



**Ministry
of Defence**

**JSP 815
Defence Health, Safety and Environmental
Protection**

Part 1: Directive

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Health Safety and Environmental protection
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Foreword

This JSP amplifies the Secretary of State's Health, Safety and Environmental Protection Policy Statement. It is the lead policy document under the Policy Statement for HS&EP matters in Defence. Other documents relating to HS&EP which ultimately derive their authority from the Policy Statement, as amplified by this JSP, are to be coherent with the principles set out herein.

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Director, Defence Safety & Environment Authority
Defence Authority for Health, Safety & Environmental Protection

Preface

How to use this JSP

1. JSP 815 contains the policy and direction on Health, Safety and Environmental Protection (HS&EP) in Defence and associated guidance. This JSP will be reviewed at least annually.
2. The JSP is structured in two parts:
 - a. Part 1 - Directive, which provides the direction which is to be followed in accordance with statute or policy mandated by Defence or on Defence by Central Government.
 - b. Part 2 - Guidance, which provides the guidance and best practice that will assist the user to comply with the Directive detailed in Part 1.

Coherence with other Defence Authority Policy and Guidance

3. Where applicable, this document contains links to other relevant JSPs, some of which may be published by different Defence Authorities. Where particular dependencies exist, these other Defence Authorities have been consulted in the formulation of the policy and guidance detailed in this publication.

Related JSPs	Title
JSP 375	Management of Health & Safety in Defence
JSP 392	Radiation Safety Handbook
JSP 418	Management of Environmental Protection in Defence
JSP 426	Fire Safety Manual

Further Advice and Feedback - Contacts

4. JSP 815 is maintained on the Defence Intranet and is revised when required. <http://defenceintranet.diif.r.mil.uk/Reference/DINsJSPs/Pages/JSP815DefenceEnvironmentandSafetyManagement.aspx>
5. The owner of this JSP is DSA-CPA-TL. For further information on any aspect of this JSP or to provide feedback on the content, contact:

Job Title / e-mail	Focus	Phone
DSA-CPA-TL	Overall including SofS Policy Statement	0207 80 78075
DSA-CPA-Policy	Policy matters including JSPs 375 & 418	0207 21 87054
DSA-CPA-Assurance	Assurance matters including annual reporting	0207 21 89139

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Record of Changes

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1	Initial version	Feb 09
2	Major re-write post Haddon-Cave	Nov 13
3	Reformatting into Parts 1 & 2: SofS Policy Statement becomes Annex A: New Leaflet on Duty Holder Construct: other editorial matters	Dec 14

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Chapter 1 Introduction and Disclaimer

Introduction

1. The Policy Statement by the Secretary of State (SofS) for Defence for Health, Safety and Environmental Protection (HS&EP) in Defence is reproduced for convenience at Annex A. It applies to everyone and all organisations within Defence, including contractors and partner organisations, who conduct defence activities. It is a fundamental objective that the risk to the health and safety¹ of anyone conducting or affected by defence activities is reduced as low as reasonably practicable (ALARP).
2. The Policy Statement identifies the six Top Level Budget (TLB) Holders and Chief Executives of the Defence Infrastructure Organisation (DIO) and Trading Fund Agencies (TFA)² as responsible for the safe³ conduct of activities in their area of responsibility (AoR), delegating further on a personal basis to nominated individuals. Commanding officers and managers at every level are to be competent and have at their disposal adequate resources to ensure compliance with the Policy Statement.
3. The Policy Statement provides that authority is given to the Director General, Military Aviation Authority (DG MAA) and the Director, Defence Safety and Environment Authority (D DSEA) for the regulation of HS&EP in Defence where this is a Departmental responsibility. D DSEA is the Defence Authority for HS&EP.
4. JSP 815 amplifies the Policy Statement and:
 - a. Describes the arrangements for the management of HS&EP throughout Defence.
 - b. Provides strategic direction to TLBH / CEs responsible for conducting defence activities.
 - c. Provides an overview of the arrangements for regulation of defence activities.
5. Relevant legislation and the Policy Statement refer to 'health and safety'; it is self-evident that a failure in HS&EP management has the potential to be detrimental to the health of people affected by the failure. This JSP focuses on the application of adequate HS&EP management arrangements to prevent or minimise work-related health effects; the treatment of any such effects is addressed by other policy, rules and guidance. The requirements of the Policy Statement and this JSP in respect of environmental protection are based on the UK environmental legislative framework not encompassing sustainable development. HS&EP management as detailed herein need not, therefore, address sustainable development.

