



Advice note: Safeguarding vulnerable individuals in Higher Education from terrorist groups

Purpose of this advice note

This note is non-statutory advice from the Department for Education, the Home Office and the Higher Education Funding Council of England (HEFCE) to help Higher and Further Education providers who are subject to the Prevent duty to better understand the Channel process.

It aims to clarify what happens when concerns that a vulnerable individual is at risk of being drawn into terrorism are escalated outside of an institution. For practical advice and support around doing this, the first point of call should be the Department for Education (DfE)'s FE/HE regional Prevent co-ordinators who can provide advice tailored to the circumstances and discuss the way forward (contact details available at:

<http://www.safecampuscommunities.ac.uk/guidance/regional-coordinators>).

Introduction

As part of the Counter-Terrorism and Security Act 2015 ("CTSA"), the Prevent duty imposes a legal duty on authorities including certain higher education (HE) institutions to have due regard to the need to prevent people from being drawn into terrorism. As set out in the HE statutory guidance on the Prevent duty, appropriate members of HE staff are expected to have sufficient training to be able to recognise individuals that are vulnerable to being drawn into terrorism and knowing when to refer concerns. The guidance also explains that institutions should have robust procedures for sharing information about vulnerable individuals (where appropriate) including internal mechanisms and external information sharing agreements where possible.

What is Channel?

- Channel is a key part of the Prevent strategy that may be appropriate for anyone who is vulnerable to being drawn into **any form of terrorism**. It is about ensuring that individuals of any faith, ethnicity or background receive **support before their vulnerabilities are exploited** by those that would want them to embrace terrorism, and before they become involved in criminal terrorist related activity.
- Channel is a multi-agency safeguarding programme available in every local authority in England and Wales. It provides **a range of support** including: mentoring; counselling; and assistance with training or employment.
- Channel is a **voluntary** programme. It is up to an individual, (or their parents/carer if the individual is under 18 and where it is appropriate), to decide whether to take advantage of the support it offers. It is not any form of criminal or civil sanction.
- Channel is **confidential**. Participation will not show up on any checks or negatively affect an individual's future in any way. No one will get a criminal record and all channel



information is held separately to all other police business so it can't be searched for other purposes such as DBS (Disclosure and Barring Service) checks.

- Channel works best when the individuals and their families fully engage with the programme and are supported in a consistent manner. The vast majority of those who choose to receive support go on to leave the programme with **no further terrorism-related concerns**.

Process for escalating concerns



Explanation

1. Concern identified – raise concerns within institution

If someone identifies a possible risk of radicalisation or a concern that an individual may be vulnerable then that concern should be raised internally through their institution's processes.

To better help identify these risks, please refer to WRAP training, the Leadership Foundation for Higher Education (LFHE) training on the Safe Campus Communities website or the DfE FE/HE regional Prevent co-ordinators. See the further information section below.

2. Institution review - potential to refer to Prevent officer

The institution then gathers more information and reviews it. If there is an immediate risk then they contact the emergency services. If there are concerns that the individual may be vulnerable to terrorist ideologies, then they seek advice from Prevent police or the local authority officer. If there is no evidence of vulnerability to radicalisation then an individual may be referred to other relevant services such as mental health or social services.

3. Police screening and routes to support, including Channel referrals

Whether the initial referral went to Prevent police or to a local authority officer, the referral will be passed to the local Prevent police team, who will open it as a case on their Prevent Case Management (PCM) systems. This team operates from within the police, but Prevent systems are separated from other police business and cannot be used in the same way, for example they cannot be searched for DBS checks.

All referrals with a concern around vulnerability to radicalisation are first screened by the police to ensure taking any further action on the referral will not interfere with any live investigations.

