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| ONR GUIDE | | | |
| LOCAL POLICE OPERATIONS TO SUPPORT THE DUTYHOLDER | | | |
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1. INTRODUCTION

- 1.1 The Office for Nuclear Regulation (ONR) has established a set of Security Assessment Principles (SyAPs) (Reference 7). This document contains Fundamental Security Principles (FSyPs) that dutyholders must demonstrate have been fully taken into account in developing their security arrangements to meet relevant legal obligations. The security regime for meeting these principles is described in security plans prepared by the dutyholders, which are approved by ONR under the Nuclear Industries Security Regulations (NISR) 2003 (Reference 1).
- 1.2 The term 'security plan' is used to cover all dutyholder submissions such as nuclear site security plans, temporary security plans and transport security statements. NISR Regulation 22 dutyholders may also use the SyAPs as the basis for Cyber Security and Information Assurance (CS&IA) documentation that helps them demonstrate ongoing legal compliance for the protection of Sensitive Nuclear Information (SNI). The SyAPs are supported by a suite of guides to assist ONR inspectors in their assessment and inspection work, and in making regulatory judgements and decisions. This Technical Assessment Guidance (TAG) is such a guide.

2. PURPOSE AND SCOPE

- 2.1 This TAG contains guidance to advise and inform ONR inspectors in exercising their regulatory judgment during assessment activities relating to a dutyholder's arrangements to facilitate local police force support to the site, particularly in respect of response to security events. It aims to provide general advice and guidance to ONR inspectors on how this aspect of security should be assessed. It does not set out how ONR regulates the dutyholder's arrangements. It does not prescribe the detail, targets or methodologies for dutyholders to follow in demonstrating they have addressed the SyAPs. It is the dutyholder's responsibility to determine and describe this detail and for ONR to assess whether the arrangements are adequate.

3. RELATIONSHIP TO RELEVANT LEGISLATION

- 3.1 The term 'dutyholder' mentioned throughout this guide is used to define 'responsible persons' on civil nuclear licensed sites and other nuclear premises subject to security regulation, a 'developer' carrying out work on a nuclear construction site and approved carriers, as defined in NISR. It is also used to refer to those holding SNI.
- 3.2 NISR defines a 'nuclear premises' and requires 'the responsible person' as defined to have an approved security plan in accordance with Regulation 4. It further defines approved carriers and requires them to have an approved Transport Security Statement in accordance with Regulation 16. Persons to whom Regulation 22 applies are required to protect SNI. ONR considers policing and guarding to be an important component of a dutyholder's arrangements in demonstrating compliance with relevant legislation.

4. RELATIONSHIP TO IAEA DOCUMENTATION AND GUIDANCE

- 4.1 The essential elements of a national nuclear security regime are set out in the Convention on the Physical Protection of Nuclear Material (CPPNM) (Reference 4) and

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the IAEA Nuclear Security Fundamentals (Reference 3). Further guidance is available within IAEA Technical Guidance and Implementing Guides.

- 4.2 Fundamental Principle K of the CPPNM refers to the production of contingency plans to respond to unauthorised removal of nuclear material or sabotage of nuclear facilities. The importance of being able to respond, and respond effectively is reinforced by Essential Element 11: Planning for, preparedness for, and response to, a nuclear security event, specifically – 3.12 (a): developing arrangements and response plans for ensuring rapid and effective mobilisation of resources in response to a nuclear security event; and, effective coordination and cooperation.
- 4.3 A more detailed description of the elements is provided in Recommendations level guidance, specifically Nuclear Security Series (NSS) 13, Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (INFCIRC/225/Revision 5) (Reference 2). Sections 4 and 5 of this document contain specific measures for armed response forces in the prevention of theft or sabotage against nuclear facilities and nuclear material in use and storage. In particular, paragraph 4.15 states that provision should be made for detecting unauthorised intrusion and for appropriate action by sufficient guards and/or [armed] response force to address a nuclear security event.

5. RELATIONSHIP TO NATIONAL POLICY DOCUMENTS

- 5.1 The SyAPs provide ONR inspectors with a framework for making consistent regulatory judgements on the effectiveness of a dutyholder's security arrangements. This TAG provides guidance to ONR inspectors when assessing a dutyholder's submission demonstrating they have effective processes in place to achieve SyDP 9.2 – Local Police Operations in Support of the Dutyholder of FSyP 9 – Policing and Guarding. The TAG is consistent with other TAGs and associated guidance and policy documentation.
- 5.2 The HMG Security Policy Framework (SPF) (Reference 5) describes the Cabinet Secretary's expectations of how HMG organisations and third parties handling HMG information and other assets will apply protective security to ensure HMG can function effectively, efficiently and securely. The security outcomes and requirements detailed in the SPF have been incorporated within the SyAPs. This ensures that dutyholders are presented with a coherent set of expectations for the protection of nuclear premises, SNI and the employment of appropriate personnel security controls both on and off nuclear premises.
- 5.3 The Classification Policy (Reference 6) indicates those categories of SNI, which require protection and the level of security classification to be applied.

