

BIRKBECK
University of London

Meeting of the Governors

26 November 2019

Annual report on Prevent compliance 2018-19

Report prepared by: Katharine Bock, Deputy College Secretary

Action required: Governors are asked to consider the annual report on compliance with the Prevent duty and agree that the Chair of Governors can sign off the annual assurance return to OFS.

- 1 University governing bodies are responsible, under the Counterterrorism and Security Act 2015, for preventing people from being drawn into terrorism. OFS is responsible for assuring Higher Education provider compliance with the requirements of the CTSA.
- 2 The monitoring regime is similar to last year. OFS has a Prevent monitoring framework in place. This includes a declaration of compliance with the Prevent requirements, a statement outlining how Governors have satisfied themselves in relation to the declaration and to their oversight of implementation of the Prevent duty, and a data return.
- 3 OFS has issued a set of prompts and questions, in the annex to the accountability statement which is attached at Appendix A, to support governing bodies in confirming compliance. The annual report attached at Appendix B takes account of the OFS prompts and questions.
- 4 The data return includes welfare case referrals, external speakers and events and staff training and is attached as Appendix C. OFS has asked for more contextual content this year, which is in the text boxes.
- 5 The return is due to be submitted to OFS by 2 December.

Prevent annual accountability statement

Throughout the year and up to the date of approval, [Provider name]:

- has had due regard to the need to prevent people being drawn into terrorism (the Prevent duty)
- has provided to OfS all required information about its implementation of the Prevent duty
- has reported to OfS in a timely way all serious issues related to the Prevent duty, or now attaches any reports that should have been made, with an explanation of why they were not submitted
- has reviewed, and where necessary, updated its Prevent risk assessment and action plan

Accountability statement

Governing bodies/proprietors are required to provide a short statement (max 300 words) outlining the mechanisms to which they have been assured that they are able to sign the above declarations satisfactorily.

Governors received and were satisfied with an annual report from the College's Prevent working group which is made up of senior staff and Students' Union representatives. They also saw the working group's annual report on Prevent compliance and the report on safeguarding which is made to the Academic Board. Having reviewed these documents Governors confirmed that the College is monitoring its Prevent related policies effectively and proportionately in tandem with Freedom of Speech and Safeguarding policies and procedures, has reviewed its Prevent risk assessment and action plan, acted appropriately in relation to incidents, delivered appropriate staff training and worked in partnership with DfE Prevent advisers and the Students' Union.

Name	[Enter name of Chair of governing body/proprietor]
Signed	[Paste electronic signature or sign here]

Date	[Enter date signed]
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Annual report on compliance with the Prevent duty

- 1 This report provides an update on activities since the last report, made in November 2018. It covers the period 1 August 2018 to 31 July 2019.
- 2 This year we have not experienced any serious incidents or changes to policy or operating context. The rest of this report is based on the OFS's suggested prompts and questions to support assurance of Prevent compliance.

How have Prevent-related policies or processes been monitored e.g. relating to external speakers, welfare or safeguarding processes, and is there assurance that they are effective?

- 3 The Prevent-related policies and procedures are monitored by the College Prevent Working Group, which also carries out an annual review of the Prevent risk assessment and action plan.

Have you been provided with appropriate information and evidence that the provider is demonstrating due regard through relevant reports, updates etc.?

- 4 Governors receive this annual report on Prevent compliance, which is produced by the Prevent working group and which is based on the risk assessment and action plan.

Have staff assured you that the risk assessment has been reviewed in the past 12 months, and outlined any material changes of risk (and mitigations in response)?

