

<b>Title: Counter-Terrorism and Security Act 2015 (Part 5 Amendment and Guidance) Regulations 2015</b>  <b>IA No: HO0177</b> <b>Lead department or agency: Home Office</b>  <b>Other departments or agencies:</b>	<b>Impact Assessment (IA)</b>	
	<b>Date:</b> 25/02/2015	
	<b>Stage:</b> Final	
	<b>Source of intervention:</b> Domestic	
	<b>Type of measure:</b> Secondary Legislation	
<b>Contact for enquiries:</b> <a href="mailto:CTSBill@homeoffice.x.gsi.gov.uk">CTSBill@homeoffice.x.gsi.gov.uk</a>		
<b>Summary: Intervention and Options</b>		<b>RPC Opinion: N/A</b>

**Cost of Preferred (or more likely) Option**

Total Net Present Value	Business Net Present Value	Net cost to business per year (EANCB on 2009 prices)	In scope of One-In, Two-Out?	Measure qualifies as
-12.5	-0.22	0.02	N/A	N/A

**What is the problem under consideration? Why is government intervention necessary?**

On 29 August the Joint Terrorism Analysis Centre raised the UK threat level from ~~SUBSTANTIAL~~ to ~~SEVERE~~ meaning that a terrorist attack is 'highly likely'. There is a need to deal with the increased terrorist threat.

Prevent activity in local areas relies on the co-operation of many organisations to be effective. Currently, such co-operation is not consistent across the country. The government's policy intention is to make delivery of Prevent activity and the Prevent Professional Concerns process, a multi-agency programme which provides tailored support to people who have been identified as at risk from radicalisation, a legal requirement for specified authorities in Scotland, in addition to England and Wales, and improve the standard of Prevent work across the country. This will be underpinned with statutory guidance.

**What are the policy objectives and the intended effects?**

- To prevent people from being drawn into terrorism and to ensure they are given appropriate advice and support;
- To provide for the requirements of the CT and S Act 2015 on Prevent and Prevent Professional Concerns process to be put into effect in Scotland;
- To ensure full cooperation with the programme to support vulnerable people being drawn into terrorism, including full attendance at panel meetings; and
- Ensure specified authorities work together where there are risks of radicalisation to ensure the continued

**What policy options have been considered, including any alternatives to regulation? Please justify preferred option (further details in Evidence Base)**

Option 1: No change

Option 2: regulations would add Scottish specified authorities to Schedule 6 and 7 of the Counter Terrorism and Security Act 2015 so they are required to have due regard to the need to prevent people from being drawn into terrorism and put the Prevent Professional Concerns process on a statutory footing. This includes a requirement for local authorities to establish multi-agency panels, identify support and place a duty of cooperation in relation to the whole process. It also brings into effect statutory guidance issued under section 29 of the Act.

Option 2 is the preferred option as it will ensure consistent and/or continued co-operation with *Prevent* activities. *Prevent* is a fundamental part of the UK's counter-terrorism strategy.

**Will the policy be reviewed? It will be reviewed. If applicable, set review date: February 2016**

Does implementation go beyond minimum EU requirements?			N/A		
Are any of these organisations in scope? If Micros not exempted set out reason in Evidence Base.	<b>Micro</b> No	<b>&lt; 20</b> No	<b>Small</b> Yes	<b>Medium</b> Yes	<b>Large</b> Yes
What is the CO <sub>2</sub> equivalent change in greenhouse gas emissions? (Million tonnes CO <sub>2</sub> equivalent)			<b>Traded:</b> N/A		<b>Non-traded:</b> N/A

***I have read the Impact Assessment and I am satisfied that, given the available evidence, it represents a reasonable view of the likely costs, benefits and impact of the leading options.***

Signed by the responsible Minister: \_\_\_\_\_ Date: \_\_\_\_\_

# Summary: Analysis & Evidence

Policy Option 1

Description: Do not put Prevent on a statutory footing

## FULL ECONOMIC ASSESSMENT

Price Base Year N/A	PV Base Year N/A	Time Period Years 10	Net Benefit (Present Value (PV)) (£m) N/A		
			Low: 0	High: 0	Best Estimate: 0

COSTS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Cost (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate			

### Description and scale of key monetised costs by 'main affected groups'

Option 1 is the baseline, so there are no additional costs.

