

## Anti-Terrorism Policy

**Sponsor:** Corporate Director for Business Services  
**Owner:** Company Secretary  
**Date Approved:** May 2020  
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**Distribution:** Non Confidential for Internal and External Use

<p><b>Policy Statement</b></p>	<p>Barnardo's is committed to conducting its operations in accordance with the highest standards of integrity and ethics. The organisation expects all of its Trustees, employees, volunteers and partners to meet the same standards.</p> <p>As such, and in accordance with our Basis and Values, we are committed to ensuring that Barnardo's, its employees and volunteers do not engage in, encourage or support terrorism, terrorist acts, or associated practices. Engaging in such practices could expose both Barnardo's and the individuals involved to criminal liability.</p> <p>The legislative environment in relation to terrorism is complex. The primary piece of counter-terrorism legislation in the UK is <b>The Terrorism Act 2000</b>, which came into force in February 2001, and is supported by other relevant legislation (see Appendix 1 attached for further details). Collectively these provide numerous criminal offences for which Trustees, employees and volunteers can be prosecuted under English Law alone.</p> <p>This policy should be read in conjunction with the policies highlighted in the relevant sections.</p>
<p><b>Policy Objectives</b></p>	<p>The objectives of this policy are to:</p> <ul style="list-style-type: none"> <li>▪ Ensure that Barnardo's complies with relevant Charity and anti-terrorism legislation;</li> <li>▪ Define what constitutes terrorism;</li> <li>▪ Detail our expectations of all Trustees, employees and volunteers in relation to: <ul style="list-style-type: none"> <li>○ undertaking training to ensure awareness of Barnardo's legal obligations;</li> <li>○ following approved processes and procedures designed to mitigate the risk of Barnardo's being subject to terrorist abuse or inadvertently engaging in terrorist financing; and</li> <li>○ escalating concerns promptly and appropriately.</li> </ul> </li> </ul>
<p><b>Scope</b></p>	<p>This policy applies to all Trustees, employees and volunteers in Barnardo's.</p>
<p><b>Definitions and Key</b></p>	<p>The following details various terms and definitions used within this policy.</p>

Concepts	Term	Explanation
	Anti-Terrorism Law	Anti-terrorism law in the UK is aimed at preventing promotion of terrorism and terrorist financing. The same law applies to any contact with, or payment to, an individual or organisation appearing on the UK official terrorism list, irrespective of the reason for the payment or contact. For this purpose this includes the Proscribed and Designated lists (see below under Terrorism Lists).
	Associated Party or Partner	Any individual or corporate party which is associated with Barnardo's in terms of provision of services (either providing services to Barnardo's or receiving services from Barnardo's), other than Service Users.
	Beneficiary	A person who is intended to receive benefit, financial or otherwise, from a Charity.
	Channel	<p>A programme which focuses on providing support at an early stage to people who are identified as being vulnerable to being drawn into terrorism. The programme uses a multi-agency approach to protect vulnerable people by:</p> <ul style="list-style-type: none"> <li>▪ identifying individuals at risk;</li> <li>▪ assessing the nature and extent of that risk; and</li> <li>▪ developing the most appropriate support plan for the individuals concerned.</li> </ul>
	CONTEST	The UK Government's strategy for Countering International Terrorism.
	Counter-terrorism legislation	The Terrorism Act 2000 is the primary piece of counter-terrorism legislation in the UK. Other relevant legislation includes: (1) The Anti-Terrorism, Crime and Security Act 2001; (2) Terrorism Act 2006; (3) Counter-Terrorism Act 2008; (4) Terrorist Asset-Freezing etc Act 2010; (5) Terrorism Prevention and Investigations Measures Act 2011; (6) Protection of Freedoms Act 2012; (7) Counter Terrorism and Security Act 2015.
	Designated Individual or Entity	An individual (or group) who is subject to financial restrictions in the UK, for example, because they're considered to be someone who commits, attempts to commit, participates in or facilitates the Commission of acts of terrorism. Individuals (or groups) can also be subject to country-based sanctions.
	Due Diligence	The process and steps that need to be taken by Trustees to be reasonably assured of the provenance of the funds given to the Charity, confident that they know the people and organisations the Charity works with and are able to identify and manage associated risks.
	Employees	Includes all staff, workers and contractors.
	Financial Action Task	The global body responsible for setting standards for

