Scotland) Act 2005
82. Most of these institutions already have a clear understanding of their *Prevent*-related responsibilities, including the need to ensure freedom of speech whilst having due regard for the welfare of their students, staff and visitors. Institutions already demonstrate some good practice in these areas. We do not envisage the new duty creating large new burdens on institutions and intend it to be implemented in a proportionate and risk-based way.
83. Compliance with the *Prevent* duty requires that properly thought through procedures and policies are in place and this guidance sets out expectations as to the general content of such procedures and policies. Having procedures and policies in place which match the general expectations set out in this guidance will mean that institutions are well placed to comply with the *Prevent* duty. Compliance will only be achieved if these procedures and policies are properly followed and applied. This guidance does not prescribe what appropriate

decisions would be – this will be up to institutions to determine, having considered all the factors of the case.

84. To comply with the duty we would expect universities and higher education institutions to be undertaking *Prevent* activity in the following areas:

Leadership

85. In complying with this duty we would expect active engagement from the senior management of the university (including, where appropriate, Vice Chancellors) with the range of *Prevent* partners including police. We would also expect to see the appointment at a senior level of a single point of contact for *Prevent*.
86. Each university will demonstrate that they are engaged with the Scottish HE *Prevent* network at a senior level (University Secretary or equivalent senior manager). A national strategic *Prevent* lead for Higher Education will represent the sector at the *Prevent* sub-group.

Implementation Plan

87. Universities will demonstrate that they have an awareness of, and – where appropriate – participate in local *Prevent* or CONTEST multi-agency groups. In addition to any action plans agreed by each institution, these multi-agency groups will monitor delivery against the wider *Prevent* implementation plan. Performance against the implementation plan is monitored by multi-agency groups (see section D above) who provide exception reporting to the MASCB.
88. Information about the threat of, risk from and vulnerability to terrorism and violent extremism is shared with the national *Prevent* leads for the Higher Education sector at both a senior leadership and operational level. Appropriate *Prevent* activity in response to the shared understanding of the threat, risk and vulnerability is then agreed and contained in joint implementation plans at both national and local level.

Staff training

89. Compliance with the duty will also require the institution to demonstrate that it is willing to undertake *Prevent* awareness training and other training that could help staff and students to prevent people from being drawn into terrorism. 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. Student unions should also consider whether their staff and elected officers would benefit from *Prevent* awareness training.
90. We would expect the institution to have robust procedures both internally and externally for sharing information about vulnerable individuals (where appropriate

to do so). This should include information sharing agreements where possible. These procedures should link to existing institutional policies relating to student welfare and safeguarding good practice.

91. Institutions must demonstrate that they have regard to the duty in the context of their relationship and interactions with student unions and societies. We would expect student unions and societies to have due regard to the institution's policies relating to *Prevent*.
92. There is training available for higher and further education staff. However, universities may also have a role to play in developing additional *Prevent* training tools that may better suit the individual circumstances of the institution and make best use of their own expertise. Where additional training tools have been developed, institutions should consider how best to use them in appropriate courses offered.

Safety online

93. We would expect universities to have policies relating to the use of IT on campus. Whilst all institutions will have policies around general usage, covering what is and is not permissible, we would expect these policies to contain specific reference to the statutory duty. Some educational institutions already use filtering as a means of restricting access to harmful content. Consideration should be given to the use of filters as part of the university strategy to prevent people from being drawn into terrorism.
94. We would expect to see clear policies and procedures for students and staff working on sensitive or extremism-related research. Universities UK has provided guidance to help universities manage this, which available at:
 - <http://www.universitiesuk.ac.uk/highereducation/Pages/OversightOfSecuritySensitiveResearchMaterial.aspx>

Welfare and Pastoral care

95. Universities have a responsibility to care for their students and we would expect, as part of the pastoral care and support available, there to be sufficient pastoral support for all students according to the needs of the particular institution. This is seen as a key element of compliance with the duty.
96. We would also expect the institution to have clear and widely available policies for the use of prayer rooms and other faith-related facilities. These policies should outline arrangements for managing prayer and faith facilities and for dealing with any issues arising from the use of the facilities. The policies and

procedures should clearly set out the times and availability of such facilities and how out of hours access is managed.

Monitoring and enforcement

97. As detailed above (section D), both local multi-agency CONTEST groups and the national *Prevent* and CONTEST governance structures will determine how the duty is being implemented and complied with in institutions.

98. In order to ensure that higher education institutions are complying with this duty, there may be a role for the governing body. The governing body is responsible for ensuring the effective management of the University and has a role in reviewing policies relating to compliance with its statutory duties, including compliance with equality and diversity requirements.