### Other key non-monetised costs by 'main affected groups'

N/A

BENEFITS (£m)	Total Transition (Constant Price) Years	Average Annual (excl. Transition) (Constant Price)	Total Benefit (Present Value)
Low	N/A	N/A	N/A
High	N/A	N/A	N/A
Best Estimate			

### Description and scale of key monetised benefits by 'main affected groups'

Option 1 is the baseline, so there are no additional costs.

### Other key non-monetised benefits by 'main affected groups'

N/A

Key assumptions/sensitivities/risks

Discount rate (%)

N/A

There is a risk that those specified authorities who are not currently prioritising *Prevent* activity will continue not do so, if it is not a statutory duty. This could result in missed opportunities to identify and prevent radicalisation and consequently put the UK at a higher risk of terrorism.

## BUSINESS ASSESSMENT (Option 1)

Direct impact on business (Equivalent Annual) £m:	In scope of OITO?	Measure qualifies as
Costs: 0      Benefits: 0      Net: 0	N/A	N/A

# Summary: Analysis & Evidence

# Policy Option 2

**Description:** Put Prevent on a statutory footing

## FULL ECONOMIC ASSESSMENT

<b>Price Base Year</b> 2014	<b>PV Base Year</b> 2014	<b>Time Period Years</b> 10	<b>Net Benefit (Present Value (PV)) (£m)</b>		
			<b>Low:</b>	<b>High:</b>	<b>Best Estimate:-12.3</b>

<b>COSTS (£m)</b>	<b>Total Transition (Constant Price) Years</b>	<b>Average Annual (excl. Transition) (Constant Price)</b>	<b>Total Cost (Present Value)</b>
<b>Low</b>	N/A	N/A	N/A
<b>High</b>	N/A	N/A	N/A
<b>Best Estimate</b>	0	1.5	<b>12.3</b>

### Description and scale of key monetised costs by 'main affected groups'

**These costs are illustrative and subject to change. The cost will vary with the level of risk.**

Additional threat and response activity unitary authorities **£530,000m p.a.**, additional Scottish Government staff **£500,000.p.a.**, bolstering health safeguarding structures **£120,000p.a.**, Further education institutions and universities coordinating a response **£25,000 p.a.**, providing additional Prevent Awareness training for schools, universities and colleges (**£25,000 p.a.**). **Local authority staff (£3,500)** and HE/ FE (**1,000p.a.**). Strengthening Prevent activity in Prisons **£250,000 p.a.**

The implementation costs associated with Prevent Professional Concerns duty are low, and relate to the cost of establishing PPC meetings across all Local Authority areas and training those participating in them. In addition, there may be an opportunity cost to panel members who were previously not participating, who would now attend panel meetings.

### Other key non-monetised costs by 'main affected groups'

There are additional costs for individuals attending training and coordinating activities which we have not monetised. Some of these costs may fall on business.

<b>BENEFITS (£m)</b>	<b>Total Transition (Constant Price) Years</b>	<b>Average Annual (excl. Transition) (Constant Price)</b>	<b>Total Benefit (Present Value)</b>
<b>Low</b>	N/K	N/K	<b>N/K</b>
<b>High</b>	N/K	N/K	<b>N/K</b>
<b>Best Estimate</b>	N/K	N/K	<b>N/K</b>

### Description and scale of key monetised benefits by 'main affected groups'

N/A

### Other key non-monetised benefits by 'main affected groups'

The addition of specified authorities in Scotland will ensure they are aware of and understand the threat from terrorism in their local area/organisation and take action where required. The Prevent Professional Concerns duty will ensure specified authorities in Scotland support vulnerable people being drawn into terrorism by ensuring full participation by all panel members, and continued future participation in the programme by all partners. The statutory guidance will ensure specified authorities understand what they have to do to implement the duty.

The intended benefit of these measures is to reduce the risk of individuals being drawn into terrorism and consequently reduce the risk of these individuals carrying out terrorist attacks. It is not possible to monetise this benefit.

Key assumptions/sensitivities/risks

**Discount rate (%)**

3.5

It is not possible to quantify the benefits of this policy because it is not possible to estimate the reduction in risk of individuals carrying out attacks as a direct result of the policy.

