

HERTFORDSHIRE COUNTY COUNCIL

CABINET
MONDAY, 13 JULY 2015 AT 2.00PM

Agenda Item No.

9

COUNTER TERRORISM AND SECURITY ACT 2015, SECTION 36 - ESTABLISHMENT OF STATUTORY CHANNEL PANEL

Report of the Director Community Protection

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Executive Member/s:- Richard Thake, Community Safety & Waste Management

1. Purpose of Report

- 1.1 To apprise Cabinet of the coming into force and effect of Section 36 of the Counter Terrorism and Security Act 2015 (“the Act”) and to seek Cabinet’s agreement to a proposal that the existing Channel Panel is formally established under Section 36 of the Act. .

2. Summary

- 2.1 Section 36 of the Act came into force on 12 April 2015. It requires the County Council to establish a panel for Hertfordshire with the responsibility of assessing the extent to which identified individuals are vulnerable to being drawn into terrorism and provision of support to reduce their vulnerability.
- 2.2 The Panel must include a representative of the County Council and of the Police. The Panel must be chaired by the County Council.
- 2.3 This report sets out the statutory framework for the Panel and the proposed membership.
- 2.4 There is an existing panel, the Channel Panel, which pre-dates the requirement within the Act, but which already undertakes activities commensurate with the legislative requirements.
- 2.5 The Panel will form part of a wider remit to prevent radicalisation. As such, connection into Hertfordshire Chief Executives’ Co-ordinating Group would be advantageous in ensuring visibility at district level and in engaging local community safety.
- 2.6 It should also be noted that there are a number of other elements associated with the Counter Terrorism and Security Act 2015; the next phase of this piece of work will be an analysis of these wider impacts

resulting in a report to the Community Safety and Waste Management Cabinet Panel and Cabinet as appropriate.

3. Recommendations

- 3.1 A report on this item of business will be considered by the Community Safety and Waste Management Cabinet Panel on 6 July 2015. The Cabinet Panel will be invited to recommend to Cabinet:-

“That Cabinet agrees:-

- (i). that the existing Channel Panel is formally established under Section 36 of the Counter Terrorism and Security Act 2015 (“the Act”) with the terms of reference set out at Appendix 1 to the report; and that any work being undertaken or cases being considered continue to be considered by the Channel Panel, subject to compliance with the requirements of the Act;*
- (ii). that the Deputy Director (Education and Services to Young People) be the County Council’s representative on the Channel Panel and be appointed as its Chairman;*
- (iii). that the Assistant Director, Community Protection be appointed to the Channel Panel and be appointed as its Vice-Chairman;*
- (iv). that authority to appoint a further member or members of the Channel Panel either generally or in the case of a particular identified individual where (s)he considers it appropriate be delegated to the Deputy Director (Education and Services to Young People); and*
- (v). that strategic connection will be maintained with the Hertfordshire County Chief Executives’ Coordinating Group.”*

- 3.2 The Cabinet Panel’s recommendation/s to Cabinet will be reported orally at the meeting and circulated to Members in the Order of Business.

4. Background

- 4.1 Section 36 of the Act came into force on 12 April 2015 and requires the County Council to establish a panel for Hertfordshire with the following functions:

- (1). to assess the extent to which identified individuals are vulnerable to being drawn into terrorism;
- (2). to prepare a plan in respect of identified individuals who the Panel considers should be offered support for the purpose of reducing their vulnerability to being drawn into terrorism;

