

**The Highland CPP**  
**Chief Officers Group 13.8.15**

Agenda Item	13.
Report No	COG 23/15

**Counter-Terrorism and Security Act 2015: the Prevent Duty and implications for the Highland CPP**

Report by Head of Policy and Reform, Highland Council

**Summary**

This report describes the new Prevent duty on specified partners and makes recommendations on how the CPP can support the duty effectively.

**1. Background**

- 1.1 The Counter-Terrorism and Security Act 2015 includes a duty<sup>1</sup> for specified Scottish Authorities to have due regard to the need to prevent people from being drawn into terrorism. It is referred to as the Prevent duty. Named authorities are local authorities, independent and grant-aided schools, further education institutions, Universities, Health Boards, prisons, and young offenders institutions and the Police.
- 1.2 They must have regard to the [Prevent Duty Guidance for Scotland](#) which aims to assist the specified authorities to place the right amount of weight on the Prevent duty and in the context of their usual functions. The duty is not expected to create large new burdens on institutions and it is to be implemented in a proportionate and risk-based way.
- 1.3 The legislation supports the UK Government's Prevent strategy of 2011 which is one part of the overall counter-terrorism strategy; CONTEST. The Prevent strategy aims to:
1. Respond to the ideological challenge of terrorism and the threat we face from those who promote it;
  2. Prevent people from being drawn into terrorism and ensure they are given appropriate advice and support;
  3. Work with sectors and institutions where there are risks of radicalisation that we need to address.
- 1.4 The Guidance highlights that terrorist groups often draw on extremist ideology. Extremism in this context is defined 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 include in our definition of extremism calls for the death of members of our armed forces.”

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<sup>1</sup> Section 26 of the Act.

It therefore refers to all kinds of terrorist threats in the UK and includes violent and non-violent extremism. The guidance refers to:

- Islamist extremism;
- Terrorism associated with Northern Ireland;
- White supremacist ideology; and
- Links with anti-sectarianism work.

It could also refer to extreme hunt saboteur/animal protection activity. A very small number of examples of extremist behaviour have been identified in Highland covering at least two of the categories above.

- 1.5 To support the specified authorities and in addition to the Guidance for Scotland the following sector specific guidance is available (with differing security markings):
1. Police Scotland Contest Prevent Guidance;
  2. Scottish local authorities Contest Prevent Code of Practice; and
  3. NHS Scotland's Guidance for Health Boards: Playing our part – implementing the Prevent strategy;
  4. Universities UK guidance.

## **2. A collaborative approach to the Prevent duty – locally and nationally**

2.1 While the delivery of Prevent activity falls to the Police Service of Scotland<sup>2</sup>, the Scottish Guidance emphasises the need for effective partnership working and partnership leadership to meet the duty. It recognises alignment with the Christie Commission recommendations relating to prevention, reducing inequalities and promoting equality. It identifies a role for CPP alignment.

2.2 Specifically the guidance highlights the need for:

- Multi-agency involvement and cooperation in Prevent and wider CONTEST groups and processes;
- The processes include:
  - A shared understanding on the level or risk, threat and vulnerability in a local authority area<sup>3</sup>;
  - Involvement in the Prevent Professional Concerns process (PPC) – a programme to provide multi-agency support to individuals who are at risk of being drawn into terrorism;
  - Appropriate information sharing on individuals and within legislative requirements, usually through the PPC;
  - Developing a local Prevent implementation plan;
  - Ensuring training is delivered to relevant staff and others.
- Those in leadership positions must: identify a Single Point of Contact (SPOC); establish or use existing mechanisms for understanding the risk of radicalisation; promote the duty among staff and ensure they have capacity to implement the duty especially around accessing support for people who need it.
- Records to demonstrate compliance with the duty and the provision of reports when requested.

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<sup>2</sup> National Guidance p.24

<sup>3</sup> Emerging and Residual Threat Local Profiles (ERTLPs) will be prepared by Police Scotland for the local CONTEST and Prevent groups for partners to be briefed.

2.3 The table at Appendix 1 summarises what the duty means for named partners.

2.4 At a national level Prevent activity is overseen by the Prevent sub-group of the Multi Agency CONTEST Board (MACBS) for Scotland. To ensure compliance with the Duty:

- Local CONTEST groups provide exception reporting to MACBS.
- The Scottish Government produces an annual report on progress with Prevent to the Cabinet Secretary for Justice.
- The Scottish Government provides information to the Home Office and the UK Prevent Oversight Board.
- The Prevent Oversight Board can use the power of direction over any specified Scottish authorities seen not to be compliant.

