

The Counter-Terrorism and Security Act: Implications for Members working in the Health Sector

The Act

The Counter-Terrorism and Security Act 2015 has seven parts, of which Part 5 is of relevance to members of BACP.

Part 5 puts the Prevent strategy on a statutory footing, by placing a duty on specified authorities, in England, Wales and Scotland, to have due regard, when exercising their functions, to the need to prevent people from being radicalised and drawn into terrorism. The Prevent strategy, published by the government in 2011, is part of the UK's overall counter-terrorism strategy, CONTEST.

The Prevent strategy has three specific strategic objectives:

1. Respond to the ideological challenge of terrorism and the threat faced from those who promote it;
2. Prevent people from being drawn into terrorism and ensure that they are given appropriate advice and support; and
3. Work with sectors and institutions where there are risks of radicalisation that need to be addressed.

All specified authorities identified within the Act also need to demonstrate an awareness and understanding of the risks of radicalisation within their area, institution or body. The three key themes identified by the government are:

1. Leadership
2. Working in Partnership
3. Staff Capabilities

The seven Things to Know About the Prevent Duty (Times Education Supplement, 2015)

1. **Start with a risk assessment:** *Understanding how and why young people can be put at risk of radicalisation and extremism is crucial to accurate risk assessments.*
2. **Ensure robust policies and procedures are in place:** *As with any safeguarding area, systems and processes need to be robustly established, regularly reviewed and communicated so that staff know how to respond to identified risks.*
3. **Staff must be appropriately trained:** *Staff should be empowered through training to have an awareness of the Prevent strategy, how to identify someone at risk of radicalisation, how to respond to identified risks and what support is available.*
4. **IT access must be safe:** *Appropriate IT policies and safeguards must be implemented to protect freedom of speech and freedom to access online information, whilst protecting young people from extremist material.*
5. **Effort and compliance will be monitored**

6. **Knowledge is the key:** *Good communication of knowledge between staff, leadership and external agencies is crucial to the successful implementation of Prevent duty systems.*
7. **Support is available:** *Support is available, by building links with Local Prevent Coordinators, police counter-terrorism units, safeguarding boards and training providers, it will assist institutions in accessing the support they need.*

Health Specified Authorities

- NHS Trusts
- NHS Foundation Trusts

Impact on the Health Sector

Preventing people from being drawn into terrorism is considered substantially comparable to safeguarding in other areas, including child abuse or domestic violence. There are already established arrangements in place for these and the Government would expect that these would be built on to ensure compliance with the statutory duty.

Responsible Officers

- Chief Nursing Officer in NHS England has responsibility for all safeguarding, and a safeguarding lead, working to the Director of Nursing, is responsible for the overview and management of embedding the *Prevent* programme into safeguarding procedures across the NHS.
- Each regional team in the NHS has a Head of Patient Experience who leads on safeguarding in their region and who is responsible for the delivery of the Prevent strategy within their region and health Regional Prevent co-ordinators.
- Regional Prevent co-ordinators are expected to have regular contact with the Prevent leads within the NHS.
- In Wales, NHS Trusts and Health Boards have CONTEST Prevent leads and are part of multi-agency structures where these are in place.

Partnership

Within the NHS all sub-regions should, as part of the NHS England Accountability and Assurance Framework, have local safeguarding forums in place. It is expected that these forums should be part of partnership working around the Prevent duty.

Additionally, the NHS Standard Contract for all commissioned services, excluding primary care, but including private and voluntary organisations, requires providers to embed Prevent into their delivery of services, policies and training.

It is also expected that reporting mechanisms will be established by health specified authorities to report issues to the National Prevent sub-group.

Risk Assessment

NHS Trusts in England have a Prevent lead who is a single point of contact for the regional health Prevent coordinators. The Prevent lead will also lead on the risk assessment for the NHS Trust. Additionally staff, through their training, will be expected to be competent enough that they can recognise those at risk of radicalisation and being drawn into terrorism and refer onto the Prevent lead.

Staff Training

Healthcare staff should be appropriately trained to recognise vulnerability to radicalisation and being drawn into terrorism, understand what support is out there and be confident in how to refer to further support.

The '*Safeguarding Children and Young People: roles and competences for health care staff*' guidance includes information about the Prevent duty as well as identifying competencies for all healthcare staff.

It is essential that staff receive training to assist them in understanding how to balance patient confidentiality with their responsibilities under the duty and there is an expectation that healthcare providers will have the following in place to support staff:

- Policies which include the principles of the Prevent NHS guidance
- A Prevent training programme in place for healthcare staff and to be delivered by accredited facilitators
- Procedures to comply with the Prevent training and Competencies Framework

Monitoring and Enforcement

It is envisaged that local safeguarding forums, including local commissioners and providers of NHS Services, will have oversight of fulfilling the Prevent duty and ensuring effective delivery. However, the Government is also considering whether internal arrangements are robust enough to effectively monitor compliance with the Prevent duty or whether monitoring of the duty should be incorporated into the remit of an existing health regulatory body.

Key Resources

Prevent Duty Guidance for England and Wales -

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/417943/Prevent_Duty_Guidance_England_Wales.pdf (Link accessed 11th August 2015)

Safeguarding Children and Young People: roles and competencies for health care staff -

https://www.rcn.org.uk/_data/assets/pdf_file/0008/474587/Safeguarding_Children_-_Roles_and_Competences_for_Healthcare_Staff_02_0....pdf (Link accessed 12th August 2015)

Times Education Supplement - <https://www.tes.com/teaching-resource/7-things-schools-need-to-know-about-the-new-prevent-duty-11032731> (Link accessed 16th October 2015)