

A Protocol for Working with Adults and Young People who are Vulnerable to Violent Extremism & Terrorism



Devon & Cornwall Police
Building safer communities together

Version 3 – September 2015

Prevent Duty

From 1st July 2015 the Counter Terrorism and Security Act 2015 requires specified authorities, in the exercise of their functions to have due regard to the need to prevent people being drawn into terrorism (Chapter 1, Section 26).

Aim of the Protocol

The aim of this protocol is to provide staff with a clear and reliable framework to enable them to identify and report concerns surrounding staff and other members of the public if they have concerns regarding potential radicalisation.

The protocol will ultimately help minimise the potential impact of radicalisation on members of the general public and any potential terrorist act, as well as reducing the cost to agencies in dealing with such incidents where these could have been avoided through the Prevent Agenda.

The protocol demonstrates a commitment that everyone who has signed up to it will fully engage in partnership working, information sharing, awareness raising within individual agencies and a commitment to undertake WRAP training.

Definitions

‘Extremism is 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. also includes calls for the death of members of our armed forces, whether in this country or overseas.”¹

The Crown Prosecution Service defines, “violent extremism” as,
“The demonstration of unacceptable behaviour by using any means or medium to express views which:

- ❖ foment, justify or glorify terrorist violence in furtherance of particular beliefs; seek to provoke others to terrorist acts;
- ❖ foment other serious criminal activity or seek to provoke others to serious criminal acts; or
- ❖ foster hatred which might lead to inter-community violence in the UK”²

This document operates within the frameworks set out within the No Secrets Guidance 2000, Working Together to Safeguard Children Guidance 2013, European Convention of Human Rights Act 1998, The Mental Capacity Act 2005, The Domestic Violence, Crime and Victims Act 2004, & CONTEST (The National Counter Terrorism Strategy).

Introduction and Background

The threat from violent extremism in this country is real and substantial and can involve the exploitation of vulnerable adults and children to involve them in criminal acts of violence and terrorism. This protocol is designed to provide a clear framework to safeguard the community by responding to concerns about individuals who may be vulnerable to becoming involved in violent extremist activity. It seeks to provide an early intervention/prevention strategy for professionals who work with those who may be vulnerable to the messages of violent extremism. It also sets out the relationship between the Channel process and the Safeguarding Children and Safeguarding Adults processes.

The Government's strategy to counter terrorism is known as 'Contest'³ and has four main workstreams:

Pursue: to stop terrorist attacks

Prevent: to stop people becoming terrorists or supporting terrorism

Protect: to strengthen our protection against a terrorist attack

Prepare: to mitigate the impact of a terrorist attack

The Prevent strategy aims to:

- ❖ 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 which we need to address."⁴

The Channel Project

Channel is a government supported initiative which aims to ensure that there is an integrated approach to dealing with concerns of vulnerability to violent extremism.

It is a multi-agency process that relies on close collaboration between police, partners and other key stakeholders. Channel provides a mechanism for ensuring that individuals are referred to and assessed by a multi-agency panel and where necessary, provides an appropriate support package tailored to an individual's needs.

Since the start Channel policy and strategy has developed and evolved, resulting in the publication of National guidance – "Channel: Protecting vulnerable people from being drawn into terrorism, a guide for local partnerships October 2012" and "Channel: Vulnerability assessment framework for partners November 2012".

The Local Dimension

Currently Devon & Cornwall is not included in the Government's list of 25 priority areas where specific funding is to be made available for activities which address specific local risks. Application of this protocol is necessary however in order that the real threat of individuals being drawn into acts of terrorism is addressed locally. Multi-agency working is crucial to the effectiveness of a locally-delivered Prevent programme.

A programme has been developed and implemented throughout Devon & Cornwall with training being provided for multi-agency partners and continues to be available to increase awareness of the issues related to violent extremism and the recognition of vulnerable groups. This protocol serves to supplement this work and provide a procedure for alerting and reporting concerns when violent extremism and radicalisation of a young person or vulnerable adult is suspected.

