



Department for
Business, Energy
& Industrial Strategy

Consultation

Civil Nuclear Constabulary: Service Expansion and Diversification

A consultation seeking views on potential legislation to extend the Civil Nuclear Constabulary's remit in the Energy Act 2004

Closing date: 5 August 2021



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Any enquiries regarding this publication should be sent to us at: CNC.consultation@beis.gov.uk

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General information

Why we are consulting

In light of the evolving national security and energy landscape, we want to ensure that we are making best use of our resources to protect the UK's critical national infrastructure.

This consultation seeks views on proposed legislation to amend the remit and powers of the Civil Nuclear Constabulary, the specialist armed police force charged with protecting civil nuclear sites and nuclear materials in England, Scotland and Wales. This will ensure that, should a need arise in the future, the Constabulary can utilise their expertise in deterrence and armed response to support other critical infrastructure sites, as well as assist other police forces in an emergency.

This proposal would also align with the force's strategic ambition as set out in their 2020 – 2023 strategy, which seeks to ensure the Constabulary can effectively adapt to the changing UK nuclear and risk landscape. We are consulting to seek views on the proposed service expansion and how this can be most effectively achieved.

We would like to seek the views of interested parties, which are expected to include nuclear site licence companies and approved nuclear carriers, as well as operators of other critical national infrastructure sites, law enforcement agencies, and any other interested stakeholders.

Consultation details

Issued: 24 June 2021

Respond by: 5 August 2021

Enquiries to: Email: CNC.consultation@beis.gov.uk

Consultation reference: CNC Service Expansion and Diversification

Audiences: Nuclear site licence companies and approved nuclear carriers; critical national infrastructure operators; Police Forces and associated organisations; relevant NGOs and members of the public.

Territorial extent: England, Wales, Scotland and Northern Ireland

How to respond

Respond online at: <https://beisgovuk.citizenspace.com/civil-nuclear-resilience/civil-nuclear-constabulary-service-expansion>

or

Email to: CNC.consultation@beis.gov.uk

We are unable to accept postal responses to this consultation.

When responding, please state whether you are responding as an individual or representing the views of an organisation.

Your response will be most useful if it is framed in direct response to the questions posed, though further comments and evidence are also welcome.

Confidentiality and data protection

Information you provide in response to this consultation, including personal information, may be disclosed in accordance with UK legislation (the Freedom of Information Act 2000, the Data Protection Act 2018 and the Environmental Information Regulations 2004).

If you want the information that you provide to be treated as confidential please tell us, but be aware that we cannot guarantee confidentiality in all circumstances. An automatic confidentiality disclaimer generated by your IT system will not be regarded by us as a confidentiality request.

We will process your personal data in accordance with all applicable data protection laws. See our [privacy policy](#).

We will summarise all responses and publish this summary on [GOV.UK](#). The summary will include a list of names or organisations that responded, but not people's personal names, addresses or other contact details.

Quality assurance

This consultation has been carried out in accordance with the government's [consultation principles](#).

If you have any complaints about the way this consultation has been conducted, please email: beis.bru@beis.gov.uk.

The proposals

Part 1: Introduction

The evolving UK civil nuclear sector

The UK's civil nuclear infrastructure is evolving, with the retirement of much of the existing nuclear generating fleet forecast over the next ten years, and the development of new and innovative nuclear technology and infrastructure to consolidate and replace it. The Ten Point Plan¹ and Energy White Paper² set out the Government's ambitions for delivery of Hinkley Point C and at least one other large-scale nuclear power plant, as well as encouraging investment in the next generation of Small Modular Reactors and Advanced Modular Reactors.

The security of the UK's nuclear infrastructure will remain paramount, but the means by which we protect our critical sites and technology will need to adapt to meet this changing environment. Similarly, the evolving and increasingly complex threats that face our critical infrastructure mean that our security posture must remain robust, forward-looking and proportionate to the threat from those who might seek to exploit it.