Force (FATF)	anti-money laundering and counter terrorist financing.
Money Laundering	The process of turning the proceeds of crime into property or money that can be accessed legitimately without arousing suspicion. The term 'laundering' is used because criminals turn 'dirty' money into 'clean' funds which can then be integrated into the legitimate economy as though they have been acquired lawfully. More detail can be found in the <b>Anti-Money Laundering Policy</b> .
National Crime Agency (NCA)	An agency with national and international authority and the mandate and powers to work in partnership with other law enforcement organisations to cut serious and organised crime.
PREVENT Duty or Programme	The duty in the Counter-Terrorism and Security Act 2015 to have due regard to the need to prevent people from being drawn into terrorism. This new duty includes: <ul style="list-style-type: none"> <li>▪ assess the risk of radicalisation in their Charity;</li> <li>▪ develop an action plan to reduce this risk;</li> <li>▪ train all employees to recognise radicalisation and extremism;</li> <li>▪ work in partnership with other partners;</li> <li>▪ establish referral mechanisms and refer people to Channel (a multi-agency process designed to safeguard vulnerable people from being drawn into terrorism); and</li> <li>▪ maintain records and reports to show compliance.</li> </ul>
Property	Includes all forms of asset (i.e. land, buildings, investments, cash and other assets).
Proscribed Organisation	An organisation which the Home Secretary believes to be concerned in terrorism as defined by the Terrorism Act 2000. It is a criminal offence for a person to be a member of, or invite support for, or arrange a meeting for, a proscribed organisation. Proscription means that the financial assets of the organisation become terrorist property and can be subject to freezing and seizure.
Relevant Nominated Officer	Relates to the individual to whom: <ul style="list-style-type: none"> <li>▪ any belief, suspicion, reasonable cause of suspicion or knowledge of any terrorist activity, terrorist funding or the glorification of terrorism; or</li> <li>▪ any awareness that one of more of the controls in this policy are not in place, or are not being followed appropriately which may put the Charity at risk of being party to or potentially committing a terrorist offence</li> </ul> <p>should be reported. (See Section 12 for the relevant Nominated Officers).</p>
Responsible	The person responsible for undertaking the relevant due

	<p><b>Person</b> diligence in relation to Know Your Donor, Know Your Partner and Know Your Beneficiary requirements or arranging the letting or leasing of one of Barnardo's premises.</p> <p><b>Serious Incident</b> An incident that has occurred in a Charity is considered serious if it has resulted or could result in a significant loss of funds or a significant risk to the Charity's property, activities, beneficiaries or reputation. Charity Commission guidance states that any breach of anti-terrorism laws, however minor, qualifies as a serious incident which it will normally investigate.</p> <p><b>Terrorism</b> Defined in English law<sup>1</sup> as the use or threat of serious violence, serious damage to property, endangering life, creating a serious risk to public health or safety, or action designed seriously to interfere with or disrupt an electronic system in order to influence government or an international governmental organisation, intimidate the public or advance a political, religious, racial, or ideological cause.</p> <p><b>Terrorism Lists</b> The various lists of people or organisations that are proscribed organisations or designated individuals under UK legislation, or which are banned by another government: (1) The proscribed organisations list, which is kept updated on the Home Office, Office for Security and Counter Terrorism's website; (2) The Consolidated List of Financial Sanctions Targets in the UK, which is available on the financial sanctions pages of HM Treasury's website; (3) The lists of those designated or restricted by another government (which have no effect in UK law).</p> <p>Item (1) – <b>Proscribed list:</b>  <a href="https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2">https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2</a>.</p> <p>Item (2) - <b>Designations list:</b>  <a href="https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets">https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets</a>.</p> <p><b>Terrorist Financing</b> The raising, moving, storing and using of financial resources for the purposes of terrorism.</p> <p><b>Ultimate Business Owner (UBO)</b> The ultimate owner of a business / the entity who owns 10% or more of the organisation (including any parent company of an organisation).</p>				
<p><b>Roles and Responsibilities</b></p>	<p>The main roles and responsibilities in relation to this policy are as follows:</p> <table border="1"> <thead> <tr> <th data-bbox="437 1899 927 1948">Role</th> <th data-bbox="927 1899 1477 1948">Responsibility</th> </tr> </thead> <tbody> <tr> <td> </td> <td> </td> </tr> </tbody> </table>	Role	Responsibility		
Role	Responsibility				

<sup>1</sup> Britain has three entirely separate legal systems: English and Welsh; Scottish and Northern Irish Law. In this area, the laws are the same. Northern Ireland also has some domestic anti-terrorism law, though Northern Irish proscribed persons and organisations are on the same list as international terrorist groups.

