

National Security Debarment Protocol Summary

June 2026

Update Schedule

This summary will be reviewed periodically or whenever business requirements, legislation or regulation change, or as a result of lessons learned. The summary is formally approved by the National Security Unit for Procurement. Any interim changes remain party to this approval process or equivalent sign off.

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Definitions

Procurement Act 2023 (“the Act”) - Came into force on 24 February 2025, the Act introduced a comprehensive reform of public sector procurement. It includes powers for a Minister of the Crown to place a supplier on a public debarment list for all covered procurements, or, for the mandatory national security exclusion ground, in relation to public contracts of a particular description.

Debarment Review Service (“DRS”) - One of the services provided by the Procurement Review Unit (“PRU”) within the Cabinet Office, which was established following the passing of the Act. DRS manages the debarment regime in relation to all exclusion grounds apart from the national security exclusion grounds in the Act.

National Security Unit for Procurement (“NSUP”) - A Unit within the Cabinet Office established following the passing of the Act. NSUP manages the debarment regime in relation to the national security exclusion grounds in the Act.

The Minister - For the purposes of this debarment protocol summary, references to “the Minister” refer to a Minister of the Cabinet Office.

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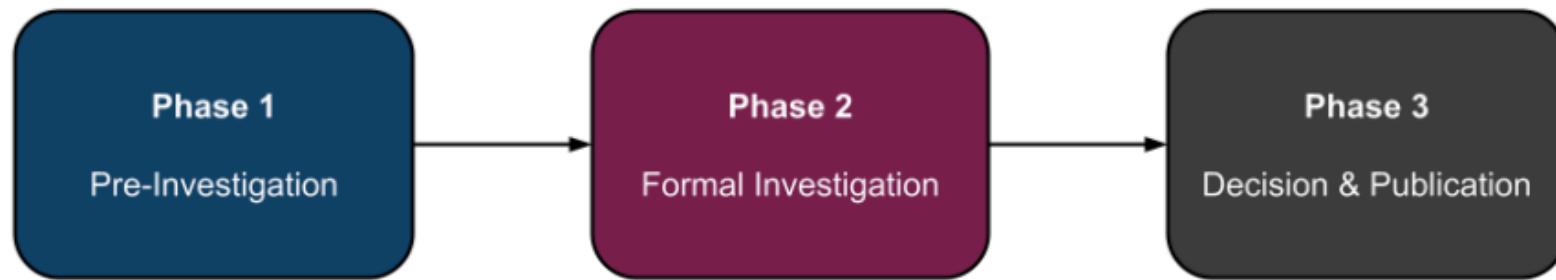
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1. Preface

- 1.1. This summary of the national security debarment protocol is published to provide contracting authorities, suppliers and interested parties with a clear overview of the decision-making process when the minister is exercising, or considering whether to exercise, their powers in relation to the national security exclusion grounds under the Procurement Act 2023 (the Act) to conduct debarment investigations. This summary includes the key information for contracting authorities, suppliers and interested parties to understand the decision-making process. The protocol has been summarised rather than published in full in light of the sensitive nature of national security investigations and the fact that much of the information it contains is administrative in nature (and irrelevant to the substance of debarment decision-making).
- 1.2. This summary covers the journey of a debarment investigation, from its initial launch to the potential addition of a supplier to the debarment list and summarises the operational processes followed. The process is structured as a flexible guide, acknowledging the need to adapt to the unique circumstances of each case, rather than representing a rigid, inflexible procedure.
- 1.3. The information contained in this summary is concerned exclusively with ministerial decisions regarding the national security exclusion grounds for debarment investigation under the Act. It does not cover how contracting authorities should apply their own procurement-level decisions in relation to the national security exclusion grounds [link provided here: [Exclusions Guidance](#), [Exclusions Annex 2: National Security Grounds](#)], or how a Minister would make decisions following the referral by a contracting authority of an intention to exclude a supplier (in accordance with section 29 of the Act) or terminate a contract with a supplier (in accordance with section 79 of the Act) on the discretionary national security exclusion ground. It does not cover debarment investigations in relation to exclusion grounds other than the national security exclusion grounds, which are dealt with by DRS who have published their own protocol on GOV.UK.
- 1.4. National security is not defined in the Act to ensure that it is sufficiently flexible to protect the UK's national security interests. Neither does this summary define national security.

- 1.5. This document should be read alongside both the [Exclusions Guidance](#), [Exclusions Annex 2: National Security Grounds](#) and [Debarment Guidance](#).

