

## **Channel:**

Supporting individuals  
vulnerable to recruitment by  
violent extremists

A guide for local partnerships

March 2010





**Channel:  
Supporting individuals vulnerable to  
recruitment by violent extremists**

March 2010

Produced in partnership with the  
Association of Chief Police Officers

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ISBN: 978-1-84987-209-6

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## Foreword

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To reduce the risk from terrorism we need not only to stop terrorist attacks but also to prevent people becoming terrorists. This is one objective of CONTEST, the UK Government's strategy for countering international terrorism.

The Channel programme has been developed to provide support to people at risk of being drawn into violent extremism.

This document, which draws on best practice and lessons we have learned, provides the police and local authorities with advice on the implementation of Channel. We have also described both indicators and causes of violent extremism.

This document should be read in conjunction with other *Prevent* guidance including '*The Prevent Strategy: An Updated Guide for Local Partners*'.

Violent extremism is a real and serious threat to us all – violent extremists actively seek to harm us, to damage community relations and to undermine the values we share. Channel is an important part of our response.



Debbie Gupta  
Director, Prevent, Office for Security and Counter Terrorism, Home Office



DCC Craig Denholm  
Association of Chief Police Officers



Neil O'Connor  
Director, Cohesion and Migration, Communities and Local Government



1.01 The purpose of the *Prevent* strategy ([www.security.homeoffice.gov.uk](http://www.security.homeoffice.gov.uk)) is to stop people becoming terrorists or supporting violent extremism. *Prevent* is one of the four main workstreams of the overall UK strategy for countering international terrorism, known as CONTEST ([www.security.homeoffice.gov.uk](http://www.security.homeoffice.gov.uk))

1.02 *Prevent* is included in the performance framework for local authorities, the police and other partners through National Indicator 35 (NI 35) and the Analysis of Policing And Community Safety (APACS) framework. NI 35, which applies to all local areas in England, requires authorities to develop a risk-based action plan to tackle violent extremism.

1.03 The *Prevent* strategy has five objectives. One of these is to “support individuals who are vulnerable to recruitment or have already been recruited by violent extremists”. Channel provides a mechanism for assessing and supporting people who may be targeted by violent extremists or drawn in to violent extremism. Channel is modelled on other successful multi-agency risk management processes.

1.04 All communities are affected by the threat from violent extremism but the nature and extent of the threat will vary across the country: local responses need to be appropriate and proportionate to local circumstances. The greatest threat we currently face is from terrorists who claim to act in the name of Islam, and who specifically target Muslims. Therefore, *Prevent* activity predominantly takes place in and with Muslim communities. But the principles of *Prevent* work apply equally to other communities who may be the focus of attention from violent extremist groups.

## Purpose of this guidance

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1.05 The purpose of this guidance is to:

- provide advice for local authorities and the police on how to implement Channel type projects
- explain why people may turn towards terrorism and violent extremism and describe indicators which may suggest they are doing so
- provide advice on the support that can be provided to protect those at risk of being targeted by violent extremists.

1.06 This guidance should be used alongside:

- ‘*The UK’s Strategy for Countering International Terrorism (CONTEST)*’ which sets out the UK’s strategy for countering the threat from international terrorism ([www.security.homeoffice.gov.uk](http://www.security.homeoffice.gov.uk))
- ‘*The Prevent Strategy: A Guide for Local Partners in England*’ and ‘*The Prevent Strategy: An updated guide for Local Partners*’ ([www.security.homeoffice.gov.uk](http://www.security.homeoffice.gov.uk)), which provide advice to local *Prevent* partnerships on how to deliver and manage *Prevent*, taking into account developments in policy, emerging lessons and good practice and recent publications
- The Local Government Association (LGA) advice, ‘*Leading the preventing violent extremism agenda: a role made for councillors*’, which provides a broad overview of *Prevent* for all local authorities ([www.lga.gov.uk](http://www.lga.gov.uk))
- ‘*Learning together to be safe*’: the Department for Innovation and Universities and Skills (DIUS) (now part of the Department for Business, Innovation and Skills) and Department for Children Schools and Families (DCSF) toolkits to help schools and colleges contribute to the prevention of violent extremism ([www.dcsf.gov.uk/violentextremism/toolkitforschools](http://www.dcsf.gov.uk/violentextremism/toolkitforschools))

## Part 1

- ‘Association of Chief Police Officers (ACPO) Prevent Strategy and Delivery Plan’, which sets out the role and responsibilities of the police in this area
- DCSF advice, ‘Working together to safeguard children’, which sets out how individuals and organisations should work together to safeguard and promote the welfare of children. ([www.everychildmatters.gov.uk/workingtogether](http://www.everychildmatters.gov.uk/workingtogether)).

