



**Report of Michael Banks, Deputy Chief Constable, Durham
Constabulary**

Purpose of the Report

1. The purpose of this report is to present Safer and Stronger Overview & Scrutiny Committee with details of the progress of the Altogether Safer priority, 'Counter Terrorism and Prevention of Violent Extremism' and the implications of the Counter Terrorism and Security Act 2015.

Background

2. Government sets the level of threat to the UK from terrorism using five levels:
 - low - an attack is unlikely
 - moderate - an attack is possible but not likely
 - substantial - an attack is a strong possibility
 - **severe** - an attack is highly likely (**current level of threat**)
 - critical - an attack is expected imminently
3. The government's counter terrorism strategy is called CONTEST. The aim of CONTEST is to reduce the risk to the UK and its interests overseas from terrorism. The CONTEST strategy has four objectives:
 - PURSUE - To stop terrorist attacks (the remit of the police and security services)
 - PREVENT - To stop people becoming or supporting violent extremists
 - PREPARE - Where we cannot stop an attack, to mitigate its impact
 - PROTECT - To strengthen our overall protection against terrorist attacks
4. Intelligence indicates that a terrorist attack in our country is 'highly likely'. Experience shows that the threat comes not just from foreign nationals but also from terrorists born and bred in Britain. The purpose of PREVENT is to:
 - Respond to the ideological challenge of terrorism and the threat we face from those who promote it.
 - Prevent people being drawn into terrorism and ensure that they are given appropriate advice and support.
 - Work with sectors and institutions where there are risks of radicalisation which we need to address.

5. The national PREVENT strategy is particularly targeted at local authorities working in partnership with police, fire, health, education, criminal justice agencies and others.
6. In 2009 Durham Constabulary and Durham County Council (DCC) developed a multi-agency group to respond to the Government's PREVENT Strategy. The group was joined by Darlington and is now referred to as the Durham and Darlington CONTEST Silver group. That same year the Safe Durham Partnership identified Counter Terrorism as a priority theme.
7. Over the coming years, the CONTEST Silver group adapted to changes to the Government's Counter Terrorism Strategy and put in place arrangements to provide a robust response to the PREVENT, PREPARE and PROTECT objectives.
8. Local governance arrangements ensure a local multi-agency Gold (Chief Executive) group receives an annual briefing in order to understand the threat level and provide direction in terms of our response to it. A multi-agency Bronze group meets to ensure that operational responses align across the key agencies. The CONTEST Silver group contributes to the Safe Durham Partnership Action Plan, along with the other six thematic groups.

Current Position

9. The CONTEST Silver group has developed its 2014/17 Action Plan and is in the process of commissioning the annual Counter Terrorism Local Profile. Some of our achievements up to, and including, this period include:

Prevent

- Partnership commissioned Counter Terrorism Local Profile.
- Close working relationship with North East Counter Terrorist Unit.
- Delivery of interactive theatre productions to Colleges across the county.
- Implementation of a local Colleges Forum to share best practice.
- Staff awareness-raising to help recognise the signals that someone may be vulnerable to being drawn into any form of terrorism delivered across health, the fire service, council, police, prisons, probation and many more.
- Development of a bespoke Channel process which involves the referral of those vulnerable to being drawn into terrorism to a multi-agency group.
- 2 Prevent Seminars at the Durham Centre (Local Resilience Forum) and Durham County Council Chambers (Safe Durham Partnership).
- Council Intranet page including awareness raising products such as the Prevent E-learning package developed by the council and police and shared across the region and with parts of South Yorkshire.

Protect

- Developed and distributed the Trust Your Instincts DVD.
- Delivered 4 Project Griffin events across County Durham to advise and familiarise business managers, security officers and employees of public and private sector organisations across County Durham on security, counter-terrorism and crime prevention issues.

- Delivered 6 Project Argus events across the Force area; providing local retailers with an interactive counter-terrorism tabletop exercise to put business in the midst of a simulated terrorist attack as a multi-media experience.
- Over 70,000 communications delivered to public sector staff, businesses and the public by Counter Terrorism Security Advisers during Counter Terrorism Awareness Week (Nov 2014).