	Board of Trustees	To ensure that this policy is in place and is appropriately communicated and embedded in the organisation, clearly highlighting its importance.
	Audit & Risk Committee	To review and approve the policy at relevant intervals; and oversee and monitor the adequacy and effectiveness of the policy and associated processes and procedures across Barnardo's.
	CLT	To reinforce the importance of adherence to this policy and all associated processes and procedures on an ongoing basis.
	Policy Sponsor	To ensure: the policy and associated processes and procedures are reviewed at regular intervals and remain appropriate in the light of emerging best practice; the policy is appropriately implemented and enforced; the Audit and Risk Committee receives relevant and timely information to assist in its oversight and monitoring of the policy; and that all Trustees, employees and volunteers receive appropriate regular training/awareness messaging on the requirements within this policy.
	Policy Owner	To maintain the policy and associated procedures; develop training/awareness messaging for all Trustees, employees and volunteers; undertake periodic risk assessments of the terrorism and associated risks facing the organisation; and ensure that management information demonstrating adherence to this policy is produced and provided to relevant parties.
	Line Managers	To ensure that all their employees (including volunteers) undertake the training/are made aware of the requirements of this policy as part of induction and at agreed frequencies thereafter; and follow the procedures outlined in this policy, especially where such individuals are involved in the recruitment of relevant staff, procurement, tendering, approval or ongoing servicing of contracts, and letting or leasing of the Charity's premises.
	All Trustees, employees & volunteers	To follow this policy and associated processes and procedures as appropriate. This includes co-operating with any investigation as appropriate.
	Internal Audit	To periodically independently review adherence to this policy and associated processes and procedures across the Charity.

## Policy

### 1. Overarching Principles:

**Barnardo's does not tolerate or condone any form of terrorism, including the facilitation, promotion or financing of terrorism, extremism or radicalisation.**

#### You **must**:

- act in the best interests of the Charity at all times;
- ensure that, where applicable, you undertake robust due diligence processes on relevant employees, volunteers, donors, partners and suppliers in line with relevant industry and Charity Commission guidance and include relevant robust anti-terrorism requirements (policies and obligations) in all our partner contracts;
- follow the required processes and procedures outlined in this Policy at all times, together with those outlined in any applicable Directorate or other local policy;
- remain vigilant at all times to the potential threat of terrorist activity; and
- immediately report **any** belief or suspicion of terrorist activity to the relevant Nominated Officer (as detailed in section 12 below). If you are concerned about an immediate threat to life and property, you should contact the police immediately (dialling 999), subsequently notifying the above named parties.

It should be noted that **The Terrorism Act 2000** (as amended by **Counter-Terrorism Act 2008**) creates a positive legal duty to disclose information about certain possible terrorist offences to the police, where this comes to the person's attention in the course of their trade, profession, business or employment. The law clarifies that this duty applies to all Trustees, employees, interns and volunteers. Failure to comply with this requirement is a criminal offence.

#### You **must not**:

- accept donations without undertaking the appropriate due diligence as outlined below and in the Due Diligence (Acceptance and Refusal of Donations) Policy and Gambling POCA Policy;
- enter into partnerships, contracts, or any other arrangement without following the appropriate approval and relevant due diligence processes;
- lease or rent Barnardo's property without undertaking the appropriate due diligence checks;
- conceal, disguise, convert, transfer, or remove criminal property from the United Kingdom; and
- raise or provide funds for the purposes of terrorism; participate in, promote, condone, or otherwise glorify terrorism, terrorist acts or wider extremism or radicalisation.

If you:

- believe, suspect, have a reasonable cause to suspect or know about any terrorist activity, terrorist funding or the glorification of terrorism; or
- are aware that one or more of the controls in this policy are not in place, or are not being followed appropriately which may put the Charity at risk of being party to or potentially committing a terrorist offence

please ***immediately contact***: the relevant Nominated Officer (see Section 12).

This requirement applies to any belief or suspicions that may relate to individuals or organisations connected with Barnardo's outside of their specific role or activity with the Charity which comes to light during or as a result of their work with Barnardo's.

You may choose to remain anonymous when reporting a known or suspected issue and you will not be subject to reprisals for reporting information about potential problems in good faith.

If you feel someone in Barnardo's has experienced retaliation as a consequence of making a good faith report, please immediately contact the Director People

Any report of belief or suspicion of involvement with terrorism or related activity will be treated extremely seriously and investigated in full. The nature and method of this investigation will be determined by the Nominated Officer, together with others as appropriate (see Section 12).

If you are asked by Barnardo's to assist with an investigation, you should always provide truthful and accurate information. Providing untrue or misleading statements, or encouraging others to do so, may result in disciplinary action.