Once this 'de-confliction process' has been completed, police then make a further assessment of the referral to check that it isn't Malicious, Misinformed or Misguided (the '3M' check). Many referrals are screened out at this stage. The police ask other safeguarding agencies (panel partners) to provide information. The panel partners should, depending on the circumstances, seek consent from the individual who has been referred before providing this information. However this will not always be possible and may hamper the eventual support that can be put in place. The police will use the information gathered, plus any police information, to complete a Vulnerability Assessment Framework (VAF). The VAF contains 22 vulnerability factors which help the police and the Channel Panel to assess the individual's vulnerability (see Annex A for more details).

If there is deemed to be a genuine vulnerability to radicalisation the police will refer the individual to Channel.

There are a small number of cases where Channel is not appropriate, for example if the individual is linked to an ongoing investigation. In such cases the police may seek to offer some support to the individual in a way that does not interfere with other interests. These are handled separately to Channel.

5. Review by multi-agency Channel Panel

The Channel referrals are then reviewed by a local multi-agency Channel Panel, which is made up of local safeguarding partners, such as health, mental health, youth services, housing and education, and is chaired by the local authority Channel Panel Chair (CPC). These panels meet approximately every 4 weeks. The referrals will be reviewed using the VAF and other information that the partners may have about the individual. Each case is discussed to assess the risks and identify the necessary support.

6. Delivery of support package

If the Channel Panel concludes that support is necessary, then a support plan will be put in place; there are many forms of support available. All support plans are tailored to the individual and can include: life skills; careers/educational support; mental health support; and theological mentoring from Home Office approved Channel intervention providers. The Channel Panel monitors the progress with the provider and other safeguarding professionals. All cases are reviewed at 6 and 12 months.

However, some cases may not be suitable for the Channel programme, or the individuals may reject Channel support. Refusal of support from the Channel programme does not affect the way the individual is dealt with in the Prevent system, nor should it have negative



consequences for the individual (further than not receiving the support). Those that refuse support may be referred back to wider Prevent case management (managed by the police), who will look for alternative options to support and safeguard the individual.

In some cases, the Channel Panel may decide that the person in question does have vulnerabilities, but that these are not fundamentally related to radicalisation. In these circumstances the panel will pass the case to other services - such as mental health - for support. Each case will be reviewed at 6 and 12 months after exiting the Channel programme to ensure no further concerns have been raised.

Information Sharing and Data Protection

- Channel is an early intervention scheme to divert people away from radicalisation. Therefore behaviour which may be of concern is addressed before any criminality (from a terrorism perspective) actually occurs or before the individual has crossed a criminal threshold. When addressing the legality of information sharing from a Channel perspective, this is a fundamental issue.
- The default should be to consider seeking the consent of the individual to share information. If consent is sought, the individual should understand how their information will be used, and for what purpose. However, at the very early stages of the process, it may not always be practical to seek to obtain the consent of the individual, and it may undermine the chances of support being accepted by the individual later. In these circumstances the institution can legally share information with the police regarding an individual of concern without first seeking their consent, provided the case meets one of the legal gateway or exemption conditions. A list of these can be found at [Annex A of the Channel Duty guidance](#).
- Any judgements regarding information sharing should assess whether it is both necessary and proportionate to do so. Key to this will be 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.
- Channel data must be handled in line with the Data Protection Act. Information relating to an individual referred to Channel is recorded on the Channel Case Management and Information System (CMIS) for the purpose of administering the programme. This information is kept separate from other databases, and can only be accessed by individuals directly involved in the Channel programme.
- The data on CMIS is subject to the Code of Practice on the Management of Police Information (MOPI); records are held for a minimum of six years from the date of the last data entry. After six years police are required to assess whether it is necessary to retain the information. If it is necessary, the information may be held for a further year (unless there are specific circumstances in which it needs to be held for longer).

What data on referrals of individuals of concern must you provide to the monitoring body?



The Higher Education Funding Council for England (HEFCE) requires relevant HE institutions to submit a data return as part of its monitoring of Prevent in HE. This has been developed in consultation with the Department for Education and the Home Office. The details of the data required are set out in the published Monitoring Framework on the [HEFCE website](http://www.hefce.ac.uk/reg/prevent/) (<http://www.hefce.ac.uk/reg/prevent/>).