In Torbay, the Stronger Communities Board, Torbay's Community Safety Partnership, is the accountable body for Prevent with the Safer Devon Partnership it has formed the Devon and Torbay Prevent Partnership which involves representatives from all local authorities, health, education, police and probation. The partnership provides a forum for sharing information and good practice, and working better together to counter terrorism in Devon and Torbay.

Scope of the Protocol

This protocol applies to the prevention of violent extremism and the radicalisation of adults and young people for whom there are concerns that they are vulnerable to becoming involved in violent extremist activity. The protocol applies to all partner agencies and organisations with responsibilities for the provision of adult and young people's care services and it seeks to address the second aim of the Prevent strategy outlined above.

However, the protocol is not restricted to partner agencies alone. In the interests of the promotion of community cohesion and the ideology and application of the Prevent strategy for the prevention of violent extremism, non-partner agencies are also encouraged to apply this protocol and to alert the Safeguarding Adults and / or Safeguarding Children service as appropriate and necessary.

Prevent is committed to the principles of free intellectual enquiry, free expression, and freedom of speech within the law. The purpose of this protocol is to ensure that those principles are safeguarded within the context of managing the threat from violent extremism in the name of ideology or belief.

The protocol recognises the need to balance the rights to freedom of speech with the provisions of the Racial and Religious Hatred Act 2006, which outlaws the use of threatening words or behaviour, or the display of any threatening written material, with the intent to stir up religious hatred.

This protocol is not directed at any specific ideology, religion, religious group or religious faith, or at the proponents of any other sets of beliefs. Its principal aim is to ensure that there is the capacity to monitor, manage and deal effectively with the threat posed by any individual or group of individuals engaging in violent extremism in the name of ideology or belief.

Indicators

It is not possible to define a 'typical extremist' since those involved in extremism come from a diversity of backgrounds and have a range of experiences.

Research has shown that indicators of vulnerability toward recruitment into violent extremism include:

- ❖ **Identity** – that the individual feels 'distance' from society or cultural and religious heritage, and radicalisation occurs as people search for identity, meaning and community.
- ❖ **Personal Crisis** – individuals often feel tension within the family, experience a sense of isolation or have a low self-esteem. They disassociate from existing friendship groups and are susceptible to becoming involved with new, possibly extremist groups.
- ❖ **Personal Circumstances** – local community tensions and events affecting their country or region of origin. They feel alienation from UK values and may feel a sense of grievance, real or perceived, triggered by personal experience of racism or discrimination or aspects of Government policy.
- ❖ **Criminality** – experiences of imprisonment and poor reintegration into society. They may have previous involvement with criminal groups which they find difficult to ignore.

Whilst individuals who display these indicators might be vulnerable to radicalisation, such display does not automatically imply that they are vulnerable. Other indicators, taken in isolation or in conjunction with those set out above can further help to clarify risk.

These are:

- ❖ being in contact with extremist groups
- ❖ openly supporting violent extremist causes or leaders of extremist groups
- ❖ accessing websites with a violent extremist nature
- ❖ possessing violent extremist literature
- ❖ justifying the use of violence to resolve societal issues and using extremist narratives
- ❖ Joining extremist organisations

THE REFERRAL PROCESS

All staff members working with children and vulnerable adults are accustomed to identifying and responding to concerns about the well-being of those that they come into contact with. Responding to the risk that individuals may be vulnerable to being drawn into violent extremist activity requires the same skills of balance and professional judgement that staff would exercise in any situation which gives cause for concern.

Many staff will also have experience of working with children/adults who may be vulnerable due to the behaviour of another family member. Skills developed in this context will be very valuable in supporting those who may be at risk through living with or being in direct contact with known extremists.