About the Civil Nuclear Constabulary

The Civil Nuclear Constabulary (CNC) is a specialist armed police force dedicated to the protection of licenced nuclear facilities in England, Scotland and Wales, and civil nuclear material in transit both in the UK and internationally. The Constabulary works in partnership with nuclear site licence companies to protect ten nuclear sites across the country (shown in Figure 1 below), employing over 1,500 police officers and police support staff. In addition, the CNC plays an important role in supporting the UK's wider response to national emergencies. Its headquarters are based in Culham, Oxfordshire.

CNC officers are sworn constables, trained to the same standards as Home Office armed police officers. Although all frontline CNC police officers are armed, they also carry less lethal options, and like Home Office police forces, they are licenced by the College of Policing, compliant with the national training curriculum and authorised professional practice, and inspected by Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services. The CNC is subject to the same scrutiny as the wider police service, as well as being governed by police conduct regulations and code of ethics.

The CNC is governed by the Civil Nuclear Police Authority (CNPA), an executive Non-Departmental Public Body sponsored by BEIS, pursuant to the Energy Act 2004. The CNPA is responsible for the maintenance of an efficient and effective CNC, the employment of police officers and staff, and for the force's strategic planning.

¹ <https://www.gov.uk/government/publications/the-ten-point-plan-for-a-green-industrial-revolution>

² <https://www.gov.uk/government/publications/energy-white-paper-powering-our-net-zero-future>

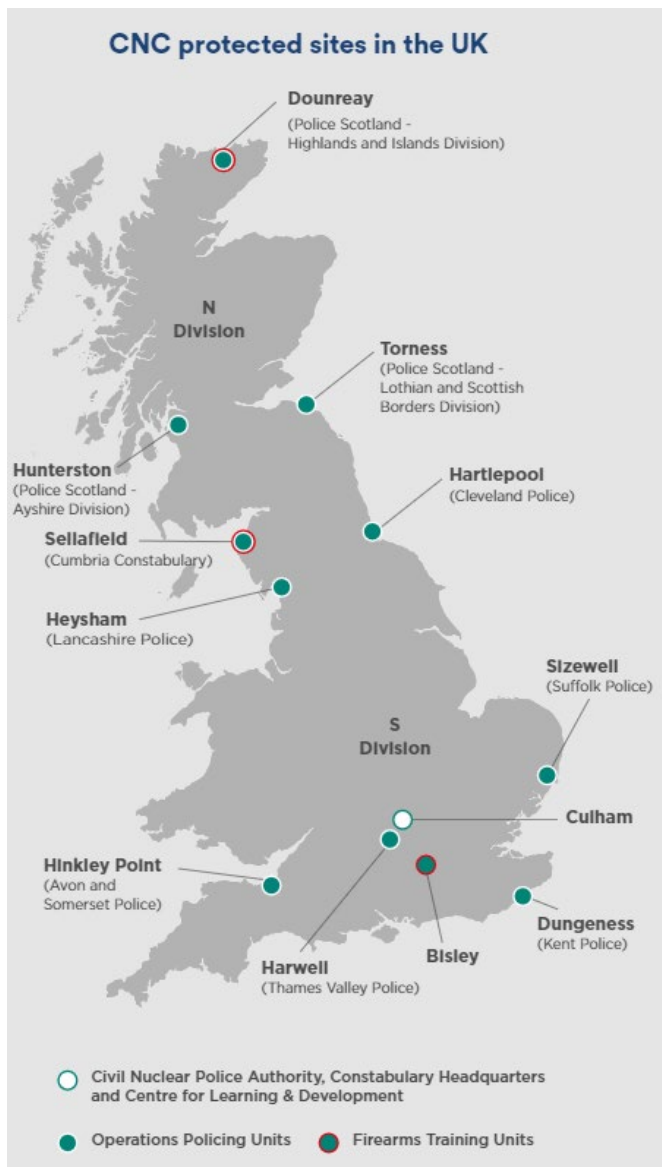


Figure 1 – Location of CNC operations

CNC Strategy 2020 - 2023

The CNC is a crucial component of our civil nuclear security system. As a national infrastructure police force with counter terrorism at the heart of everything it does, the CNC carry out a nationally important and unique task, which becomes ever more challenging as global terrorism threats change and new ones emerge.

