

Report to the Cabinet

Meeting to be held on Thursday, 10 June 2021

Report of the Head of Service - Policy Information and Commissioning (Start Well)

Part I

Electoral Division affected:
(All Divisions);

The Government's Channel Duty Guidance 2020 – Recommended Amendment to the County Council's Scheme of Delegation

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Executive Summary

The Government's Channel Duty Guidance 2020 reiterates the importance of ensuring statutory responsibilities are reflected in the local authority's governance processes. As a result, specific functions in relation to the Channel programme are required to be delegated to Blackburn with Darwen Borough Council. In addition, as part of the Dovetail pilot, the Channel Supervisor hosted by Blackburn with Darwen Borough Council is undertaking a statutory responsibility on behalf of Lancashire County Council, Blackpool Council and Cumbria County Council; this will also be included in the delegation.

Recommendation

Cabinet is asked to approve that delegated authority be given to Blackburn with Darwen Borough Council to 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 accordance with the provisions set out in Section 36 of the Counter Terrorism and Security Act.

Background and Advice

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 does not extend to any form of criminal or civil sanction. The aim of the programme is to safeguard people from the harm which

radicalisation can cause, either to themselves or to others by becoming involved in criminal behaviour.

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 was 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 it had taken the decision to extend the transfer of functions to more areas on a regional basis. The next phase of the rollout was through the North West 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, hosted by Blackburn with Darwen Borough Council, to manage the staff and provide operational oversight of case management.

The Counter Terrorism and Border Security Act 2019 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, which had consequences for the Channel initiative. Previously only a Chief Officer of the Police could refer an individual to Channel. Section 20 of the Counter Terrorism and Border Security Act 2019 amends Section 36 of the Counter Terrorism and Security Act 2015 to the effect that, from 12 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 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 and this can be summarised as follows:

- When a referral meets the criteria to trigger a Section 36 procedure, 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. Such referrals would be considered at the next monthly Channel Panel meeting.
- 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.

Consultations

As an upper tier authority the Director of Strategy and Performance, Director of Corporate Services, Data Protection Officer and Lancashire County Council Channel Chair have reviewed and agreed the Lancashire and Cumbria Channel Process Memorandum Of Understanding (MOU) which references data sharing protocols and the delegation of the Section 36, Counter Terrorism and Security Act 2015 powers to Blackburn with Darwen Borough Council.

Implications:

This item has the following implications, as indicated:

Risk management

Legal

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

Policy

The county council is required to comply with statutory guidance. The Section 36 process is outlined in the Lancashire and Cumbria Process Memorandum of Understanding and the Channel Duty Guidance.

Financial

There are no financial implications to this report.

List of Background Papers

Paper	Date	Contact/Tel
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None		
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Reason for inclusion in Part II, if appropriate

N/A