

“Protect Duty” and Martyn’s Law Is Your Institution Ready?

Introducing the new UK legislation which requires organizations, venues, and events to better protect the public from the risk of terrorism. We feel it is important for EU Member states, decision makers and Places of Worship to be aware of the legislation & take forward lessons and ideas into a European context



What is the Protect Duty Legislation?



Protect Duty is a piece of UK legislation, that has come into force in 2025, which aims to better protect visitors, staff and the wider public from terrorism in public spaces.

Also known as Martyn's Law, the legislation is headed by Figen Murray, the mother of Martyn Hett who was a victim of the Manchester Arena attack in 2017. After attending a theatre show in 2018, Figen realised that there had been no increase in security following the tragic events of 2017. And with the UK's current terror threat level being 'substantial' (level 3 of 5) or higher since 2019, more needed to be done.

As a result, she drew up Martyn's Law with the desire to keep the public safer when out and about. Although organisations already have a duty of care under existing legislation, the Protect Duty will clarify responsibilities and pull them into a single framework.

The legislation will introduce a legal obligation for the owners and operators of publicly accessible locations (PALs) to take suitable and proportionate measures to protect the public from terrorist attacks and increase public safety.

Who does the Protect Duty impact?

- Public venues (e.g., Places of Worship, including faith supplementary schools, entertainment and sports venues, tourist attractions, shopping centers)
- Large organizations (e.g., retail, or entertainment chains)
- Public spaces (e.g., public parks, beaches, bridges, town/city squares and pedestrianised areas)



Who does the Protect Duty impact?



The organisations impacted are expected to be primarily private businesses that operate in public venues, or who have 250+ employees and occupy publicly accessible locations.



The proposal will also impose the legislation on any other venue with a capacity of 200 people or more. This includes local and public authorities who own or operate in publicly accessible locations.



In this context, a publicly accessible location is defined as "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".



Locations Included in "Protect Duty"



Places of Worship

All faiths



Stadium

Music &
Sports



Shopping Centres

High Street/
Retail



Schools and University

Education and
learning Facilities



Government Buildings

Transport Hubs & State
Buildings



Parks and Beaches

Recreational Facilities

What does this mean for Places of Worship?

Protect Duty Legislation will impose that organisations consider the threat of attacks and take forward proportionate measures to reduce the risk. The current proposal consists of five requirements, this states that public venues and large organisations within the scope of a Protect Duty will be obligated to:

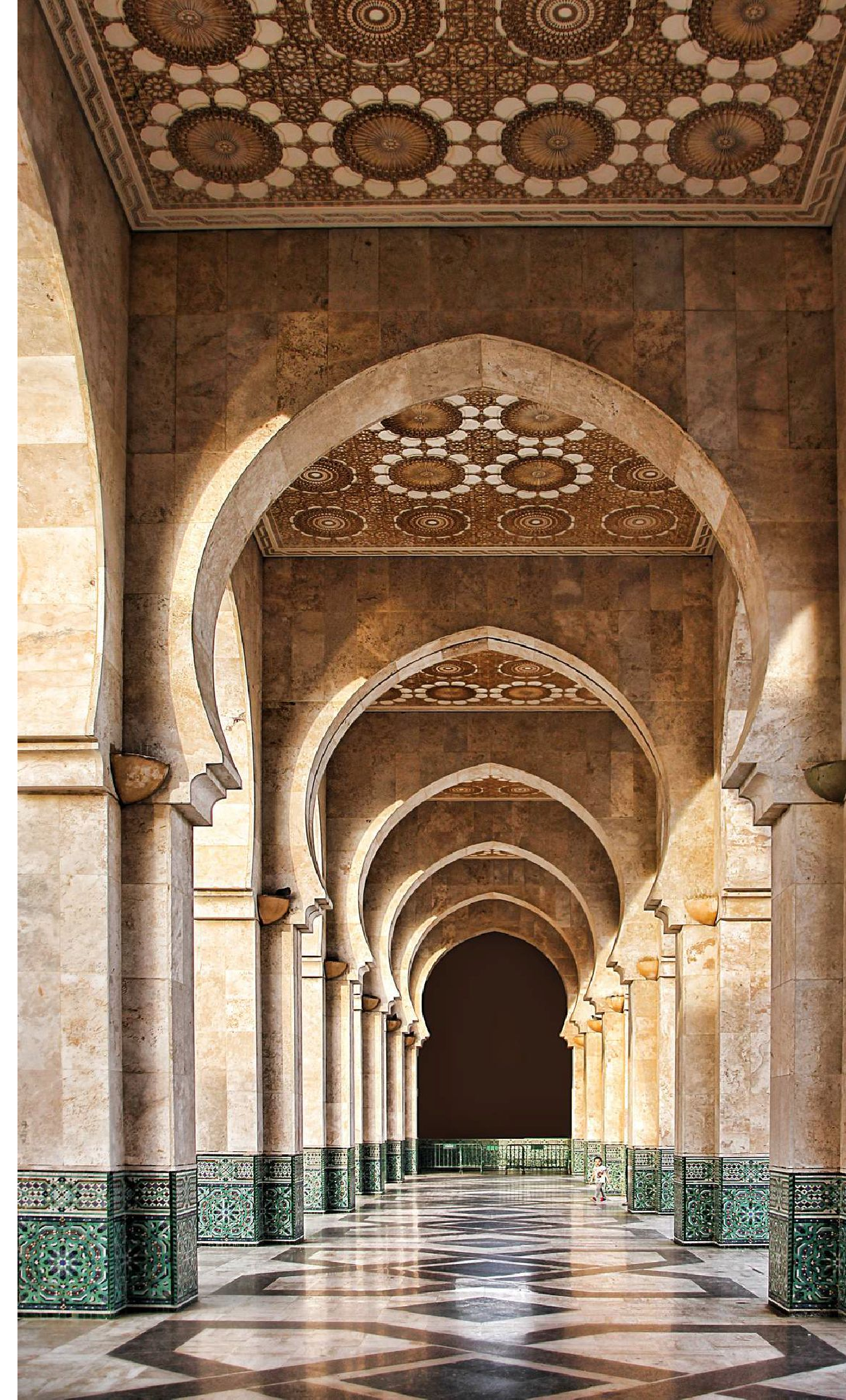
1. Engage with freely available counter-terrorism advice and training provided by the Government and the police.
2. Conduct vulnerability assessments of their operating places and spaces, considering the impact to the public.
3. Mitigate the risks created by the vulnerabilities using 'reasonably practical' measures.
4. Have a counter-terrorism plan.
5. Plan for the threat of terrorism.