ANNEX A

Where can I find further information and what training is available to my staff on identifying and referring concerns?

Training:

- Prevent training: there are a number of Prevent related training courses available. These can be found in the Government's online training catalogue (<https://www.gov.uk/government/publications/prevent-duty-catalogue-of-training-courses>)
- WRAP training – Many institutions now have staff trained and accredited to deliver WRAP training. Where this isn't the case, please contact your regional Prevent co-ordinator who will support you to access training (<http://www.safecampuscommunities.ac.uk/guidance/regional-coordinators>).
- Prevent e-learning draws on the key elements of WRAP to deliver an e-learning based training tool which is more accessible for the range of people who now have responsibilities to prevent people being drawn into terrorism following the commencement of the Prevent statutory duty (<https://www.elearning.prevent.homeoffice.gov.uk>).
- LFHE materials available on the Safe Campus Communities Website: <http://www.safecampuscommunities.ac.uk/training>

Further Information is available at:

- Channel Duty Guidance: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf
- The Prevent Strategy 2011: https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/97976/prevent-strategy-review.pdf
- Prevent duty guidance (including general guidance and guidance for higher education): <https://www.gov.uk/government/publications/prevent-duty-guidance>
- Vulnerability Assessment Framework: <https://www.gov.uk/government/publications/channel-vulnerability-assessment>

ANNEX B

Questions and concerns

Does Channel work?

- Since April 2012 over 1000 people have been provided with support.
- Success in Channel is when, following the assessment and a programme of support if necessary, there are no remaining concerns that the individual will be drawn into terrorism. The vast majority of those who receive support go onto leave the programme with no further terrorism-related concerns.

Why do so few referrals become Channel cases with interventions?

- There is no expectation that every referral will lead to a Channel case. Channel provides a structure for those with concerns about individuals to refer them to the relevant authorities who can properly assess the concern. Every referral is carefully assessed. If there are no concerns relating to vulnerability to radicalisation, the referral could, if appropriate, be signposted to other services to address their needs. This could, for example be to health or family support services.

Who are the Channel mentors?

- All Home Office approved intervention providers are subject to a rigorous assessment and recruitment process to ensure they are suitable as mentors and have the necessary skills and expertise in counter-ideology to carry out the role.
- Intervention providers are assigned to ensure they will be the most credible voice of supportive challenge to an individual, perhaps a counsellor, mentor or imam. Those who are radicalised often lack the intellectual challenge to effectively question the falsehoods in terrorist propaganda.

What happens if someone is maliciously or mistakenly referred?

- All referrals are carefully examined by experts and are sifted out if they are malicious, misguided, or misinformed. In such an instance a referral will not become a Channel case.

Is engagement with Channel compulsory?

- Channel is a voluntary programme. It is not a criminal sanction. It is aimed at safeguarding those that are vulnerable to radicalisation.
- People who accept the support which is offered know that they are not being compelled and we believe their engagement is better because of that.
- There is no evidence that making it compulsory would produce better results.

What happens if someone refuses to engage in Channel?

- Where people refuse support through Channel, they will often be offered support through alternative measures and other mainstream services. For example a university student who does not want to be supported through Channel may be offered mainstream support via the university's student support services.

What percentage of cases are linked to the Far Right?

- In 2015-16, around a quarter of those who received support through Channel were referred for concerns about far right extremism.

Why do we need to share information?

Channel is a multi-agency, safeguarding scheme, and all partners must fully contribute to the process to ensure its effectiveness. The aim is to support individuals vulnerable to radicalisation, and divert them away from terrorism. However, if partners have no visibility of the vulnerability, they will not be able to effectively address this or support the individual. This requires proportionate and appropriate information sharing' to be undertaken between partner agencies, to build an initial vulnerability profile of the person concerned.

Without early and timely intervention, there may be a risk that the individual could progress further along the pathway to involvement in terrorism, thereby presenting a real threat to themselves and the public.