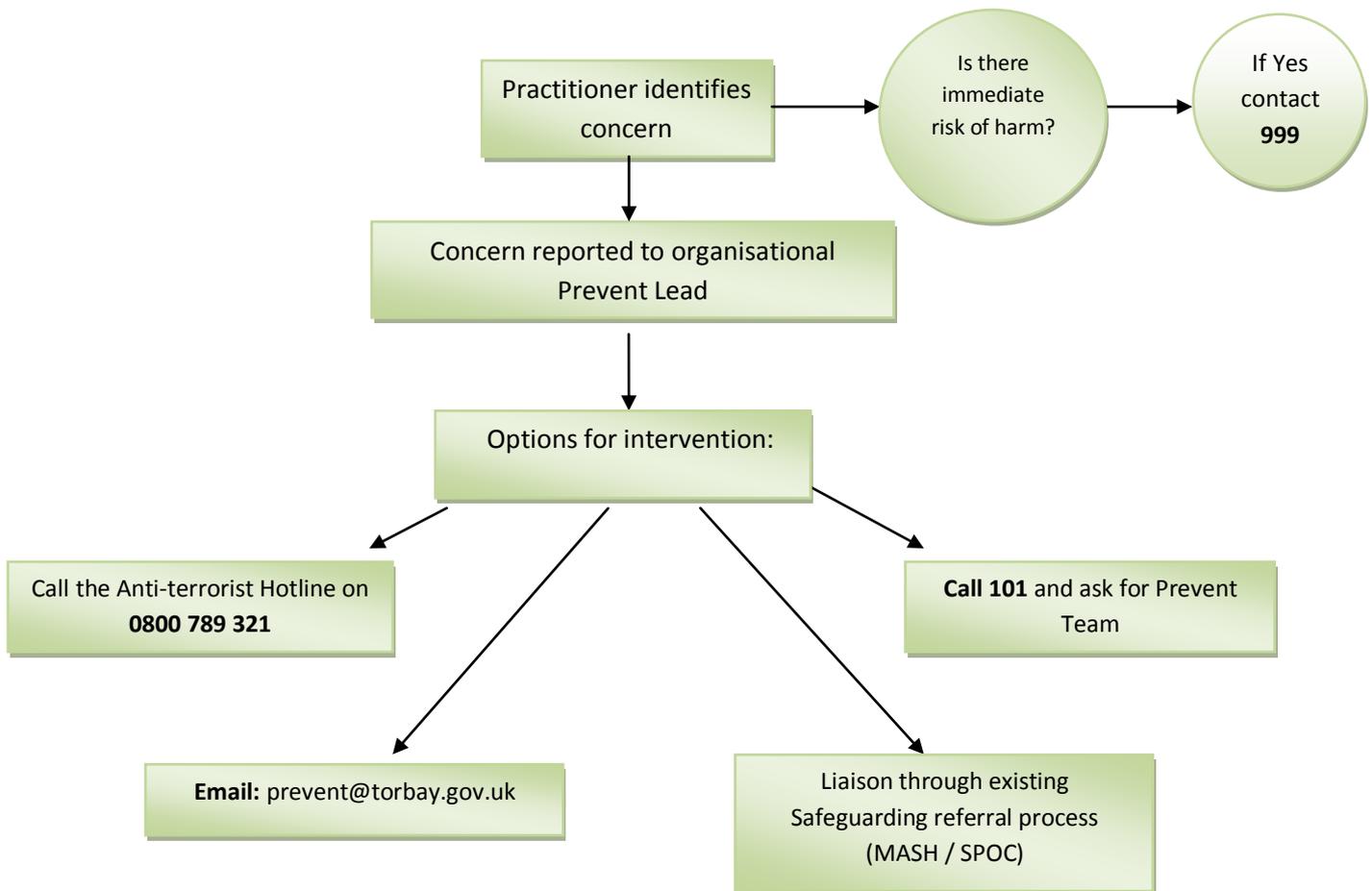
It is not possible to give a comprehensive list of the situations which would lead to a staff member identifying concerns about an individual. All judgements should be guided by the principle of that person's best interests. As with other safeguarding situations, concerns may arise from a single event, but are more often based on an accumulation of small pieces of information over time.

Staff members who think they may have cause for concern should always seek further advice and guidance. The guiding principle should always be to report concerns through normal procedures so that an informed judgement can be made within the context of all available information.

Radicalisation is generally not a single event but can be triggered by both internal and external events. The process of radicalisation can take weeks, months and even years. What is important is that radicalisation should be considered as an 'additional vulnerability'. It may be combined with other vulnerabilities or may be the only risk identified. In either case an early safeguarding and/or Prevent referral is appropriate in all cases.

