



CHARTER FOR THE DEFENCE SAFETY AUTHORITY



INTRODUCTION

1. By this Charter the Defence Safety Authority (DSA) is empowered on behalf of the Secretary of State for Defence for its roles as internal Regulator (where Defence has authority); investigator of safety-related fatalities, injuries, near misses, and capability loss; and, provider of 3rd party assurance of compliance with Defence Regulations and associated policy on Health, Safety and Environmental Protection (HS&EP). In fulfilling these roles and associated activities in support of them, the DSA has operational independence and will not be subject to undue financial, political, or operational pressures
2. The DSA provides regulatory authority additional to those in civil statute for provision of HS&EP in Defence, including providing independent assurance as required to the Secretary of State, through the Permanent Secretary. This is to be achieved through proportional and appropriate regulatory and evidence-based assessment activity that supports Defence's operational imperatives.
3. The DSA is to be led by a Director General who shall be a military officer of 3-star rank, suitably qualified and experienced for the role. The appointment shall be confirmed by the Secretary of State. In any circumstances where the Director General judges Safety concerns are not being satisfactorily addressed through normal Departmental processes they shall retain the right of direct access to the Secretary of State to raise those concerns, while ensuring that the Permanent Secretary is kept informed.

ROLES, RESPONSIBILITIES AND ACCOUNTABILITIES

4. The Director General shall, on behalf of the Secretary of State, empower suitably qualified and experienced Crown Servants to be Defence Regulators for appropriate and defined domain and functional areas. The authority of Defence Regulators derives from this Charter and extends wherever Defence activities are conducted, including overseas (in which case the Regulator must take into account whether the national legal requirements of the Host State have been complied with). Defence Regulators shall operate in a manner consistent with UK good practice for regulation as presented in the Regulators' Code.
5. In each domain or functional area it shall be the duty of the Defence Regulator to maintain, promulgate, assure compliance with, and when necessary, enforce Defence Regulations; and to promote an engaged safety culture. The Director General shall have an appeals process to review enforcement action if it is challenged by those to whom it applies.
6. The Defence Operating Model establishes a single integrated framework of internal controls covering the entire Department. To maintain the DSA's independence, the Director General takes their authority from this Charter, and to ensure their organisational separation from those that deliver Defence outputs, the Director General is accountable to the Secretary of State through the Permanent Secretary, who is the Department's most senior official for HS&EP and who Chairs the Defence Safety and Environment Committee (DSEC). The Director General shall attend the DSEC and prepare an Annual Assurance Report including a summary of compliance and regulatory risk for consideration by the Permanent Secretary, the Secretary of State, and onward consideration by the Defence Board
7. The Director General is the primary Convening Authority for safety-related Service Inquiries (SI) across all domains. As such, the Director General will ensure all safety related fatalities, serious injuries, and significant loss of major capability across the DSA regulated regimes are appropriately investigated to identify appropriate lessons, promote continuous improvement, and minimise the risk of reoccurrence. The Director General will approve the assignment of suitably qualified and experienced personnel to undertake the roles of SI President and Panel Members. In circumstances where the Director General has elected to dispense with a SI, the single Services retain the right to conduct their own Inquiry.
8. The Director General shall also empower suitably qualified and experienced Crown Servants to act as Defence Investigators for each domain to assist SIs. The authority of Defence Investigators derives from this Charter and extends wherever Defence activities are conducted including overseas (in which case the Investigator must take into account whether the national legal requirements of the Host State have been complied with).

INTERNAL GOVERNANCE

9. The DSA shall be governed by an Executive Board that will be chaired by the Director General and include independent and expert individuals from outside the Department to advise and challenge the DSA in discharging its responsibilities.
10. The MOD Executive Committee shall provide the DSA with sufficient resources to discharge its roles effectively.

REVIEW AND AMENDMENT

11. This Charter is not a personal delegation and remains in effect through changes of incumbent whether Secretary of State, Permanent Secretary, Director General, or Director HS&EP, and should be maintained in alignment with the Secretary of State's Policy Statement of Health Safety and Environmental Protection. Amendments to this Charter may be requested at any time, consulting with Director HS&EP, the DSEC, DG DSA and the Permanent Secretary, for a decision by the Secretary of State. The DSA should be independently audited, and its Charter refreshed and, if necessary renewed, at least every five years.

CITATION AND COMMENCEMENT

12. This Charter may be cited as the Defence Safety Authority Charter and shall come into force on 1 April 2020.

Given this 2nd day of April 2020.

Rt Hon Ben Wallace MP
Secretary of State for Defence