2. Debarment Operational Overview



3. Introduction

- 3.1. The Act provides an appropriate authority (a Minister of the Crown, a Welsh Minister or the Northern Ireland department) with the power to investigate a supplier for debarment. If, following an investigation, a Minister of the Crown has then deemed that supplier “excluded” or “excludable” as defined under the Act¹ by virtue of the application of a national security related exclusion ground, the Minister has the power to add the supplier to the public debarment list². Where a supplier is added to the debarment list by virtue of one of the national security related exclusion grounds, the debarment will either be on a discretionary or a mandatory basis:

Mandatory contract specific: contracting authorities must exclude the supplier from specific descriptions/types of contracts, for example contracts for the supply of particular types of goods or services or works, contracts involving supply at specific locations or types of locations or contracts with specific contracting authorities or types of contracting authorities.

Discretionary: the supplier is established as posing a threat to UK national security, but contracting authorities must decide whether they should exclude it in a particular context of a procurement exercise or may decide to terminate an existing contract with the supplier if a termination ground applies³, subject to ministerial agreement where required⁴.

- 3.2. All decisions regarding the potential debarment of a supplier under the Act must be made in accordance with the principles of procedural fairness. It has been assessed that the decision whether to place a supplier on the debarment list is quasi-judicial in nature and therefore should be made in accordance with the principles guiding quasi-judicial decision making.

¹ Section 57(1)(a) and (2)(a) of the Act

² Section 62 of the Act

³ Section 78 of the Act

⁴ Section 29 and 79 of the Act

4. National Security Debarment Process

Summary

- 4.1. NSUP will manage debarment investigations on behalf of the Minister and will provide evidence and recommendations for three questions the Minister is required to consider and answer in making their final determination of whether to place a supplier on the debarment list:
- 4.2. Question 1: Does the mandatory and/or discretionary national security exclusion ground apply to the supplier (i.e. does the supplier or a connected person⁵ pose a threat to the national security of the United Kingdom and, for the mandatory ground, would pose such a threat in relation to contracts of a particular description)?
- 4.3. Question 2: If yes, are the circumstances giving rise to the application of the ground continuing or likely to occur again?
- 4.4. Question 3: If yes, should the supplier be placed on the debarment list?
- 4.5. Questions 1 and 2 revolve around a determination of whether the supplier is an excluded or excludable supplier by virtue of the application of a national security ground. Question 3 is where the Minister must then decide to exercise their discretion as to whether the supplier should be added to the debarment list.

Phase 1: Pre-Investigation

- 4.6. The Minister may decide to investigate a supplier for the purpose of considering whether an entry could be added to the debarment list where there are reasonable grounds to suspect that the supplier or a connected person could pose a threat to the national security of the United Kingdom (i.e. a national security exclusion ground could apply).
- 4.7. To help make an assessment of whether there are reasonable grounds to suspect that the supplier or a connected person could pose a threat to the national security of the United Kingdom the following three broad areas of assessment will be focused on:

Jurisdictional Hazard and Control: Examining the extent to which a supplier is subject to ownership, control, or influence by a foreign state which could undermine or threaten UK national

⁵ Paragraph 45 of Schedule 6 defines a 'connected person', in relation to a supplier, for both Schedule 6 and 7 (see paragraph 17 of Schedule 7).

security. This includes considering whether jurisdictional legal frameworks or policies enable a foreign government to compel the supplier to facilitate interference.

Technical Vulnerability: Identifying whether the supplier provides goods, services or works that, due to their inherent nature, design or functionality, present an opportunity for exploitation or are associated with known vulnerabilities or security failures. This identifies specific technical "vectors" for harmful activity.

Customer Sensitivity: Assessing the supplier's potential opportunity for access to, or control of, sensitive locations, assets, computer systems, information and or data. This includes considering where access relates to parts of UK critical national infrastructure, sensitive sites, or sensitive information or data.