2.5 Further monitoring and enforcement

Inspection and audit bodies will have a role in monitoring and enforcement. Education Scotland for example will ensure schools, further education colleges and independent training providers are complying with the duty. Thematic inspections by the HM Inspector of Prisons are possible. Other sector specific monitoring arrangements are in place such as the Scottish Government's NHS Resilience Unit monitors the delivery of Health Board plans against the standards outlined in the Organisational Resilience Standards for Health Boards. Further inspection of Health Boards may be incorporated into current inspection regimes.

2.6 National event

A national event held at the end of June 2015 explained the duty and identified the following issues:

1. Prevent is about dealing with vulnerable people. Public bodies need to recognise from their normal operations those may be drawn into terrorism and to have arrangements in place to support people to deter them from extremist behaviour, whether violent or non-violent.
2. The duty sits with our duties on safeguarding. This means using our arrangements for dealing with vulnerable adults and children and for offender management for the Prevent Professional Concerns Case Conferences (PPCs). This is supported by the National Guidance which states: 'Health Board arrangements for delivering Prevent should effectively link into those in place for child and adult protection.' (p19), highlighting the need for NHS Chief Execs to liaise with LA Chief Execs and Chief Officers for health and social care.
3. The duty sits alongside equalities duties to create strong, tolerant and cohesive communities. We need to make the links with our community engagement processes.
4. The duty must be applied proportionately and be risk-based.
5. We need to weave the training for Prevent through our other training and development processes for e.g. GIRFEC, MAPPA, Matak and undertake a training needs and capacity audit.
6. There is a range of support and tools available, e.g. for training.
7. We need to act now.

### **3. Implications for the Highland CPP**

- 3.1 Those partners with the Prevent Duty will have developed, or be developing, their organisation's response to it. However this is partnership business and there is a need to ensure we have the right fit between Prevent and the CPP arrangements.
- 3.2 Partnership outcomes on community safety, child and adult protection and reducing re-offending are all relevant to the duty. In addition, the table at Appendix 1 highlights the actions that partners have in common and it would make sense to take some of these forward together to make them more effective and efficient, e.g. training could be arranged on a partnership basis. For these reasons it seems obvious that the CPP and its plans need to pay due regard to the Prevent duty. It is recommended that appropriate referencing to the CONTEST structure and implementation plan is the best way to do this.
- 3.3 There is a CONTEST group established for the North Division of Police Scotland (H&I) and a Prevent sub group has been set up. Progress is being made with the requirements of Prevent as the threat profile has been prepared and an Implementation Plan is being developed. Arrangements need to be finalised for the information sharing protocol<sup>4</sup> and the PPCs. It is recommended that the CPP Board is advised on the Prevent duty and agrees that the CONTEST groups will be reflected in the CPP structure and that appropriate references are made in the SOA (and its successor plans) to the CONTEST implementation plan.
- 3.4 The issues that the COG is invited to consider are:
1. Ensuring we have good alignment with CONTEST and Prevent groups within the Safer Highland structure (given the former are H&I wide);
  2. Ensuring we do not create new partnership structures to deal with the PCC process and that the current arrangements for child protection adult protection and offender management are used and built upon;
  3. The process for the Highland PCC is aligned to our arrangements for the integration of health and social care (e.g. for young people the responsibility for managing the PPC sits clearly with the Council, but for adults it is less clear where the operations sit given the NESH lead role for adults social care);
  4. Finding the right fit with other relevant CPP groups such as the hate crimes group and the equalities and diversity group;
  5. Supporting joint training and awareness briefings for staff in partners organisations;
  6. Whether an awareness session is provided to the Board.

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<sup>4</sup> National guidance highlights that information sharing protocols and balanced with other requirements such as data protection and Human Rights legislation and protocols for patient confidentiality. The guidance highlights that sharing personal information should be on the basis of it being necessary and proportionate, where possible shared with the person's consent but noting that where there is knowledge of someone being involved in illegal terrorist related activity this should always be referred to the police.

**4. Recommendation**

4.1 It is recommended that the CPP Board in September considers a report on the Prevent duty and is asked to agree that the CONTEST structure will be reflected in the CPP structure and that appropriate references will be made in the SOA (and its successor plans) to the CONTEST implementation plan.

4.2 The COG is asked to consider the issues of structure and process as set out in paragraph 3.3 to ensure the CONTEST and Prevent work is properly aligned to, and supported by, the CPP structures and processes.

