

# Prevent duty guidance: a consultation

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## Introduction

1. The Local Government Association (LGA) is a voluntary membership body and our member authorities cover every part of England and Wales. Together they represent over 50 million people. They include county councils, metropolitan district councils, English and Welsh unitary authorities, London boroughs and shire district councils, along with fire authorities, and national park authorities. This response is made on behalf of local authorities in England and is also supported by the Welsh LGA.
2. The LGA supports the additional measures included in the Counter-Terrorism and Security Bill to identify those at risk of radicalisation and working with them so they do not become violent extremists. However a number of issues need to be addressed if local authorities are to be able help counter extremism and reduce the threat to the communities we all wish to protect. These include the better provision of resources, greater clarity about the extent of local authorities' responsibilities to support educational establishments, as well as the resources and support available to councils to carry out Prevent work. These points are addressed below, and we would urge the Home Office to establish a dialogue with the local government sector to address them.

## A risk based approach to the Prevent duty

3. The draft guidance states that all the specified authorities should demonstrate an awareness and understanding of the risk of radicalisation in their area. It goes on to state that those in leadership in specified authorities are expected to use existing mechanisms to understand the risk of radicalisation and ensure staff understand the risk. From a local authority perspective the guidance identifies the existing Counter-Terrorism Local Profiles (CTLPs) as the main tool for councils to use to assess the risk of radicalisation in their area.
4. Councils are of the view that the CTLPs need to be refreshed, strengthened and improved if they are to enable councils to make a full and up-to-date assessment of the risks under the new duty. Councils have on occasion been provided with information that is out of date and lacking in the detail needed to enable them to take effective action to address extremism. At times it is also unclear where the information provided comes from and therefore how reliable it is. The constraints on sharing the information in the CTLPs within councils also has an impact on local authorities ability to act on it in a timely fashion and to maximum effect.
5. At the same time local authorities are likely to have a range of

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information that would be useful to the police and security services, such as addresses. Police forces are already making use of this information in the context of addressing serious and organised crime. The same should also be happening when it comes to addressing extremism.

6. Rather than rely primarily on a document based approach to assessing risk, the LGA is of the view that a partnership approach would be more appropriate in assessing risk. This would bring together the police and council with the security services so there was an on-going dialogue that is better placed to respond to rapid changes in risk within a local area. Where there are existing Prevent co-ordinators they would be well placed to programme manage this process.

#### Working in Partnership

7. The Bill specifies that local authorities should establish a panel to assess the extent to which identified individuals are vulnerable to being drawn into terrorism. The section in the draft guidance on partnership working by local authorities states that councils should establish or make use of existing local multi-agency groups to co-ordinate Prevent activity. It is not clear from the descriptions included in the draft guidance if this covers the Channel panels the legislation places a duty on councils to establish. Given the number of existing partnership arrangements between the police, councils and other partners at the local level such as Community Safety Partnerships, Health and Wellbeing boards and other forums such as Multi-Agency Risk Assessment Conferences and Organised Crime Partnerships the LGA would support flexibility in allowing local areas to designate an existing partnership to consider Channel referrals. If this is what the draft guidance intends then it should be made more explicit in the text.

#### Monitoring compliance with the duty

8. The draft guidance makes it clear that specified authorities must comply with the duty, and the Home Office will monitor compliance with it. The draft guidance goes on to refer to the Home Office drawing together data from a range of sources, and monitoring and assessing Prevent delivery in up to 50 areas. Where appropriate, it states, matters will be referred to inspectorates. There is no clarity provided in the guidance however, about how a judgement will be arrived at that an authority is not complying with the duty. Specified authorities should be clear from the commencement of the new duty about the criteria and outcomes the Home Office will be using to assess compliance with the duty. Specified authorities need to understand what compliance with the duty means, and how they can demonstrate they are complying. If not, there is a risk that any future Home Office interventions will be viewed as the result of subjective assessments of performance based on a process understood only by civil servants, and not the objective performance of local partners seeking to deliver the Prevent strategy.
9. Consideration also needs to be given in the monitoring and enforcement process to the need for local discretion when delivering the duty. Prevent priority areas have already developed good practice in engaging with communities and dealing with local tensions in a way that prevents them escalating into disturbances or

disorder, which can create opportunities for extremists to recruit more supporters. Any assessment of compliance with the duty on the part of the Home Office must take account of local circumstances and practice, which may be as effective, if not more so, than centrally mandated programmes to address extremism.

#### Staff training

10. Local authorities are stated in the draft guidance to be responsible for ensuring frontline staff have a good understanding of Prevent. Councils employ thousands of staff. Delivering such training will take time and it is not clear over what period of time councils will be expected to deliver it. It is also unclear what level of training is considered appropriate to comply with the duty – for example will the Home Office be looking for councils to provide all staff with Workshop to Raise Awareness of Prevent training with the cost implications of doing so?
11. The separate section on schools in the guidance talks of the senior management and school governors providing training that allows staff to identify children at risk of being drawn into terrorism, and to be able to challenge extremist ideas. The schools listed in the section include those maintained by local authorities. It is likely that they will seek support from Local Education Authorities in sourcing, providing and financing the cost of this training. The financial impact this will have on councils needs to be included in the assessment of the additional resources that will have to be made available to councils to deliver the new duty.

#### Use of local authority resources

12. At paragraph 40 the guidance states that local authorities should ensure that organisations they work with around the Prevent agenda are not engaged in extremist activity. There are contract and commissioning implications arising from this that need to be more fully explored. For example, what if an employee of a commissioned organisation frequently expressed extremist views? What should the local authority expect that organisation to do? Councils would have to include clauses in their contracts going forward to take account of this and other possibilities, which may affect their ability to commission and deliver Prevent work.

#### Support for councils

13. Paragraph 45 refers to the Home Office providing targeted assistance to local authorities through 'peers' and to sharing good practice. Until the beginning of 2014 DCLG funded the EDL Special Interest Group. Led by Blackburn and Luton councils this group provide support and assistance to councils affected by English Defence League demonstrations. This support included case studies on good practice, a series of networking events as well as providing a forum in which councils could exchange information and ask for help. It is the LGA's view that a local authority-led approach to sharing good practice in this way offers an efficient and effective means of assisting councils in general. More specific assistance to individual authorities through a peer mechanism should be modelled on the approach used by the Home Office in the work since 2011 on reducing gang and serious youth violence.

Resources

14. Although not necessarily a matter for the draft guidance urgent consideration needs to be given to the costs of implementing the new duty. The cost of appointing co-ordinators in authorities that do not currently have them, delivery of Channel support to individuals, wider prevent work with communities, and the training of staff will all be expensive, and this is by no means a comprehensive list of the costs that councils face. The figures in the Impact Assessment to the Bill can only be regarded as a preliminary assessment of the costs rather than a proper evaluation of the financial impact of the new duty on local authorities. The Home Office needs to work with the LGA, Welsh LGA and local authorities to accurately calculate what those costs are so that local work to counter radicalisation and extremism is properly funded.