- 5 The working group meets each year in the Autumn term and reviews the risk assessment and action plan. The working group met in October 2019 and confirmed that the top risks are harm or distress to individuals, mitigated by the introduction of a safeguarding policy and procedures, and the expression of illegal views together with restricted ability to exercise freedom of thought and expression, both mitigated by a revised Freedom of Speech and external speaker policy and procedures.
- 6 The working group was satisfied that the risks are being successfully managed with the mitigations in place and that other risks, including inappropriate use of IT facilities, disruption from external events and reputation management, are also being effectively managed.
- 7 The working group did not make any substantial changes to the Prevent risk register and action plan. It confirmed the College's ongoing commitment to promote freedom of speech within the law and awareness of the need to safeguard vulnerable individuals and to promote and support diversity by offering safeguarding and unconscious bias training. It noted that the College has agreed a new statement on [faith, philosophical beliefs and religion](#).
- 8 The working group will review the risk assessment and action plan more frequently if circumstances indicate this is needed.

Have staff reported any serious incidents; and if so, have you been assured by how the provider has acted, including responses to any lessons learned? Equally, have you been notified of any near misses, and again, been assured that any lessons learned have been acted upon?

- 9 We have not had reports of any serious incidents.

- 10 Issues that occurred during the year included
- posters on campus from the far right group Generation Identity, which was countered by prompt removal and issue of a statement confirming we will not accept or tolerate this group's behaviour
 - an internally organised event with an external speaker, part of which took place without Birkbeck staff present, which was addressed by re-iterating to staff that the room booking and external speaker policy must be followed by all.

Have you been assured that Prevent has been implemented in a proportionate and risk-based manner, including considering the duty alongside other statutory obligations e.g. freedom of speech?

- 11 Our work towards Prevent compliance is conducted in tandem with our Freedom of Speech, Safeguarding, Health and Safety and Dignity at Work and Study policies and procedures. We have adopted an open approach and maintain a [website](#) with links our Prevent risk assessment and action plan and related policies and a [website](#) supporting safeguarding, where the formal policy appears along with guidance and information, to raise awareness for all staff and assist staff who may be dealing with concerns about individuals.

Is there visible and demonstrable ownership of Prevent at a senior level at the provider?

- 12 The College Prevent working group includes the Vice Master, Deputy College Secretary, Academic Registrar, Directors of Facilities, Estates, Human Resources, External Relations and IT Services, the Chief Executive of the Students' Union and a student Governor. It meets annually, or more often if needed, to review the risk assessment and monitor progress on the action plan. It also reviewed and agreed a draft of this report.

Are you assured that staff have received sufficient training and awareness raising to implement Prevent effectively?

- 13 As set out in the data return we have trained more than 300 staff this year and offer Prevent awareness training alongside safeguarding and unconscious bias training.

Has the provider continued to work in partnership with its Prevent partners, including statutory agencies and students?

- 14 We maintain contact with our DfE Prevent adviser and attend the meetings of the London HE Prevent Network. We liaise with our neighbour institutions on the University of London Bloomsbury precinct on a range of security and event issues including Prevent related matters. The Heads of Administration, and the Heads of Facilities Management of our institutions are in regular contact.
- 15 This year one of the student governors joined the Prevent working group which will enhance work in partnership between the College and the Students' Union.
- 16 The annual report on safeguarding and welfare, which was made to Academic Board in June, is attached for Governors' information. Academic Board endorsed the framework for managing safeguarding related risk that is attached to this report.

Summary

An annual report on the Safeguarding and Free Speech 2018/19.

Recommended Action

The Committee is asked to **note** the attached report and **endorse** the appendix on how risk is managed in the College.

Annual monitoring Report on Safeguarding and Free Speech 2018-19

Decision Required

Education Committee and Academic Board are asked to note this report and agree to the appendix on how risk is managed in the College.

Background

1. In June 2016, Academic Board approved a revised Policy on Free Speech to comply with the HEFCE requirement of the Counter Terrorism and Security Act known in the sector as Prevent. The Safeguarding Policy and Procedure was also approved to support vulnerable students on campus. This report provides an overview of how these policies have been employed in academic year 2018/19.
2. There have been no Free speech panels held and no referrals to Channel or Prevent.

Free Speech Policy & Procedure

3. Room bookings continue to enable internal and external events on campus and over the past 12 months no events have been refused or cancelled as a result of safeguarding or free speech issues.