This information sharing process is therefore always triggered by a genuine concern from police, partners or a member of the public that an individual poses a risk. Information sharing with partners enables the initial concerns to be better understood within a more appropriate context. In many cases this will lead to no further action being taken or instead for the vulnerable person to be signposted to services more appropriate to their needs.

Do I need to obtain the consent of a student before I share information about them with the police?

The Channel Duty Guidance (see further information) states that *“The default should be to consider seeking the consent of the individual to share information”*.

However, at the very early stages in a Channel referral, there is likely to be only limited information available in relation to the individual of concern. This often renders such an approach impractical and is potentially liable to undermine, frustrate or prejudice any alternative police action which may be required, such as if the individual is part of an ongoing investigation – this **must** be discounted before seeking consent. So, at this early stage, the university can legally share information with the police regarding an individual of concern, without first seeking their consent. Legal gateways and exemptions exist for this purpose – see Annex A of the Channel Duty Guidance for suggested exemptions

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/425189/Channel_Duty_Guidance_April_2015.pdf.

Consideration should also be given to whether discussion of a case is possible with anonymised information. DfE's Regional Coordinators can offer further advice and guidance regarding what would be appropriate in the specific circumstances.

So what legal gateways exist for the sharing of information without someone's consent?

The Channel Guidance states that where consent isn't obtained, there are a number of gateways or exemption conditions which may apply for the sharing of information without the consent of the individual of concern. These are set out at page 24 of the Channel Guidance and must be applied on a case –by-case basis, using professional judgement.



For the purposes of Higher Education Institutes and Universities, Section 29(1a) of the Data Protection Act 1998 is the most appropriate exemption to apply when sharing information about an individual of concern i.e. being “*for the prevention or detection of crime.*”

Why the Data Protection Act 1998?

Under the Data Protection Act 1998 (DPA), information held for Channel purposes includes ‘*sensitive personal information*’ and the process ‘*involves the sharing of that information*’. Section 4(4) of the Act¹ places an obligation on agencies to comply with the eight data protection principles², subject to prescribed exemptions. The first data sharing principle states that personal data must always be processed fairly and lawfully.

Schedule 2 of the Act contains an explicit requirement that processing of data is not allowed unless one or more specified conditions are satisfied.³ For Channel purposes the conditions that apply are a *public interest condition (5)* and *the pursuit of legitimate interests condition (6)* i.e. that it is therefore in the public interest to protect the public and prevent terrorism.

Furthermore, Schedule 3 of the Act (para 1),⁴ states that the data subject must give their explicit consent to the processing of personal data.

However, Section 29(1a) of the Act also provides an exemption to these principles, and this is in relation to the prevention and detection of crime. The exemption will apply when initial concerns the university may have in relation to an individual could potentially relate to criminal activity including involvement in terrorism. The *Schedule to the Data Protection Act 1998 (Processing of Sensitive Personal Data) Order 2000) Paragraph 1⁵* allows this to occur without the initial informed consent of the individual, if it is likely to prejudice the intended outcome, and is in the public interest.

Until initial information held by universities is explored more fully by the police, there is no way of telling if the individual is merely vulnerable to radicalisation or is actually involved in terrorism. By advising the individual that you intend to share information with the police at this early stage when the picture isn’t entirely clear could potentially compromise, or undermine, a criminal investigation.

In these circumstances, personal or sensitive data relating to an individual can be shared without an individual’s consent as long as this is done fairly and lawfully to achieve the desired outcome, and a condition as specified in Schedule 2 and 3 of the DPA are also met. The appropriate legal gateway exemption which will apply in these circumstances is Section 29 (1a).

¹ By section 4(4) there is an obligation to comply with the data protection principles, subject to prescribed exemptions. Subject to the prescribed exemptions], it shall be the duty of a data controller to comply with the data protection principles in relation to all personal data with respect to which he is the data controller.

² http://ico.org.uk/for_organisations/data_protection/the_guide/the_principles

³ <http://www.legislation.gov.uk/ukpga/1998/29/schedule/2>

⁴ <http://www.legislation.gov.uk/ukpga/1998/29/schedule/3>

⁵ <http://www.legislation.gov.uk/uksi/2000/417/schedule/paragraph/4/made>

At what stage do we tell the person that we are sharing information about them?

