
Telecommunications restriction order

Home Office

RPC rating: **validated**

Description of proposal

The policy objective is for the National Offender Management Service (NOMS) to be able to make use of new technology to identify unauthorised mobile phone use in prisons, without needing to firstly take physical possession of the handset or SIM card. The proposal will enable NOMS to apply for a court order to require mobile network operators to disconnect unauthorised mobile telephones.

Impacts of proposal

Mobile network operators would be required to disconnect and blacklist mobile telephone numbers as a result of telecommunications restriction orders. Based on the number of mobile telephones seized in prisons, the department expects between four and 16 court orders per year, with each court order expected to result in around 400 disconnections on average. Mobile network operators are expected to incur costs as a result of legal representation and from disconnecting numbers. Using detailed estimates provided by the operators, costs are expected to be between £30,000 and £120,000 per year, depending upon the number of court orders. However, the IA states that mobile network operators will be able to apply to the court to recover all costs associated with complying with a telecommunications restriction order. The proposal is, therefore, assessed by the department as having no net impact on business.

The IA states that mobile network operators are expected to benefit from the proposal. As the majority of mobile telephones used in prisons are 'pay as you go', the mobile network operators will retain any balance on the closing of accounts. The department estimates that these benefits are likely to be negligible.

On the basis that the ability for network operators to reclaim costs is bundled with the other provisions, the RPC is able to validate the proposal as having zero net impact on business for reporting purposes.

Quality of submission

The IA is well written, providing detail and analysis proportionate to the size of the proposal. The proposal appears to have changed since the fast track triage assessment was submitted to the RPC in October 2014. In particular, the IA includes additional information relating to the ability of mobile network operators to reclaim costs associated with complying with telecommunications restriction orders.

The IA includes an assessment of the costs to the public sector and a useful discussion of the possible benefits of the proposal. Costs to the National Offender Management Service and HM Courts and Tribunal Services are estimated to be £3.3 million over ten years in present value terms. The department has not monetised the benefits of a potential reduction in organised crime as a result of the proposal. However, using estimates of the economic and social costs of crime, the department estimates that to break even the proposal would need for example, to prevent fewer than three homicides or 145 serious woundings over the same 10-year period.

The Committee notes the department's commitment to review the policy in 2020.

Initial departmental assessment

Classification	In scope
Equivalent annual net cost to business (EANCB)	£0.0 million
Business net present value	£0.0 million

RPC assessment

Classification	In scope
EANCB – RPC validated	£0.0 million
Small and micro business assessment	Not required (fast track low-cost regulation)



Michael Gibbons CBE, Chairman