99. There may also be a role for other organisations in monitoring the compliance of higher education institutions with the duty.

The NHS in Scotland

100. Healthcare professionals will meet and treat people who may be vulnerable to being drawn into terrorism. Being drawn into terrorism includes not just violent extremism but also non-violent extremism, which can create an atmosphere conducive to terrorism and can popularise views which terrorists exploit. The key challenge for healthcare services is to ensure that, where there are signs that someone has been or is being drawn into terrorism, NHS staff are trained to recognise those signs correctly and are aware of and can locate available support, including making a referral, when necessary to Prevent Professional Concerns via their Health Boards Prevent Lead. Preventing someone from being drawn into terrorism is substantially comparable to child protection and the protection of vulnerable adults.
101. As one of the largest employers in Scotland, NHSScotland has a role in implementing Prevent, ensuring that it is embedded fully in everyday activities to protect vulnerable people. The 'health authorities' specified in Schedule 6 to the Act are as follows:
- A Health Board constituted under section 2(1)(a) of the National Health Service (Scotland) Act 1978;
 - A Special Health Board constituted under section 2(1)(b) of the National Health Service (Scotland) Act 1978; and
 - Healthcare Improvement Scotland constituted under the Public Services Reform Act 2010.
102. In fulfilling the duty, we would expect Health Boards to implement *Playing Our Part, Implementing the Prevent Strategy: Guidance For Health Boards* published by Scottish Government (January 2015) and to demonstrate effective action in the following areas.

Leadership

103. In complying with this duty we would expect active engagement from Chief Executives and the corporate senior management team with the range of *Prevent* partners including Police. We would also expect to see the appointment of a single *Prevent* Lead and a single point of contact within each Health Board.
104. Health Boards' arrangements for delivering *Prevent* should effectively link into those in place for child and adult protection. We would expect Chief Executives to liaise with their Local Authority counterparts and advise Chief Officers of the

local Health and Social Care Partnerships how to discharge the duty on their behalf and to report on performance.

105. In view of their responsibilities for prison healthcare services, it is expected that the Health Board Chief Executives will inform prison governors of their *Prevent* plans and fully engage prison healthcare staff in relevant training and development activities.

Partnership

106. Each Health Board will demonstrate that they are engaged with local multi-agency CONTEST groups – and additional *Prevent* groups where appropriate – to agree and coordinate *Prevent* activity based on a shared understanding of the threat, risk and vulnerability in the area. We would expect each Health Board to have a *Prevent* action plan and for these actions to be reflected in the implementation plan.

107. We would expect there to be mechanisms for exception reporting to the *Prevent* sub-group and for performance reporting (via the Scottish Government's NHS Resilience Unit) to the NHSScotland Chief Operating Officer who will represent NHSScotland on the MASCB.

Other agencies and organisations providing NHS services

108. A range of private and voluntary agencies and organisations are involved in the delivery of NHS services. Health Boards should ensure that the *Prevent* duty is covered in contracts and grants they make with and to any organisation performing a relevant function on their behalf.

Staff Training

109. *Prevent* is about everyone playing their part in keeping Scotland safe. It is important that everyone who works in the NHS is confident and knowledgeable in addressing situations that cause concern. There is guidance available (*Playing Our Part*) which highlights how the NHS in Scotland should deliver that objective. In complying with the duty, Health Boards will be expected to apply the guidance and demonstrate good practice.

110. *Prevent* awareness training should allow all relevant staff to recognise vulnerability to being drawn into terrorism, including extremist ideas which can be used to legitimise terrorism and are shared by terrorist groups, and be aware of what action to take in response. Staff are expected, to notice, check and share concerns about those at risk of being drawn into terrorism. These concerns may result in a Prevent Professional Concerns (PPC) referral.

111. It is important that staff understand how to balance patient confidentiality with the duty. They should also be made aware of the information sharing agreements in place with other sectors, and get advice and support on confidentiality issues when responding to potential evidence that someone is being drawn into terrorism, either during informal contact or consultation and treatment.

Monitoring

112. We would expect Health Boards to put in place appropriate arrangements to monitor the delivery and performance of their *Prevent* action plan and any impact on other duties, such as the Equality Act 2010.

113. Scottish Government's NHS Resilience Unit will monitor the delivery of Health Board plans against standards outlined in the Organisational Resilience Standards for Health Boards. The Unit will consider whether these arrangements are sufficient to effectively monitor compliance with the duty or whether the duty should be incorporated into the remit and inspection regimes of one of the existing health regulatory bodies, or another body.