Some individuals who are at risk of being drawn into violent extremist activity may pose a risk to others. If there is a conflict between the welfare needs of the perpetrator and the victim, the victim's needs must come first. Many abusers are in need of care and protection themselves; however, they must also be held accountable for their own actions.

Referral process



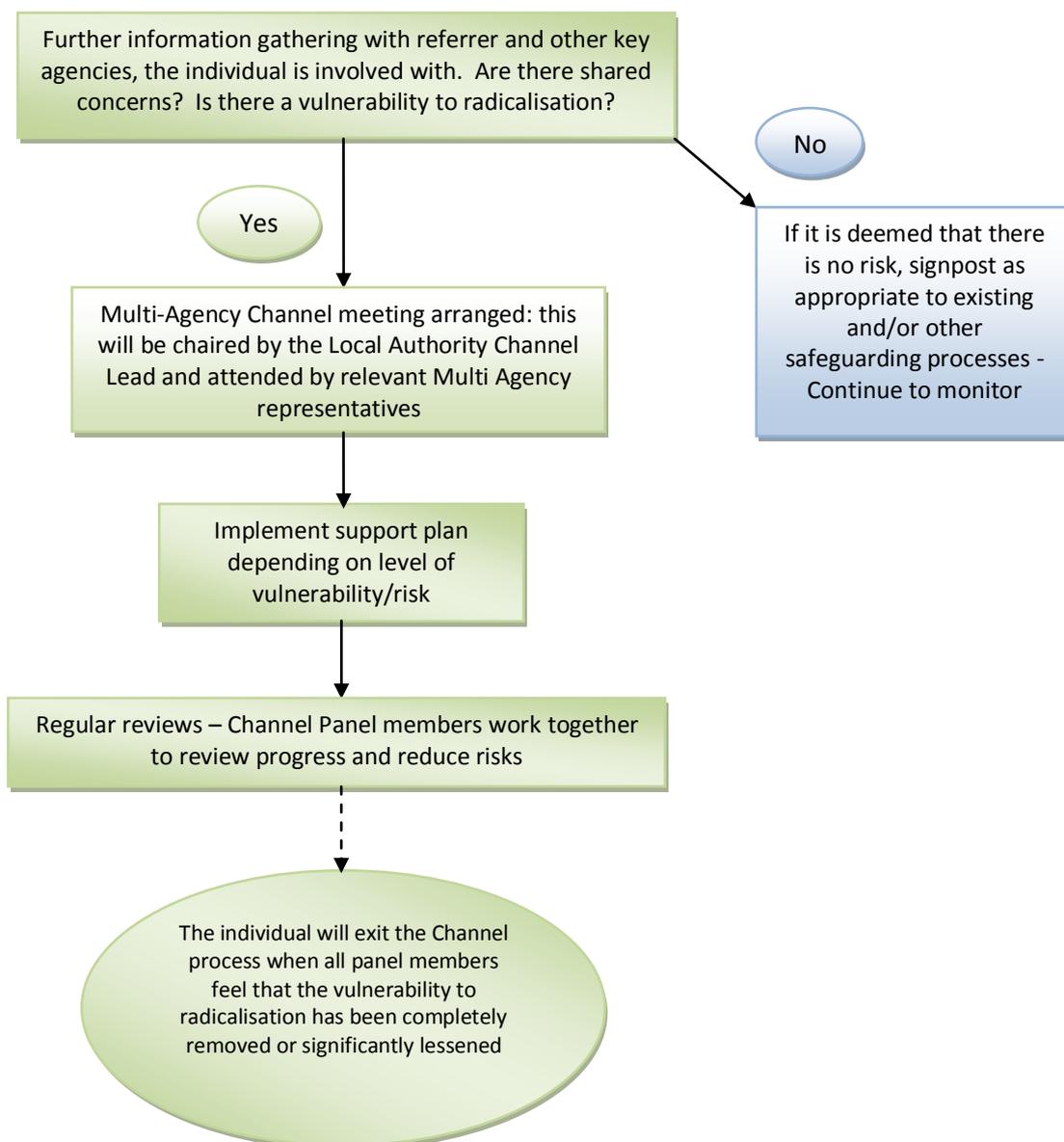
Multi-Agency Assessment

A multi-agency assessment meeting will usually be called by the Channel Co-ordinator. The meeting will normally include representatives from all organisations who are currently involved with the individual. In some circumstances it may be appropriate to parents/carers, and representatives from organisations who are not currently involved, but who may be able to offer relevant support to the individual.