The Channel Guidance states that “*As participation in Channel remains voluntary, section 36(4)(b) of the CT&S Act requires consent to be given by the individual (or their parent/guardian in the case of a child) in advance of support measures being put in place. All individuals who receive support through Channel must be made aware that they are receiving this as part of a programme to protect people from being drawn into terrorism; what the aims of the process are; and what to expect.*” Ultimately, Channel is a voluntary process, and a Channel multi-agency panel chaired by the local authority must therefore seek the consent of the individual (and their parents if they are under 18 years) to participate in the scheme if deemed suitable for support.

Again, all decision-making should be clearly documented and in line with the legal guidelines on the sharing of information including the Data Protection Act 1998.

Do universities have the power to share information with police?

Section 115 of the Crime & Disorder Act 1998 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. This can also include ‘*invited bodies*.’ This may depend on the university being designated as an ‘invited partner’ within the local Community Safety Partnership; the local authority or police will be able to facilitate this.

To ensure that data is shared appropriately, and in accordance with the Data Protection Act 1998, it is regarded as good practice for local Community Safety Partnerships (CSPs) to request that as ‘invited bodies’ the relevant University or Higher Education Institutes should enter into either a purpose specific Channel information sharing protocol, or alternatively, sign up to the overarching or generic local CSP information sharing protocols.

What is an invited body?

The Crime & Disorder Act 1998, under Section 17 (as amended by the Criminal Justice Act 2006), places a duty for the Responsible Authorities to do all that they reasonably can to prevent crime and disorder in their area.

Responsible Authorities include: *Police Fire and Rescue, Local Authorities, Health Trusts and Health Boards and Probation services*. This also includes an individual acting on behalf of the relevant authority.

The legislation states that responsible authorities shall also ‘invite’ the participation in their exercise of those functions of at least one person or body of each description, which is for

the time being prescribed by order of the Secretary of State under subsection 5 (3) of the Act.⁶ This also includes Higher Education governing bodies.

So, in effect, CSPs could invite HE governing bodies to participate in these functions (i.e. the development and delivery of a local partnership strategy for the reduction of crime and disorder and tackling drug abuse) thereby conferring in them the power to share information through Section 115 of the Act.

This would include sharing information regarding students in universities who may be vulnerable to being drawn into crime, including terrorism.

⁶ The list of invitees is set out in section 5(3) of the Crime and Disorder Act 1998 and includes '*Higher education governing bodies*'.

ANNEX C

Case Studies

Case A

- A 24 year old man was at university in Wales and when a university staff member saw him handing out leaflets which it turned out were promoting a website containing extremist, homophobic and violent material.
- The staff member got in touch with the university Prevent coordinator who contacted the police. The man was spoken to by student services and police who felt that he was at risk of being drawn into extremism.
- The man had become befriended by older radicalised men through late night discussions and weekend meetings and started to identify with extremist ideology, but he was confused.
- The man began to move away from extremism after receiving chaplaincy and psychological support through Channel. He has now successfully completed his studies.

Case B

- An 18 year old woman's relatives had travelled to Syria and friends were involved in known extremist groups.
- She was stopped in 2015 trying to leave the country under suspicious circumstances, and then was stopped again trying to leave the country later the same day.
- Police initiated safeguarding activities including a home visit, vulnerability assessment and liaison with local authority partners. As a result the woman engaged with local social services and mental health services to safeguard her.

Case C

- A 16 year old girl with relatives who had travelled to Syria was identified to police after having public aspirations of travelling to Syria on social media.
- She was accepted as a Channel case and agreed to engage in the support programme provided, including a number of sessions with a mentor. Her risk of travel was deemed so great that a Family Court Order was taken out to confiscate her passport and prevent travel.
- Following this, the girl returned to education and exited the Channel programme having had her vulnerability reduced.