- 4.8. NSUP has published extensive information on each of these categories within the existing [exclusions and terminations on national security grounds guidance](#). Please refer to this for further information on the above.
- 4.9. The Act provides that in determining whether the mandatory or discretionary exclusion grounds apply to a supplier, a decision-maker must ignore any event⁶ that occurred before the coming into force of the schedules to the Act which set out those exclusion grounds⁷. However, any relevant information which indicates that a supplier currently poses a threat to the national security of the United Kingdom, and forms a part of the overall exercise in judgement that a threat is posed, can be taken into account.
- 4.10. Where specific named 'legal' entities are not clearly identified at the outset (i.e. it is not clear whether the threat could come from a parent or subsidiary, or both), the analysis set out at paragraph 4.7 above will be used to assess which specific entities in the supplier group could pose a potential threat to the national security of the United Kingdom and to consider the question of connected persons⁸. Where multiple entities have been identified as potentially suitable for investigations, there will be a prioritisation process also based on the analysis set out

⁶ meaning any conviction, decision, ruling, failure or other event by virtue of which the exclusion ground would apply to a supplier

⁷ Act came into force 24th February 2025

⁸ Schedule 6, Paragraph 45 of the act

at paragraph 4.7 to establish which one(s) should be subject to separate investigation(s) as a distinct case(s).

- 4.11. Following NSUP's preliminary assessment as to whether a national security exclusion ground could apply to a supplier and before deciding whether a case is suitable for recommending to the Minister for a debarment investigation NSUP will:

conduct a full review of the threat assessment for the supplier;

consider the quality of the evidence, including:

the strength of evidence base and the confidence in this information;

the extent of information relating to the specific supplier that is in the public domain or held by the government;

where there is a lack of reliable information available, whether there is any reason to consider that further investigation may uncover additional information;

and consider the quality and credibility of any referral⁹ received, including;

the origin of the referral and the information included.

- 4.12. If it is considered there are reasons to investigate the supplier, it may be appropriate to take other factors into consideration which may impact on the evaluation of those reasons. These include consideration of whether there may be other ways to address any threat posed by the supplier or consideration of other factors relevant to the UK's national interests including diplomatic and economic considerations. If, at a later date, NSUP becomes aware of additional information or a change in relevant circumstances which may impact on its assessment as to whether there are reasons to investigate, then NSUP may reassess.
- 4.13. After a recommendation from NSUP, the Minister will make a decision as to whether to launch a formal investigation into the supplier.

Phase 2: Formal Investigation

- 4.14. If the decision is made to launch an investigation, the supplier will be notified that they are under a formal investigation as soon as is

⁹ A referral is not required for a supplier to be investigated

reasonably possible. The material required for inclusion in the formal notice can be found in section 60(3) of the Act.

- 4.15. The notice will also include an explanation, to the extent possible without prejudicing national security, as to the factors relating to the supplier which have been identified as indicating the supplier could pose a potential threat to the national security of the United Kingdom. This will be provided in order to allow the supplier to make any relevant representations regarding this.
- 4.16. Additionally, NSUP may request the supplier, or a connected person in relation to the supplier, to provide relevant documents or assistance in connection with the investigation in accordance with Section 60(6) of the Act. Request(s) can be made as part of the initial notification or as separate subsequent notice(s) at any point during the investigation.
- 4.17. The supplier may request a meeting with NSUP. This meeting may focus on the notification provided to the supplier and set out expectations for the investigation. For example, explaining that NSUP will be investigating, on behalf of the Minister, whether a national security exclusion ground applies and whether the circumstances giving rise to the application of that ground are continuing or likely to occur again. NSUP will require all relevant information in order to be able to make this assessment, and it is open to the supplier to make any representations they consider relevant. Any meetings with the supplier may also be used to ensure that the supplier understands the full investigation process.
- 4.18. In the course of the investigation NSUP will assess, in order to provide relevant evidence and recommendations to the Minister, the three questions the Minister is required to consider in making their final determination of whether to place a supplier on the debarment list.

Question 1: Threat posed to the national security of the United Kingdom?

- 4.19. NSUP will look at factors relating to whether or not the mandatory and/or discretionary national security exclusion grounds apply to the supplier, i.e. the supplier or a connected person poses a threat to the national security of the United Kingdom (/and would pose such a threat in relation to contracts of a particular description), in a thorough assessment of all collected information. The threat will be assessed through analysis of the three broad areas of assessment set out in paragraphs 4.7.

- 4.20. It is at this stage that an assessment will be made by NSUP as to whether at least one of the national security exclusion grounds apply, in order to inform NSUP's advice to the Minister. If it is assessed that the mandatory national security exclusion ground applies, this will include an assessment by NSUP as to the threat posed to contracts of a particular description. This assessment may rely on the following information: NSUP's assessment of threat (as detailed in paragraph 4.7), any relevant information contained in the referral (if received), and the factors outlined in Paragraph 4.12.
- 4.21. If it is assessed that an exclusion ground does not apply then the supplier would not be assessed as excluded or excludable. NSUP will make an assessment on a case by case basis and advise the Minister accordingly. The determination as to whether an exclusion ground does apply will be made by the Minister.
- 4.22. The development of the final assessment will be an iterative process and thus, the assessments made on which exclusion ground applies and the specific context of the debarment action will be subject to further refinement if new information is discovered during the process of the investigation.