6. ADVICE TO INSPECTORS

- 6.1 Local police forces have a role to play in providing a response to security events at nuclear premises. However, the nature of this response will vary according to the nature of the event (e.g. terrorist, criminal or civil disorder) and whether the site Physical Protection System (PPS) incorporates a deployment of CNC Authorised Firearms Officers.

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- 6.2 This TAG informs regulatory assessment of the dutyholder’s policing and security guarding arrangements and in particular the integration of their security arrangements with the local police force (Home Office or Police Scotland) to deliver the required outcome. The local police force may be responding to support CNC armed officers in achieving the required outcome or acting as the first responders at sites where the CNC is not deployed.

Regulatory Expectation

- 6.3 The regulatory expectation is that the dutyholder demonstrates within their security plan how they implement arrangements that facilitate local police force operations in response to security events.

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| FSyP 9 - Policing and Guarding | Local Police Operations in Support of the Dutyholder | SyDP 9.2 |
| Dutyholders should facilitate local police forces’ provision of support by way of assistance to the CNC or delivering a response to the site in respect of terrorist, criminal or protest activity. | | |

7. FACILITATION OF LOCAL POLICE FORCE RESPONSE

- 7.1 In order to facilitate an effective response the dutyholder should understand and acknowledge the statutory responsibilities of relevant local police force(s) by accurately describing expected activities and interactions in their security plans and operational procedures. This responsibility includes the local force policing of anti-nuclear and environmental demonstrations in the vicinity of the licensed nuclear site or nuclear premises.
- 7.2 Dutyholders should work with the CNC and/or local police force to create and maintain integrated plans covering tactical and operational policing arrangements as they affect their site. The plans should clarify command, control and communication arrangements for a security event and be based upon a shared understanding of risks and threats, and the capability of a local police force to respond to these. Such arrangements should be included within the security contingency plan.
- 7.3 The dutyholder should also facilitate and provide an appropriate level of support to the CNC and local police forces in the discharge of their duties under the Coordinated Policing Protocol. The Coordinated Policing Policy is a broad document and likely to form the basis of more detailed, site specific, protocols and arrangements between the CNC and Local Forces. The document is open source and available for download from www.gov.uk/government/publications.
- 7.4 Op SHIELDING is the multi-agency, national working group that provides an agreed framework for Counter Terrorism Security Advisors (CTSAs) to act as a conduit for host force engagement, as appropriate, in the protection of civil licensed nuclear sites within their force area. This operation provides a central focus for Counter Terrorism integrated planning. Dutyholders should demonstrate that they have suitable arrangements in place to manage intelligence they receive from CTSAs and facilitate

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and support Operation SHIELDING meetings through engagement with their local CTSA.

8. STATUTORY RESPONSIBILITIES OF THE HOME OFFICE POLICE FORCES

- 8.1 The **Police Act 1996** sets out the legal framework for policing in England and Wales. All statutory references in this Guidance refer to that Act unless indicated otherwise. This Guidance uses the term 'policing bodies' to refer to Police and Crime Commissioners, the Mayor's Office for Policing and Crime, and the Common Council for the City of London (in its capacity as a police authority). In respect of the collaboration provisions in the Act, the term also includes the police authorities for British Transport Police, Ministry of Defence Police and the Civil Nuclear Constabulary.
- 8.2 The **Police Reform and Social Responsibility Act 2011** established police and crime commissioners (PCCs) within each police force area in England and Wales, with the exception of London. The 2011 Act gives PCCs responsibility for policing within their force area. It further requires them to hold their force's Chief Constable to account for the operational delivery of policing, including in relation to the Strategic Policing Requirement published by the Home Secretary.
- 8.3 The 2011 Act does not impinge on the common law legal authority of the office of constable, or the duty of constables to maintain the Queen's Peace without fear or favour. It is the will of Parliament and Government that the office of constable shall not be open to political interference.
- 8.4 A constable will be under the direction and control of his/her chief officer unless direction and control is transferred to another chief officer as is permitted under sections 22A or 24 of the Act.

9. STATUTORY RESPONSIBILITIES OF POLICE SCOTLAND ON LICENCED FACILITIES WITHIN SCOTLAND

- 9.1 The Criminal procedure (Scotland) Act 1995 consolidated legislation relating to criminal procedure in Scotland. Part II provides the Police with powers of arrest and a legal framework in which to conduct their duty.
- 9.2 The Police and Fire Reform (Scotland) Act 2012 established the Scottish Police Authority as a public body of the Scottish Government which holds Police Scotland, the national police service, to account. Both bodies were established on 1 April 2013 when a single police service was created to replace the existing eight forces, the Scottish Crime and Drug Enforcement Agency, and the Scottish Police Services Authority.
- 9.3 The Criminal Justice (Scotland) Act 2016 comes into force in early 2017 and will set out the legal format for Policing in Scotland.

