

# Martyn's Law

## The Protect Duty

### Risk Insight

#### Introduction

The UK Governments' response to terrorism is contained in an integrated counter terrorism strategy called CONTEST. The strategy is organised around four work streams, each comprising a number of key objectives:

- > **Pursue:** to stop terrorist attacks.
- > **Prevent:** to stop people becoming terrorists or supporting terrorism.
- > **Protect:** to strengthen our protection against a terrorist attack.
- > **Prepare:** to mitigate the impact of a terrorist attack.

It is also appropriate for you to prepare your own documented strategy detailing your local response.

#### Duty to Protect

The new 'Protect Duty' will require eligible locations where qualifying activities take place to improve security measures to protect the public against terrorist attacks. It aims to do so by implementing a duty which requires the owners of these locations to:

- > Assess the risk of terror attacks at crowded public places.
- > Implement measures, as far as is reasonably practicable, to reduce the risk of terror attacks.
- > Have in place robust plans to respond to a terror attack.

The fundamental responsibility and accountability will be the person or persons in control of a premises.

#### Terminology

There are a few terms used which are relevant:

- > **Public spaces** are open public locations which usually have no clear boundaries or well-defined entrances / exit points (e.g., city centre squares, bridges or busy thoroughfares, parks, and beaches).
- > **Public venues** are permanent buildings (e.g., entertainment and sports venues) or temporary event locations (such as outdoor festivals) where there is a defined boundary and free access to the public.
- > **Public accessible locations** are any place to which the public or any section of the public has access, on payment or otherwise, as of right or by virtue of express or implied permission.

Publicly accessible locations may include a wide variety of everyday locations such as: sports stadiums; festivals and music venues; hotels; pubs; clubs; bars and casinos; high streets; retail stores; shopping centres and markets; schools and universities; medical centres and hospitals; places of worship; Government offices; job centres; transport hubs; parks; beaches; public squares and other open spaces. This list is not exhaustive.

An important principle of protective security is that it should, wherever possible, use simple and affordable interventions that protect and reassure the public, while deterring would-be attackers with minimal adverse impact on the operations, activities or people's experiences.

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## A Tiered Approach

The legislation will introduce a tiered model that is linked to the type of activity that takes place at the eligible locations and the number of people (occupancy) that the location can safely accommodate at any time.

The requirements for each tier are:

- > **Standard:** will drive good preparedness outcomes. Locations with a maximum occupancy of greater than 100 people at any time will be required to undertake low-cost, simple yet effective activities to improve protective security and preparedness. This will be achieved by the development of a basic preparedness plan considering how best a location can respond to a terrorist event in their locale.
- > **Enhanced:** focused on high-capacity locations in recognition of the potential consequences of a successful attack. Locations with an occupancy of 800+ at any time will additionally be required to conduct a risk assessment and develop and implement a security plan. Enhanced duty holders will be required to meet a reasonably practicable test.

Locations with a maximum occupancy at any time of less than 100 will fall out of scope, however, they will be encouraged to adopt good security practices on a voluntary basis. This will be supported by free guidance and training materials.

To ensure that Martyn's law is agile and responsive, Government will have the ability to adjust capacity thresholds in response to changes in the nature of the terrorist threat.

## Eligible Locations

The Protect Duty will apply to eligible locations which are either:

- > A building (including collections of buildings used for the same purposes, e.g., a campus); or
- > A location / event (including a temporary event) that has a defined boundary, allowing capacity to be known.

Eligible locations whose maximum occupancy meets the above specified thresholds will be then drawn into the relevant tier. This would include, for example, music festivals, and other outdoor events where there are known and controlled boundaries in place.

## Risk Management Process

Organisations are likely to have already established risk management processes in place. It is anticipated that risk assessments required by the duty should demonstrate:

- > The range of threats that have been considered.
- > The steps that have been subsequently taken to mitigate these threats.
- > The steps that have been taken to prepare for and / or respond in the event of an attack.
- > Where steps have not been taken, the reasons why.