Question 2: Are the circumstances giving rise to the threat continuing or likely to occur again?

- 4.23. If, in NSUP's assessment, one or both of the national security exclusion grounds are found to apply, the investigation will move on to Question 2; NSUP must assess whether the circumstances giving rise to the application of the national security ground(s) are continuing or likely to occur again. This assessment is conducted on a case-by-case basis, with reference to the non-exhaustive list of factors at section 58(1) of the Act. Due to the future-facing nature of assessing national security threats, it is likely that the considerations at Question 1 and 2 will be closely linked and the information taken into account at Question 2 is likely to be the same or very similar as the information considered at Question 1. Where additional representations have been provided by the supplier following considerations at Question 1, these will also be considered. Depending on the nature of the representations, this may involve a reassessment as to whether the exclusion ground(s) apply.
- 4.24. At this stage there will also be a review as to whether the supplier has been given the opportunity to make evidence and make meaningful representations as to whether an exclusion ground applies and

whether the circumstances giving rise to its application are continuing or likely to occur again. This will include a consideration as to whether further information which *can* be shared with the supplier without prejudicing national security *should* be shared.

4.25. NSUP will consider two main categories of information at this stage:

Supplier's Evidence and Representations: This includes any actions the supplier has taken, or commits to take, to mitigate or eliminate the risks identified at Question 1 ("self-cleaning" evidence). This may include changes to organisational structure, internal governance, or staffing. It also may include any representations the supplier provides to challenge the initial assessment of the threat.

Other Collected Information: This covers information collected by NSUP during the investigation in addition to information provided by the supplier, such as open-source information, the wider threat landscape, or relevant information from contracting authorities and other government departments.

- 4.26. If it is assessed that the circumstances giving rise to the application of a national security exclusion ground are continuing or likely to occur again the supplier would then be assessed to be excluded or excludable in accordance with section 57(1) or (2) respectively of the Act. If it is assessed that the circumstances giving rise to the application of a national security exclusion ground are not continuing or likely to occur again then the supplier would not be assessed as excluded or excludable. It may also be assessed that the national security exclusion ground no longer applies. NSUP will make an assessment on a case by case basis and advise the Minister accordingly. The determination as to whether the circumstances giving rise to the application of a national security exclusion ground are continuing or likely to occur again will be made by the Minister.

Question 3: Should the supplier be added to the debarment list?

- 4.27. If it is assessed that the supplier could be placed on the debarment list and if it has been assessed that both national security exclusion grounds apply, there will be an assessment as to whether the supplier should be placed on the debarment list on either the discretionary or mandatory ground. This will involve considering, in light of the assessed threat to UK national security posed by the supplier or a connected person if present in the public supply chain, the likelihood and impact of national security harms (as set out in paragraphs 87-88

of the [Guidance: Exclusions Annex 2: National Security Grounds](#)) to the UK occurring.

- 4.28. If NSUP's assessment is that both national security exclusion grounds apply and that the circumstances giving rise to the application of those grounds are continuing or likely to occur again, NSUP will then assess whether placing the supplier on the debarment list on the mandatory ground (in relation to the contract(s) identified at Question 1) or on the discretionary ground, is warranted from a national security perspective. The determination is led by NSUP based on both their assessment of the threat and the impact and likelihood of the harm.
- 4.29. Any other relevant factors, such as potential diplomatic and economic impacts of any decision to place a supplier on the debarment list, may also be taken into consideration after it has been assessed that a national security ground applies to a supplier and that the circumstances giving rise to the application of that ground are continuing or likely to occur again, for the final recommendation as to whether a supplier should be placed on the debarment list.
- 4.30. Once the recommendation has been shared with other relevant government departments, other ministers will have the opportunity to write and express a view in the form of ministerial letters. This includes the devolved administrations where relevant. The Cabinet Office considers that the debarment decision-making process is quasi-judicial, meaning all relevant evidence must be given due weight. While ministerial letters and other relevant information communicated through appropriate channels may be taken into account, political considerations are strictly excluded.
- 4.31. NSUP will then prepare a comprehensive internal submission to the Minister which will include: the background on the supplier, a summary of relevant representations and evidence received from the supplier and summaries of the assessments produced or relied upon during the investigation process where relevant. The submission will also include final recommendations from NSUP to the Minister regarding the three questions for the Minister to consider and answer, including a recommendation as to whether any debarment should be on the mandatory or discretionary national security exclusion ground and, if the mandatory ground, the specific descriptions of contracts in relation to which debarment should apply.
- 4.32. Additionally, a draft investigation report will be prepared to outline the findings of the investigation in accordance with the requirements of the

Act. Section 61(4) of the Act sets out what must be included in the investigation report.

