



# **Analysis of the Government Response Document to the Protect Duty**

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**Date:** January 2022

**CORPS**  
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The Government published the “[Protect Duty Consultation Government Response Document](#)” on 10th January 2022. This document has been heavily anticipated and awaited as it is the first formal response to the Protect Duty Consultation that ran from February 26th 2021 to 2nd July 2021. More information on the first Protect Duty Consultation can be found in the Corps Relay Special Bulletin titled Protect Duty – [A Summarised Overview](#).

The Government Response Document summarises the responses to the original consultation without providing much narrative in the way the responses have been received or are likely to be interpreted in any future legislation. There were a total of 2755 individual or organisational responses to the consultation, which are broken down in the following way:

Response Method	Stakeholder <sup>1</sup> Response	Non-stakeholder response	Campaign Responses	Total
Online form	479	1785	0	2264
E-mail	0	195	296	491
Total	479	1980	296	<b>2755</b>

Fig 1 – Table breakdown of how organisations/individuals submitted their responses taken from Protect Duty Consultation Government Response Document

It should be noted that ‘Stakeholder’ has been defined as ‘owning; operating; being responsible for security; or having business dealings, representing the views of, or working in a business of, one or more publicly accessible location(s)’ (the definition of a publicly accessible location can be seen overleaf).

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The initial consultation included a number of definitions to help guide the respondents, including:

Large organisations	Organisations with 250 or more employees
Public Venues	In the Protect Duty context these are permanent buildings (e.g. entertainment and sports venues) or temporary event locations (such as outdoor festivals) where there is a defined boundary and open access to the public
Public spaces	These 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).
Publicly Accessible Location (PAL)	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 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.
Reasonably practicable (mitigations)	Requires owners/operators to weigh a risk against the effort, time and money needed to mitigate it.

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There are notable absences in defining certain areas which were identified by respondents, possibly most noticeably the absence of a definition of what a “qualified professional” in relation to the completion of a Security Risk Assessment would be. This was included as a notable response to question 58 and the Government Response Document does not elaborate on their views on this, however, respondents did identify they believed the Government could assist by:

- developing standards for counter-terrorism risk assessments and advice
- supporting accredited training and qualifications for individual security professionals
- supporting the regulation of counter-terrorism consultants
- and a Government-regulated Approved Contractors Scheme

The Government Response Document follows the sections of the original document in structuring its response. A very brief overview of the key notes from each section are:

- **Section 1: Who (or where) should legislation apply to?**
  - 70% of respondents agreed those responsible for PALs should take reasonably practicable measures to protect the public from attacks
  - 70% of respondents agreed those responsible for PALs should train their staff to respond appropriately in the event of a terrorist attack on their site
  - General consensus was that the duty should apply to large organisations and not necessarily to micro-organisations (1-9 employees)
  - 58% of respondents believed the Duty should apply to all organisations (excluding those with existing legislation)
  - The response to which venues the Duty should apply to yielded a suggestion of venues with capacity for 100 or more patrons as the most common response

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## • **Section 2: What should the requirements be?**

- This section demonstrated a strong desire for the Protect Duty to ensure accountability for events organisers and senior level leaders in venues and organisations
- There is a general desire for clear roles and responsibilities to be mandated
- Only half of the respondents that own/operate PALs currently conduct risk assessments that consider the threat of terrorism
- This section included a recurring theme of concern that the Protect Duty could negatively impact organisations financially
- The most common mitigation measures currently taken were identified as:
  - liaison with police or other resource (e.g., security consultant) on threats and appropriate security measures
  - work to ensure security behaviours are adopted by the workforce
  - staff training to raise awareness of the threat and what to do

## • **Section 3: How should compliance work?**

- Just over 50% of those that responded to the question on an inspectorate responsible for overseeing the Protect Duty were in favour
- Just under 50% of those that responded to the question on an inspectorate responsible for overseeing the Protect Duty considered this approach to be too heavy handed
- The response to the use of civil penalties to ensure compliance was almost identical to the previous response on the inspectorate

## • **Section 4: How should Government best support and work with partners?**

- Just over half the respondents that owned/operated PALs currently accessed information regarding threats and mitigations provided by the Government
- Nearly 80% of respondents indicated they would use a digital service being developed by CT Policing, the Government and the private security sector that will provide relevant counter-terrorism material, advice and training
- The majority of respondents believed a digital platform dedicated to the Duty, including useful resources/materials and risk assessment templates, would be the most helpful compliance mechanism
- A common theme was the necessity to ensure a bespoke approach is followed rather than a one-size-fits-all approach.

Whilst the Government Response Document provides details of the responses to the public consultation document, it stops short of giving any indication as to how any of this information will be implemented in any future legislation. In short, reviewing the Government Response Document does not provide any greater detail about the impending Protect Duty than the content of the initial consultation document did, although it does capture the views of a proportion of the business community the Duty is likely to affect.

It is of note that the consultation was mainly engaged with by those that had an awareness of the potential Duty and had a professional interest in it, most of which felt that it could impact on their business. The breakdown of respondents, by size of organisation, was:

- 32% worked for a large organisation (250+ employees)
- 29% worked for a micro-organisation (1-9 employees)
- 12% stated “not applicable”
- 11% worked for a small organisation (10-49 employees)
- 11% worked for a medium organisation (50-249 employees)
- 5% did not know their organisation’s size

Whilst 29% of Respondents were from the micro-organisation group, and 32% were from large organisations, the combined 51% (approximately 1,405 Respondents) still falls significantly short of being representative of both those groups, especially when it is possible that certain businesses/organisations could have provided multiple responses.

It is, therefore, necessary to appreciate the Government Response Document for what it is, namely a document providing details of the views of individuals that are likely to have a pre-existing interest in the Protect Duty, rather than mistakenly qualifying the document as being representative of the whole of the UK. By extension, if the Protect Duty is extended to incorporate the full list of businesses it has potential to, it is likely that a wider range and number of businesses will be affected that were not involved in the initial Protect Duty Consultation.



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