The CNC is on a journey of change to reflect this evolving threat environment and wider changes within the UK civil nuclear sector. The CNPA have published the CNC strategy 2020 – 2023³, detailing both its strategies for policing by the Constabulary for the three-year period, and over the longer term. These mark an important inflection point for the future of the Constabulary and are designed to respond to several strategic challenges, including:

³ <https://www.gov.uk/government/publications/cnpa-three-year-strategic-plan-202023>

- the prospect of fluctuating demand for the Constabulary's services as the current nuclear generating fleet moves closer to decommissioning, and new nuclear infrastructure is developed;
- the evolving threat environment; and
- the need to provide job enrichment opportunities in response to relatively high attrition rates.

In order to maintain an effective and value-for-money police force in the face of these challenges, the CNPA and BEIS believe that the CNC need to adapt to increase flexibility, resilience and efficiency in the face of the changing landscape. This will ensure that the CNC can continue to effectively deliver its core mission, as well as support wider UK national security.

Proposals to amend the CNC's remit

To support the delivery of the CNC Strategy 2020 – 2023, we are proposing to develop primary legislation that will amend the CNC's remit as set out in the Energy Act 2004. The legislation will focus on two key outcomes:

- (a) enabling the CNC to provide a wider range of policing services beyond the civil nuclear sector; and
- (b) enabling the Civil Nuclear Constabulary to provide support more easily to other police forces.

Part 2: Detail on Proposed Amendments to the Energy Act 2004

(a) Expanding Civil Nuclear Constabulary services beyond the civil nuclear sector

Rationale

As set out in section 52 of the Energy Act 2004, the primary function of the CNC is the protection of licensed civil nuclear sites and the safeguarding of nuclear material. Under current legal provisions, the CNPA may allocate to the CNC other functions, but only in relation to the security of nuclear material or sites where nuclear material is (or has been) used, processed or stored. The Secretary of State has a power to direct which could be used to require the CNC to carry out other activities, however these additional activities must still be for the purposes of the CNC's primary function.

We propose to amend the Energy Act 2004 to broaden the range of activities and functions that the CNC can carry out, whilst retaining the protection of civil nuclear sites and nuclear material as its primary core function.

Enabling the CNC to provide a wider range of activities would provide it, and the CNPA, with the ability to expand its service offering to other customers, particularly in respect to other

Critical National Infrastructure sites which require the on-site presence of a trained guard force. The CNC would be able to bid for commercial contracts to provide these services, and we are also considering the possibility that the Secretary of State would be able to direct the CNPA to require the CNC to provide additional functions where needed.

This ability to facilitate a wider service offering is intended to ensure the CNC can diversify to meet changing demands in the nuclear and in other Critical National Infrastructure sectors, managing fluctuations in demand from UK nuclear sites by bidding flexibly and competitively for other contracts when required. This would provide improved career stability for its workforce, ensure retention of highly specialised capabilities, training and personnel, and maintain sufficient operational economies of scale for equipment and corporate functions.

The CNC's core function and priority should remain the protection of civil nuclear sites and material, as set out in the Energy Act 2004 and in line with the UK's international obligations. It is accountable for its performance of this duty to the CNPA and to the nuclear site licence companies represented on that Authority, as well as requirements set by the independent Office for Nuclear Regulation.

We want to avoid any risk that, if the CNC becomes responsible for providing an expanded range of services to customers outside of the nuclear sector, the burden on the force may become such that the policing of civil nuclear sites and materials is affected. To avoid this risk, we would require that the CNC and the CNPA seek the consent of the Secretary of State before bidding for commercial arrangements or undertakings to provide any services outside of these core duties.

Proposal

We would seek to achieve these outcomes by reviewing section 52 of the Energy Act 2004 and amending the legislation to enable the Secretary of State to direct the CNPA to grant new functions to the CNC, which are wider than its primary function of protecting nuclear sites and safeguarding civil nuclear material.

We would seek an appropriate mechanism to restrict this power, either in the legislation or in accompanying guidance, to require that the long-term deployment of armed officers be restricted to protection of critical national infrastructure sites or in the interests of national security. In addition, any long-term CNC activity outside its core mission would be subject to Secretary of State approval, which will be time-bound and subject to periodic review.