There is a risk that parts of the policy may be perceived to restrict the freedom of speech; and that legislating will give greater prominence to criticism that the programme is there to spy on individuals, or that it targets Muslims.

## BUSINESS ASSESSMENT (Option 2)

<b>Direct impact on business (Equivalent Annual) £m:</b>			<b>In scope of OITO?</b>	<b>Measure qualifies as</b>
<b>Costs: 0.2</b>	<b>Benefits: n/a</b>	<b>Net: -0.2</b>	N/A	N/A

## A. Define the problem

On 29 August the independent Joint Terrorism Analysis Centre raised the UK national terrorist threat level from SUBSTANTIAL to SEVERE meaning that a terrorist attack is 'highly likely'. Approximately 500 individuals of interest to the police and security services have travelled from the UK to Syria and Iraq since the start of the conflicts; a number of these individuals have joined terrorist organisations including the Islamic State of Iraq and the Levant (ISIL). On 1 September the Prime Minister announced that legislation would be brought forward in a number of areas to stop people travelling overseas to fight for terrorist organisations, or conduct terrorist related activity, and subsequently returning to the UK, and to deal with individuals already in the UK who pose a risk to the public.

The *Prevent* strand of the UK's counter-terrorism strategy (CONTEST) aims to stop individuals becoming terrorists or supporting terrorism.

*Prevent* activity relies on the co-operation of many organisations to be effective. Currently, such co-operation is not consistent across the country. The government's policy intention is to make delivery of such activity a legal requirement for specified authorities in Scotland, as it is for specified authorities in England and Wales, and improve the standard of work on the *Prevent* programme across the country. In some areas, where delivery of *Prevent* is excellent, this will require no additional activity. Similarly, there are other areas where the threat is very low and we would not expect areas/institutions to be doing much more than they are currently. We are aiming to target those areas where there is a risk of radicalisation and extremism and sufficient work is not being done to understand and manage this risk.

The Prevent Professional Concerns process is a multi-agency programme which provides tailored support to people who have been identified as at risk from radicalisation. PPC meetings, attended by relevant experts including social workers and mental health professionals, assess the suitability of referred individuals for support. The consistent delivery of PPC processes across areas and full attendance on the panel would improve the effectiveness of the programme. It will ensure good practice can be recognised, shared, and applied between areas using common practices, to further improve the implementation of the programme.

The impacts of incomplete or inconsistent participation in *Prevent* and the PPC process could include but are not limited to: radicalisation not being properly addressed, engagement in terrorist activities or attacks being carried out, segregation within communities (between radicalised and non-radicalised), increased public anxiety, and increased marginalisation of minorities.

## **B. Rationale**

Protecting the UK against terrorism is a fundamental role of Government. Counter-terrorism measures require judgments on the need to balance protecting the public with safeguarding civil liberties and dealing with sensitive issues of national security. Such judgments should not be left to the private sector. The private sector does not have the access to intelligence to understand the scale/nature of the threat.

It is the Government that manages sensitive information and intelligence on individuals that pose a terrorist threat and is responsible for the safety and security of UK citizens. Given the necessity of counter-terrorism measures, and the role of the Government to protect the public, the Government is uniquely placed to fulfil this role.

## **C. Objectives**

- To reduce the risk of terrorism to the UK;
- To respond to the ideological challenge of terrorism and the threat from those who promote it;
- To prevent people from being drawn into terrorism and to ensure they are given appropriate advice and support;
- To ensure full cooperation with the Prevent Professional Concerns programme to support vulnerable people being drawn into terrorism, including full attendance at PPC meetings; and
- Ensure specified authorities work together where there are risks of radicalisation to ensure the continued effective implementation of the support programme.

## **D. Options**

Option 1 is to make no changes.