Carron McDiarmid 7.8.15

**Summary of what is expected from partners to comply with the Prevent duty: Appendix 1**

	<b>Leadership</b>	<b>Partnership</b>	<b>Awareness raising and Training<sup>5</sup></b>	<b>Referrals to the PPC<sup>6</sup> process</b>	<b>Venues, premises and IT</b>	<b>Schools</b>	<b>Supplier and other relationships</b>	<b>Sharing information</b>	<b>Welfare and pastoral care</b>
<b>Local authorities</b>	Chief Exec and Senior Management Team. Appoint Single Point of Contact (SPOC)	Participate in CONTEST Group, Prevent sub group, multi-agency forums and CCP	Front-line staff, Staff to be involved in PPCs  Parent Councils	Yes PPC set up and chaired by Council as part of existing set up for vulnerable adults and children	Not used as platform for extremists and dissemination of their views. Filtering solutions on public access ICT	GIRFEC process IT policy and filtering solutions, CfE on around global citizenship & democratic values	Duty reflected in contracts and grants for those performing a relevant function, including arms-length companies.	Ensure information sharing protocol set up through CONTEST	GIRFEC process
<b>Independent and grant-aided schools</b>	SPOC		Staff						
<b>Further education institutions</b>	College Principals and senior management SPOC for each college Engagement with Prevent network through Regional Chairs and Principals.	Participate in CONTEST and Prevent groups where appropriate	Staff Students Student Unions - staff and elected officers May develop additional Prevent training tools	Yes	Guidance on external speakers awaited. IT policies to recognise vulnerabilities, use of filters Procedures in place for on-line use for extremism-related research		Student Unions and Student Societies to have regard to the institution's policies on Prevent	Robust procedures internally and externally about vulnerable people relating to student welfare and safeguarding	Pastoral care and safeguarding services  Managing prayer rooms and faith related activities

<sup>5</sup> Training is to focus on recognising vulnerability to being drawn into terrorism, the signs of that and what action to take.

<sup>6</sup> PPC process: Prevent Professional Concerns process

	<b>Leadership</b>	<b>Partnership</b>	<b>Awareness raising and Training<sup>7</sup></b>	<b>Referrals to the PPC<sup>8</sup> process</b>	<b>Venues, premises and IT</b>	<b>Schools</b>	<b>Supplier and other relationships</b>	<b>Sharing information</b>	<b>Welfare and pastoral care</b>
<b>Universities</b>	Senior management incl. Vice Chancellor. SPOC appointed. Secretary Engaged with HE Prevent network.  May be role for governing body.	Participate in CONTEST and Prevent groups	Staff Students Student Unions - staff and elected officers May develop additional Prevent training tools	Yes	Guidance on external speakers awaited. IT policies Filtering harmful content Procedures in place for on-line use for extremism-related research		Student Unions and Student Societies to have regard to the institution's policies on Prevent	Robust procedures as above	Student welfare programmes and pastoral care  Managing prayer rooms and faith related activities
<b>NHS in Scotland</b>	Chief Executives, senior management team, appoint SPOC.  Boards to have a Prevent action plan. Exception reports to NHS Scotland COO.	Participate in CONTEST and Prevent groups. Ensure links with arrangements for child and adult protection. Liaison with Prison Governors.	Staff  Liaise with health care staff in prisons for training	Yes			Duty covered in contracts and grants for relevant functions.		

<sup>7</sup> Training is to focus on recognising vulnerability to being drawn into terrorism, the signs of that and what action to take.

<sup>8</sup> PPC process: Prevent Professional Concerns process

	<b>Leadership</b>	<b>Partnership</b>	<b>Awareness raising and Training<sup>9</sup></b>	<b>Referrals to the PPC<sup>10</sup> process</b>	<b>Venues, premises and IT</b>	<b>Schools</b>	<b>Supplier and other relationships</b>	<b>Sharing information</b>	<b>Welfare and pastoral care</b>
<b>Prisons and young offenders institutions</b>	Governor	Participate in CONTEST and Prevent groups SPOC appointed	Key staff. Intelligence and briefing packages targeted at staff working with extremist prisoners and those vulnerable to being drawn in.	Yes Pre-release planning Formal multi agency meeting where required. Fast time briefing.	Reporting extremist messaging			Preliminary risk assessment. Special arrangements for those arrested for terrorist activity and shared with Police. Offender management programme.	
<b>Police</b>	Community engagement  Support communities challenge extremist activity and influences  High visibility policing	Fully engaged in CONTEST and Prevent groups and support the groups to agree Prevent activity. Ensure SPOCs are briefed on threat profiles. Deliver Prevent through	Prevent to be embedded in all aspects of policing.  Frontline staff.  Public Protection Units	Co-ordinate PPCs process – accept referrals, be conduit for referrals.			Provide guidance on avoiding money being diverted to organisations supporting extremism and terrorism.	Ensure information sharing mechanisms are in place through CONTEST.  Understand make up local comms – needs, values and beliefs	

<sup>9</sup> Training is to focus on recognising vulnerability to being drawn into terrorism, the signs of that and what action to take.

<sup>10</sup> PPC process: Prevent Professional Concerns process



		national and local Safer Communities structure. Meaningful community engagement.							
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