2.01 Channel uses existing collaboration between local authorities, the police, statutory partners (such as the education sector, social services, children's and youth services and offender management services) and the local community to:

- identify individuals at risk of being drawn in to violent extremism
- assess the nature and extent of that risk
- develop the most appropriate support for the individuals concerned.

2.02 Channel programmes will benefit from a coordinator, a multi-agency panel and information sharing protocols. Brief details of each of these are given below.

### The Channel coordinator

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2.03 The primary responsibility of a Channel coordinator is to establish and maintain a multi-agency process that assesses those at risk of being drawn in to violent extremism and delivers an appropriate response.

#### The role of a Channel coordinator

- safeguard those at risk through effective partnership working by establishing and maintaining a multi-agency panel to enable robust risk assessment and decision making
- develop strong relationships with partners to increase understanding of Channel and vulnerability to violent extremism
- establish effective relationships with partners and organisations who can deliver support.

2.04 Channel coordinators must understand the communities they serve and the challenges they face. It is vital that communities are not seen only through a counter-terrorist perspective.

2.05 Many coordinators are currently drawn from policing. But local authorities and statutory partners can and should also take on this role.

### The multi-agency panel

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2.06 The role of the multi-agency panel is to develop an appropriate support package to safeguard those at risk of being drawn in to violent extremism based on an assessment of their vulnerability.

2.07 The panel should be chaired by the local authority and include statutory and community partners and the Channel coordinator. Depending on the nature of the case the panel may include representatives from the following:

- police
- local authority *Prevent* Lead
- schools, colleges and universities
- Youth Offending Services
- Directors of Children's Services
- Common Assessment Framework coordinator
- health services
- UK Border Agency
- social workers
- housing
- prisons
- probation
- local communities, voluntary organisations and charities.

## Part 2

### A multi-agency panel: the options

- a **bespoke** panel tailored to the needs of the individual case, including partners who can offer the appropriate support
- an **existing** panel formed for other referral mechanisms or the local Prevent board. This avoids creating new structures and over-burdening partners with the need to attend multiple meetings
- a **Channel group**, perhaps using single points of contact at each agency; attendance will be dictated by the nature of the case.

of the Data Protection Act, the Human Rights Act and the Common Law Duty of Confidentiality. In engaging with non-public bodies it is good practice to ensure that they are aware of their own responsibilities under the Data Protection Act.

2.10 The information collected by organisations must comply with the relevant national guidelines and/or legislation for the management of information. For the police, for example, these are outlined in the Management of Police Information (MOPI) 2006; in particular Section 7 which relates to the review, retention and disposal of information.

### Sharing information

2.08 Channel is *not* a process for gathering intelligence. But, in common with other programmes, it does require the sharing of personal information about people at risk. Information sharing must be assessed on a case by case basis and is governed by legislation, the details of which are set out in Annex A. It is good practice to have an Information Sharing Agreement in place at local level to facilitate this process and, wherever possible, to be transparent about this process.

2.09 The following principles should guide *Prevent* information sharing:

#### **Necessity and proportionality:**

information should only be shared where it is strictly necessary to the intended outcome and proportionate to it. Key to determining the necessity and proportionality of sharing information will be the professional judgement of the risks to an individual or the public.

#### **Consent:**

wherever possible the consent of the person concerned should be obtained before sharing any information about them. In the absence of consent personal information cannot be shared without satisfying one of the gateway or exemption conditions (see Annex A).

#### **Power to share:**

the sharing of data by public sector bodies requires the existence of a power to do so, in addition to satisfying the requirements

3.01 Channel is a response to the significant threat to this country from Al Qa'ida affiliated, influenced and associated groups and to the attempts by these groups to recruit people from within Muslim communities. But the principles of *Prevent* apply equally to other communities who may be targeted by other violent extremist groups; the Channel process itself may be (and has already been) used locally to assess and support people vulnerable to radicalisation and violent extremism for other reasons.

3.02 This section provides examples of **indicators** that might suggest vulnerability to violent extremism and which may therefore be useful in the Channel process. It should not be assumed that the characteristics and experiences set out below necessarily indicate that a person is either committed to violent extremism or may become a terrorist.

3.03 It is also important to emphasise that the following activities may involve illegality. It is not the purpose of Channel to provide an alternative to the criminal justice system for those who have been engaged in illegal activity. Channel is about early intervention to protect and divert people away from the risk they may face before illegality occurs.

### Indicators

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#### Expressed opinions

These *may* include support for violence and terrorism, the leadership of terrorist organisations and uncompromising rejection of the principle of the rule of law and of the authority of any elected Government in this country.

#### Material

The following may be relevant:

- possession of violent extremist literature and imagery in hard copy or digital form (e.g. so called 'beheading videos' or amateur film of terrorist attacks)
- attempts to access, become a member of or contribute to violent extremist websites and associated password protected chat rooms
- possession of material regarding weapons and/or explosives
- possession of literature regarding military training, skills and techniques.