10. INTEGRATED PLANNING

- 10.1 All security systems at nuclear premises are expected to deliver one of four outcomes, details of which can be found at FSyP 6 - Physical Protection Systems; specifically within associated SyDPs and TAGs covering PPS Outcomes. Where dutyholders are required to meet the most demanding outcome, CNC officers may support the PPS. However, a local police force response remains an important component of this system

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and will be fundamental in achieving the required security outcome, particularly where the CNC are not routinely deployed.

- 10.2 Dutyholders will be expected to demonstrate the necessary level of stakeholder engagement in order to develop integrated plans and the necessary enabling arrangements to provide them with the highest probability of success. There may be 'off-site' response planning to a range of potential threats and risks identified within CNC and/or Local force Strategic Threat and Risk Assessments which may include licenced sites and/or dutyholder activity. Such activity is likely to include input from the CTSA and will be informed by the Coordinated Policing Protocol between the Civil Nuclear Constabulary & Home Office/Scottish Police Forces (otherwise known as the 'Coordinated Policing Policy' (Reference 8). The Coordinated Policing Protocol is a broad document and likely to form the basis of more detailed, site specific MOUs, protocols and arrangements between the CNC and Local Forces.
- 10.3 Effective nuclear security relies on good communication between the dutyholder and the local police force. The dutyholder is likely to use the local CTSA to facilitate much of the engagement with the Local Force. Establishing a trusted working relationship between the dutyholder's organisation and CTSA is likely to be critical to successfully achieving the relevant security outcome.
- 10.4 The frequency of meetings between the dutyholder, the local force and where relevant the CNC, should be appropriate to enable delivery of the security objectives. Evidence of engagement also provides ONR with assurance that effective working relationships exist.
- 10.5 The dutyholder should invite ONR to these meetings when appropriate. Records of these meeting should be available to ONR if requested.
- 10.6 Functional areas that may benefit from the establishment of protocols between the dutyholder and the Local Force in responding to a nuclear security event include:
 - Immediate response, event management and consequence management.
 - Command, control and communications (C3) arrangements and responsibilities
 - Information/intelligence sharing
 - Reception, staging and integration of responders
 - Site familiarisation in regard to its functions, hazards and features

11. FACILITATION OF LOCAL FORCE ACTIVITY AND TRAINING

- 11.1 Dutyholders should facilitate and support the local police force's tactical and operational activity (including planning, training and exercising) required to enable their effective support in delivering relevant security outcomes and their statutory responsibilities. Details of this support could be contained within some form of written agreement.

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Inspectors should consider:

- Does the dutyholder acknowledge and understand the statutory responsibilities of the Home Office and Scottish Police forces?
- Is there appropriate integrated planning to respond to security incidents involving all stakeholders including the CNC?
- Does the dutyholder maintain appropriate liaison with local police forces?
- Are there written agreements between the dutyholders and local police forces?
- Does the dutyholder facilitate and encourage local police planning, training and exercising in support of contingency plans?
- Does the dutyholder ensure that 'joint' training and exercising occurs?
- Is the extent and nature of any local police response to a security incident recorded in the plan realistic?
- Is there evidence of effective communications between the site security control room, the CNC (as appropriate) and the local police force?

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12. REFERENCES

1. **Nuclear Industries Security Regulations 2003**. Statutory Instrument 2003 No. 403
2. **IAEA Nuclear Security Series No. 13**. Nuclear Security Recommendations on Physical Protection of Nuclear Material and Nuclear Facilities (**INFCIRC/225/Revision 5**). January 2011. www-pub.iaea.org/MTCD/Publications/PDF/Pub1481_web.pdf.
3. **IAEA Nuclear Security Series No. 20**. Objective and Essential Elements of a State's Nuclear Security Regime. http://www-pub.iaea.org/MTCD/Publications/PDF/Pub1590_web.pdf
4. **Convention on the Physical Protection of Nuclear Material (CPPNM)** <https://ola.iaea.org/ola/treaties/documents/FullText.pdf>
5. **HMG Security Policy Framework**. Cabinet Office. <https://www.gov.uk/government/publications/security-policy-framework/hmg-security-policy-framework>
6. **NISR 2003 Classification Policy** – <http://www.onr.org.uk/syaps/index.htm>
7. **Security Assessment Principles** – Trim Ref. 2017/124772
8. **Coordinated Policing Protocol between the Civil Nuclear Constabulary and Home/Scottish Police Forces** 13 August 2008.

Note: ONR staff should access the above internal ONR references via the How2 Business Management System.

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| | |
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| CNC | Civil Nuclear Constabulary |
| CPPNM | Convention on the Physical Protection of Nuclear Material |
| CS&IA | Cyber Security and Information Assurance |
| CTSA | Counter Terrorism Security Advisor |
| FSyP | Fundamental Security Principle |
| IAEA | International Atomic Energy Agency |
| NISR | Nuclear Industries Security Regulations |
| NSS | Nuclear Security Series |
| ONR | Office for Nuclear Regulation |
| PCC | Police and Crime Commissioner |
| PPS | Physical Protection System |
| SNI | Sensitive Nuclear Information |
| SPF | Security Policy Framework |
| SyAP | Security Assessment Principle |
| SyDP | Security Delivery Principle |
| TAG | Technical Assessment Guide |

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