Prisons

114. The Scottish Prison Service (SPS) is an Agency of the Scottish Government and was established in 1993. SPS has 13 publicly managed prisons and 2 privately managed prisons holding around 8,000 prisoners in secure custody on any one day.

115. The purpose of the Service is to maintain secure custody and good order within prisons, whilst caring for prisoners with humanity and providing appropriate opportunities to address their offending behaviour and develop the potential to reduce the risk of further re-offending. They do so in partnership with colleagues in the wider criminal justice system.

116. This responsibility for public protection and reducing re-offending gives prisons and criminal justice services a clear and important role both in working with offenders convicted of terrorism or terrorism-related offences and in preventing other offenders from being drawn into terrorism and the extremist ideas that are used to legitimise terrorism and are shared by terrorist groups.

117. Criminal justice specified authorities

- The governor of a prison (or in the case of a contracted out prison, its director)
- The governor of a young offenders institution (or in the case of a contracted out young offenders institution, its director)

118. SPS manages the risk of offenders being drawn into, or reverting to, any form of offending as part of its core business (identifying and managing the risks presented by offenders).

119. To comply with the duty we would expect the SPS to carry out activity in the following areas.

Working in Partnership

121. To enable communication and enhanced engagement with partner organisations, we would expect to see the SPS establish a single point of contact for *Prevent* within both the Headquarters facility and the separate prisons across Scotland. In addition, the SPS should ensure that they are represented on the Scottish *Prevent* sub-group and engaged with local CONTEST groups through the relevant Head of Operations..

Preliminary risk assessment

120. Upon admission to a prison, an initial interview and assessment is conducted. This includes an assessment of their risk to others, risks to them from others and risks to themselves.
121. Where an initial assessment raises concerns that an individual might be at risk from being drawn into any form of extremist ideology or terrorism, contact with prison's Intelligence Management Unit should take place, with the aim of seeking to explore intelligence and risk and to look for any indication that the prisoner endorses extremist ideology or supports terrorism.
122. When an individual is arrested for terrorist activity an Emerging and Residual Threat Profile will be shared between Police Scotland and the SPS.
123. Prisoners will have regular contact with staff who will contribute to the intelligence picture about the prisoner. Appropriate information and intelligence sharing should take place, for example with law enforcement partners, to understand whether extremism is an issue and to identify and manage any behaviours of concern.

Assessing on-going risk and interventions

124. For offenders convicted of terrorist or terrorist-related offences, mainstream offender management processes will be used to determine whether interventions are necessary. These are intended to challenge the index offence and can include, where appropriate, disruption and relocation.
125. Where concerns around someone being drawn into terrorism (which includes someone with extremist ideas that are used to legitimise terrorism and are shared by terrorist groups) are identified, either during the early days in custody or later, prison staff should report accordingly, through the intelligence reporting system. All such reporting should be regularly assessed by specialist staff in conjunction with the police.
126. Where such concerns are identified an establishment should look to support that individual. A raft of intervention measures will be available: it may be appropriate, for example, to provide theological, motivational and behavioural interventions, or provide them with mentoring. Key Interventions should be developed to ensure that prisoners who present as a threat to radicalisation or who have been identified as having been radicalised can access 1:1 or group work interventions to meet their assessed need. In some cases additional

management actions may be required and could include moving the individual away from those he or she is seeking to influence including separation from the wider prison regime.

127. Intelligence and briefing packages targeted at staff working with terrorist and extremist prisoners and those at risk of being drawn into terrorism should continue to be made available and delivered. These should continue to be jointly delivered by prison trained staff and police, and will be regularly updated. In complying with this duty, extremism awareness training to new staff will be consolidated.

Transition from custody to supervision in the community

128. Pre-release planning should take place for those prisoners at risk or identified as a risk to others. Prisons, criminal justice social work and the police should consider what risks need to be managed in the community including those that have arisen whilst in custody and indicate a vulnerability to being drawn into terrorism. Where this is the case, use of the Prevent Professional Concerns process will be considered as part of the risk management plans and, where appropriate, referral to PPC made at the earliest opportunity.

129. There will be a Single Point of Contact within the Operations and Public Protection Unit, SPS HQ to liaise and co-ordinate with individual prisons in relation to the Prevent Professional Concerns process.

130. For all prisoners, where sufficient remaining sentence time permits, a formal multi-agency meeting which includes the police, should take place to inform decisions after release. This will ensure that partner agencies work together to share relevant information and put provision in place to manage the risk or any outstanding concerns.