The multi-agency meeting will determine the most appropriate response and plan how this can be delivered. The meeting is held as Confidential and all parties are requested to sign a Confidentiality Agreement at the commencement of the meeting. All records and notes from the meeting must be documented appropriately and records retained under the appropriate Government Protected Marking Scheme (GPMS) by organisations working with the individual. Review dates should be agreed, along with the person responsible for convening the review meeting and the people who should be involved in this. The discussion and outcomes of the meeting should be recorded, and records retained by all those attending in line with their own organisation's record retention guidance.

All requests of Partners for information under Freedom of Information Act (FOI) will be dealt with nationally and should be brought to the attention of the Channel Co-ordinator

Channel process



Delivery of support

The Channel Co-ordinator, and Channel Panel Chair in discussion with other professionals as appropriate, will need to determine the most appropriate level and type of support to offer the individual and potentially family members.

Wherever possible the response should be appropriately and proportionately provided from within the normal range of universal provision of the organisation working with other local agencies and partners.

Where an intervention is required that involved specialist knowledge or experience outwith the capacity available locally, then there is scope for this to be brought in from elsewhere and this will be coordinated by the Channel Coordinator.

Where a higher level of response is required, a formal multi-agency assessment should be conducted. The Common Assessment Framework (CAF) may be used with parents/carers' agreement. Support may come from several agencies and be co-ordinated via Team Around the Child (TAC) meetings. A formal plan should be completed and a lead person nominated in all cases, with the Police Prevent Team (HQ) forming part of the TAC.

Specialist Support Where an individual is thought to be at risk of significant harm, and/or where investigations need to be carried out even though parental consent is withheld a referral to Social Care should be made. However, it should be recognised that concerns of this nature in relation to violent extremism are likely to require a police investigation (as part of Pursue) in the first instance. The multi-agency assessment will involve the Police in the making of decisions about the most appropriate response. All cases at this level will be reported to Social Care who would monitor all referrals.

For all types of response, a clear plan will be developed and documented to set out how the needs of the individual will be met, who else may be at risk, and who would have responsibility for overseeing this work. The plan will include agreed arrangements for review of progress

Torbay Channel Procedures

The work of Channel is organised by the Channel Coordinator who for Devon & Cornwall is currently a Detective Inspector who works at a regional level. Her role is to establish and maintain a multi-agency panel to enable risk assessment and decision making, and develop strong relationships with partners locally. It is vital that they understand the communities they serve.

The main work of the Channel process is conducted through the multi-agency panel. It is chaired by the Prevent Lead from the Local Authority, and includes statutory and community partners along with the Channel Coordinator.

Torbay holds bespoke Channel Panel meetings which are held for all cases, and depending on the nature of the case, the panel may include: Police, Local Authority Prevent lead, schools, colleges, and universities; youth offending services; health services; UK Border Agency; social workers; housing; prisons; probation; and local communities, voluntary organisations and charities.

Channel is not a process for gathering intelligence, but does require the sharing of information about people at risk. Information sharing is governed by UK legislation and is guided by principles of necessity, proportionality, and consent (where possible). (See Appendix A)

Referrals are first screened by the Channel Coordinator to ensure they are not malicious or misguided, that the person's engagement with the process would not compromise an ongoing investigation, or that the individual is not vulnerable and should be referred to an alternative statutory safeguarding process. In these cases, the individual does not enter the Channel process. As long as this is not the case, the preliminary assessment process begins, where the Channel Coordinator, and senior statutory partners assess the risk. Then a needs assessment is carried out to determine the kind of support that is needed by the individual.