If you are contacted by the police or any other investigatory agency concerning terrorism, please immediately contact: the relevant Nominated Officer (or their alternates if unavailable).

If you are notified that documents in your possession are required for an investigation or legal matter, you should follow directions to preserve those documents. You must never destroy, conceal, or alter those documents in any way.

Failure to abide by any of the principles and procedures in this policy could result in disciplinary action, up to and including termination of employment. It may also involve notification to relevant law enforcement agencies for investigation and prosecution. In particular, Barnardo's has a **zero tolerance** approach to terrorism and associated acts and will diligently work with the relevant authorities to investigate any belief or suspicion of any participation in or link to terrorism by anyone associated with it (including employees, volunteers and partners), and will support the prosecution of the perpetrators of such activity where appropriate.

Appendix 2 attached details the expectations of Trustees as detailed by

the Charity Commission.

## **2. Main Aspects of Anti-Terrorism Law:**

There are three main aspects of anti-terrorism law which might affect Barnardo's:

### **▪ Proscribed persons and groups**

There is a total ban on promoting or supporting individuals and groups listed on the UK proscribed list which is maintained by the Home Office (link in Appendix 5).

This includes most contact with such proscribed persons and groups. Such contact can be a criminal offence both for the individual who makes contact and their employer, (i.e. our Trustees).

### **▪ Designated persons and groups**

The UK government makes terrorist asset freezing orders which make it illegal for anyone to make payments to any person or organisation "designated" as terrorists.

Designation orders extend to companies and assets owned by a designated group anywhere in the world. For this purpose, 'ownership' includes considering relevant parent companies of the organisation in question and **all** Ultimate Business Owners (UBOs).

The UK Designated List is maintained by the Treasury, otherwise referred to as the Economic Sanctions List, (link in Appendix 5).

There are similar lists for the UN, US and EU (as well as certain other countries). Such lists will be relevant to Barnardo's where partnering with or accepting donations from individuals or organisations in such countries, or where the parent company or UBOs of such companies are in such countries.

### **▪ Prevent Programme**

The aim of the Prevent Programme is to prevent people from being drawn into terrorism/being subjected to extremist views or radicalisation.

The requirements on Barnardo's relating to the Prevent Programme are covered in the **Safeguarding Children and Adults at Risk policies**. Reference must be made to these policies for the relevant requirements.

**Appendix 3** attached provides some general ways in which Barnardo's may be abused for terrorist purposes (other than in relation to activities covered by Prevent).

## **3. Recruitment and Ongoing Monitoring:**

All Barnardo's Trustees, Company and Corporate Directors must be screened in line with our compliance screening procedures (see Appendix 5) on recruitment/appointment. Trustees must also be screened every three years thereafter whilst in our employment/connected with Barnardo's. Adherence to these procedures is owned by the Director of People.

## **4. Know Your Donor:**

Barnardo's will not accept donations from any party (individual or



corporate) where there is a belief or suspicion that they may be connected with terrorism. Donors assessed as high risk (as per the Due Diligence (Acceptance and Refusal of Donations) Policy) must be screened by the relevant Responsible Person in relation to potential terrorism risks in line with our compliance screening procedures detailed in Appendix 5.

#### **5. Know Your Partner:**

Barnardo's will not engage with or partner any organisation for the provision of services where there is a belief or suspicion that they may be connected with terrorism. As such:

- all partners other than those on the exceptions list detailed in Appendix 4 attached must be screened by the relevant Responsible Person in line with our compliance screening procedures detailed in Appendix 5. This must be undertaken both prior to initial contract and then at least every three years thereafter whilst they remain connected with Barnardo's, or contract renewal whichever is earlier; and
- robust anti-terrorism policies, rights and obligations must be included in our partner contracts, including ensuring that they appropriately screen any relevant employees and partners against proscribed and designated lists in the UK and their country of residence. This includes ensuring that all non UK employees are screened as appropriate.

Further detail can be obtained from the Commercial Director or the Legal Counsel.

#### **6. Know Your Beneficiary:**

Barnardo's operates relevant approaches to knowing its services and beneficiaries, which are based on undertaking appropriate risk assessments on the services and beneficiaries both prior to commencing the service/working with the beneficiary and throughout our involvement with them. In relation to potential risks connected with terrorism, this includes, but is not limited to, relevant Responsible Persons taking reasonable steps to ensure that:

- where the risks are deemed high, further due diligence is undertaken on both the potential risks connected with the service prior to Barnardo's providing it and on the potential beneficiaries; and
- it is appropriate for Barnardo's to provide assistance to potential beneficiaries, in terms of them meeting the eligibility criteria; there being no concerns that our assistance will not be used as intended; and there are no potential reputational or other risks associated with the service's provision.