Option 2 the regulations would:

- Add Scottish authorities to schedule 6 of the Counter Terrorism and Security Act 2015 to require them to have due regard to the need to prevent people from being drawn into terrorism;
- Require local authorities in Scotland to participate in multi-agency panels that decide whether a person is vulnerable to being drawn into terrorism and should be offered support; to develop a support plan for any person who accepts an offer of support; to monitor the person's progress whilst receiving support and amend the plan as appropriate; to decide if and when support is no longer appropriate; and to undertake periodic reviews after the person has ceased to receive support;
- Add Scottish authorities to schedule 7 of the Counter Terrorism and Security Act 2015 to place a duty to cooperate as partners of Scottish panels; and
- Provides that statutory guidance to be issued to specified authorities about the exercise of the Prevent duty in England and Wales, and separate guidance issued by the Secretary of State in relation to the exercise of the duty in Scotland, has effect.

### **Groups Affected**

- Local government in Scotland;
- The police in Scotland;
- Prisons, young offender institutions in Scotland;
- Universities and other higher education providers in Scotland;
- Colleges and other further education providers in Scotland; and
- Certain parts of the NHS in Scotland.

The statutory guidance for Scotland sets out advice for the specified authorities in Scotland subject to this duty. In complying with the duty all specified authorities will be required to demonstrate an awareness and understanding of the risks from radicalisation in their area or body.

The risks will vary between geographic areas and sectors. It is therefore possible that the costs outlined in this document will change. This is particularly important where the threat from terrorism evolves and specified authorities may need to be more ambitious in their *Prevent* activity to manage the threat.

Not all specified authorities will need to take the same action to demonstrate compliance with the new duty. The guidance will set out separate advice to the different sectors. In some areas and sectors, where co-operation with and delivery of *Prevent* is excellent, this will require no additional activity. Similarly, there are other areas and sectors where the threat is very low and we would not expect them to take on significant extra activity. We are aiming to target those areas where there is a risk of radicalisation and sufficient work is not being done to understand and manage this risk.

PPC is the Scottish equivalent of the CHANNEL process in place across England and Wales. In some areas and sectors in Scotland, PPC is well established. In other areas, more work may be required to develop PPC to ensure that the requirements of the legislation are met, however we do not have the data to monetise this. As the costs of the PPC duty are low, and the benefits are not quantifiable, the level of analysis is low.

## **COSTS**

### **Local authorities**

**Please note that all the figures in this impact assessment are presented for illustrative purposes and will be subject to change. They should not be taken as firm estimates.**

There are currently 32 unitary authorities in Scotland (0 *Prevent* Priority areas or supported areas).

**It is not possible to predict how much support the remaining areas may require until they have carried out their assessments, therefore illustrative estimates have been provided regarding how many areas would require funding for additional activities, and how much this would cost.**

All local authorities will be expected to implement the duty based on an assessment of the threat of radicalisation within their areas and take action as appropriate. This will include senior management time, the implementation of action plans, locally funded projects chairing PPC meetings and staff training. The financial implications will vary with the level of the threat. The Government have estimated costs for non-Priority areas as ranging from £4,000-£40,000 per authority. If 2/3 are at the lower end of the cost spectrum with a very low threat level and the remaining at the upper end of the cost spectrum then costs would be **£530,000 per annum**.

We expect the costs of supporting additional *Prevent* activities locally to be:

- Additional Scottish Government staff (**£0.5m per annum**).

### **Schools**

**Please note that all the figures in this impact assessment are presented for illustrative purposes and will be subject to change. They should not be taken as firm estimates.**

There are around 2,600 schools, including fee-paying independent schools in Scotland. In respect of schools, the new duty will make the activities that many local authorities will already be carrying out, or will soon be carrying out, more secure. The duty will be a vehicle to encourage them to consider what more they could be doing. We expect schools will seek training and advice. It is therefore reasonable to assume that this duty will require additional training. Prevent awareness training costs £62 per twenty people. We would expect staff in any given school to receive training once every two years; therefore only 50% of institutions will receive training in any given year.

Delivering the training to five people in schools once every two years would cost around **£20,000 per annum**. Additional training for head teachers or those in management position could cost £4,000 per annum.

### **Universities and Colleges**

**Please note that all the figures in this impact assessment are presented for illustrative purposes and will be subject to change. They should not be taken as firm estimates.**

We estimate that there are 2000 higher and further education institutions in the UK that receive public funding and that will be subject to the duty, of which 44 are in Scotland.