- (3). if the necessary consent is given, to make arrangements for support to be provided to those individuals in accordance with their support plan;
 - (4). to keep under review the giving of support to an identified individual under a support plan;
 - (5). to revise a support plan, or withdraw support under a plan, if at any time the Panel considers it appropriate;
 - (6). to carry out further assessments, after such periods as the Panel considers appropriate, of an individual's vulnerability to being drawn into terrorism in cases where:
 - i) the necessary consent is refused or withdrawn to the giving of support under a support plan, or
 - ii) the Panel has determined that support under a plan should be withdrawn;
 - (7). to prepare a further support plan in such cases if the Panel considers it appropriate.
- 4.2 "Identified individual" means an individual referred to the Panel by the police. The police may only refer an individual if there are reasonable grounds to believe that the individual is vulnerable to being drawn into terrorism.
- 4.3 "The necessary consent" means the identified individual's consent where they are 18 or over and that of their parent or guardian if they are under 18.
- 4.4 There are provisions governing what must be included in a support plan. Where the Panel decides that a support plan should not be put in place for an identified individual, the Panel must consider whether to refer the individual to a health or social care services provider and, if it considers the individual should be so referred, must make the arrangements for the referral.
- 4.5 The Panel must include a representative of the County Council and of the Police (the Chief Constable or a representative of the Chief Constable). A person appointed to the Panel must be someone the County Council considers has the required skills and experience. The Panel may also include other persons considered appropriate by the County Council (either generally or in the case of a particular identified individual). The Panel must be chaired by the County Council.
- 4.6 Matters considered by the Panel must be decided by a majority of the Panel and, if there is no majority, by the Chairman. Apart from this the Panel may determine its own procedure.

- 4.7 It is proposed that the County Councils' main representatives on the Panel should be the Deputy Director (Education and Services to Young People) and the Assistant Director, Community Protection, both of whom it is considered have the required skills and experience for the role and who it is proposed should be Chairman and Vice Chairman of the Panel respectively. This would help ensure consistency, cover and continuity in delivering the Local Authority's statutory responsibilities.
- 4.8 The Secretary of State has issued guidance in relation to Channel Panels which sets out in more detail how they should operate and emphasises a multi-agency approach. The Guidance is entitled "Protecting vulnerable people from being drawn into terrorism" and can be viewed at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/423550/Channel_Guidance_V.6.pdf .
- 4.9 The Guidance states, depending on the nature of the referral, that the Panel may include, but is not limited to, representatives from the following groups:
- NHS
 - Social workers
 - Schools, further education colleges and universities
 - Youth offending services
 - Directors of Children's and Adults Services
 - Chairs of Local Safeguarding Children Boards and Safeguarding Adult Boards
 - Local authority safeguarding managers (adult and/or children)
 - Local authority Troubled Families Teams
 - Home Office Immigration (Immigration Enforcement, UK Visas & Immigration)
 - Border Force
 - Housing
 - Prisons
 - Probation
- 4.10 Section 38 of the Act provides for "partners of a panel". These are specified bodies and include District Councils in Hertfordshire, Government Departments (other than intelligence services), various educational bodies and various NHS bodies. The partners of a panel are under a duty, so far as is appropriate and reasonably practicable, to co-operate with both the Panel and the police (in relation to their functions under Section 36) and to provide information to the Panel. The duty of a partner of a panel to co-operate with a panel must be compatible with other legal requirements to which they are subject.
- 4.11 There is an existing panel (also known as the Channel Panel) which it is proposed would be formally established under the Act. The existing panel is already operating within the proposed terms of reference for the new Panel and includes appropriate representatives from the necessary bodies, and also has suitable links to request attendance from other relevant organisations as necessary.

5. Financial Implications

- 5.1 There are no financial implications arising from the proposals in this report.

6. Equalities

- 6.1 When considering proposals placed before Members it is important that they are fully aware of, and have themselves rigorously considered the equalities implications of the decision that they are taking.
- 6.2 Rigorous consideration will ensure that proper appreciation of any potential impact of that decision on the County Council's statutory obligations under the Public Sector Equality Duty. As a minimum this requires decision makers to read and carefully consider the content of any Equalities Impact Assessment (EqIA) produced by officers.
- 6.3 The Equality Act 2010 requires the Council when exercising its functions to have due regard to the need to (a) eliminate discrimination, harassment, victimisation and other conduct prohibited under the Act; (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it. The protected characteristics under the Equality Act 2010 are age; disability; gender reassignment; marriage and civil partnership; pregnancy and maternity; race; religion and belief, sex and sexual orientation.
- 5.4 There are no equalities issues in relation to the establishment of the Channel Panel. However, there are potentially equalities implications in relation to the operation of the Channel Panel. To mitigate these the Channel Panel will need to ensure that it takes decisions which are proportionate, rational and evidence-based.