For example, in relation to grants provided by Barnardo's they are subject to review by at least two people with the relevant skills and authorisation level to approve the award, with appropriate verification of the proposed recipient and all documentary evidence being retained.

For further information, please see the Risk Assessment requirements prior to new services being taken on and/or on relevant beneficiaries.

## **7. Organisations Leasing or Renting Barnardo's Property:**

Barnardo's will not lease or rent property to any individual or organisation where there is a belief or suspicion that they may be connected with terrorism. As such, all potential renters / lessees (other than one off event lessees) must be screened by the Responsible Person in line with our compliance screening procedures detailed in Appendix 5, both prior to the initial renting and at any renewal of the lease (unless they are on the exception list in Appendix 4).

## **8. Other:<sup>2</sup>**

Screening in line with Appendix 5 is also required to be undertaken by relevant Responsible Persons for the following:

- non-UK based event organisers and/or events not taking place in the UK (mandatory for high risk locations, recommended for other); and
- hotels in medium to high risk jurisdictions which are not booked directly through an approved travel supplier, where they are known to screen the organisations appropriately.

For this purpose, a high risk location is any country with a high risk of terrorist incidents, high numbers of proscribed or designated individuals or organisations or where they are assessed as high risk as per Transparency International's Corruption Index.

***If you are in doubt about who to screen consult Company Secretariat.***

## **9. Record Keeping Requirements:**

Any relevant due diligence screening documents must be retained for the relevant periods outlined below:

- Trustees and Directors who are screened – minimum of three years following them ceasing to be involved with Barnardo's;
- donors – minimum of three years following the acceptance of the donation;
- partners – minimum of three years where the contract is never entered into; or the duration of the Service/Contractual Partner relationship and for a period of three years thereafter if Barnardo's enters into the contract; and
- renters, where the contract is entered into – minimum of one year post the screening or completion of the rental period, whichever is the longer.

## **10. Risk Assessment:**

The Policy Owner, with assistance from relevant individuals, such as those involved in fundraising, tendering and procurement, will undertake a detailed risk assessment of the terrorism risks facing

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<sup>2</sup> This list will change as the process develops and further guidance is received from the Charity Commission or through contact with other charities/wider charity sector debate.

Barnardo's at least every two years, using this to inform required changes to this policy, any associated processes and procedures or training/awareness messaging as required.

### **11. Communication and Training Requirements:**

To facilitate the appropriate understanding and embedding of this policy and its associated processes and controls:

- there must be periodic communication of the importance of appropriate adherence to this policy and its associated processes and procedures; and
- all Trustees, employees and volunteers receive training/are made aware of the requirements of this policy as part of their induction process with suitable reminders of the importance of adherence to the policy at regular intervals thereafter.

### **12. Reporting and Enforcement:**

If you believe, suspect, have a reasonable cause to suspect or know about any terrorist activity, terrorist funding or the glorification of terrorism, or are aware that one or more of the controls in this policy are not in place, or are not being followed appropriately, which may put Barnardo's at risk of being party to or potentially committing a terrorist offence, please immediately contact the relevant Nominated Officer, namely:

- the Corporate Director Children's Services (England), (or, if unavailable, the Head of Corporate Safeguarding), where the concern is in relation to (one or more) beneficiary/ service user(s), their families or processes and procedures as detailed in the relevant Safeguarding Policy; or
- the Corporate Director for Business Services (or, if unavailable, the Director of Corporate Audit and Investigations (CAIU) or the Company Secretary), if the concern is in relation to any other relevant party (e.g. employee, donor, partner, lessee or other) or process in relation to this policy.

This requirement applies to any belief or suspicions that may relate to individuals or organisations connected with Barnardo's outside of their specific role or activity with Barnardo's.

The Corporate Director Children's Services (England) or the Corporate Director for Business Services (as applicable), together with such parties as may be appropriate are accountable for reviewing the notification and undertaking the next steps.

Any serious incident must be reported to the Charity Commission under mandatory reporting rules. Commission Guidance states that any breach of anti-terrorism laws, however minor, qualifies as a serious incident, which it will normally investigate. For more serious infractions, our Trustees could be permanently disqualified under new rules which came in during 2015. Such notifications if required will be made by the Company Secretary in line with normal processes.