We assume each institution will need resource to coordinate a response to the duties detailed in the legislation. For illustrative purposes, we assume each institution requires one week of a junior officer's time (costing £573). Therefore the cost to 2000 institutions of coordinating a response would be £1.146m per annum, including around **£25,000 per annum** for Scottish institutions. This is an opportunity cost, not a new financial cost, as the member of staff is assumed to already be employed.

If fifteen people in every higher and further education institution receive Prevent awareness training once every two years this will cost £46,500 per annum, of which over **£1,000 per annum** is for Scottish institutions.

### **Health**

**Please note that all the figures in this impact assessment are presented for illustrative purposes and will be subject to change. They should not be taken as firm estimates.**

Prevent is supported and delivered through Safeguarding structures. An additional **£120,000** per annum will strengthen and coordinate Prevent activity under the new statutory requirement.

There is an existing programme of work already established or being established to engage NHS Scotland staff with *Prevent*, such as delivering *Prevent* awareness training to frontline staff. Additional funding may be required to ensure that these schemes meet the Statutory Duty; however we do not have the data to monetise this.

### **Prisons**

**Please note that all the figures in this impact assessment are presented for illustrative purposes and will be subject to change. They should not be taken as firm estimates.**

There are 16 prisons including young offender institutions in Scotland. There is already a well-established programme for preventing radicalisation in these institutions, which includes training for staff and interventions with offenders.

There is more to do to combat the problem of radicalisation in prisons. An additional £250,000 would strengthen and co-ordinate Prevent activity under the new statutory requirement and help with the delivery of WRAP and other training.

## BENEFITS

- The risk from radicalisation at a local level will be assessed, and *Prevent* activities carried out with an aim of reducing the risk. This should consequently reduce the risk of these individuals carrying out attacks.

## GENERAL ASSUMPTIONS & DATA

- **Please note that all the figures in this impact assessment are presented for illustrative purposes and will be subject to change. They should not be taken as firm estimates.**
- As there are some areas where the risk has not yet been assessed for *Prevent* requirements, it is not possible to accurately estimate how many will require additional *Prevent* activities.
- There is an assumption that the relevant specified authorities would adhere to statutory requirements.
- It is not possible to quantify the benefits associated with this policy, because it is not possible to estimate the reduction in risk of individuals carrying out attacks as a direct result of *Prevent* being on a statutory footing. It is also not possible to predict the type or scale of attack that may be prevented.
- In addition to all the costs provided we expect there to be opportunity costs arising from senior staff in an area/institution (Chief Executives, vice-chancellors, College Principals etc) engaging more with *Prevent* activity.
- There may be additional institutions, particularly higher and further education institutions which are not publically funded, which are within the scope of the duty which are not currently represented in the figures.

## E. Risks

### Option 1:

- There is a risk that those specified authorities or organisations who are not currently prioritising *Prevent* activity will continue not to do so, if it is not a statutory requirement.

This could potentially be mitigated by continuing to emphasise the importance/effectiveness of *Prevent* through non-statutory measures. In light of the threat this is not considered sufficiently effective.

### Option 2:

- There is a risk that specified authorities in Scotland may feel over-regulated if there is an increase in *Prevent* activity.
- There is a risk that partners in Scotland whom we are intending to make subject to a statutory co-operation duty may not want to have any additional statutory responsibilities, even if in practice they are already carrying them out in most places. They will want to understand exactly why this legislation is needed and what impact it will have on them. They may call for the Home Office to fund them to implement the programme. The central mitigations to this are the facts that in most areas the programme is working well, and that the scale of the programme overall is very small. The proposed “duty to cooperate” would also be framed broadly, with expectations for partners set out in statutory guidance (for example that they would be expected to understand their role in identifying emerging risks, sharing information; attending panel meetings, providing support, etc.).

This risk could be mitigated by ensuring that *Prevent* activity remains relevant and targeted.

## **F. Implementation**

It is the Government's intention to debate the statutory guidance this Parliamentary session, and commencement of the *Prevent* duty will follow in due course.

## **G. Monitoring and Evaluation**

There are currently procedures in place to monitor and evaluate the effectiveness of *Prevent* and *Prevent Professional Concerns delivery*, which will continue to be used when it is placed on a statutory footing. Any concerns from affected parties will be monitored.

## **H. Feedback**

The Home Office will use evaluation results to identify areas for improvement in *Prevent* policy.