Safeguarding Policy and Procedure

4. Initial risk to self and others is managed and assessed and initial safeguarding concerns are dealt with through the one or more of the following: Wellness Review meetings run by Mental Health Advisory Service (formerly Fitness to Study), Counselling Service Risk Register, Safeguarding Officers meetings with students on probation and a multi-disciplinary Complex Case meetings (involving the Student Services, the Library, Estates, ASQ and Schools where appropriate). Note that the majority of issues regarding risk to self and others is successfully managed (mainly by the Counselling Service, Mental Health Advisory Service and Safeguarding Officers) outside of Safeguarding panels.
5. Where concerns are deemed to exceed the threshold of these groups, Safeguarding panels are organised. Details of this are in the appendix which the Committees are asked to note and agree.
6. As of 13th May 2019:
 - a. The Counselling Services have offered 2,000 hours of appointments and seen 697 students.
 - b. The Mental Health Advisory Service have offered 867 student appointments.
 - c. 10 students presented as homeless or at risk of homelessness and were dealt with by a multi-team approach including Student Advice, Counselling, Mental Health and the on-site Citizens Advice Bureau provision paid for by the College.
 - d. 19 students have been admitted to hospital since October 2019 under the Mental Health Act and have been automatically placed on a Break in Studies under our Fitness to Study policy.
 - e. In addition to the above (d), 33 students have been seen on FTS stage 1; 26 at stage 2; 9 students at stage 3. These figures reflect an increase in stage 1 meetings due to early interventions.
 - f. 63 students have been flagged as at risk of harm to themselves or others by the Counselling Service.
 - g. 22 students have been seen by the Consultant Psychiatrist.
 - h. 28 students have been referred to Complex Case meetings in Student Services (e.g.

where behavioural concerns have been raised – e.g. self-harm/abuse, conduct believed to be due to mental health – and there is a concern that they may pose a risk to self or others and this is then monitored). This figure has decreased since 2017-18 as students being seen under FTS have been removed from this figure.

- i. The Emergency Contacts of 3 students have been contacted due to the belief that the student was at risk to themselves or others.
 - j. 2 safeguarding panels have met so far in academic year 2018-19.
7. 150 academic and administrative staff were trained in 'Dealing with Mental Health in the Classroom' jointly by the Counselling Service and Mental Health Advisory Service.
 8. 75 staff attended Safeguarding training run by the College Safeguarding Officers.
 9. 15 staff, including Counselling/Mental Health Advice/Safeguarding/Wellbeing Administrators/Student Advisors attended a course on Assessment, Risk Assessment and Intervention in Crisis Situations.

Summary

10. The Safeguarding, Free Speech and College Principles of Dignity at Work and Study operated in a complementary manner to support students, staff and visitors as intended. Each issue was specific and complex. Further details of incidents have not been provided due to confidential nature of these issues. All of these issues involved a team of staff comprising of two or more of the following: Academic Registrar, Head of Student Services, Deputy Head of Student Services, Mental Health Advisors, Counsellors.

Eleanor Mongey

Head of Student Services

May 2019

APPENDIX

How Birkbeck assesses risk in relation to its duty of care and safeguarding

Duties, liabilities and responsibility

What are our duties and liabilities towards our students?

We have duties to manage risk across a wide range of areas, for example under health and safety legislation about the College estate. This document is only focused on the risk to wellbeing posed by students to themselves and to others, and to the safeguarding risks posed to children and vulnerable adults in the first instance, but also the broader safeguarding risks to all members of the College community. This aim of this document is to explain how the College thinks through and approaches its assessment and management of risk in relation to what we term safeguarding. Legally, safeguarding duties are specifically in relation to our duties towards vulnerable adults and children. In Higher Education, we use the term more broadly and more often what we are referring to is our duty of care towards the College community. This is an evolving and complex area of work, and one in which we continuously update with learning from each experience.

As a public institution the College has a number of duties towards our students and it is important to understand the difference between our legal duties and what we as an institution consider to be our moral and pastoral duties towards students.

