



Home Office Policy Note: Channel support to subjects of terrorism-related investigations.

Issue

This policy note refers to changes in guidance relating to the provision of Channel support to people who are subject of a CT Pursue investigation. Previous guidance advised that access to Channel support would ordinarily stop or be closed to people who are subject of an investigation under UK terrorism legislation.

It is acknowledged that in certain circumstances, a person may have engaged in activities to the extent that they have triggered an investigative response from law enforcement or committed a criminal offence under relevant terrorism legislation. Changes to Channel Duty Guidance reflect that there may be instances where continued support would be beneficial if it does not impede the ongoing investigation or affect the integrity of a person's informed consent. Revised guidance will now allow concurrent Channel support to be offered to eligible recipients who are also the subject of an overt CT Pursue investigation.

Distinction between Channel and CT Pursue responsibilities.

The responsibilities of Channel Case Officers (also referred to as CTCOs) are largely unaffected by this change in policy. CTCOs remain responsible for:

- managing a referral through its entire life-cycle on the Prevent Case Management Tracker (PCMT),
- triaging, regularly reviewing and amending the Prevent Assessment Framework (PAF) as a case progresses to accurately reflect all relevant Prevent concerns and terrorism risk,
- assessing any escalating risk associated with the person's potential involvement in terror-related activity and any parallel investigation,
- transferring cases to Police-led Partnership (PLP) where either consent for Channel support has been withdrawn by the subject, or where Pursue activity would indicate that Channel involvement is no longer suitable.

The CTCO or the CTCO Supervisor must attend every Channel panel. Where there is a concurrent Pursue investigation, and in consultation with the CTCO, the chair should also consider the value of having the CTP Pursue Senior Investigating Officer (SIO) or a representative of the SIO, present to add investigative context and aid deconfliction. In such circumstances the emphasis of Channel must be in its specific functions set out in section 36(4) of CTSA 2015. That is to provide a multi-agency approach to:

- identify people at risk,
- assess the nature and extent of that risk,
- develop the most appropriate support plan for the person concerned.

The SIO or representative, if present at Channel panel should not interfere unduly with the panel's or Chair's responsibilities in delivering Channel support. The Chair will retain the casting vote on the adoption of cases and panel decisions where there is no consensus and no clear majority among panel members. The inclusion of investigative contingents/representatives from CT Policing should not cause an imbalance in decision making. The CTCO will typically represent CT Policing in partnership discussions and provide input into decisions requiring a vote.

The SIO will retain operational autonomy for investigative (Pursue) matters, which are distinct from Channel processes. The CTCO will provide the conduit through which CTP pursue and prevent activities are complementary and coordinated.

Adopting a person when they are subject to an overt Pursue Investigation

Where a person is subject to a CTP Pursue investigation and subsequently presented to the panel, the panel can adopt and provide Channel support alongside the investigation only when all three of the below criteria are met:

1. Overt cases – Channel support can be provided following a person’s notification that they are under investigation.
2. Post Executive Action (EA) / Post-arrest – Channel support can only be offered post EA such as a warrant taking place or post arrest.
3. Assessment / Management of risk - agreement by Channel panel (with inclusion of the SIO or representative of the SIO) that cases hold a level of risk that can be managed within Channel, and that risk assessments will continue to be kept under review by CTP.

Retaining a person in Channel that becomes subject of an overt Pursue investigation.

Where a person who is already adopted as a Channel case is subsequently made aware that they are the subject of an overt CTP Pursue investigation they can remain on Channel if the panel believes that they can still provide appropriate support to address the person’s susceptibilities to radicalisation and/or vulnerability to being drawn into terrorism alongside the CTP Pursue investigation. In such circumstances the same three principles as those referring to adoption (above) will apply.

The context of a person’s notification (e.g. arrest, verbal notification by SIO) must be recorded within the panel minutes.

Transferring a subject currently in an overt Pursue investigation in PLP to Channel

Cases that are under existing management within PLP that have previously been ineligible for Channel, and which fit the adoption criteria (above) can be referred to Channel by existing pathways using the Prevent Assessment Framework (PAF). Each case will be considered individually for adoption or rejection by panel.

Channel Duty Guidance and obtaining consent.

Although referral to, and adoption by, a Channel Panel does not require consent from the referred individual, the decision to accept Channel support is entirely voluntary process on the part of the referred individual, as outlined in section 36(4)(b) of the CTSA 2015. This remains unchanged.

The consent form must include a reminder that, in line with all cases consenting to access Channel support, whilst information is shared for the purposes of assessing and informing a person’s support plan, this information is disclosable, and the person must be informed that personal information will be shared between the agencies involved in this case via the designated local authority. These include police and other law enforcement agencies, council departments, health and social care, education, and other members of the Channel panel, plus the Home Office and Home Office approved Intervention Providers (IPs).

Section 6 of Channel Duty Guidance outlines how consent should be obtained, recorded and processed. Such processes remain unchanged. However, due to the existence of an overt investigation, consent to Channel must be obtained in writing.

If consent is refused, withdrawn or not obtained.

There may be some instances where consent is refused, or consent is given but withdrawn at a later date. Section 36(4)(e)(i) CTSA 2015 makes provision for further assessments to be carried out by the panel, as deemed appropriate. If they assess that a terrorism risk remains, CTCOs will draw the case into Prevent’s Police-Led processes for management. Where either of these situations apply the Channel case will be closed.

In the event that consent has not been secured within 3 months, the Channel case should be closed.

This policy document should be shared with all Channel panel members and with the chair of strategic governance for Channel within the local authority area.