Prepare

- Testing, training and exercising for emergency plans.
- Developed best practice in emergency planning validation.
- Established the revised 'Public, Information and Media' group to deliver on behalf of the LRF (Local Resilience Forum) and promote both local and national resilience.
- National Resilience Extranet and protocols established as the embedded mechanisms for sharing classified information between emergency responders.
- Developed a Critical Infrastructure Plan for locations not covered under current arrangements.
- Operation Archer Event held at Police HQ - a consequence management police and partner table top exercise delivered by the Prevent Development Unit in the presence of media colleagues.
- Introduced National Inter Agency Liaison Officers within County Durham and Darlington Fire and Rescue Service.

Counter Terrorism and Security Act 2015

10. Events surrounding the Islamic State of Iraq and the Levant (the region incorporating Jordan, Israel, Palestine, Lebanon, Cyprus and part of southern Turkey) have led to the UK Government raising the UK Threat Level to Severe. The terrorist organisation is also referred to as IS (Islamic State) and ISIS (Islamic State of Iraq and Syria). ISIL is the English interpretation of the organisations Arabic name and is the term afforded to it by Western Governments as it reflects the organisations ambition to erect a state throughout the Middle East.
11. In response to the growing threat the Government introduced the Counter Terrorism and Security Act 2015. The act will be accompanied by statutory guidance. The Safe Durham Partnership and the wider Contest group have provided feedback on the draft guidance and have been engaged with the progress of the guidance at national level. As a result we can be confident in terms of what the impact of the new duty will be to individual agencies and to our partnership arrangements.

General duty on specified authorities

12. The Act places a general duty on each specified authority who must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism. Specified Authorities are:
 - Local Authorities
 - Police

- Prisons
 - Probation
 - Education, Further Education & Higher Education
 - NHS Trusts/Foundation Trusts
 - Clinical Commissioning Groups
13. Government guidance indicates that it does not envisage the new duty creating large new burdens and intends the duty to be implemented in a proportionate and risk-based way.
 14. Each specified authority will be expected to demonstrate an awareness and understanding of the risk of radicalisation in their area, institution or body. No area will be deemed as risk free. Durham Constabulary, and members of the local Contest Silver group, commissions an annual Counter Terrorism Local Profile to identify risk and make recommendations to mitigate them. This generates actions that appear in the local CONTEST Action Plan.

Local Authorities

15. Local Authorities are expected to lead a partnership approach to comply with their duty.
16. The local CONTEST Silver group is represented by all those institutions identified as 'specified authorities'.
17. As with all specified authorities, the Local Authority will be expected to ensure front-line staff have a good understanding of Prevent, are trained to recognise vulnerability to being drawn into terrorism and know how to respond.
18. Awareness-raising has seen significant efforts targeted at front-line staff within the council, health, prisons and probation, fire service, colleges, registered social landlords and many others. Further work will be required to extend awareness of PREVENT, using existing resources; such as e-learning.
19. Our response to the consultation:
 - Training of, and awareness-raising to, front line staff and associated costs across partner agencies could be significant and will take time to achieve. The scope of the guidance presents a real burden on a LA of this size. The burden this represents comes at a time when budgets are coming under pressure. It is suggested that Local Authorities will need new burdens funding in taking on these new duties.
 - Our Clinical Commissioning Group mirror concerns of many of our partners in terms of their staff having the confidence, knowledge and skills to challenge extremist viewpoints. It also raises an important issue in terms of having the confidence to understand when it is safe to do so.
20. Local Authorities will have to ensure publicly owned venues do not provide a platform for extremists and are not used to disseminate extremist views. This has not been an issue for County Durham; however DCC will communicate the requirement to staff responsible for managing its estate.