The Channel Coordinator and LA Prevent Lead fully appreciate that not all those referred to Channel will meet the Threshold Guidance for Safeguarding, but where there is borderline or clear evidence of an adult/child who appears to be at risk of harm or is being harmed then that liaison will take place prior to the Channel Panel Meeting.

Sharing Information

The following principles should guide 'Channel' information sharing:

Power to Share - the sharing of data by public sector bodies requires the existence of a power to do so. This may be a statutory power relevant to the agency's statutory function, or an implied power based on the agency's common law function. The power may exist under specific legislation and may be different for each agency depending on their function. It is the responsibility of each agency to consider whether *in this particular case* the sharing of personal information is consistent with their powers and function as a public sector body if under the age of 18 Sec 47, duty to co-operate.

Governing legislation – for all bodies sharing personal information (private, voluntary or public sector) it is necessary to satisfy the requirements of the Data Protection Act, the Human Rights Act and the Common Law Duty of Confidentiality.

Wherever possible the consent of the person concerned should be obtained before sharing information about them however, obtaining consent can in itself prejudice the purpose of the Channel process and certain considerations must be taken before any agency seeks consent (see Appendix A).

Consent – Before any agency/group seeks consent from the person of concern this must be discussed at both the Channel preliminary assessment and the Channel Multi-Agency Panel stages and a decision made on whether consent is to be sought and by whom.

Other Gateways - in the absence of consent it is necessary to identify an exemption or a relevant condition for processing under the Data Protection Act. Where a body owes a duty of confidentiality and (in the case of public bodies) must consider the Human Rights Act, it is necessary to determine that the level of public interest overrides the expectation of privacy (see Appendix A).

Necessity, relevance and proportionality - information should only be shared where it is strictly necessary to achieve the intended outcome and is relevant and proportionate to it. Information should be selected for sharing on the basis that the agencies involved need to know that information in order to make informed assessment and decisions. Key to determining this will be the professional judgement of the risks to an individual or the public.

Non-discriminatory – agencies must be in a position to evidence that their decision to share information as part of a Channel Referral is not discriminatory.

APPENDIX A

Legal Grounds When Considering Sharing Information

Protection against Unlawful and Unfair Disclosure

Legal Issues	Source
Protection of personal data	Data Protection Act 1998
Duty of confidentiality	Common Law
Right to private and family life	Human Rights Act, Article 8

Consent

Obtaining the informed consent (and in the case of sensitive personal data, explicit consent) of the person of concern will satisfy the requirement under data protection to identify a condition for processing, and to override the duty of confidentiality and Article 8 of the Human Rights Act. However, for consent to be valid it must be:

- freely given
- based on clear information provided to the person of who will be involved in the sharing of the information and the purpose for the sharing
- capable of being withdrawn

There may be reasons why consent cannot be obtained:

- seeking consent may adversely affect existing engagement and relationships with the person of concern and may lead to them withdrawing from existing contacts.
- seeking consent may inhibit the ability of agencies/groups to put in place support and risk management measures
- some agencies may not wish it to be known that they hold information about the person.
- the person of concern may not be capable of understanding what they are giving their consent for, or may refuse

Before any agency/group seeks consent from the person of concern this must be discussed at both the Channel preliminary assessment and the Channel Multi-Agency Panel stages and a decision made on whether consent is to be sought and by whom.

Where consent cannot be obtained or where a party does not intend to rely on consent for sharing information, agencies/groups must establish the legal basis for sharing.

Sharing Without Consent

Some agencies may be able to rely on specific legislation or the circumstances of the particular referral might engage specific legislation. If specific legislation does apply, this will satisfy the condition for processing and override the duty of confidentiality and Article 8 Human rights Act. Examples are:

NOT PROTECTIVELY MARKED

Circumstances	Legislation
Behaviour/risks indicate that the person of concern is likely to commit crime or disorder	Crime and Disorder Act 1998 – S.115 power to share information. Section 29, Data Protection Act – exemption from non-disclosure provision where necessary for the prevention/detection of crime, apprehension/prosecution of offenders
Child protection – disclosure to/between social services or the Police for the exercise of functions under the Children Act, where the public interest in safeguarding the child's welfare overrides the need to keep the information confidential	The Children Act
Adult protection - disclosure to/between social services or the Police for the exercise of functions under statutory code of practice, where the public interest in safeguarding the vulnerable adult's welfare overrides the need to keep the information confidential	Statutory code of practice for safeguarding vulnerable adults
Public Protection – where the individual is subject to management under the Multi-Agency Public Protection Arrangements (MAPPA)	Criminal Justice Act 2003
Offender management – when the individual is a recent offender	Offender Management Act 2007
An order issued by the Court	