Phase 3: Decision and Publication

- 4.33. The Minister must first decide, having considered the relevant information and recommendations from NSUP, whether they determine that a national security exclusion ground applies to the supplier and the circumstances giving rise to the application of that ground are continuing or likely to occur again and whether their intention is to place the supplier on the debarment list on one of the national security exclusion grounds.
- 4.34. In parallel, the Minister will also make a decision on sharing the draft investigation report with the supplier and publishing the final investigation report, subject to any restrictions/redactions in accordance with section 61(5) of the Act, regardless of whether there was an intention to place the supplier on the debarment list or not. Following the Minister's decision in this regard, a draft investigation report, or relevant information from the draft report, is shared with the supplier, subject to any restrictions/redactions. The supplier should then have had sufficient information in order to make any representations, exercise their right to appeal against, or challenge all/part of the debarment decision.
- 4.35. NSUP will provide suppliers with a reasonable amount of time to consider the report and whether there are any further representations they wish to make. What is reasonable will depend on the particular case, but in most cases will involve a minimum of ten working days. If the supplier requests an extension to any deadline provided, this will be carefully considered to determine if an extension is reasonable and appropriate in all the circumstances.
- 4.36. NSUP will then prepare a final ministerial submission for a decision on adding the supplier to the debarment list, including advice on any final supplier representations, if received. The Minister will then make a final decision on whether the three debarment determination questions have been satisfied, including whether to exercise their discretion to place the supplier on the debarment list on one of the national security exclusion grounds. After that decision has been made:

If the decision is not to add the supplier to the debarment list, NSUP will notify the supplier of the Minister's decision and an

investigation report will be published subject to the considerations set out in paragraph 4.35.

If the decision is to add the supplier to the debarment list, NSUP will notify the supplier before an entry is made setting out:

the decision to enter the supplier's name on the debarment list;

An explanation of the supplier's rights under sections 63-65 of the Act, and;

Any other information specified in regulations made under section 95 of the Act.

The investigation report will be published subject to the considerations set out in paragraph 4.35.

- 4.37. There will be 8 working day standstill period following the notification of a decision to add a supplier to the debarment list, after which the debarment list can be amended to include the supplier. The Minister will not be able to enter the supplier's name on the debarment list if, during the debarment standstill period, proceedings under section 63(1) of the Act (interim relief) are commenced, and the Minister is notified of that fact, and the proceedings have not been determined, discontinued or otherwise disposed of.
- 4.38. Further information on interim relief or the appeal process under section 65 of the Act can be found [here](#).
- 4.39. Once the standstill period has passed (if the supplier has not sought interim relief or, if interim relief was granted to the supplier, once the period of suspension has ended), the supplier's name will be added to the debarment list. The entry on the debarment list will include relevant debarment information as required by section 62(3) of the Act and as defined by section 62(4) of the act.
- 4.40. A supplier may at any time apply to the Minister for the removal or revision of an entry made on the debarment list in respect of the supplier. The Minister is only required to consider an application for the removal or revision of an entry made on the debarment list in respect of the supplier if:

In the opinion of the Minister there has been a material change of circumstances:

- Since the entry was made, or where relevant, revised or;
- In a case where the supplier has made a previous application to remove or revise the entry, since the most recent application that was considered by the Minister was made or;

The application is otherwise accompanied by significant information that has not previously been considered by the minister.

- 4.41. NSUP will review the evidence and submit a recommendation to the Minister based on the evidence provided. The supplier's application will either be granted and their entry removed or revised, or the supplier will remain on the debarment list without any revision if the evidence is deemed insufficient. After considering the application, the supplier will be notified of the decision with reasons.

5. Further Information

- 5.1. [Guidance: Exclusions Annex 2: National Security Grounds \(HTML\) - GOV.UK](#)
- 5.2. [Guidance: Debarment \(HTML\) - GOV.UK](#)
- 5.3. [The National Security Unit for Procurement - GOV.UK](#)