This would include review of the jurisdiction of the CNC, which is currently restricted to specific geographical locations under section 56 of the Energy Act 2004, to ensure that CNC officers hold the appropriate jurisdiction to carry out these additional functions.

The requirement to pay for CNC services are set out in section 60 of the Energy Act 2004. We would also review the CNC's charging model, and amend the legislation as necessary, to ensure that the CNC may charge service recipients for any new activities should they take them up.

We will also make any consequential required legislative amendments as a result of this policy change.

(b) Enabling the Civil Nuclear Constabulary to provide support more easily to other police forces

Rationale

As well as the CNC's vital role in the security of the Civil Nuclear sector, it provides additional benefits to national policing. Its position as a key part of the Strategic Armed Policing Reserve enables the CNC to provide vital support to territorial police forces across the country when required. The CNC plays a crucial role in supporting national counter-terrorism operations such as OPERATION TEMPERER⁴; twice deploying armed officers to support local forces in 2017 following the Manchester and Westminster terrorist attacks. The CNC also provides support to local territorial police forces upon request, as part of standard policing mutual aid arrangements. For example, this has recently included a joint patrol initiative with Kent Police⁵.

The CNC currently make arrangements to support Home Office forces under section 22A of the Police Act 1996, which enables planned provision of support to Home Office forces outside CNC jurisdiction for specified circumstances, provided that there is no risk to the security of CNC policed sites. These arrangements require individual collaboration agreements to be signed with each territorial force, which can risk delay in rapidly evolving emergency situations due to the requirement for approval from the Chief Constables of the relevant forces and the Police and Crime Commissioner(s)/CNPA. We would like to take the opportunity to clarify the existing provisions for providing 'special demand' assistance for unforeseen emergency events. This would support the existing section 22A process and bring the CNC in line with other non-territorial police forces such as the British Transport Police and Ministry of Defence Police.

There is a desire from the wider national policing landscape for the CNC to be able to provide this mutual assistance in the case of unforeseen events that require an armed response or draw on the CNC's wider skillset (e.g. medical support). Some Parliamentarians have previously expressed support for this approach, and the Civil Nuclear Police Federation are supportive of the proposal.

In addition to the benefits to national and territorial policing outlined above, facilitating the ability of the CNC to support wider policing tasks on request would provide valuable experience for CNC constables, providing valuable job enrichment, skills improvement, and a diverse career experience. The importance of attracting and retaining their crucial and highly training officers forms an essential part of Goal 1 of the CNPA's 2020-23 Strategy.

Proposal

To achieve these outcomes we propose to review section 59 of the Energy Act 2004, which provides that CNC officers can serve with other forces, and amend the legislation as necessary

⁴ <https://www.gov.uk/government/news/cnc-officers-return-to-their-mission>

⁵ <https://www.gov.uk/government/news/cnc-and-kent-police-joint-initiative-going-strong-one-month-after-launch>

to align this with powers available to the British Transport Police (Section 24, Police Act 1996) and the Ministry of Defence Police (Section 2A of the Ministry of Defence Police Act 1987), with a constraint limiting requests to 'special demand'.

Section 24 of the Police Act 1996 provides that, when a situation arises which places a special demand on the resources of a police force, the British Transport Police can provide assistance. The circumstances of this 'special demand' will typically last for a relatively short period of time, and once complete the resource will return to the home force. Any constable or member of police staff provided under section 24 is under the direction and control of the chief officer of the receiving force.

Similarly, Section 2A Ministry of Defence Police Act 1987 provides the Ministry of Defence Police with power to provide mutual assistance to other forces. The power includes a constraint limiting requests for assistance to circumstances of special demand.

We would also review the existing controls in the legislation, and amend as necessary, to ensure that assistance to other police forces would not jeopardise the CNC core mission.

We will also review section 60 of the Energy Act 2004 on charges, and amend as necessary to ensure that the CNC can charge appropriately for services provided, which would be a charge to the receiving police force. We will also make any consequential required legislative amendments as necessary.