Online communities are important in the radicalisation process and enable ready access to radicalising material which may not be available in the offline world. Digital content can be made very attractive and persuasive and can be quickly and widely shared between young people.

#### Behaviour and behavioural changes

Relevant changes may include: withdrawal from family, peers, social events and venues; hostility towards former associates and family; association with proscribed organisations; and association with organisations which hold extremist views that stop short of advocating violence in this country.

#### Personal history

The following may be relevant:

- claims or evidence of involvement in organisations espousing violent extremist ideology in this country or overseas
- claims or evidence of attendance at military/terrorist training in the UK or overseas
- claims or evidence of involvement in combat/violent activity, particularly on behalf of violent extremist non-state organisations

## Part 3

- low level criminality, including some violence, is also commonly seen in case histories of convicted terrorists.

### Causes

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3.04 A large amount of research has been conducted on factors which can lead people to become involved with terrorism and violent extremism. This has been summarised in recent Government publications on CONTEST and *Prevent* (1.06 above).

3.05 The decision of an individual to become involved in violent extremism may reflect the following **causes**:

- exposure to an *ideology* that seems to sanction, legitimise or require violence, often by providing a compelling but fabricated narrative of contemporary politics and recent history
- exposure to *people or groups* who can directly and persuasively articulate that ideology and then relate it to aspects of a person's own background and life history
- a crisis of *identity and, often, uncertainty* about belonging which might be triggered by a range of further personal issues, including experiences of racism, discrimination, deprivation and other criminality (as victim or perpetrator); family breakdown or separation
- a range of perceived *grievances*, some real and some imagined, to which there may seem to be no credible and effective non violent response.

3.06 But there is no single route to violent extremism nor is there a simple profile of those who become involved. For this reason, any attempt to derive a 'profile' can be misleading. It must not be assumed that these characteristics and experiences will necessarily lead to individuals becoming violent extremists, or that these indicators are the only source of information required to make an appropriate assessment about vulnerability.

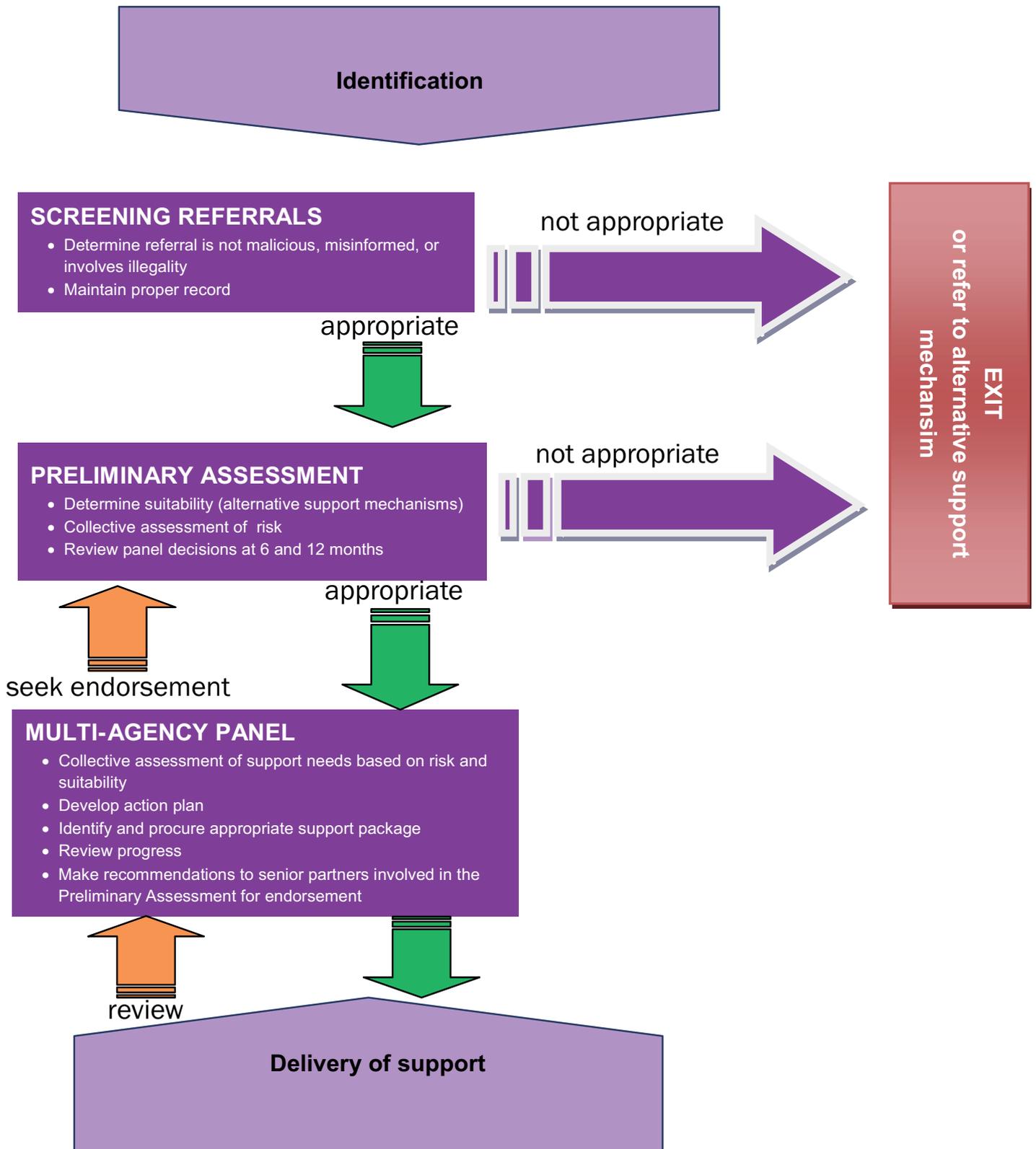
3.07 Channel coordinators and local authorities should use their networks to highlight the importance of protecting those who are susceptible to being drawn into violent extremism and to raise awareness about how coordinators and the local authority can offer support. They should develop effective links between those coming into contact with vulnerable individuals, such as the education sector, social services, children's and youth services, offender management services and credible community organisations. It is recommended that these organisations provide a single point of contact.