131. Where insufficient time remains, police and criminal justice social work staff should be given fast time briefing by the Single Point of Contact (SPS HQ) in liaison with the Prison Intelligence Manager.

Staff training

132. In complying with the duty, we would expect key prison staff to receive Prevent awareness training (tailored specifically to the prison environment). This training should be delivered in partnership with the police and be available to those members of staff who work most closely with terrorist and identified extremist prisoners. All staff should at least be trained in general intelligence systems, reporting and procedures to enable them to effectively report extremist prisoners and those vulnerable to extremist messaging.

Monitoring and enforcement

133. Within prisons, we would expect compliance with the duty to be monitored and enforced internally by:

- Mandatory compliance with Prison Service Rules and Government advice; and
- Regular assessment of levels and risk of extremism and radicalisation internally.

134. Externally, existing inspection regimes will be used where appropriate to do so. A thematic inspection by HM Inspector of Prisons could be a useful addition to the monitoring arrangements outlined above.

Police

135. The police play a central role in implementing the *Prevent* strategy; they hold information which can help assess the risk of radicalisation and reduce the risk of vulnerable individuals becoming involved in extremist activity through working in partnership with sectors and organisations. The police also work alongside all communities and a wide variety of partners to play a galvanising role in developing local *Prevent* partnerships and supporting the local delivery of *Prevent*.

Police specified authorities

136. The police specified authorities listed in Schedule 6 of the Act are as follows:

- The Scottish Police Authority

137. Delivery of *Prevent* activity falls to the Police Service of Scotland. In fulfilling the new duty we would expect the Scottish Police Authority to look to the police to take action in the following areas:

Partnership

138. The police should:

- Engage fully with local multi-agency CONTEST groups and support these groups to agree on appropriate local *Prevent* activity to be included in the implementation plan;
- Engage with, and support the development of, local *Prevent* groups;
- Work in partnership with the Scottish Government through the Scottish Preventing Violent Extremism Unit (SPVEU) to coordinate *Prevent* strategy and support members of the national sub-group;
- Ensure that strategic *Prevent* leads for specified authorities, as well as local multi-agency CONTEST groups and those involved in the local delivery of *Prevent*, are briefed on the threat, risk and vulnerability as applicable to their local area. This will primarily be in the form of 'Emerging and Residual Threat Local Profiles' (ERTLPs). The briefings should be sufficient to enable local CONTEST groups to develop and agree *Prevent* actions for the local implementation plan;

- Co-ordinate the delivery of Prevent Professional Concerns (PPC) process by accepting referrals, including acting as a conduit for PPC referrals with partner. In partnership with local authorities and other agencies where relevant, provide targeted support to individuals vulnerable to radicalisation through the PPC structure;
- Ensure that mechanisms are in place to share relevant information with partner agencies where it is appropriate to do so;
- Work in partnership to provide guidance on avoiding money being inadvertently donated to organisations which may support extremism or terrorism; and
- Ensure *Prevent* considerations are fully embedded into counter-terrorism investigations and conduct risk assessments pre- and post-police counter-terrorism action (such as arrests and searches).

139. Supporting local communities and building resilience is an important factor in effectively delivering the *Prevent* Strategy. The police have a critical role in this area. To comply with the duty we would expect the police, working with others, to:

- Ensure that *Prevent* is embedded into all aspects of policing including core front-facing service delivery teams and with a specific emphasis on Public Protection Units (PPUs), in recognising the importance of safeguarding vulnerability;
- Deliver *Prevent* through the national and local Safer Communities structure, with a focus on effective and meaningful community engagement and partnership working with all communities;
- Understand the make-up of local communities across the country, acknowledging local needs, values & beliefs and responding in a sensitive and appropriate manner;
- Develop prevent related products and projects;
- Identify all appropriate engagement opportunities to raise awareness of the safeguarding focus of *Prevent* and early identification of risk;
- Support communities in challenging extremist activity and influences; and

- Lawfully minimise the risk associated with extremist activity through high visibility policing and proactive community engagement where appropriate.

Monitoring and enforcement

140. Police Scotland's annual Policing Plan identifies that the police will continue to support the UK CONTEST Strategy, including the *Prevent* programme. Performance should be monitored through the established mechanisms within Police Scotland.

141. HM Inspectorate of Constabulary in Scotland (HMICS) is the statutory body for inspecting the police. HMICS can be directed by Scottish Ministers to look into any matter relating to the Scottish Police Authority or Police Service of Scotland. In addition, the Scottish Police Authority (SPA) has a role in governance.