Requirements For Measures Taken

The overall requirement is for Places of Worship to identify areas with a potential risk of terrorism and to implement plans to mitigate them. Requirements for appropriate action taken could include:

1. Implementing proportionate measures through relevant systems, processes and functions to improve public safety and security
2. Introducing physical & procedural security to limit the freedom of movement of an attacker
3. Establishing clear roles and responsibilities for local partners
4. Working with key partners (e.g. police) to consider how a security plan would operate in priority local areas
5. Technology solutions that support the identification of potential threat, limit the opportunity for an attack and coordinate a response in the event of an attack
6. Training for staff to enable them to recognise and respond to a potential threat



How Will Compliance Be Measured?

A Risk Assessment based method is being encouraged.



Proposed Models of Practice for Places of Worship

It is currently proposed that “compliance would be demonstrated by providing assurance that the threat and risk impacts have been considered, and appropriate measures have been considered and taken forward (implemented or plans in place for their progression)”.

These risk assessments (RA) will need to be recorded and retained by the Place of Worship to demonstrate that action has been taken, should evidence ever be required. The RA will also need to be reviewed at least once a year and when circumstances change either with their external or internal risk context.

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Proposed Models of Practice for Places of Worship

Internal risk context - for example, following an expansion of a Place of Worship premises and/or staff numbers, or a change in the service provided, such as a Christmas service or Eid prayers spreading outside due to capacity issues.

External risk context - for example, if a significant terrorist attack occurs or a change in the Government national terrorism threat level assessment.



What Happens In An Investigation?

1. Potentially when investigated, a Place of Worship will be expected to demonstrate the steps that have been taken to prepare for and/or respond in the event of an attack. This may also include providing completion certificates from appropriate staff training courses, evidence of physical security measures and evidence of an attack response plan.

Where steps have not been taken, they will be expected

It is currently anticipated that an inspection regime would be required to evaluate whether those within the scope of Protect Duty are meeting its requirements. (In (Draft format As of June 2023)

2. Once the inspection has finished, inspectors will have the capacity to provide advice and guidance for the POW. Where measures were considered insufficient, inspectors can request that changes are made within a set timeframe. If these are not taken forward, further steps could include notices of deficiency and enforcement action.

3. Given the severe impacts that could occur as a result of a breach, it is proposed that a new offence is created for organisations who persistently fail to comply. This would involve penalties based on civil sanctions (such as fines).



How to prepare?

Places of Worship are likely to be impacted and should start to prepare and begin making the likely adjustments needed in order to comply once the law comes into force.

Understand the Threat

- Conduct a Risk Assessment & Incident Response Plan
- www.efiorg.eu have extensive experience in this area and can help to prepare the necessary plans and provide training to staff

Understand The Threat To Your Place of Worship

The key initial step should be considering and understanding the risks facing your institution. When evaluating this, you should bear in mind that terrorist groups targets, motivations and attack methodologies tend to change over time. It is also worth considering factors that may cause your building to be targeted directly or indirectly.

Government website, media reporting of recent attacks and the local and regional Police website are useful tools in understanding the threats potentially facing your faith institution.



Conduct a Risk Assessment & Prepare an Incident Response Plan

Once the major threats facing Places of Worship have been identified, you should begin to undertake a risk assessment and identify appropriate measures to limit these risks. When undertaking this exercise, it's worth noting that the management of the institution can be held responsible for either failing to identify an existing threat or for failing to contain the situation in the event of an attack.

Additionally, places of worship under Protect Duty are required to have an incident response plan in place. This should detail not just how you and your staff would respond to an incident occurring inside your institution, but also how you would respond to an incident outside or near to you.



Implement Protective Measures For Your Place of Worship

When conducting your risk assessment and incident response plan there are likely to be gaps identified where new measures are required. This could include physical security measures such as;



Security Door



Access Control



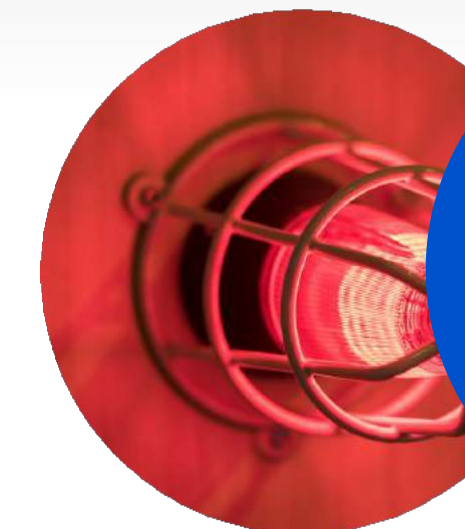
Fencing



Bollards



CCTV



Alarm Systems

Alternatively, less invasive technology - Security By Design (SBD or SOC) solutions that support the identification of potential threats, limit the opportunity for an attack and coordinate the response in the event of an attack.

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www.efiorg.eu



info@efiorg.eu



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