Implications for Devolved powers and legislation

Policing of civil nuclear sites is reserved, and the CNC are a reserved force, since civil nuclear security and energy policy are reserved matters for the UK Government in Scotland and Wales. However, we recognise that these proposals may have implications for the devolved administrations in two main areas:

- 1) Potential future expansion of CNC services to other Critical National Infrastructure sites in Scotland, Wales, and Northern Ireland.
- 2) Collaboration with territorial police forces, since policing in Scotland and Northern Ireland are devolved to the Scottish Parliament and Northern Ireland Assembly respectively.

The CNC currently polices three nuclear sites in Scotland, working in collaboration with Police Scotland as a host territorial force. CNC has policed sites in Wales in the past and may do again in the future. The CNC do not currently undertake any activities in Northern Ireland. As these proposals are developed, BEIS will work closely with the devolved administrations to consider how these arrangements can be formalised if necessary.

We welcome responses on how these proposals are likely to affect the policing and justice systems, and consequence management responsibilities of the devolved administrations.

Consultation questions

We welcome views on the following questions:

(a) Expanding Civil Nuclear Constabulary services beyond the civil nuclear sector

- 1. Do you agree with the proposal to allow the CNC to carry out a wider range of activities to protect critical national infrastructure sites? Please explain your views.**
- 2. Do you think there is scope for the CNC to support different types of policing functions in addition to armed policing? Please explain your views.**
- 3. Are there any other sites or services that you feel the CNC should be empowered to support? If so, please give details and any supporting evidence.**
- 4. Do you agree that the proposal will adequately ensure that protection of civil nuclear sites and materials remains the primary function of the CNC? If not, what additional provisions would be needed?**
- 5. Are there any other risks you believe we should be aware of should the CNC pursue service expansion?**

(b) Enabling the Civil Nuclear Constabulary to provide support more easily to other police forces

- 6. Do you agree with the proposed approach to enable the CNC to provide 'special demand' assistance to territorial forces, in line with British Transport Police and Ministry of Defence Police powers? If not, please detail why.**
- 7. Do you foresee any non-legislative means to effectively achieve the policy outcome? What other options could be pursued?**
- 8. What impacts, if any, do you believe these proposals would have on local police forces in England and Wales, Scotland and Northern Ireland?**

(c) General questions

- 9. Do you believe that there are financial considerations we should explore as part of the proposals? If so, please give details.**

- 10. Do you think that the proposals to expand the CNC's powers will result in additional regulatory burden? Please explain your response.**
- 11. Do you see other opportunities for the CNC to diversify, making best use of their existing specialist knowledge and training facilities? If so, please give details.**
- 12. If the CNC expand to other areas, how may its existing governance framework need to be reformed?**
- 13. Are there any other aspects of these proposals on which you would like to comment?**

Next steps

The responses to this consultation will be used to inform and further shape the proposals for the service expansion and diversification of the Civil Nuclear Constabulary. They will also be taken into account when drafting the impact assessment and legal provisions in any proposed amendment to the Energy Act 2004 or other appropriate legislation.

We will publish a government response to the consultation after its close.

Annex: Outline Impact Assessment

Background

The Civil Nuclear Constabulary (CNC) is a special armed police force tasked with the protection of the UK's nuclear sites and civil nuclear materials. The CNC works in partnership with nuclear site licence companies (SLCs) and other partners to protect ten nuclear sites across the country, including both energy generation and decommissioning sites. It employs over 1,500 police officers and police support staff and are currently funded almost exclusively by SLCs via fees linked to provision of service to the nuclear industry - SLCs hold the nuclear site licence granted by the Office for Nuclear Regulation (ONR) to operate a nuclear site. At present, the CNC does not hold reserves and therefore it operates on an annual planning and performance cycle.

The CNC's scope and remit are defined in Chapter 3 of the Energy Act 2004. The Act establishes the Civil Nuclear Police Authority to govern the CNC, as well as defining the Constabulary's function, jurisdiction and powers, and mandating that Her Majesty's Inspectorate of Constabulary and Fire & Rescue Services must inspect the force. The consequences of a successful attack on civil nuclear infrastructure could be severe, with potential impacts including physical/psychological harm or fatalities, harm to property, disruption to energy generation, and wider economic disruption, therefore it is important that the CNC can continue to deliver effective protection for civil nuclear sites.