<p><b>Associated Guidance and Other Documents of Note</b></p>	<p>The requirements in this policy should be considered alongside the requirements of the following policies:</p> <ul style="list-style-type: none"> <li>▪ Anti Money Laundering Policy</li> <li>▪ Anti Bribery and Corruption Policy</li> <li>▪ Safeguarding Children and Adults At Risk Policies</li> <li>▪ Due Diligence (Acceptance and Refusal of Donations and Working with Third Parties) Policy</li> <li>▪ Lead Contractor/Partner and Sub Contractor Due Diligence Processes</li> <li>▪ Procurement Policy</li> </ul>
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<p><b>References</b></p>	<p>For additional information, please refer to the following:</p> <ul style="list-style-type: none"> <li>▪ Charity Commission Guidance – Chapter 1 of the Compliance Toolkit (Charities and Terrorism)</li> <li>▪ Relevant Legislation, namely: <ul style="list-style-type: none"> <li>○ The Terrorism Act 2000</li> <li>○ The Anti-Terrorism, Crime and Security Act 2001</li> <li>○ Terrorism Act 2006</li> <li>○ Counter Terrorism Act 2008</li> <li>○ Terrorist Asset Freezing etc Act 2010 (and others, such as The Afghanistan (Asset Freezing) Regulations 2011 and The Al-Qaida (Asset Freezing) Regulations 2011)</li> <li>○ Terrorism Prevention and Investigations Measures Act 2011</li> <li>○ Protection of Freedoms Act 2012</li> <li>○ Counter Terrorism and Security Act 2015</li> </ul> </li> <li>▪ Proscribed and Designated Lists – both are on the UK.Gov site: <ul style="list-style-type: none"> <li>○ Proscribed List is maintained by the Home Office : <a href="https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2">https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2</a></li> <li>○ Designated List is maintained by the Treasury (otherwise referred to as the Economic Sanctions List): <a href="https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets">https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets</a></li> </ul> </li> </ul>
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<p><b>Compliance and Oversight</b></p>	<p>Compliance with this policy will be assured by:</p> <ul style="list-style-type: none"> <li>▪ <b>The Policy Owner:</b> reviewing relevant training records; and undertaking random reviews of employment processes, contracting processes and relevant due diligence records on a minimum annual basis;</li> <li>▪ <b>Internal Audit:</b> through periodic audits in line with the approved audit plan.</li> </ul>
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## Appendix 1 – Overview of Counter-Terrorism Legislation

**The Terrorism Act 2000** is the primary piece of counter-terrorism legislation in the UK, coming into force in February 2001. Other relevant legislation includes:

- The Anti-Terrorism, Crime and Security Act 2001
- Terrorism Act 2006
- Counter Terrorism Act 2008
- Terrorist Asset Freezing etc Act 2010
- Terrorism Prevention and Investigations Measures Act 2011
- Protection of Freedoms Act 2012
- Counter Terrorism and Security Act 2015

These create a number of offences related to terrorism, including fundraising for and the financing and support of terrorist activities, running terrorist training activities and encouraging terrorism. Collectively they also give:

- a number of powers to the police to help in investigating and dealing with terrorism;
- a power for the Home Secretary to 'proscribe' organisations;
- requirements to report suspicions around involvement in, funding of and glorifying of terrorism.

Under the Terrorist Asset Freezing etc Act 2010, persons or entities are designated because HM Treasury has reasonable grounds to suspect (in the case of an interim designation) or believe (in the case of a final designation) that:

- they are or have been involved in terrorist activity;
- are owned, controlled or acting on behalf of or at the direction of someone who does.

Overall there are numerous criminal offences for which Trustees and employees can be prosecuted under English Law alone. Some of the main ones are detailed below:

- **The Terrorism Act 2000** creates a number of offences including:
  - being a member of a proscribed organisation;
  - arranging a meeting to encourage support for a proscribed organisation or that's addressed by a person who belongs to one;
  - raising funds for or donating money to a proscribed organisation;
  - receiving or providing money or property where it's intended, or there's reasonable cause to suspect that it may be used for the purposes of terrorism;
  - facilitating the laundering of terrorist money; and
  - failing to report suspicions of terrorist finance offences to the police.

Of particular relevance in the Terrorism Act 2000 are the amendments made (by the Counter Terrorism Act 2008) to the reporting requirements of '**belief or suspicion of offences related to terrorist property**'. These requirements specifically apply to Charity Trustees.