Where there is no specific legislation each agency/group must identify a relevant condition for processing under schedule 2 (and for sensitive personal data schedule 3) of the Data Protection Act 1998. The most relevant conditions are:

Condition	Schedule
To protect vital interests of the data subject; serious harm or matter of life or death	Schedule 2 & 3
For the administration of justice (usually bringing perpetrators to justice)	Schedule 2 & 3
For the legitimate interest of the data controller and/or the parties to whom the data are disclosed, except where disclosure causes unwarranted prejudice to the person of concern	Schedule 2
For medical purposes and is undertaken by a health professional or person who owes equivalent duty of confidentiality	Schedule 3
For the prevention/detection of any unlawful act where disclosure is in the significant public interest	Schedule 3

Condition	Schedule
For the provision of confidential counselling, advice, support or other service, where disclosure is in the significant public interest AND seeking consent would prejudice the provision of the service	Schedule 3
For the exercise of any functions conferred on a Police Constable under any rule of law (includes common law)	Schedule 3
Right to life Right to be free from torture or inhuman or degrading treatment	Human Rights Act, Articles 2 & 3

Balancing Principles

When considering whether to share information *in that particular case*, each agency/group should consider the following to determine whether the sharing is in the public interest and is fair and reasonable:

Proportionate, relevant and necessary disclosures	<ul style="list-style-type: none"> • Has gaining consent been considered; • Respective risks to those affected; • Pressing need; • Need to know of other agencies; • What information to share to achieve the objective.
Public interest in disclosure: Consider whether this overrides the duty of confidentiality and the right to private life	<ul style="list-style-type: none"> • The administration of justice; • Maintaining public safety; • The apprehension of offenders; • The prevention of crime and disorder; • The detection of crime; • The protection of vulnerable members of the community. • Is the intended disclosure proportionate to the intended aim? • What is the vulnerability of those who are at risk? • What is the impact of disclosure likely to be on the offender? • Is there another equally effective means of achieving the same aim? • Is the disclosure necessary to prevent or detect crime and uphold the rights and freedoms of the public? • Is it necessary to disclose the information, to protect other vulnerable people?
Human Rights Act	Ensure that the actions taken by public sector bodies are not discriminatory in order to comply with the above.

Confidentiality Statement

Attendees are to be reminded that all information shared in a Channel Meetings is confidential and is shared and recorded only for the purpose of the meeting and will sign the confidentiality register at each meeting.

Information shared and recorded as part of this meeting will not be disclosed outside of the meeting other than for official purposes that have been sanctioned by the members of the meeting. Similarly, other than via official minutes, no attendees will make a record of another agency's information for any purposes other than those sanctioned by the members of the meeting. Information shared should not be discussed with the subject unless the owner of the information has given approval.

Additional Information

Downloads

[National Prevent Strategy \(PDF download 116 Pages\)](#)

[Contest - United Kingdom's Strategy for Countering Terrorism \(PDF Download\)](#)

[Channel: Protecting vulnerable people from being drawn into terrorism - A guide for local partnerships October 2012 \(PDF download 30 pages\)](#)

1 *Prevent Strategy*, Cm 8092, June 2011, page 107

2 Crown Prosecution Service (CPS), 2011 at http://www.cps.gov.uk/publications/prosecution/violent_extremism.html

3 *Countering International Terrorism: The United Kingdom's Strategy*, July 2006

4 *Prevent Strategy*, Cm 8092, June 2011, page 7

This protocol has been approved by:-

Torbay Stronger Board - DateThursday 17th September 2015.....

Torbay Safeguarding Children's Board - Date

Safeguarding Adults Board - Date

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