In addition to its core mission of protecting civil nuclear sites and materials in transit, the CNC also collaborates with other police forces as a counter-terrorism policing organisation through provision of ad-hoc assistance on a short-term basis. For example, it is a key part of the UK's Strategic Armed Policing Reserve (SAPR) arrangement, in which CNC's armed officers are enabled to provide support to non-civil nuclear policing to meet national security demands associated with major events (e.g. climate conferences) or terrorist attacks. The CNC commitment to the UK's SAPR is significant.

Problems under consideration and rationale for intervention

Problem 1 – Increasing staff attrition rates

Outline

The CNC has experienced increasing attrition rates across its workforce, which has been attributed to two main causes, as identified in a 2019 staff survey report:

(a) Over the coming decade, much of the current nuclear generating fleet is expected to be decommissioned, and new nuclear infrastructure is being developed. These are expected to contribute to fluctuation in demand for the CNC's services within the nuclear industry in the coming years. This fluctuation is expected to contribute to career uncertainty for CNC officers, which may be contributing to reducing staff retention rates. Whilst the CNC have a presence at both energy generating and decommissioning sites, officer demand will depend on the status of each site.

(b) The frequency and likelihood of live operations that call upon the CNC's extensive training is, reassuringly, relatively low. The critical role for UK nuclear security that the CNC carry out is therefore by its nature repetitive and leads to under-utilisation of officer skills, which has contributed to reducing retention rates across the workforce.

Increasing attrition of CNC officers presents operational challenges for providing critical policing support. In recent years, it has led to costly overheads, large and time-consuming recruitment efforts, and loss of expertise within the force.

Rationale for intervention

The CNC's jurisdiction and geographical operations are limited to the civil nuclear industry in the Energy Act 2004, therefore they currently have limited flexibility to deploy officers to wider protection opportunities in order to address the causes of the problem outlined above. Therefore without intervention, there is a risk that the factors outlined could arise to the following operational risks:

1. Energy security risks: Should increasing attrition rates cause loss of experienced officers, or the CNC's workforce reduce below the required operational level, the ability of the CNC could be compromised in protecting infrastructure and materials in transit effectively from both existing and developing threats.

2. Market inefficiency risks: Should the CNC workforce reduce in size, they would not benefit from sufficient operational economies of scale for equipment and corporate functions. There is therefore a risk of increasing costs for the CNC to preserve and enhance the efficiency of its policing protection, which could result in increased cost to the SLCs (which may in turn be passed to consumers and industry via energy bills).

The CNC are a critical component on meeting the UK's international security obligations set out in the Convention on the Physical Protection of Nuclear Material and Nuclear Facilities, under the International Atomic Energy Authority. It is therefore necessary for government to

intervene to promote its efficiency and effectiveness, and give the CNC the necessary levers to ensure it is able to continue to discharge its responsibilities under domestic regulations and ONR regulatory requirements.

Problem 2 – Legislative limitations

Outline

Although the CNC currently provides support to other forces, there are legislative and administrative barriers for the CNC to provide closer collaboration with the broader policing sector. The current legislation requires that, before deploying officers to assist other police forces, the CNC must draw up and conclude individual collaboration agreements bilaterally with each territorial force. This legislation is inefficient and bureaucratic, leading to higher associated administrative costs and, in some cases, introducing organisational barriers to the CNC's operating model.

Rationale for intervention

Policing collaboration is a vital part of the CNC's services both in terms of support to the wider UK policing system and in terms of development and maintenance of wider policing skills within their officers. Without intervention, the mechanism by which the CNC can collaborate and provide assistance to other forces will continue to be inefficient and therefore more costly than necessary. This establishes a barrier to policing collaboration, especially in the case of unforeseen emergency situations.

There is a desire from the wider policing landscape for other forces to be able to draw on the CNC's capability in times of emergency, and other UK non-territorial forces (British Transport Police and Ministry of Defence Police) have alternative legislation that allows deployment of officers in these circumstances in a more efficient manner.

Policy options

Four policy options have been considered.

Option 1 – Do nothing (counterfactual/baseline)

No amendments to the CNC's powers and remit in Energy Act 2004 will be made; the CNC will respond to the outlined challenges using the existing levers and powers available to them, with the aim of always meeting their regulatory requirements of civil nuclear protection.