3.08 Organisations who might identify and then refer people vulnerable to violent extremism include:

- local authority
- police
- schools, colleges and universities
- Youth Offending Services
- Children's Services
- Common Assessment Framework coordinator
- health services
- UK Border Agency
- social workers
- housing
- prisons

## Part 3

- probation
- local communities
- voluntary groups
- charities.



## Part 4

4.01 This diagram shows the different stages within the Channel process:

### Screening referrals

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4.02 Any referral received should initially be screened by the Channel coordinator and his or her line manager. A referral should not continue through the Channel process if:

- it is malicious or misguided
- the person's engagement with the process would compromise or interfere with ongoing investigations into illegal activity
- it is clear the person is not vulnerable to violent extremism.

4.03 The vulnerability indicators outlined in Part 3 can act as a general guide when assessing referrals. However, it must not be assumed that these characteristics and experiences will directly lead to individuals becoming violent extremists, or that these indicators are the only basis on which to make an appropriate decision at this stage.

4.04 It is important to ensure that good records are kept at all stages of the process. All information and decision making should be recorded throughout each stage of the process.

### Preliminary assessment

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4.05 The preliminary assessment is led by the Channel coordinator and will include his or her line manager and senior statutory partners (such as the local authority, the police, offender management services, children's and youth services and the education sector (see paragraph 2.07)).

4.06 At this meeting partners should collectively assess the risk and decide whether the referral:

- is vulnerable to violent extremism and therefore appropriate for Channel.
- should be referred to a different support mechanism.
- should exit the process.

In assessing the risk, consideration should be given to:

- the risk the individual faces of being drawn in to violent extremism
- the risk the individual poses to society.

4.07 The preliminary assessment ensures that only cases appropriate for Channel continue to the next stage for a needs assessment and the development of an appropriate support package.

4.08 The Channel process is not for people in custody. Individuals under the care and welfare of the National Offender Management Service (NOMS) will be managed by NOMS. Where people are being released into the community, and there are concerns about their vulnerability, NOMS will consider whether the individual should be included in or should exit the Channel process.

4.09 In some cases it may not be appropriate for an individual to continue through Channel because they are involved in a different statutory support mechanism, such as Multi Agency Public Protection Arrangements (MAPPA) or child protection arrangements. Channel should not replace those referral systems. In such cases, ownership of the case will rest with the relevant statutory support mechanism and the referral may exit the Channel process.

### Multi Agency Public Protection Arrangements (MAPPA)

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The Criminal Justice Act (2003) places a duty on the Responsible Authority – police, probation and prison services – to ensure that MAPPA are established in their area for the assessment and management of risk of all identified MAPPA offenders (see MAPPA Guidance 2009; [www.noms.justice.gov.uk/protecting-the-public/supervision/mappa](http://www.noms.justice.gov.uk/protecting-the-public/supervision/mappa)). These three organisations work together to put robust arrangements in place to manage people who pose a serious risk of harm to others on their release from custody. Close involvement of other partner agencies such as social services, local authority housing, health services and youth offending teams assist in the process. Once an offender has been referred into MAPPA, it is the responsibility of the MAPPA agencies to undertake a

## Part 4

rigorous risk assessment and construct a risk management plan to minimise the potential danger an offender poses.

4.10 If the referred individual is under the age of 18, or where the local authority has a legal duty of care, the Channel coordinator must liaise with the local Common Assessment Framework (CAF) coordinator or social care office in Children and Young People's Services. For referrals of children and young people statutory arrangements for safeguarding children must take precedent. See [www.dcsf.gov.uk/everychildmatters](http://www.dcsf.gov.uk/everychildmatters) for more information.