21. The Act requires Local Authorities to create, chair and manage a multi-agency group to receive referrals of those suspected of being vulnerable to radicalisation and will occur within a pre-criminal space. This is an existing responsibility for priority funded areas (DCC is not one of these) and is called 'Channel'.
22. The Channel process is as follows:
 - A professional or member of the public will refer someone they believe may be vulnerable to being drawn into terrorism to the police.
 - The police will carry out screening to ensure there are reasonable grounds to believe the individual is vulnerable to being drawn into terrorism within a pre-criminal space. Once satisfied, they will refer to the multi-agency panel.
 - The panel will assess whether the referral meets the criteria for referral.
 - Where an individual is deemed to require support, which can be specialist in nature, the panel will provide it under a prescribed support plan. It will be required to review and carry out further assessments where required.
23. Membership of the group will include the council and police, with others being invited where necessary. It will be based at LA area and not Police Force area. Information sharing is also placed on a statutory footing. Partners of a panel will have a duty to cooperate and share information. Local bespoke arrangements have been in place since 2009 and have been led by Durham Constabulary. It is not expected that this area will generate high numbers of referrals. A memorandum of understanding, developed by Durham Constabulary, currently provides the basis on which partner organisations share information on issues of Counter Terrorism.
24. Our response to the consultation:
 - There is a need to clarify what a robust system for referrals looks like in practice. It needs to be clearly outlined in the guidance about what the links between safeguarding and Channel are required and how these systems will work together.

Schools

25. Schools are included in the list of Specified Authorities and will need to demonstrate that they have assessed the risk of pupils being drawn into terrorism and that staff know how to recognise when children may be at risk of being drawn into terrorism and understand what to do.
26. DCC's Children and Adults Services have already briefed School Governors and Head Teachers ahead of the Act coming into force.
27. The Children and Families Partnership will receive details of the new duty at its Board on 26th March 2015. This will propose a path forward that will help schools deliver a proportionate response.

28. Our response to the consultation:

- There is a requirement for consistency across the country. Without the inclusion of case studies local areas will be left to interpret the guidance. For example, in risk assessing schools – Governors and Head Teachers will need guidance in order to ensure consistency in determining the risk of students being drawn into terrorism. Taking such an approach will avoid developing different standards.

Police

29. For the police, the requirements of the Act are largely that which they are currently subject to. They will play a key role in assessing local risk, supporting 'Channel' and providing support to local multi-agency arrangements.
30. Durham Constabulary has taken a lead role in Prevent from the outset and the Police Prevent team has provided significant support to partners. As a result, current partnership arrangements are particularly strong.

Higher and Further Education

31. Durham University and all Further Education Colleges will also have to assess the risk of student vulnerability to being drawn into terrorism and implement an action plan to mitigate those risks. They will be required to ensure staff understand when someone may be at risk, what action to take and when to refer to 'Channel'. The University will need to put in place internal mechanisms for managing such referrals. The University will also need to have procedures for managing events and sharing information about speakers.
32. Durham University is one of the original members of the Contest Silver group. It is involved in the commissioning of the Counter Terrorism Local Profile and its recommendations. The University is a regular contributor to the local Contest action plan which has included many of the requirements outlined above. Some of these expectations will be new to the institution including the common feature of an internal risk assessment and action plan. A local Prevent Colleges Forum meets annually to share best practice. It is briefed by the police and council and is represented on the County Durham and Darlington Contest Silver group.
33. Our response to the consultation:
- The University shared a national concern about the need to protect freedom of speech. The Bill was amended, prior to receiving Royal Assent, to ensure that freedom of speech was a protected factor.
 - The guidance refers to support being available from the Regional Education Prevent Coordinator to assist Higher and Further Education establishments fulfil their duties. The scope and geographic coverage of the Regional Coordinator is significant and covers funded priority areas across West Yorkshire. Therefore, support across County Durham has not been at a level that would provide such assistance. Where the guidance indicates support mechanisms are in place there will need to be confidence that they will fulfil the role intended across every institution.

Health

34. The guidance outlines established arrangements in place across NHS Trusts and Foundation Trusts such as embedding Prevent within Safeguarding and utilising Heads of 'Patient Experience' to be responsible for delivery of the regional Prevent Strategy. As with many partner organisations, the requirement centres on staff awareness.
35. The health sector has also engaged in a significant amount of staff training. For example, the North East Ambulance Service (NEAS) has trained every member of staff. The Contest Silver group has representation from County Durham & Darlington NHS Foundation Trust, NEAS NHS Foundation Trust and all County Durham and Darlington Clinical Commissioning Groups.