Option 2 – Service Expansion

Pursue primary legislation to amend the scope, remit and powers of the CNC in the Energy Act 2004, to allow the CNC the opportunity to diversify through providing a wider range of policing services beyond the civil nuclear sector. The measures would not in themselves direct the CNC to perform additional activities or functions; they would be seeking to implement enabling provisions that would give the CNC the power to bid for and take up such work should the demand arise.

This option is expected to address the first identified cause of problem 1 – career uncertainty due to the expected fluctuations in demand for civil nuclear protection over the coming decade. The proposed amendments to the Energy Act will allow the CNC to respond to and manage any fluctuations in demand from the UK nuclear sector that materialise over the coming decade, by bidding flexibly and competitively for other contracts when required. This would provide redeployment opportunities where demand arises in other critical national infrastructure sectors, providing increased job security and improving staff wellbeing.

N.B. This option would implement enabling provisions, and would not direct the CNC to perform additional functions, it would allow them the power to bid for and take up such work should the demand arise. Therefore, further benefits and costs resulting from this option may be realised should the CNC be successful in bidding for additional service provision.

Option 3 – Assistance

Pursue primary legislation to amend the scope, remit and powers of the CNC in the Energy Act 2004 to facilitate the powers and mechanisms for the CNC to provide support to other police forces when there is a special demand on their resources. This would allow more efficient assistance of other police forces through providing an alternative means to deploy officers in emergency scenarios outside of collaboration agreements.

This option is expected to primarily address problem 2, by clarifying the legislative measures to reduce bureaucracy and inefficiency. It would also be expected to address the second identified cause of problem 1, through further provision of job enrichment via facilitation of short-term deployments to assist other forces, providing a broader more stimulating policing experience.

Option 4 – Service Expansion and Assistance – Recommended Option

Pursue primary legislation to amend the scope, remit and powers of the CNC in the Energy Act 2004, to enable the CNC to (a) provide a wider range of policing services beyond the civil nuclear sector, and (b) clarify the mechanisms to provide support to other police forces, i.e. pursue both the legislative amendments set out in options 2 and 3.

Impacts of policy options

The impacts of the policy options are outlined below and are, at this stage, largely unmonetised. We will be seeking more evidence as part of the consultation process.

For options 2, 3 and 4, the impacts have been compared against option 1.

Impacts of Option 1 – Do nothing

In this option, the current trends and problems presenting the CNC with their challenges and risks described in the rationale for intervention will continue unabated.

Financially, the CNC's total expenditure for 2019-20 was £116.4m (up from £113.3m in 2018-19). Total expenditure for 2020-21 is forecast to be around £117m, of which around 57% (£67.4m) are direct officer costs, 12% (£14.4m) are training costs, and 31% (£35.4m) are from mid- and back-office costs. Under option 1, the forecast annual nominal expenditure projections will vary depending on the varying market scenarios for civil nuclear demand, each of which represent differing proportions of demand in energy generation sites (both large-scale reactors and small modular reactors) and decommissioning sites. The apportionment of these costs will vary between private operators and publicly funded decommissioning SLCs depending on the level of armed policing demand in each scenario.

Impacts of Option 2– Service Expansion

Benefits

The key benefits of this option are expected to be:

Better quality service as a result of retaining more experienced staff and associated expertise within the organisation, including highly specialised capabilities, training and personnel. This is a benefit to society since the mitigation of loss of experience is expected to deliver energy and national security benefits. CNC officers are highly skilled in effective threat deterrence, and rapid detection and response to attacks. Through the retention of skilled officers, this experience could increase the efficiency of protection of both civil nuclear sites and other energy infrastructure. Accordingly, there would be large benefits in terms of reducing the probability of a successful attack on UK critical national infrastructure, the impact of which could be severe. Deterring and mitigating more effectively, through increased security staff presence and application of their training against a successful attack, is therefore significantly beneficial in terms of the UK energy supply and avoided costs to would-be victims.

Reducing operational risks – Reducing attrition rates will ensure that the CNC can better ensure that staffing levels remain at required levels to effectively deliver their mission, either in terms of total headcount, or in terms of reduced pressure on current staff. This would increase efficiency by ensuring the CNC has operational capacity when it needs it, rather than having to hire officers in advance of hiring constraints ‘biting’ whenever demand for officers increases. This would reduce the likelihood of the energy security and market inefficiency risks outlined in Problem 1.

