

## The Counter Terrorism And Security Act, 2015 New Statutory Duties

The Counter Terrorism and Security Bill was introduced in the Parliament on 26<sup>th</sup> November 2014 and received Royal Assent on 12<sup>th</sup> February 2015. The provisions of the new Act are wide ranging, covering security aspects to better reduce risks from those who may be suspected of terrorism-related activities. The new legislation strengthens the application of CONTEST, the government's counter-terrorism strategy. 'Prevent' with its three main objectives is one of the four strands of CONTEST strategy.

- I. Section 26 (1) of the Act creates a new 'Prevent Duty' for 'specified authorities', which 'must in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism'. Unitary authorities are included in the list of specified authorities, as are county and district local authorities, schools, colleges, universities, police, probation, prisons, young offenders' institutions and the health sector (schedule 6 lists specified authority and the Secretary of the State has the power to amend list and include further partners).
- II. The Statutory 'Prevent Duty' has come into effect on 1<sup>st</sup> July 2015 and is confirmed by a statutory instrument. Prevent Duty and the CTS Act refer to the 'Prevent Strategy'.
- III. Prevent is one of the four strands of CONTEST, the Government's Counter Terrorism Strategy. The 'Prevent' Strategy is to reduce the threat to the UK from terrorism and aims 'to stop people becoming terrorists or supporting terrorism'. Prevent Strategy (2011) has three objectives:
  1. respond to the **ideological challenge** of terrorism and the threat faced from those who promote it;
  2. **prevent people from being drawn into terrorism** and ensure that they are given appropriate advice and support ; and
  3. work with **sectors and institutions** where there are risks of radicalisation which we need to address.
- IV. Prevent addresses all forms of terrorism (extreme right wing, and Al-Qaida inspired and associated terrorism etc.) but prioritises these according to the threat they pose to our national security (currently highest threat comes from *Al-Qaida* associated and terrorist organisations in Syria and Iraq). The Prevent strategy also focuses on some aspects of non-violent extremism that create an environment conducive to terrorism and can popularise views which terrorist exploit.
- V. Placing the Prevent programme on a statutory footing was one of the recommendations from the Prime Minister's Extremism Task Force set up following the murder of Fusilier Lee Rigby in May 2013.
- VI. The current 'Channel' arrangements or support for people vulnerable to being drawn into terrorism is placed on a statutory footing. Section 36 (1) requires that 'each local authority must ensure that a panel of persons is in place for its area, with the function of assessing the extent to which identified individuals are vulnerable to being drawn into terrorism'. The Local Authority is responsible for chairing the local (Channel) panel. Broader functions of the Panel are also defined and include the preparation of action plans to reduce the vulnerability of the individual being drawn

into terrorism and that with the consent of that individual, that arrangements are made to receive support (which include provision by an approved independent provider who can address the potential radicalisation).

- VII. [The Channel Statutory Duty has come into effect on Sunday 12<sup>th</sup> April 2015](#). A new Statutory '[Channel Guidance](#)' is published in April 2015 (replacing the previous guidance issued in October 2012).
- VIII. Under the Act, the Secretary of State has the power to issue general guidance elaborating on how the 'Prevent Duty' is to be implemented. The guidance is statutory in nature and Section 29 (2) of the Act states, '[specified authority must have regard to any such guidance in implementing the Prevent duty](#)'.
- IX. The Act requires full participation of all specified authorities and partners in work to prevent vulnerable individuals being drawn into terrorism. It is also expected that Community Safety Partnerships, will be identified as the co-ordinating and oversight bodies, tasked with ensuring full compliance and participation from within their local authority area. There will be a requirement to incorporate Prevent duties into existing policies and procedures including children and adult safeguarding arrangements.
- X. The '[Prevent Duty Guidance](#)' sets out that the work will be 'risk based and proportionate', that we will fully understand the risk in our localities and institutions and where risks are identified, that we will develop a clear plan of action to reduce those risks. We will be expected to 'provide effective leadership, work in partnership particularly with those sectors and institutions where there are risks of radicalisation, and provide appropriate capabilities to staff to recognise vulnerable individuals, challenge and support appropriately.

Additionally, amongst other requirements, we will be expected to:

- establish responsible booking policies to ensure that publicly funded venues and resources do not provide a platform for extremists (for example, IT equipment available to the general public)
- safeguarding requirements for children attending educational and childcare settings, other than schools, including those who are home schooled

- XI. The Home Office will monitor the implementation of the Prevent Duty in priority areas. Prevent Duty will also be monitored within existing inspection framework for partners (for e.g. HMIC, Ofsted inspections). The Prevent Oversight Board, chaired by the Minister for Immigration and Security may recommend further action to support implementation of the Prevent Duty in future.
- XII. The Secretary of State will have the power to issue directions to a specified authority in case of failure to discharge the 'Prevent Duty' effectively. In addition, the Secretary of State may use existing provisions; for example, under the Local Government Act 1999 to appoint inspectors to assess under section 10 or invoke section 15 to direct tasks and action plans to deliver Prevent duty in relation to 'best value' duties. Likewise, if the Local Authority fails to implement the duty, the Secretary of State can intervene under section 497A of the Education Act 1996 to direct action.

Nahida Shaikh, Prevent Coordinator, Partnership Community Safety Team, Tel: 01273 (290584), E: [Nahida.Shaikh@brighton-hove.gcsx.gov.uk](mailto:Nahida.Shaikh@brighton-hove.gcsx.gov.uk)