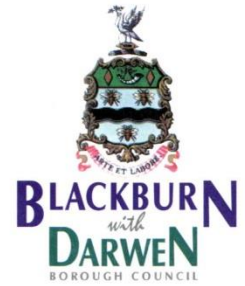


Executive Member Decision



REPORT OF: Executive Member for Adult Services and Prevention

LEAD OFFICERS: Strategic Director of Adults and Health (DASS)

DATE: Friday, 19 March 2021

PORTFOLIO(S) AFFECTED: Adult Services and Prevention

WARD/S AFFECTED: (All Wards);

SUBJECT:

EMD:Constitutional change requirements in relation to the Channel programme

1. EXECUTIVE SUMMARY

The Channel Duty Guidance 2020 reiterates the importance of ensuring statutory responsibilities are reflected in the Local Authority's governance processes. Specific functions in relation to the Channel programme need to be delegated to the Strategic Director of Adults & Health, and would need to be reflected in the Council's constitution. In addition, as part of the Dovetail pilot, the Channel Supervisor is undertaking a statutory responsibility on behalf of Lancashire County Council, Blackpool Council and Cumbria County Council which also needs to be reflected as a delegated responsibility in the constitution.

2. RECOMMENDATIONS

That the Executive Member:

- Recommends the delegated authority to the Strategic Director of Adults & Health to undertake specific functions and also act as 'Channel Supervisor' on behalf of the upper tier authorities: Blackburn with Darwen Borough Council, Lancashire County Council, Blackpool Council and Cumbria County Council, in relation to the Sec.36 decision which is a legal responsibility to confirm it is appropriate to proceed with the referral to the Channel Panel.
- Recommends to Council to approve the necessary changes to scheme of delegations in the Council constitution, and subject to Council authorise the Monitoring Officer to attend to these amendments.

3. BACKGROUND

Channel is a multi-agency approach to protect people at risk from radicalisation. It is a voluntary, confidential programme which provides support to people who are vulnerable to being drawn into terrorism. It operates across the country through Local Authority-chaired multi-agency panels and is not any form of criminal or civil sanction. The aim of the programme is to safeguard people from the harm which radicalisation can cause, before they come to harm themselves or become involved in criminal behaviour that harms others.

Since September 2016, Lancashire has participated in a pilot (Dovetail) to trial a new method of delivery for the Channel programme, which saw Local Authorities taking the lead on coordination of the key activities. Blackburn with Darwen Borough Council (BwDBC) were selected to host the pilot on behalf of the Lancashire authorities (twelve districts, one county and two unitary Local Authorities).

In August 2017, the Home Office confirmed that they had taken the decision to extend the transfer of functions to more areas on a regional basis. The next phase of the rollout was in the North West

with BwDBC hosting a Channel team responsible for coordinating key activities relating to the management of the programme across Lancashire and Cumbria. A Channel Supervisor role was introduced to manage the staff and provide operational oversight of case management.

The Counter Terrorism and Border Security Act 2019 (CTBSA 19) introduced a range of Counter Terrorism Powers. Of note, the Act made a change to Section 36 of the Counter Terrorism and Security Act 2015 (CTSA), which had a consequence for Channel.

Previously only a Chief Officer of the Police could refer an individual to Channel. Section 20 of the CTBSA 19 amends Section 36 of the CTSA to the effect that, from 12th April 2019, Local Authorities would also be able to refer individuals to the programme.

Whilst this provision introduced a new power for Local Authorities, at present only those participating in the Dovetail pilot would have the framework in place to exercise those powers effectively.

Local Authorities participating in the Dovetail pilot are able to exercise a range of functions previously exercised by the police; for example Local Authority staff will conduct the initial information gathering, produce an initial Vulnerability Assessment Framework (VAF) and produce a risk assessment to inform the Section 36 decision (i.e. a legal responsibility to confirm it is appropriate to proceed with the referral to the Channel Panel).

The process in relation to the Channel programme follows national guidance. In April 2019, at the Lancashire Contest Board the process for the Section 36 decision was agreed:

- When a referral reaches the Section 36 stage, the Channel Supervisor will consult with the Channel Coordinator and Police Prevent Sergeant to make a decision as to whether or not it is suitable to refer the individual to the Channel Programme for support. All those suitable would then be heard at the next monthly Channel Panel.
- Where it is assessed that a referral is not suitable for the Channel process, the appropriate Channel Panel Chair/Vice-Chair will be informed of the rationale behind the decision to provide oversight

Cumbria County Council deferred changing the responsibility from the Police Prevent Sergeant to the Channel Supervisor until the Home Office had finalised their national Umbrella Memorandum of Understanding relating to Channel. This was approved in January 2021.

The Channel Duty Guidance 2020 was issued under sections 36(7) and 38(6) of the CTSA to support Channel panel members and partners of local panels who must have regard to this guidance. The CTBSA 19 also has provision relating to Channel. The guidance stipulated that as a designated statutory duty, the requirements of Channel should be reflected in relevant local policy, guidance and the Local Authority's constitution.

The Upper tier authorities are currently reviewing the Lancashire and Cumbria Channel Process MOU which references data sharing protocols and the need to amend their Constitution to reflect the delegation of the Section. 36 decision to BwDBC. It is anticipated that Cumbria will follow the Lancashire model as soon as the changes to their constitution have been agreed by their Elected Members.

4. KEY ISSUES & RISKS

BwDBC is a specified authority under the Prevent Duty and has a responsibility to have due regard to prevent people from being drawn into terrorism. The effective delivery of the Channel programme is a key component of meeting this obligation.

Updating the constitution will formalise the processes we have in place and reflect the delegation of responsibility whilst also adhering to the Channel Duty guidance.

5. POLICY IMPLICATIONS

Council is required to comply with statutory guidance. The Section. 36 process is outlined in the Lancashire and Cumbria Process MOU and the Channel Duty Guidance.

6. FINANCIAL IMPLICATIONS

There is no financial implication for BwDBC as a consequence of the constitutional changes outlined above. The Channel Programme is fully funded by the Home Office and the Section 36 decision is within the existing role and responsibilities of the Channel Supervisor.

7. LEGAL IMPLICATIONS

The Council is required to comply with statutory guidance when exercising its powers and duties under legislation.

Any legal powers or duties delegated must be reflected in the constitution. Any changes to the Constitution need to be approved by Council before the Monitoring Officer makes the amendments.

8. RESOURCE IMPLICATIONS

There is no direct resource implication for BwDBC. The Home Office provide funds for the delivery of Channel including resources and intervention. The Section. 36 decision will continue to be a function undertaken by the Channel Supervisor as part of their role and responsibilities.

9. EQUALITY AND HEALTH IMPLICATIONS

Please select one of the options below.

Option 1 ☒ Equality Impact Assessment (EIA) not required – the EIA checklist has been completed.

Option 2 ☐ In determining this matter the Executive Member needs to consider the EIA associated with this item in advance of making the decision.

10. CONSULTATIONS

Legal, Governance and Data Protection staff in BwDBC and other authorities.

11. STATEMENT OF COMPLIANCE

The recommendations are made further to advice from the Monitoring Officer and the Section 151 Officer has confirmed that they do not incur unlawful expenditure. They are also compliant with equality legislation and an equality analysis and impact assessment has been considered. The recommendations reflect the core principles of good governance set out in the Council's Code of Corporate Governance.

12. DECLARATION OF INTEREST

All Declarations of Interest of any Executive Member consulted and note of any dispensation granted by the Chief Executive will be recorded in the Summary of Decisions published.

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DATE:	4 th March 2021
BACKGROUND PAPER:	