Providing increased competition, leading to a reduction in cost – The measures will allow the CNC to provide services beyond the civil nuclear sector. In these instances, the service will be funded by whomever has identified the need for the service. This could be government, a regulator or a critical national infrastructure site. These will either be existing services that would be carried out by another supplier in Option 1, or are new services that have no supplier yet identified. The measures will provide an additional supplier to bid for and fulfil any existing or new demands for armed policing that may arise. There is an argument that, by providing an additional supplier, increased competition could reduce costs.

Costs

The key costs for this option are:

Adaption of policing model – The CNC’s operating model has been developed with close working with nuclear site operators and the Office of Nuclear Regulation. The policing model will need to be adapted to apply to other critical national infrastructure sites, which will be regulated by different bodies. The cost of this will be estimated by the CNC before bidding for new service provision, and will include training costs, travel and subsistence costs and relocation costs.

Commercial support costs – The CNC will be required to allocate resources to bid for commercial contracts in order to realise the benefits in this option, since the legislation in itself will not provide additional services for the CNC.

Impacts of Option 3 - Assistance

Benefits

Increased efficiency and reduced bureaucracy – The aim of the legislative amendments in this option will be to reduce bureaucracy by providing that the Chief Constable can deploy officers to other forces when there is a short-term special demand on their resources, without the need to first conclude a collaboration agreement. This will reduce the time and cost involved in concluding these agreements and therefore reduce the administrative cost to deploying officers. Therefore this option would allow for closer collaboration with the UK policing sector and more fluid mutual aid deployments as a means of externalising short term excess supply. Ultimately this would benefit the national policing landscape, enabling the CNC to more easily provide vital support to territorial police forces across the country when unforeseen situations arise.

Job enrichment – This option would deliver job enrichment and therefore contribute to delivering the benefits from reduced attrition described in Option 2 (reduced cost, better quality service, and reducing operational risk). It would facilitate deploying officers on a more diverse portfolio of policing activity, with opportunity and choice known to be important to officers, as reported in the results of a 2019 staff survey. As such, facilitating policing collaboration would help overcome retention challenges and provide further efficiencies related to hiring and staff costs, as well as allowing officers to sharpen their wider policing skills, improving effectiveness of the core mission.

Costs

When the CNC provide officers for wider policing activities (outside of protecting nuclear sites), e.g. for national security operations or ad-hoc assistance to local forces, they charge these activities either to the Home Office or the relevant local force. This will not change as a result of the proposed measures, since these activities happen currently, and the measures simply clarify the existing framework to increase efficiency and reduce bureaucracy.

Detraction from core mission - There is a risk that increased policing collaboration could draw the CNC into areas currently outside the core mission, to protect civil nuclear sites and material in transit. This risk will be averted through implementing robust and effective governance processes and decision-making mechanism around task prioritisation, deployment of resources and forces, to ensure impact on civil nuclear protection is risk assessed and not impacted adversely.

Impacts of Option 4 – Service Expansion and Assistance – Recommended Option

This option combines the benefits and costs of options 2 and 3, thereby addressing both problem 1 and problem 2. This option therefore provides the highest benefits, delivering both benefits associated with increased workforce retention and reducing administrative bureaucracy in the CNC operating model. It also delivers effectiveness benefits in terms of reducing the operational risks outlined in problem 1.

Conclusion

From the high-level analysis in this outline impact assessment, the recommended option at this stage of assessment is Option 4 - a combination of service expansion and facilitation of policing collaboration.

In summary, the legislative proposals will allow the CNC the flexibility to explore alternative sources of demand in a bid to address their current challenges, as well as reducing inefficiencies currently faced in wider policing collaboration.

In responses to this consultation, we welcome any additional evidence on impacts the proposed measures may have on stakeholders. In addition, we welcome views on any alternative policy options that may effectively address the problems identified.

This consultation is available from: <https://www.gov.uk/government/consultations/civil-nuclear-constabulary-service-expansion-and-diversification>

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