### Case History: Learning from partners

A referral was received from the Local Authority Youth Offending Service (YOS) who were concerned about an individual's offending history and general vulnerability. Further research with local authority partners revealed the individual had links to street gangs and was committing gang-related crime; however, there was no information to suggest the individual was in any way exhibiting violent extremist behaviour. The case was not suitable for this process and was referred to an agency more suited to deal with his vulnerability.

### Multi-agency panel

4.11 Following the preliminary assessment, and confirmation that the case is appropriate to continue through Channel, the referral should pass to the multi-agency panel.

4.12 Using the vulnerability indicators (set out in part 3) and their professional expertise, the panel will develop a support package based on the earlier risk assessment, the needs of the individual and any risks posed to potential support providers.

4.13 Multi-agency panel members may consider sharing personal information with each other, for the purposes of Channel, subject to a case by case assessment of necessity, proportionality and lawfulness. Wherever possible, the informed consent of the individual should be obtained (see paragraph 2.09 above).

4.14 In assessing referrals, the panel may conclude that the individual is better suited to alternative support providers, or that further assessment indicates that the individual is not vulnerable to being drawn in to violent extremism. In such cases, the panel should make their recommendations to the senior partners involved in the preliminary assessment meeting.

4.15 All cases exiting Channel at this stage should be reviewed at 6 and 12 months, from the point at which they exit the process, by senior managers involved in the preliminary assessment.

4.16 If the panel considers that support to reduce vulnerability to violent extremism is required, they should devise an appropriate support package. This should take the form of an action plan setting out details of the statutory or community partners who will lead on delivery of the support (see below). Consideration must also be given to potential risks posed to the provider of any support package. The action plan should highlight identified behaviours and risks that need to be addressed. This will assist in case reviews and evaluating the effectiveness of the support package.

5.01 This section provides guidance for the coordinator and the multi-agency panel on developing a support package for those individuals identified as vulnerable to being drawn into violent extremism.

5.02 Providers of support can include statutory and community partners. The panel must discuss and decide how to connect the referred individual with the support provider. The level of information shared with and about the individual to enable effective assessment and, if appropriate, delivery of any support package should be determined on a case by case basis. All decision making should be clearly documented and in line with the guidance on the sharing of information (see Annex A).

5.03 The multi-agency panel is responsible for ensuring delivery of the action plan but not for managing or funding the support provider(s). The Government Office and local authority *Prevent* leads for each area will have information on *Prevent*-specific support services that are available. In some circumstances it may be appropriate to make referrals to mainstream local provision such as education and employment services.

5.04 The type of activities included in a support package will depend on risk, vulnerability and local resources. To illustrate, a diversionary activity may be sufficient for someone who is in the early stages of radicalisation to violence, whereas a more focussed and structured one-on-one mentoring programme may be required for those who are already radicalised.

5.05 The following support programmes might be considered:

- **faith guidance:** helping an individual to develop their knowledge of religion, to better challenge the claims of some violent extremist ideologies
- **civic engagement:** exploring political engagement, civil challenge, human rights, social justice and citizenship
- **working with support networks:** engaging family and peers to provide help for the person concerned
- **mainstream services:** education; employment; health; and housing.

5.06 Many of these services may already be provided in a local area. Where the multi-agency panel identifies gaps in provision they should liaise with their Government Office or local authority *Prevent* lead or *Prevent* partnership to identify how the gap can be addressed.

5.07 Those providing support to vulnerable people need to be credible with the referred individuals and to understand the local community. They have an important role and their reliability, trustworthiness and commitment to the shared values which underpin CONTEST itself need to be established. Multi-agency panels should make the necessary checks to be assured of the suitability of support providers, including Criminal Records Bureau checks for those seeking to work with young people and vulnerable adults.

5.08 In all cases, service and support providers should be linked in with other local partners, perhaps through the Local Strategic Partnership or the Community Safety Partnership. This will ensure that support packages for individuals are coordinated, complementary and properly monitored. The local authority *Prevent* lead should also be involved, to keep track of and support community-based services in particular.

6.01 The Channel coordinator is responsible for regularly liaising with the support provider and for assessing progress with the multi-agency support panel.

6.02 If the panel is satisfied that the risk has been successfully reduced or managed they should recommend that the case exit the process. A closing report should be completed as soon as possible setting out the evidence for the panel's recommendations. The recommendations will need to be endorsed by the senior managers involved in the preliminary assessment.

6.03 If the panel is not satisfied that the risk has been reduced or managed, the case should be reconsidered. A new action plan should be developed and alternative support put in place. If the risk has increased the case must be referred back to senior managers involved in the preliminary assessment as soon as possible.