Background Information

- Section 36 of the Counter Terrorism and Security Act 2015
<http://www.legislation.gov.uk/ukpga/2015/6/section/36>
- Guidance - "Protecting vulnerable people from being drawn into terrorism"
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/423550/Channel_Guidance_V.6.pdf
- Report to the Community Safety & Waste Management Cabinet Panel, July 2015

Channel Panel Proposed Terms of Reference

1. To assess the extent to which identified individuals referred to the Panel by the police are vulnerable to being drawn into terrorism.
2. To prepare a plan in respect of such identified individuals who the Panel considers should be offered support for the purpose of reducing their vulnerability to being drawn into terrorism.
3. Subject to the necessary consent being given, to make arrangements for support to be provided to those individuals in accordance with their support plan.
4. To keep under review the giving of support to an identified individual under a support plan.
5. To revise a support plan, or withdraw support under a plan, if at any time the Panel considers it appropriate.
6. To carry out further assessments, after such periods as the Panel considers appropriate, of an identified individual's vulnerability to being drawn into terrorism in cases where—
 - i. the necessary consent is refused or withdrawn to the giving of support under a support plan; or,
 - ii. the Panel has determined that support under a plan should be withdrawn;
7. To prepare a further support plan in such cases if the Panel considers it appropriate.
8. To ensure that decisions taken do not create any equalities implications by taking decisions that are proportionate, rational and evidence-based.

Definitions

9. "Identified individual" means an individual referred to the Panel by the police (N.B. The police may only refer an individual if there are reasonable grounds to believe that the individual is vulnerable to being drawn into terrorism).
10. "Terrorism" has the statutory definition set out in Section 1 of the Terrorism Act 2000 which is included for reference and is:

"(1) ..the use or threat of action where—

(a) the action falls within subsection (2),

(b) the use or threat is designed to influence the government or an international governmental organisation or to intimidate the public or a section of the public, and

(c) the use or threat is made for the purpose of advancing a political, religious, racial or ideological cause.

(2) Action falls within this subsection if it–

(a) involves serious violence against a person,

(b) involves serious damage to property,

(c) endangers a person's life, other than that of the person committing the action

(d) creates a serious risk to the health or safety of the public or a section of the public, or

(e) is designed seriously to interfere with or seriously to disrupt an electronic system

(3) The use or threat of action falling within subsection (2) which involves the use of firearms or explosives is terrorism whether or not subsection (1)(b) is satisfied.

(4) In this section–

(a) “action” includes action outside the United Kingdom,

(b) a reference to any person or to property is a reference to any person, or to property, wherever situated,

(c) a reference to the public includes a reference to the public of a country other than the United Kingdom, and

(d) “the government” means the government of the United Kingdom, of a part of the United Kingdom or of a country other than the United Kingdom.

11. “The necessary consent” means the identified individual’s consent where they are 18 or over and that of their parent or guardian if they are under 18.

Membership

12. The Panel, as required by the Act, will be chaired by a representative of the County Council and the following organisations/representatives will be standing members:

CHAIRMAN — Deputy Director (Education and Services to Young People)

VICE CHAIRMAN –Assistant Director, Community Protection

Head of Youth Justice Services

Regional Higher Education Prevent Lead.

Strategic Manager Vulnerable People (Police)

Designated Nurse for Safeguarding Children

Asst. Director of Quality and Patient Experience - Herts, Beds and Luton

Head of Community Learning Disability Services, Hertfordshire County Council

Oaklands College Safeguarding Lead

HPFT Safeguarding Lead

BENCH CRC (Probation)

Head of Services for Young People

District Council Representative

Those listed below are not standing members but are the prevent leads for their local authority areas and can be called upon as required when a case falls within their area.

Three Rivers - 1 representative

St. Albans - 1 representative

Dacorum - 1 representative

Watford - 1 representative

North Herts - 1 representative

East Herts - 1 representative

Welwyn / Hatfield - 1 representative

Broxbourne - 1 representative

Hertsmere - 1 representative

Stevenage - 1 representative

The secretariat of the Panel will be provided by Hertfordshire Constabulary.