It is also important to understand how taking on what we consider to be our moral or pastoral duties towards students can create a legal duty – if we purport to be offering a service to students then we have a legal duty of care to deliver that service to a standard of a reasonably competent person exercising that particular skill. Equally as important is the concept of vicarious liability. Where a member of staff is negligent within their employment for Birkbeck, it is the College that will in most circumstances be deemed to have vicarious liability for any harm or loss caused as a result of that negligence.

Why would we take on pastoral or moral responsibilities for students?

There are a number of reasons why we would take on responsibilities for the welfare of students. Firstly, our legal duty of care requires us to think about, and act upon what would be a reasonably foreseeable risks for a Higher Education Institution. We know, for example, that in any one year we are likely to have several hundred enrolled students who are managing long term mental health problems. It would be reasonable for us to establish systems to support students, to monitor things that might indicate that a student is struggling with their mental health, and in particular to try to monitor where a student may pose a risk to themselves or to others.

We have recently had an increasing number of students contacting the College because they are homeless. Most people would expect that a HEI has some facilities or procedures in place to advise and to assist students who are homeless. At the same time, it probably is not reasonable to expect us to be able to house any homeless student who approaches the College. Although this may feel like an uncaring response, in this example, housing is the responsibility of the local council. We need to be clear about the extent to which we can help students in such a situation, while at the same time being clear about the boundaries of what we consider to be outside our responsibility.

Managing Risk

Our approach

Our aim is to reduce risk to students and staff and to ensure that where we recognise that the risk is too high for us as a College to be able to manage, that we refer the student on to where they can receive support (e.g. NHS services) or to where the risk is more appropriately managed (e.g. the police). Risk management is not done by one person in isolation; cases are discussed and decisions are made after careful thought and input from appropriate staff within the College.

Reduce Risk

Where a student poses a perceived risk to themselves or others we will try to work with the student to ensure a support structure is in place that will reduce the risk to a reasonable level. This can involve developing an action plan with the student, involving college support staff, mentors and external agencies such as GPs or Community Mental Health Teams (CMHTs), as well as putting reasonable adjustments in place to help the student manage their studies successfully while reducing the identified risk.

Refer risk

Establishing boundaries as to who holds the risk associated with a student is an important and appropriate part of risk management. The College cannot act as an auxiliary arm of other statutory services such as the health service, the probation service or a local authority. At times the College will become aware of a risk and informing the statutory services. For example, if we come across information that a child may be at risk we have a duty to report this to Camden Children's Services. Having reported this, we then handover the management of that risk to the local authority whose role and structure enables them to manage that risk. Similarly, we might refer a risk associated with a student's mental health condition to external support, either by placing the student on a break in studies under our Fitness to Study Policy while they are being treated in hospital, or by agreeing an action plan with a student about who they will contact if they are in crisis. Prevent referrals into Channel will work in the same way. In all these situations it is important to keep a clear record of how and when we have handed over the management of risk to another organisation. Unless we hand over these risks, we as a College are taking responsibility for them; this is wholly unfair to students and staff as we as a university are not in a position to give them the appropriate care that they deserve.

How do we assess the level of risk?

Counselling Service

The Counselling Service uses CORE Risk assessment tools which a student self-assesses at each meeting and gives an accurate guide as to how risk of harm might have increased or decreased. Risks are discussed through the management structure and the clinical lead. The service works under BACP Guidelines. There are clear guidelines as to when confidentiality may be breached due to the nature of a risk. Where the risk is high, the Counselling Service Clinical Lead, usually the Counselling Service Manager, will inform the Head of Student Services who is one of the College's Safeguarding Officers.

Complex Case Meetings

Involves Safeguarding Officers; Mental Health Advisory Service; Counselling Service; Student Advice Service; Library Services; Estates and Facilities; Disability and Dyslexia Service and Academic Standards and Quality plus ad-hoc invitees as and when requested.

