

## **Freedom of Information Act 2000 (FOIA)**

### **Decision notice**

**Date:** 12 October 2023

**Public Authority:** The Royal Borough of Greenwich

**Address:** The Woolwich Centre  
35 Wellington Street  
Woolwich  
SE18 6HQ

#### **Decision (including any steps ordered)**

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1. The complainant has requested information about referrals of young people to the counter terrorism programme, Prevent. The Royal Borough of Greenwich ('the Council') answered the first part of the request and said it did not hold the remaining information.
2. The Commissioner's decision is that the Council employed an unreasonably restrictive interpretation of the request and wrongly defined its scope. In doing so, it failed to comply with the provisions of section 1(1)(a) (General right of access) of FOIA.
3. The Commissioner requires the Council to issue a fresh response to parts (2) – (6) of the request (which includes within its scope any information it holds in connection with the Channel panel) and:
  - either disclose such information as it holds or issue a refusal notice which complies with the requirements of section 17(1) of FOIA.
4. The Council must take these steps within 35 calendar days of the date of this decision notice. Failure to comply may result in the Commissioner making written certification of this fact to the High Court pursuant to section 54 of the Act and may be dealt with as a contempt of court.

## Request and response

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5. As part of a "round robin" request circulated to around 20 local authorities, on 30 May 2023, the complainant wrote to the Council and requested information in the following terms:

"I would like to request the following information via the Freedom of Information Act...In your response please do not identify anyone referred to the Prevent programme. Please do not identify anyone who has approached the service to express concerns about another individual(s). Please do not identify any school in any response. Please do not identify any member of staff working for the local authority or for the Prevent programme. Please do not identify any member of the public.

(1) Do staff based at the local authority and or staff employed on behalf of the local authority participate in the Prevent programme.

(2) Since 30 May 2022 how many individuals aged sixteen or under have been referred to the Prevent team. These individuals could have been referred by a school and or social services staff and or the police and or another law enforcement agency and or a voluntary organisation and or a place of worship and or a member of the public.

(3) In the case of each individual referred can you state their age and their given / preferred gender.

(4) Can you describe the main area of concern. For instance, is the concern about their use of social media. For instance, is the concern to do with links to religious extremism. A broad description will suffice.

(5) Can you state whether the individual was referred by their school. Please do not identify the school.

(6) Have the individuals and or organisations making the referrals cited the child's interaction with and use of the following (listed below) as the reason for the referral.

- (i) A published book (s) whether that be a work of fiction and or non-fiction. Can you identify the book (s).
- (ii) A cinema release (s) including live action or animated releases. Can you identify the cinema release (s).
- (iii) A television programme of any kind including dramas and or comedies and or documentaries. Can you identify the show (s).

- (iv) A comic and or graphic novel (or similar) Can you identify the comic (s) or graphic novel (s).
  - (v) A computer game of any description. Can you identify the gamp [sic]
  - (vi) Material either viewed by them and or created them online. Can you identify any relevant websites. But please do not identify any material which would leave to the identification of the individual.
  - (vii) Material either viewed by them and or created by them on social media. Can you identify the material but please do not identify any material which would lead to the identification of the individual.
  - (viii) Any visual artwork. Can you identify the artwork.”
6. The Council responded on 27 June 2023. It answered part (1) of the request and said it did not hold the information requested in parts (2) - (6), a position it confirmed following an internal review.

### **Scope of the case**

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- 7. The complainant contacted the Commissioner on 21 July 2023 to complain about the way his request for information had been handled.
- 8. The analysis below considers whether the Council correctly defined the scope of parts (2) – (6) of the request.

### **Reasons for decision**

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#### **Section 1 - Information held**

- 9. Section 1(1)(a) of FOIA states that anyone making a request for information is entitled to be told whether a public authority holds the requested information. A public authority must therefore establish whether it holds the requested information<sup>1</sup> before going on to consider whether it may be disclosed.
  - 10. The Council says that it does not hold the requested information. The complainant disputes this. In such cases, the Commissioner will apply
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<sup>1</sup> unless doing so would exceed the appropriate costs limit at section 12 of FOIA

the normal civil standard of proof in determining whether, on the 'balance of probabilities', the requested information is held. In deciding where the balance of probabilities lies, the Commissioner will consider the evidence and arguments of both parties, together with any other information as to why it is likely, or unlikely, that information is held.

11. The Council told the complainant that, because responsibility for assessing Prevent referrals lies with the police, the Council itself does not hold the requested information.

12. In correspondence with the Commissioner, it elaborated as follows:

"All Prevent referrals in Council go to the Police, hence the Police hold the data relating to Prevent referrals. The Police then have the responsibility of assessing proportionality of each case and may decide to forward the case onto the Local Prevent Team for consideration to [sic] the CHANNEL Panel but may equally escalate or signpost to other agencies to ensure that a referral is not misguided, misinformed or malicious. It is only at this point that the Royal Greenwich Prevent Team and CHANNEL Panel are made aware of a case and asked by the Police to convene a multi-agency CHANNEL Panel meeting to discuss this case.