Risk assessments will need to be reviewed by the duty holder, at least once a year, and as and when circumstances change, for example following changes to the:

- > **External risk context** – for example, a significant terrorist attack in the UK, a change in the Government national terrorism threat level assessment, or a change to the likelihood of threat methodologies).
- > **Internal risk context** - for example, following an expansion of an organisation's premises and / or staff numbers, or a change in the business model, such as a restaurant starting to serve customers outside.

Developing an evidence base to support these risk assessments, ensures that organisations have the information to assist a formal inspection regime. Supporting evidence might include:

- > A brief summary of risks and actions considered and subsequently taken.
- > Completion certificates from appropriate staff training courses.
- > Evidence of physical security measures implemented, such as door locks, roller shutters and gates.
- > Evidence of attack response plans and records of testing with staff.

## Vulnerability Risk Assessment

To prepare a vulnerability risk assessment organisations require up-to-date information on threats. Counter Terrorist Security Advisors (CTSA's) are individuals who work within local police forces as officers and staff. Their primary role is to provide help, advice and guidance on all aspects of counter-terrorism protective security to industry sectors and others.

Support can also be provided by a local authority, access to the Counter Terrorism Business Information Exchange sub-sectors and attending the Action Counters Terrorism (ACT) events.

Regular briefings by a dedicated CTSA enables them to release information from any counter terrorism investigation that identifies that an organisation is being targeted.

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Organisations can then complete appropriate risk assessments based on all the available information. The risk assessment would cover all current threat spectrums. Although security measures may not be necessary for the least serious risks, it would be expected to include assessments for most attack types and justification for not implementing specific mitigations or CTSA recommendations.

This risk assessment should include a pre-written plan for mitigation actions and be understood by all key staff throughout the site, for example if the terrorist threat level moved to critical. This can be completed via a number of mechanisms such as specific training, formal toolbox talks or briefings etc. All of which should be recorded and retained.

## Response Plans

The main motivation for implementing a Protect Strategy was the realisation that even after events like the Manchester Arena bombing in 2017 many organisations are still not prepared. An essential element of the duty will be ensuring response plans have been prepared and tested.

## Engagement

Readiness testing encourages organisations to think about weaknesses. If a readiness exercise has not been undertaken before, it can be imagined as a slightly more 'live' risk management process that is undertaken nearer to an event (or maybe annually for a venue). It sits between long-term risks and event checks to test processes, people and equipment, and make sure organisations have what is needed to welcome visitors.

## Collaboration

If organisations begin readiness planning a number of months before the big event, or are in perpetual planning for a venue, there is time to be collaborative. Building out readiness programmes broadly across the organisation and in partnership with SAGs (Safety Advisory Groups) and local authorities. These different perspectives are essential, as there is reliance on these groups on event day, so it is essential that they are fully integrated into readiness plans.

## Action

For readiness programmes to be effective, organisations must test, learn and act - it is no good doing only one or two of those things. A three-step plan to respond to terrorist incidents called Guide, Shelter and Communicate needs to be in place.

- > **Guide** - Direct people towards the most appropriate location (e.g., invacuation, evacuation, hide).
- > **Shelter** - Understand how the place or space might be able to be locked down and used to shelter people within it for several hours.
- > **Communicate** - Have a means of communicating effectively and promptly with users of the place or space and have staff capable of giving clear instructions.

Test that plan, learn from what went well and what did not, and act to make the plan function more effectively when it is tested again. Action should be taken to address any weaknesses.

## Training

Readiness is a training exercise too. It is about testing anything that impacts on the management of a venue: processes, places, equipment, and people. Use the readiness testing as a training exercise for staff to conduct the processes that have been devised in that plan. Especially when introducing new policies, allow the staff who will be working on event day to get familiar with this work and build up experience. This should be verified but a programme of frequent monitoring to ensure effective.

## References

[The United Kingdom's Strategy for Countering Terrorism](#)

[Security Checklist for Businesses](#)

[CPNI Physical Security hub](#) Accessed 6/1/2023

[CPNI advice on Hostile Vehicle Mitigation](#) Accessed 6/1/2023

[Action Counters Terrorism \(ACT\) e-learning](#) Accessed 6/1/20

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