Complex Case meetings occur every two weeks will agree how to proceed to address and issue raised, and what services and/or individuals should be involved in following up. This is recorded in the Risk Register – a document shared on Sharepoint only to those involved in complex case

meetings. While an ongoing risk is perceived the record on the risk register is highlighted and the case is reviewed at each Complex Case meeting. Once the Complex Case meeting feels that the risk has been reduced sufficiently that it no longer requires ongoing monitoring, the highlight is removed from the record. Issues can be referred to a Safeguarding Panel where there are Prevent related concerns, Safeguarding issues, or other concerns that may require the College to consider reporting externally.

Fitness to Study

The Fitness to Study process is used to address concerns about a student and to manage any perceived risk posed by the student's health condition and their studies. Stage 1 is led by the academic department and stage 2 is led by the Mental Health Advisory Service/Student Services. In both cases the College will discuss its concerns with the student and try to develop an action plan with the student, and involving external support services where appropriate, to help the student manage their mental health condition and reduce any risk posed to themselves or others to an acceptable level.

Where Student Services do not feel that we can manage the risk we would normally temporarily suspend the student, ask them to attend an assessment with our consultant psychiatrist and refer the psychiatrist report together with the MHAS risk assessment form to a Fitness to Study Panel to decide upon.

Where a student is hospitalised because of their mental health, we would always take this as meaning that they are not well enough to be studying and would place them on a temporary suspension to ensure that the College is not contributing to their ill health. Once a student is discharged from hospital the Fitness to Study process is used to assess that a student is well enough to return, and to develop an action plan to support the student, prior to lifting the temporary suspension.

Safeguarding Officers

Two of the College Safeguarding Officers act as gatekeepers and decide where to refer any causes for concern that are reported outside of Counselling, Complex Case and Fitness to Study. Decisions about this will always involve a discussion with more than one member of staff, and the Safeguarding Officers will consult with the Academic Registrar, ASQ team, Complex Case Meetings, Safeguarding Panel, to the relevant School or to one of the Wellbeing Services as deemed appropriate.

How do we know about risks?

Key to managing risk is to ensuring that any member of the College community will know how to report any concerns they might have, and to ensuring that this gets fed through our risk assessment and management processes. It is important the issues are reported to the Safeguarding Officers because if a situation escalates, the College will be deemed to have known about the risk even if just one member of staff knows about it.

What students can declare on enrolment: Students are encouraged to disclose any health conditions on enrolment that might create a risk and are encouraged to disclose at any time during their studies. It is a requirement that students disclose any probation conditions or community treatment orders upon enrolment.

Concerns about risk posed by students can come via any of the following routes and be channelled through our risk assessment and management processes:

- Ask queries
- Counselling Service

- Mental Health Advisory Service
- Student Advice Team
- Disability and Dyslexia Service
- Library
- Criminal Convictions Policy;
- Safeguarding
- Dignity at Work and Study advisors
- Student Complaints
- Estates and Facilities Incident Reports
- Student Union (I can't think of a time when the SU has ever reported an issue of concern about a student/students to Student Services - SD).
- Schools, departments and other Services
- Social Media – via External Relations
- External information – eg from student accommodation services, friends or relatives concerned about a student, Police

Safeguarding Training

Safeguarding Officers run training explaining risk and how to report it, and the Counselling and Mental Health Advice Services have delivered sessions on managing student mental health problems.

Relevant policies: Safeguarding, Fitness to Study, Student Complaints and Dignity at Work and Study policies are all published on the website and all outline how members of the college community can report concerns.

Online guidance

Student Services produce a Guide for Staff which includes details of the various support services and how to report causes for concern.

<http://www.bbk.ac.uk/downloads/staff-information-downloads/student-services-guide-for-staff.pdf>

Are there safeguarding areas that currently represent a risk for the College?

At present there are no College sponsored awareness campaigns around issues such as sexual harassment or sexual violence, hate crime or other student safety issues that encourage students to be aware of such issues and report them, however such campaigns would ensure that the College awareness of such risks was more robust.