The Council do chair and take minutes of the CHANNEL Panel meetings and CHANNEL Panel cases before forwarding them to the Police. These minutes of these cases that are discussed at the RBG CHANNEL Panel are held on a secure drive. Individuals who are discussed at the RBG CHANNEL Panel does [sic] not feature on any other database such as Social Care or Housing in the Council.

...

The Council does not hold data relating to Prevent referrals and that [sic] any request for CHANNEL cases would merit a separate request.

The request specifically asks about Prevent referrals and the Council does not receive or collate Prevent referrals. However, the Council is aware of those cases post referral that Police ask us to convene meetings as referred to above, for [sic] but these are known to us as CHANNEL PANEL REFERRALS and not PREVENT REFERRALS."

### **The Commissioner's view**

13. The request asks for information about referrals to the Council's Prevent team.

14. Information about the 'Prevent Duty' can be found on the GOV.UK website<sup>2</sup>. However, the Commissioner's understanding of the process is that, following a report of concern to the police that an individual may be susceptible to radicalisation into terrorism, the police will gather further information from partner agencies to help determine whether the person might be at risk of supporting terrorism or committing terrorist acts.
15. At this point, and if appropriate, the information about the person may be referred to the local authority, to be discussed by a 'Channel panel'. The Channel panel is chaired by the local authority and works with multi-agency partners to collectively assess the risk to the individual and decide whether some form of intervention would be desirable. If intervention is required, the panel works with local partners to develop an appropriate tailored package for the individual.
16. It is clear from the Council's submissions that it interprets the term "Prevent referral" as referring to the early stage of the above process, whereby the police receive and consider a report of concern about an individual. Based on that interpretation of the request, it says it does not hold the requested information, as it is not involved at that stage.
17. However, the Commissioner considers this to be an unreasonably restrictive interpretation of the request. As stated by the Council in paragraph 12 above, "All Prevent referrals **in Council** go to the Police", which implies that there are referrals within the Council (Commissioner's emphasis). Additionally, the Council has explained it uses the term "Channel panel referrals" to describe the point at which it becomes involved in assessing individual Prevent cases. Although the complainant has not used its preferred terminology, it is nevertheless clear from his request that he wants any information the Council holds on referrals made under the Prevent programme. This would include information held in connection with Channel panels, which the Council has expressly stated falls outside of the scope of the request. On that point, the Commissioner's guidance on interpreting and clarifying requests<sup>3</sup> says:

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<sup>2</sup> <https://www.gov.uk/government/publications/channel-and-prevent-multi-agency-panel-pmap-guidance>

<sup>3</sup> <https://ico.org.uk/for-organisations/foi-eir-and-access-to-information/freedom-of-information-and-environmental-information-regulations/interpreting-and-clarifying-requests/#read>

"The requester cannot reasonably be expected to have a detailed knowledge of:

- the way in which you organise and structure your records; or
- the terminology you use to describe and classify your information internally.

You must therefore make allowances for this when reading requests.

You should not exclude material from the scope of an otherwise clear request because the requester has described the information in a different way or has failed to use the "correct" terminology."

18. Whilst the Commissioner understands there are various stages to the Prevent referral process, he does not consider that this is relevant to a determination of the scope of the request. He considers that an objective reading of the request would recognise it as asking for any information held by the Council on particular referrals made under the Prevent programme. The Commissioner is not satisfied that the explanation provided by the Council justifies the exclusion of any information considered by the Channel panel from the scope of the request as the Council is a participant.
19. The Commissioner has determined that the Council has incorrectly interpreted the scope of the request. His consideration of the handling of the same request by several other local authorities<sup>4</sup> suggests to him that the Council may well hold information falling within the scope of parts (2) – (6) of the request (albeit that the information may be exempt from disclosure). He therefore requires it to take the action specified in paragraph 3, above.

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<sup>4</sup> See, for example, <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4026541/ic-247359-q0h9.pdf> and <https://ico.org.uk/media/action-weve-taken/decision-notices/2023/4026542/ic-247362-n5r2.pdf>

## Right of appeal

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20. Either party has the right to appeal against this decision notice to the First-tier Tribunal (Information Rights). Information about the appeals process may be obtained from:

First-tier Tribunal (Information Rights)  
GRC & GRP Tribunals,  
PO Box 9300,  
LEICESTER,  
LE1 8DJ

Tel: 0203 936 8963

Fax: 0870 739 5836

Email: [grc@justice.gov.uk](mailto:grc@justice.gov.uk)

Website: [www.justice.gov.uk/tribunals/general-regulatory-chamber](http://www.justice.gov.uk/tribunals/general-regulatory-chamber)

21. If you wish to appeal against a decision notice, you can obtain information on how to appeal along with the relevant forms from the Information Tribunal website.
22. Any Notice of Appeal should be served on the Tribunal within 28 (calendar) days of the date on which this decision notice is sent.

**Signed .....**

**Samantha Bracegirdle**  
**Senior Case Officer**  
**Information Commissioner's Office**  
**Wycliffe House**  
**Water Lane**  
**Wilmslow**  
**Cheshire**  
**SK9 5AF**