- **The Terrorism Act 2006** includes other offences concerned with:
  - preparation of terrorist acts;
  - providing training for terrorism or receiving the training;
  - attending any place, whether in the UK or elsewhere, where terrorism training is being conducted; and
  - encouraging terrorism, including publishing statements that encourage and glorify terrorist acts.

- **The Terrorist Asset Freezing etc Act 2010** includes offences concerned with:
  - making funds, financial services or economic resources available to or for the benefit of a designated person; and
  - dealing with funds or economic resources owned, held or controlled by a designated person.
  
- **The Counter Terrorism and Security Act 2015** provides for a number of offences. In particular, it places the **Prevent Programme** on a statutory footing so that a specified authority must, in the exercise of its functions, have due regard to the need to prevent people from being drawn into terrorism/radicalisation. This new duty includes:
  - assess the risk of radicalisation in their Charity;
  - develop an action plan to reduce this risk;
  - train all employees to recognise radicalisation and extremism;
  - work in partnership with other partners;
  - establish referral mechanisms and refer people to Channel (a multi-agency process designed to safeguard vulnerable people from being drawn into terrorism); and
  - maintain records and reports to show compliance .

## Appendix 2 – Charity Commission’s Expectations – From Charities and Terrorism Guidance

Charity Trustees are custodians of their charity. They are publicly accountable, and have a responsibility and duty of care to their charity which will include taking the necessary steps to safeguard their charity and its beneficiaries from harm of all kinds, including links to or associations with terrorist activity and organisations or terrorist abuse.

- The commission expects Trustees to be vigilant to ensure that a charity’s premises, assets, staff, volunteers or other resources cannot be used for activities that may, or appear to, support or condone terrorist activities.
- Trustees must ensure that proper and adequate procedures are put in place and properly implemented to prevent terrorist organisations taking advantage of a charity’s status, reputation, facilities or assets.
- Trustees must consider and manage risks to the charity, whether operational, financial, or reputational, ensuring they exercise proper control over financial affairs and keeping accurate records.
- Trustees must ensure they and their charity comply with the law, including counter-terrorism laws.
- Trustees risk committing a criminal offence if they have financial dealings with someone who is a designated financial sanction target in the UK.
- Trustees risk committing a criminal offence if they are connected to, or support a proscribed organisation or designated person or entity.
- Trustees must report a belief or suspicion of offences connected to terrorist financing. They should do this using the Anti-Terrorist Hotline on 0800 789 321. If Trustees are concerned about an immediate threat to life and property they should contact the police immediately.
- Under the commission’s Reporting Serious Incidents regime, Trustees must report to the commission if their charity (including any individual staff, Trustees or volunteers) has any known or alleged link to a proscribed organisation or to terrorist or other unlawful activity as soon as they become aware of it.
- Trustees must not engage in conduct or activities which would lead a reasonable member of the public to conclude that the charity or its Trustees are associated with a proscribed organisation or terrorism generally.
- Where a charity representative or a charity’s activities may give, or appear to give, support to any terrorist activity, the commission expects the charity’s Trustees to take immediate steps to dissociate the charity from the activity.
- Indirect or informal links with a terrorist organisation pose unacceptable risks to the property of a charity and its proper and effective administration. Even if the link or association does not amount to a criminal offence, it is difficult to see how a charity could adequately manage the risks to the charity and find a way in which the Trustees could properly discharge their charity law duties and responsibilities.
- Where the risks are high, in order to fully discharge their duties, Trustees must check partners and individuals against the list of proscribed and designated organisations. *Whatever the level of risk, it is good practice to do so.*
- A designated person cannot be appointed as a Trustee. This is because a designated person cannot discharge all of his or her duties as a Trustee in the management and administration of a charity. If a Trustee is subsequently designated, they must resign from their position or they will be in breach of charity law.

### **Appendix 3 – Potential Ways Barnardo’s May Be Abused for Terrorist Purposes**

Firstly the Charity Commission makes it clear that, whilst clearly there are high risks for charities working Internationally, charities working solely in the UK may experience high risks as well as those operating abroad, although the nature of the risks are likely to differ.

The abuse of Barnardo’s for terrorist purposes may take a variety of different forms - our reputation, reach and our financial systems can all provide openings for terrorists. Commission experience shows, these are usually at greater risk from influences outside the charity, although abuse can also happen from within the charity or be carried out by someone connected to it. Abuse in Barnardo’s may occur in the following ways – this list is not exhaustive, and does not cover elements related to Prevent.