Prisons and Probation

36. For the prison service, like the police, the requirements are largely that which they are currently subject to. Their responsibility is to manage the risks of prisoners being drawn into terrorism at all stages of their detention and release into the community.
37. The National Probation Service will be expected to have a regional designated 'Probation Counter Terrorism Lead' to ensure processes for identifying, assessing and managing high-risk terrorist offenders are followed and provide a consultative role to Community Rehabilitation Companies.

Power to give directions

38. The Act provides the Secretary of State with the power of enforcement where a specified authority fails to discharge the duty imposed on it. The Home Office is considering what the monitoring arrangements will be for each institution.
39. The Safe Durham Partnership is already in a position to evidence its work on Prevent. A local 'Prevent' qualitative performance assessment requires evidence that the partnership is meeting the national Prevent objectives. The Partnership measures itself against five performance statements (1 being low and 5 high). Six such assessments have been carried out showing a steady increase in performance. The assessment is adapted from the old national indicator performance measure 'NI35 Building resilience to violent extremism' and follows the comprehensive guidance that was attached to the national indicator. It has been identified as good practice by the North East Counter Terrorist Unit (NECTU).
40. NECTU will play a part in monitoring. It is a member of the local Contest group and provides briefings and advice in terms of our local approach to implementing Prevent.
41. Our response to the consultation:
 - The guidance appears to individualise and segment each institution which could lead to them operating in isolation; only focusing on achieving their own requirements. Many areas have a strong reliance on multi-agency cooperation and joint implementation.

It would seem appropriate that inspection and monitoring regimes such as Her Majesties Inspectorate of Constabulary, Ofsted Single Inspection Framework and the Care Quality Commission could be utilised, since they can incorporate partnership working.

- Prevent is often part of well-established Community Safety Partnerships that will be in a strong position to monitor compliance through local governance arrangements and bring some internal control against failures.

Funding

42. The Government announced a £130m fund to support security services and, to a smaller extent, the delivery of Prevent. It has indicated that the number of priority funded areas will be increased. While it is not expected that County Durham will become a priority area, there is a commitment, from Government, to provide funds for any innovative projects aimed at tackling a specific risk.

Wider Context

43. A new 'Extremist Strategy for countering extremism is to be developed. The National Prevent Conference described how it 'will provide a wider and more coherent context for specific terrorist related Prevent work'.
44. This new strategy will sit above the Government's 'Integration Policy'; introduced in February 2012. One of the Policy's strands includes 'tackling intolerance and extremism'. This strand is concerned with a robust response to threats whether discrimination, extremism or disorder, that deepen division and increase tensions. The Safe Durham Partnership subsequently agreed to the Contest Silver group having oversight of this strand.
45. In response, and with support from partners, DCC developed a Community Cohesion Toolkit; this is for use by partner staff and provides guidance on community tension and how to respond to it.

Next Steps

46. The draft statutory guidance was amended, following consultation, and put before Parliament on 27th February 2015. The final statutory guidance will be published ahead of 1st July 2015, when the duty will commence in law.
47. Preparatory work will continue by all partners named as specified authorities.

Recommendations and reasons

48. The Safer and Stronger Overview and Scrutiny Committee is recommended to:
- Note the content of the report and its implications;
 - Request a progress update report.

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Appendix 1: Implications

Finance – The report identifies potential financial burdens to Partner agencies with regard to implementation of the Counter Terrorism and Security Act 2015.

Staffing – The report outlines the need for staff training and awareness across all specified authorities which will have resource implications which link to financial burdens.

Risk – The report provides information on the risk of terrorism and radicalisation and approaches to mitigate risk. County Durham is not a priority area in terms of receiving additional funding to support the need to prevent people being drawn into terrorism.

Equality and Diversity / Public Sector Equality Duty – None

Accommodation - None

Crime and Disorder – Information within this report relates to the Altogether Safer priority area of ‘Counter Terrorism and Prevention of Violent Extremism’ within the Safe Durham Partnership Plan.

Human Rights – None

Consultation – The report contains responses by the Safe Durham Partnership to the Government’s consultation on the Counter Terrorism and Security Act 2015

Procurement – None

Disability Issues – None

Legal Implications – Information within the report outlines responsibilities within the Counter Terrorism and Security Act 2015 and the impending statutory guidance.