Counter-Terrorism and Security Act 2015

2015 CHAPTER 6

PART 5

RISK OF BEING DRAWN INTO TERRORISM

CHAPTER 2

SUPPORT ETC FOR PEOPLE VULNERABLE TO BEING DRAWN INTO TERRORISM

36 Assessment and support: local panels

(1) Each local authority must ensure that a panel of persons is in place for its area—

(a) with the function of assessing the extent to which identified individuals are vulnerable to being drawn into terrorism, and

(b) with the other functions mentioned in subsection (4).

(2) "Identified individual", in relation to a panel, means an individual who is referred to the panel by a chief officer of police for an assessment of the kind mentioned in subsection (1)(a).

(3) A chief officer of police may refer an individual to a panel only if there are reasonable grounds to believe that the individual is vulnerable to being drawn into terrorism.

(4) The functions of a panel referred to in subsection (1)(b) are—

(a) to prepare a plan in respect of identified individuals who the panel considers should be offered support for the purpose of reducing their vulnerability to being drawn into terrorism;

(b) if the necessary consent is given, to make arrangements for support to be provided to those individuals in accordance with their support plan;

(c) to keep under review the giving of support to an identified individual under a support plan;

(d) to revise a support plan, or withdraw support under a plan, if at any time the panel considers it appropriate;

(e) to carry out further assessments, after such periods as the panel considers appropriate, of an individual's vulnerability to being drawn into terrorism in cases where—

(i) the necessary consent is refused or withdrawn to the giving of support under a support plan, or

(ii) the panel has determined that support under a plan should be withdrawn;

(f) to prepare a further support plan in such cases if the panel considers it appropriate.

(5) A support plan must include the following information—

(a) how, when and by whom a request for the necessary consent is to be made;

(b) the nature of the support to be provided to the identified individual;

(c) the persons who are to be responsible for providing it;

(d) how and when such support is to be provided.

(6) Where in the carrying out of its functions under this section a panel determines that support should not be given to an individual under a support plan, the panel—

(a) must consider whether the individual ought to be referred to a provider of any health or social care services, and

(b) if so, must make such arrangements as the panel considers appropriate for the purpose of referring the individual.

(7) In exercising its functions under this section a panel must have regard to any guidance given by the Secretary of State about the exercise of those functions.

(8) Before issuing guidance under subsection (7) the Secretary of State must (whether before or after this Act is passed) consult—

(a) the Welsh Ministers so far as the guidance relates to panels in Wales;

(b) the Scottish Ministers so far as the guidance relates to panels in Scotland;

(c) any person whom the Secretary of State considers appropriate.

37 Membership and proceedings of panels

(1) The members of a panel must include—

(a) the responsible local authority;

(b) the chief officer of police for a police area the whole or any part of which is in the area of that authority.

(2) Each of those members must appoint a person to represent them on the panel; and the representative must be a person whom the member concerned considers to have the required skills and experience.

(3) Where more than one chief officer of police comes within subsection (1)(b), a person may represent more than one of the chief officers; but at any meeting of the panel at which an identified individual is to be discussed there must be a person present from the police force for the area in which the individual resides to act as the representative.

(4) A panel may also include such other persons as the responsible local authority considers appropriate (whether generally or in the case of a particular identified individual).

(5) The chair of a panel is the responsible local authority; but where more than one local authority is the responsible local authority, the authorities may determine that one (or more) of them is to be the chair.

(6) If a panel cannot reach a unanimous decision on a question arising before it, the question must be decided—
  (a) according to the opinion of the majority of the panel, or
  (b) if there is no majority opinion, by the chair.

(7) Subject to subsection (6), a panel may determine its own procedure.

38 Co-operation

(1) The partners of a panel must, so far as appropriate and reasonably practicable, act in co-operation with—
  (a) the panel in the carrying out of its functions;
  (b) the police in the carrying out of their functions in connection with section 36.

(2) The partners of a panel are the persons and bodies specified in Schedule 7.

(3) The duty of a partner of a panel to act in co-operation with the panel—
  (a) includes the giving of information (subject to subsection (4));
  (b) extends only so far as the co-operation is compatible with the exercise of the partner's functions under any other enactment or rule of law.

(4) Nothing in this section requires or authorises the making of—
  (a) a disclosure that would contravene the Data Protection Act 1998;
  (b) a disclosure of any sensitive information.

