

Agenda item:

Meeting: Cabinet Member for Environment and Community Safety
Decision Meeting

Subject: Government consultation - Prevent duty guidance

Date of meeting: 28th January 2015

Report by: Head of Health, Safety and Licensing

Wards affected: All

Key decision: No

Budget & policy framework decision: No

1 Summary

The Counter-Terrorism and Security Bill, which is currently before Parliament, seeks to place a duty on specified authorities to "have due regard, in the exercise of its functions, to the need to prevent people from being drawn into terrorism". Draft guidance has been published for consultation where responses will be received up until noon on Friday 30th January 2015. The full document can be found at www.gov.uk/government/consultations/prevent-duty

2 Purpose of report

To update the Cabinet Member for Environment and Community Safety on the guidance and to approve the response.

3 Recommendations

3.1 To agree the recommended responses in section 6

4. Reasons for recommendations

4.1 While there are 25 questions embedded throughout the guidance, these provide a summary of the relevant responses for Portsmouth and for appropriate agencies accountable to members.

5 Background

5.1 Section 21 of the Counter Terrorism and Security Act 2015 (the Act) places a duty on certain bodies (Appendix 1) to have "*due regard to the need to prevent people from being drawn into terrorism*". This guidance is issued under S24 of

the Act. The Act states that the authorities subject to the provisions must have regard to this guidance when carrying out the duty.

- 5.2 The aim of the Prevent strategy is to reduce the threat to the UK from terrorism by stopping people becoming terrorists or supporting terrorism. It has 3 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.
- 5.3 In complying with the duty all specified authorities, as a starting point, should demonstrate an 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.
- 5.4 There are 3 themes in the guidance around
- **Effective leadership** - those in leadership positions to have mechanisms to understand the risks, ensure staff have the capabilities to respond to risk, communicate and promote the importance of the duty and implement the duty effectively.
 - **Working in partnership** - demonstrate evidence of productive co-operation, in particular with local Prevent co-ordinators, the police and local authorities, and co-ordination through existing multi-agency forums, for example Community Safety Partnerships
 - **Appropriate capabilities** - ensure frontline staff have the training and skills to be aware of Prevent, how to challenge the extremist ideology and able to respond obtain support for people who may be exploited by radicalising influences.
- 5.5 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. The guidance includes monitoring arrangements, primarily from existing inspection regimes. Where a specified body is not complying with the duty there is power to refer to the Secretary of State who can issue guidance or directions.
- 5.6 Section E of the guidance provides sector specific guidance for:
- Local authorities
 - Higher education
 - Further education
 - Schools
 - The health sector
 - Prisons and probation
 - Police

5.7 In preparation for this, communication has taken place with the local authority education and education partners.

6. Recommended response:

6.1 The guidance includes 25 questions embedded throughout. Rather than answer these individually the following response is proposed:

6.1.1 Suggest further clarity on who has strategic responsibility. The guidance states local authorities' role in coordinating activity (paragraph 29 states: "local authorities should establish or make use of an existing local multi-agency group to agree risk and coordinate Prevent activity. Many local authorities use Community Safety Partnerships (CSP) but other multi-agency forums may be appropriate") however little guidance whether:

- local authorities are accountable to any multi-agency groups
- if this is CSP's then whether there are plans to review the "Responsible authorities" as defined by the Crime and Disorder Act 1998 and
- how these would be managed across adjoining authorities and police constabulary areas.

6.1.2 What would the level of resource made available for projects and activities look like (paragraph 42) and how this is funded? Portsmouth has been identified as a "supported area" and while there is some support, this doesn't include any dedicated coordinator funded by the Home Office. Therefore what support would this be and who would deliver and facilitate this?

6.1.3 Is there any financial support to support local authorities to embed this strategically and/or operationally? There is a variable level of requirement for agencies (including risk assessing individuals who pose a risk, action plan, ensure staff are trained and develop systems for monitoring) but no indication whether further resource will be provided to assist with this.

6.1.4 With monitoring being undertaken by existing inspection regimes how will this be coordinated and is it proposed to monitor a partnership or individual agencies? The guidance identifies a variety of monitoring regimes (e.g. Home Office / Ofsted / commissioners / Higher Education Funding Council) however encourages the use of "existing local multi-agency groups to effectively monitor the impact of Prevent work" (paragraph 31). It is unclear who has overall accountability, frequency of monitoring, how this will be reported back and whether a "multi-agency panel" can approach a monitoring regime if they feel an agency isn't fulfilling their responsibilities.

6.1.5 We suggest other agencies included in the guidance should be the voluntary and private sector, housing providers, armed services, and faith organisations.

7. Equality impact assessment (EIA)

7.1 No equality impact assessment has been completed. These will be completed as required by individual agencies.

8. Legal implications

8.1 The questions in the recommendation section (6) are relevant and of themselves at this point do not give rise to any further comment, they aim to obtain clarification. This said sections 21 places upon the relevant authority a clear obligation to have "due regard..." and that means with respect to all aspects of the Local Authority functions.

9. Head of finance's comments

9.1 If there is no additional funding for the new duties under the Act then any legislative compliance requirements (e.g. staff training, monitoring etc.) will have to be funded from the existing Council budget.

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Signed by Head of Health, Safety and Licensing

Background list of documents: Section 100D of the Local Government Act 1972

The following documents disclose facts or matters, which have been relied upon to a material extent by the author in preparing this report:

Title of document	Location
1 Nil	
2	

The recommendation(s) set out above were approved/ approved as amended/ deferred/ rejected by the Cabinet Member for Environment and Community Safety on 28th January 2015.

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Signed by Cabinet Member for Environment and Community Safety