6.04 All cases should be reviewed at 6 and 12 months, from the point at which they exit the process, by senior managers involved in the preliminary assessment. All decisions and actions should be fully recorded.

#### **Case history: providing support**

A member of the public told a Police Officer from their local Safer Neighbourhood Team of their concerns about a 15 year old male who had recently converted to Islam. The information was initially vague and uncorroborated but the member of the public believed that the boy was prepared to give his life for his religion. Further research failed to reveal information indicating extremist tendencies, but did reveal violent behavior and street gang affiliation. A panel meeting was held and the subject was referred to provider specialising in working with young converts. Provision of support was conducted through a series of one to one meetings and group activities. Through this interaction the providers explored the boy's interpretation of Islam and following

a period of working with the boy they became satisfied that he did not actually hold extreme and violent views. He was, however, vulnerable in other ways. The boy went into the care of foster parents and his school attendance and behavior subsequently improved. The support provider remains in contact with him.

#### **Case history: community based interventions**

A boy was referred by his school; they had concerns about his behaviour which included comments he had made about wanting 'to go to Iraq and kill Americans'. A community youth group, that provides social activities along with ideological mentoring, challenged the boy's violent feelings towards non-Muslims. By following a set programme which included educational support, Islamic education, mentoring and working with the boy's mother to reinforce the work being carried out, the individual now appears to be more resilient to being drawn into violent extremism. He continues to be a regular attendee at the youth group.

#### **Key contacts:**

##### **Home Office**

[Prevent1@homeoffice.x.gsi.gov.uk](mailto:Prevent1@homeoffice.x.gsi.gov.uk)

##### **Association of Chief Police Officers**

[Prevent@acpo.pnn.police.uk](mailto:Prevent@acpo.pnn.police.uk)

##### **Communities and Local Government**

[PEU@communities.gsi.gov.uk](mailto:PEU@communities.gsi.gov.uk)

# Annex A: Sharing information with partners

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## Principles of information sharing

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Effective information sharing is key to the delivery of *Prevent*, so that partners are able to take appropriately informed action. This will sometimes require the sharing of personal information between partners; this is particularly the case for Objective 3 of the *Prevent* Strategy, where sharing of information will be central to providing the best support to vulnerable individuals.

### Key principle

Partners may consider sharing personal information with each other for *Prevent* purposes, subject to a case by case basis assessment which considers whether the informed consent of the individual can be obtained and the proposed sharing being necessary, proportionate and lawful.

Any sharing of personal or sensitive personal data should be considered carefully, particularly where the consent of the individual is not to be obtained. The legal framework within which public sector data sharing takes place is often complex, although there is a significant amount of guidance already available. It is considered good practice to have an Information Sharing Agreement in place at local level to facilitate the sharing of information. In addition to satisfying the legal and policy requirements (see below), there are some principles which should guide *Prevent* information sharing.

### Necessary and proportionate

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The overriding principles are necessity and proportionality. It should be confirmed by those holding information that to conduct the work in question it is necessary to share the information they hold. Only the information required to have the desired outcome should be shared, and only to those partners necessary. Key to determining the necessity and proportionality of sharing information will be the professional judgement of the risks to an individual or the public. Consideration should also be given to

whether discussion of a case is possible with anonymised information, for example, referring to “the young person” without the need to give the individual’s name, address or any other information which might identify them.

Each case should be judged on its own merits, and the following questions should be considered when sharing information:

- what information you are intending to pass
- to whom you are intending to pass the information
- why you are intending to pass the information (i.e. with what expected outcome)
- the legal basis on which the information is to be passed.

### Consent

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The default should be to consider seeking the consent of the individual to share information. There will, of course, be circumstances in which seeking the consent of the individual will not be desirable or possible, because it will prejudice delivery of the intended outcome, and there may be gateways or exemptions which permit sharing to take place without consent. If you cannot seek or obtain consent, or consent is refused, you cannot share personal information without satisfying one of the gateway or exemption conditions. Compliance with the Data Protection Act and Human Rights Act are significantly simplified by having the subject’s consent. The Information Commissioner has indicated that consent should be informed and unambiguous, particularly in the case of sensitive personal information. If consent is sought, the individual should understand how their information will be used, and for what purpose.

### Power to share

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The sharing of data by public sector bodies requires the existence of a power to do so, in addition to satisfying the requirements of the Data Protection Act, the Human Rights Act and the common law duty of confidentiality. Some statutes confer an express power to share information for a particular purpose (such as section 115 of the Crime and Disorder Act 1998). More often, however, it will be possible to imply a power to share information because it is necessary for the fulfilment of an organisation's statutory functions. The power to share information arises only as a consequence of an organisation having the power to carry out an action which is dependent on the sharing of information.