(5) "Sensitive information" means information—
  (a) held by an intelligence service,
  (b) obtained (directly or indirectly) from, or held on behalf of, an intelligence service,
  (c) derived in whole or part from information obtained (directly or indirectly) from, or held on behalf of, an intelligence service, or
  (d) relating to an intelligence service.

(6) In carrying out the duty imposed by subsection (1), partners of a panel must have regard to any guidance given by the Secretary of State about the carrying out of that duty.

(7) Before issuing guidance under subsection (6) the Secretary of State must (whether before or after this Act is passed) consult—
  (a) the Welsh Ministers so far as the guidance relates to panels in Wales;
  (b) the Scottish Ministers so far as the guidance relates to panels in Scotland;
  (c) any person whom the Secretary of State considers appropriate.

(8) The reference in subsection (1)(b) to functions of the police in connection with section 36 includes, in particular, a chief officer's function of determining whether an individual should be referred to a panel for the carrying out of an assessment of the kind mentioned in subsection (1)(a) of that section.

39 Power to amend Chapter 2

(1) The Secretary of State may by regulations made by statutory instrument amend—
- (a) the definition of "local authority" in section 41;
- (b) Schedule 7.

(2) The Secretary of State must consult the Welsh Ministers before making regulations under subsection (1) that—
- (a) add a Welsh authority to Schedule 7, or
- (b) amend or remove an entry in that Schedule relating to a Welsh authority.

(3) The Secretary of State must consult the Scottish Ministers before making regulations under subsection (1) that—
- (a) add a description of authority in Scotland to the definition of "local authority",
- (b) add a Scottish authority to Schedule 7, or
- (c) amend or remove an entry in that Schedule relating to a Scottish authority.

(4) Regulations under this section may amend this Chapter so as to make consequential or supplemental provision.

(5) A statutory instrument containing regulations under this section may not be made unless a draft of the instrument has been laid before each House of Parliament and approved by a resolution of each House.

(6) Subsection (5) does not apply to a statutory instrument containing regulations that only make provision for—
- (a) the omission of an entry in Schedule 7 where the body concerned has ceased to exist, or
- (b) the variation of an entry in consequence of a change of name or transfer of functions.

(7) A statutory instrument that falls within subsection (6) is subject to annulment in pursuance of a resolution of either House of Parliament.

(8) In this section "Welsh authority" and "Scottish authority" have the same meaning as in Chapter 1.

40 Indemnification

(1) The Secretary of State may agree to indemnify a support provider against any costs and expenses that the provider reasonably incurs in connection with any decision or action taken by the provider in good faith in carrying out functions as a provider.

(2) The agreement may be made in whatever manner, and on whatever terms, the Secretary of State considers appropriate.

(3) In this section "support provider" means a person who provides support under a support plan.

41 Chapter 2: interpretation

(1) In this Chapter—

"health or social care services" means services relating to health or social care within the meaning given by section 9 of the Health and Social Care Act 2008;

"identified individual" has the meaning given in section 36(2);

"intelligence service" means—

(a) the Security Service,

(b) the Secret Intelligence Service,

(c) the Government Communications Headquarters, or

(d) any part of Her Majesty's forces, or of the Ministry of Defence, which engages in intelligence activities;

"local authority" means—

(a) a county council in England;

(b) a district council in England, other than a council for a district in a county for which there is a county council;

(c) a London Borough Council;

(d) the Common Council of the City of London in its capacity as a local authority;

(e) the Council of the Isles of Scilly;

(f) a county council or county borough council in Wales;

"the necessary consent", in relation to an identified individual, means—

(a) if the individual is aged 18 years or over, his or her consent;

(b) if the individual is aged under 18 years, the consent of his or her parent or guardian;

"panel" means a panel of persons in place under the duty imposed by section 36(1);

"responsible local authority", in relation to a panel, means the local authority responsible for ensuring that the panel is in place under the duty imposed by section 36(1);

"support plan" means a plan prepared by a panel in carrying out its functions mentioned in section 36(4)(a) or (f);

"terrorism" has the same meaning as in the Terrorism Act 2000 (see section 1(1) to (4) of that Act).

(2) For the purposes of the definition of "local authority" in subsection (1), the Inner Temple and the Middle Temple are to be taken as falling within the area of the Common Council of the City of London.

(3) Where two or more local authorities exercise their respective duties under section 36(1) by ensuring that a panel is in place for their combined area—

(a) a reference in this Chapter to the responsible local authority is to be read as a reference to the responsible local authorities for the panel;

(b) a reference in this Chapter to the authority's area is to be read as a reference to the combined area.