#### **Charity funding**

- Funds may be raised in our name, which are then used by the fundraisers for supporting terrorist purposes, without our knowledge.
- Where our funds are being moved from one place to another they could be diverted before reaching their intended recipients.
- Someone might exploit any vulnerabilities to launder money or use us as a legitimate front for transporting cash or other financial support from one place to another. This risk is increased if our financial controls are weak.
- The recipients of any funds / monies themselves could misuse the funds, a risk that increases if proper due diligence checks are not carried out first on the recipient.

#### **Use of charity assets**

- Individuals supporting terrorist activity may claim to work for a charity and trade on its good name and legitimacy in order to gain access to a region or community.
- We may suffer theft of our assets which are then used to fund terrorism. This is clearly more likely in high risk jurisdictions.

#### **Use of a charity’s name and status**

- Terrorist activities may be hidden by or take place alongside additional, and otherwise legitimate, charitable activities.
- We may inadvertently work alongside or with an individual/organization who are on / closely connected with organisations/individuals on the the Proscribed and Designated lists.

#### **Abuse from within a charity**

Although it is less likely than abuse by third parties:

- We may inadvertently lease or rent out our properties to individuals or organisations who are on/closely connected with organisations/individuals on the Proscribed and Designated lists, or who use the premises to promote terrorist activity.



## **Appendix 4 – Organisations Which Do Not Need to be Screened**

The following organisations do not need to be screened using our compliance screening procedures:

- UK Government and public sector bodies, (including NHS Trusts, Local Authorities etc)
- EU Commission and EU Agencies
- EU Member state government departments and agencies
- UK, EU and US registered charities
- World Bank and other Development Banks
- UK regulated financial institutions (although if owned overseas need to screen parent company unless in EU or US)
- UK universities (although individual students are not excepted).

## **Appendix 5 – Compliance Screening Procedures**

Where screening is required as detailed in this policy, it must be undertaken in line with the requirements outlined below. In all cases, when screening an organisation, it is necessary to screen the organisation and any UBOs of that organisation.

### **Adverse Media Screening**

This involves a general search in relevant media (either using relevant software, or Google Search) to identify any potential adverse news related to terrorism, sanctions, money laundering, other financial crime, bribery or corruption.

### **UK Lists**

All parties which need to be screened must be screened against the UK lists on UK.Gov. The proscribed list is kept by the Home Office while the Treasury keeps the designated list (also known as the economic sanctions list).

**Proscribed list:** <https://www.gov.uk/government/publications/proscribed-terror-groups-or-organisations--2>.

**Designations list:** <https://www.gov.uk/government/publications/financial-sanctions-consolidated-list-of-targets>.

### **Other Countries**

Where the individual or organisation (including any parent organisation or UBO) is resident/domiciled in another country, then you must screen against the proscribed and designated lists for those countries as well as the UK.

***If you are in doubt about who to screen or against which lists please consult Company Secretariat.***

### **Output of Screening**

Once screened, if it is a negative match, you must:

- print off a copy of the adverse screening result to append to the relevant documentation, signed and dated by the individual who undertook the check; and
- insert a comment on the approval process / relevant due diligence documentation, stating what lists were screened, who by, confirming a negative match and then signed and dated.

Screening results should be printed and attached to the contract/subcontract for signature or stored within your area. Contracts without screening results attached will not be processed by Finance or Legal.

The Director of People (for Recruitment and Ongoing Monitoring) or Responsible Person (for Know Your Donor, Know Your Partner and Know Your Beneficiary processes or arranging the letting or leasing of one of Barnardo's premises) is accountable for ensuring that the above requirements are met, including storing the negative screening results in line with the requirements outlined in Section 9.

### **Positive Matches**

Consideration will be given to accessing relevant software for the screening process. In the meantime, if there is a potential match against one or more of the lists based on the name, (either a direct name match or a near match (slight difference in the spelling)), then the match should be referred to Company Secretariat, the BDU compliance lead or the Fundraising Compliance lead as appropriate to consider the next appropriate step.

**Document Control****Version History:**

<b>Version</b>	<b>Date</b>	<b>Author</b>	<b>Status</b>	<b>Comment</b>
0.1	25/8/2017	Sheree Howard	Draft	Initial draft
0.2	27/9/2017	Sheree Howard	Updated Draft	Updated version following comments from various parties.
0.3	14/11/2017	Sheree Howard	Updated Draft	Updated version following comments from the CLT.
0.4	5/1/2018	Sheree Howard	Updated Draft	Updated version following further comments from the CLT.
0.5	18/1/2018	Sheree Howard	Final Draft	Updated version following comments from the Trustees.
1.0	22/01/2019	James Sherrett	Final	Minor amendments before finalisation and publication