Having established a power to share information, it should be confirmed that there are no bars to sharing information, either because of a duty of confidentiality or because of the right to privacy enshrined in Article 8 of the European Convention on Human Rights. Finally, it will also be necessary to ensure compliance with the Data Protection Act, either by meeting the processing conditions in Schedules 2 and 3, or by relying on one of the exemptions (such as section 29 for the prevention of crime). Further details of the overarching legislation and some potentially relevant gateways are set out below.

Where non-public bodies (such as community organisations) are involved in delivery of *Prevent* work, you may need to pass personal and sensitive information to them and your approach to information sharing should be the same – i.e. that it is necessary, proportionate and lawful. In engaging with non-public bodies to the extent of providing personal information, it is good practice to ensure that they are aware of their own responsibilities under the Data Protection Act.

### Vetting

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Sharing information to prevent violent extremism should not be impeded by issues surrounding vetting. If there is a requirement for the sharing of material above restricted level the need for vetting need not be a barrier. Practitioners

should consider ways to share the information which needs to be shared to enable partners to provide the necessary response. Consideration about whether it is appropriate for an individual to be vetted should be decided at a local level and on a case-by-case basis, depending on requirement and necessity.

### Legislation and guidance relevant to information sharing

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Although not an exhaustive list, the following acts and statutory instruments may be relevant. The original legislation can be found at the Statute Law Database (<http://statutelaw.gov.uk/>).

#### Data Protection Act (DPA) 1998

The DPA is the principal legislation governing the process (including collection, storage and disclosure) of data relating to individuals. The Act defines personal data (as information by which an individual can be identified (either on its own or with other information)) and sensitive personal data (including information about an individual's health, criminal record, and political or religious views), and the circumstances in and extent to which they can be processed. The Act also details the rights of data subjects.

All of the eight Data Protection Principles (which are listed in Part 1 of Schedule 1 to the Act) must be complied with when sharing personal data but the first data protection principle is particularly relevant. The first data protection principle states that personal data shall be processed: (1) fairly, (2) lawfully (meaning that there is the power to share and other statutory and common law obligations must be complied with), and (3) only if a condition in Schedule 2 and, if sensitive personal data is involved, Schedule 3 is met. All three of these requirements must be met to comply with the first data protection principle. The DPA cannot render lawful any processing which would otherwise be unlawful. If compliance with the Data Protection Principles is not possible, then one of the exemptions (such as the prevention of crime under section 29 of the Data Protection Act 1998) may apply.

### **Data Protection (Processing of Sensitive Personal Data) Order 2000**

This Statutory Instrument (SI 2000/417) specifies further conditions under which sensitive personal information can be processed, including conditions where the processing must necessarily be carried out without the explicit consent of the data subject. Of particular relevance to *Prevent* are paragraph 1 (for the purposes of prevention or detection of crime), and paragraph 4 (for the discharge of any function which is designed for the provision of confidential counselling, advice, support or any other service).

The first data principle states that personal data shall be processed fairly and lawfully, meaning that other statutory and common law obligations must be complied with, and that the DPA cannot render lawful any processing which would otherwise be unlawful. Schedules 2 and 3 of the Act provide the conditions necessary to fulfil the requirements of the first principle.

### **Human Rights Act (HRA) 1998**

Article 8 of the European Convention on Human Rights (which is given effect by the HRA) provides that “everyone has the right to respect for his private and family life, his home and his correspondence”, and that public authorities shall not interfere with “the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others”.

### **Common law duty of confidentiality**

The key principle built up from case law is that information confided should not be used or disclosed further, except as originally understood by the confider, or with their subsequent permission. Case law has established that exceptions can exist “in the public interest”; confidentiality can also be overridden or set aside by legislation.

The Department of Health has produced a code of conduct concerning confidentiality, which is required practice for those

working within or under contract to NHS organisations.

### **Gateways, exemptions and explicit powers**

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#### **Crime and Disorder Act 1998**

Section 115 confers a power to disclose information to a “relevant authority” on any person who would not otherwise have such a power, where the disclosure is necessary or expedient for the purposes of any provision of the Act. The “relevant authority” includes a chief officer of police in England, Wales or Scotland, a police authority, a local authority, a health authority, a social landlord or a probation board in England and Wales. It also includes an individual acting on behalf of the relevant authority. The purposes of the Crime and Disorder Act include, under section 17, a duty for the relevant authorities to do all that they reasonably can to *prevent* crime and disorder in their area.

#### **Common law powers**

Because the range of partners with whom the police deal has grown – including the public, private and voluntary sectors, there may not be either an implied or explicit statutory power to share information in every circumstance. This does not necessarily mean that police cannot share the information, because it is often possible to use the common law. The decision to share using common law will be based on establishing a policing purpose for the activity that the information sharing will support, as well as an assessment of any risk.

The Code of Practice on the Management of Police Information (MoPI) defines policing purposes as: protecting life and property, preserving order, preventing the commission of offences, bringing offenders to justice, and any duty or responsibility of the police arising from common or statute law.

#### **Local Government Act 1972**

Section 111 provides for local authorities to have “power to do any thing...which is calculated to facilitate, or is conducive or incidental to, the discharge of any of their functions”.

## Annex A

### **Local Government Act 2000**

Section 2(1) provides that every local authority shall have the power to do anything which they consider is likely to achieve the promotion or improvement of the economic, social or environmental wellbeing of the area.

### **National Health Service Act 2006 and Health and Social Care Act 2011**

Section 251 of the NHA and Section 60 of the HSCA provides a power for the Secretary of State to make regulations governing the processing of patient information.

### **Offender Management Act 2007**

Section 14 of the OMA enables disclosure of information to or from providers of probation services, by or to Government departments, local authorities, Youth Justice Board, Parole Board, chief officers of police and relevant contractors, where the disclosure is for the probation purposes (as defined in section 1 of the Act) or other purposes connected with the management of offenders.

### **Existing guidance**

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Information Sharing – Guidance for Practitioners

[www.dcsf.gov.uk/everychildmatters/download/?id=103](http://www.dcsf.gov.uk/everychildmatters/download/?id=103)

Public Sector Data Sharing – Guidance on the Law.

[www.dca.gov.uk/foi/sharing/toolkit/lawguide.pdf](http://www.dca.gov.uk/foi/sharing/toolkit/lawguide.pdf)

Information Commissioners Office  
Guidance on Interpretation of the DPA

[www.ico.gov.uk/what\\_we\\_cover/data\\_protection/guidance.aspx](http://www.ico.gov.uk/what_we_cover/data_protection/guidance.aspx)

Confidentiality NHS Code of Practice  
[www.dh.gov.uk/prod\\_consum\\_dh/groups/dh\\_digitalassets/@dh/@en/documents/digitalasset/dh\\_4069254.pdf](http://www.dh.gov.uk/prod_consum_dh/groups/dh_digitalassets/@dh/@en/documents/digitalasset/dh_4069254.pdf)

Caldicott Guardian Manual  
[www.connectingforhealth.nhs.uk/systemsandservices/infogov/caldicott/caldresources/guidance/caldicott\\_2006.pdf](http://www.connectingforhealth.nhs.uk/systemsandservices/infogov/caldicott/caldresources/guidance/caldicott_2006.pdf)

**All local areas need to have in place, or access to, arrangements to support those vulnerable to being drawn in to violent extremism. It is advised that all local areas and police forces follow the recommended approach to dealing with Fol requests.**

All recorded information held by a public authority is covered by the right to information under the Freedom of Information (Fol) Act. Within the Act there is a presumption in favour of disclosure to enhance greater openness in the public sector and thus enable members of the public to better understand the decisions of public authorities and ensure that services provided by the public sector are seen to be efficiently and properly delivered. We want, as far as possible, to be open and transparent about the Channel process.

The Act recommends that it is good practice to consider the implications of the release of the information on third parties when complying with Fol legislation. In the context of Channel third parties may include local and national delivery partners and referred individuals. The section 45 Code of Practice of the Fol Act facilitates consideration by public authorities of the interests of third parties and stakeholders who may be affected by any decision to disclose information by setting standards for consultation. All public authority partners involved in Channel may be subject to Fol requests. If an Fol request is made all information will need to be assessed against Fol legislation to see if it is disclosable or not. All requests for the release of information held must be assessed on a case by case basis.

### Police forces

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ACPO Fol Central Referral Unit is a department that facilitates the dissemination of guidance and advice in relation to Fol requests received by the police. There are existing protocols between ACPO Fol Central Referral Unit

and individual force Fol departments. In line with established good practice, all Fol requests received by a police force, regarding Channel should be forwarded to the relevant police force Fol department. They will liaise with the ACPO Fol Central Referral Unit that will coordinate a response.

### Partners

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To achieve a consistent approach in responding to Fol requests, and to protect third parties, all local partners who receive an Fol request should notify the local Channel coordinator. The coordinator is responsible for the management and maintenance of information related to Channel cases and will be responsible for consulting with the ACPO Fol Central Referral Unit or the National Prevent Delivery Unit (ACPO); they will advise if any further consultation is necessary, for example, with central government departments.

### Key Fol police contacts:

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#### ACPO TAM Prevent Delivery Unit

National Channel Coordinator, ACPO TAM Prevent Delivery Unit 10 Victoria Street, Westminster, London, SW1H 0NN

[Prevent@acpo.pnn.police.uk](mailto:Prevent@acpo.pnn.police.uk)

0207 084 8711

#### ACPO Fol Central Referral Unit

[acpo.advice@foi.pnn.police.uk](mailto:acpo.advice@foi.pnn.police.uk)

0844 8929 010





Published by the Home Office, March 2010

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ISBN: 978-1-84987-209-6

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