¹ Risk to health and safety encompasses 'risk to life', and this concept is routinely used to estimate and compare different types of potential hazard to people.

² Hereafter abbreviated to "TLBH / CE"; the organisations will be referred to as "TLBs etc.".

³ The phrase 'safe conduct of activities' (or similar) should be taken to mean additionally 'and with due regard to the protection of health and of the environment' in most circumstances.

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Disclaimer

6. Nothing contained within this JSP removes the requirement on anyone to comply with applicable legislation, Defence regulations and the Policy Statement.

7. Use of the terms 'chairman' and 'he' throughout the text has been adopted purely to aid clarity and consistency and should not be construed as deviation from the Department's equality and diversity policy. This document has been equality and diversity tested in accordance with Departmental policy (Part 1 screening only); no direct discrimination or adverse impact has been identified.

Chapter 2 The Legislative Framework and Formulation of Departmental Policy

Legislation

1. The Health and Safety at Work etc. Act 1974 (HSWA), and the Environmental Protection Act 1990 (EPA), are primary pieces of relevant UK legislation. Section 2(3) of HSWA⁴ requires an employer to:

'prepare and, as often as may be appropriate, revise a written statement of his general policy with respect to the health and safety at work of his employees.'

For the Department this duty is held by SofS who is also answerable to Parliament for HS&EP in Defence and who provides a Policy Statement that identifies the key requirements and high-level responsibilities for HS&EP management.

2. The Policy Statement directs that, within the UK, Defence is to comply with all applicable legislation (which includes legislation giving effect to the UK's international obligations). Overseas, and notwithstanding state immunity under customary international law, Defence is to apply UK standards where reasonably practicable and, in addition, is to respond to host nations' relevant HS&EP expectations and co-operate with host nations' HS&EP authorities.

3. There are a number of pieces of legislation which effectively exempt defence activities or provide relevant derogations; there may also be powers of specific dis-application granted to SofS in some legislation⁵. In these circumstances, the Policy Statement requires the introduction of Departmental arrangements that produce outcomes which are, so far as is reasonably practicable, at least as good as those required by legislation.

4. Under customary international law, Visiting Forces have state immunity from domestic legislation; the interpretation and administration of this status for Visiting Forces in the UK is described in Part 2 Leaflet 1.

Defence Policy and Formulation

5. It is essential that Defence is aware of, and can appropriately influence, emerging legislation and consider, should the potential consequence be a severe constraint on capability, the need for an exemption for defence activities. DSEA-CPA co-ordinates processes to track and influence legislation and exemptions.

6. Defence Regulators are to maintain Defence Regulations appropriate to their HS&EP domains which may encompass relevant legislation, consulting as appropriate when developing such regulations; these regulations are to be as coherent as practicable between HS&EP domains.

⁴ Whilst the EPA does not state an equivalent requirement, the Policy Statement approaches environmental protection management in a manner consistent with health & safety management.

⁵ Hereafter, "exempt / exemption" may be used as shorthand for exemption, derogation or dis-application which may result in the defence activity not being scoped, specifically excluded or authority given to Defence to deviate from regulations. Further detail may be found in the publications of Defence Regulators.

7. The Defence Environment and Safety Committee (DESC) is the senior Departmental committee for HS&EP; it is chaired by PUS and provides advice to him on HS&EP Policy, including this JSP, reviews HS&EP performance and may advise on specific HS&EP issues. Senior representatives of TLBs etc., DG MAA and D DSEA are members of DESC.

Departmental Publications

8. The Department produces publications on HS&EP in a hierarchy of four levels:
- a. Level 1 – Departmental Policy (this JSP).
 - b. Level 2 – Defence Regulations owned by Defence Regulators.
 - c. Level 3 – guidance (including where appropriate Codes of Practice) provided by Defence Regulators; DSEA-CPA provides Defence Codes of Practice and guidance to Defence on corporate requirements and compliance with legislation.
 - d. Level 4 – HS&EP arrangements and procedures normally produced within TLBs etc.
9. Defence Regulators and DSEA-CPA are to ensure that the content of the documents published under their delegated authority is consistent with this document. TLBs etc. are to ensure consistency with higher level documents.

Chapter 3 Organisation for the Conduct of Defence Activities

Corporate Roles and Responsibilities

1. As part of their commitment to achieving and maintaining high HS&EP standards, SofS and the Defence Board (DB) regularly receive information on and consider HS&EP matters.
2. PUS is responsible for ensuring that effective management arrangements are in place to deliver compliance with the Policy Statement. The Policy Statement requires organisational separation within the Department between those who conduct defence activities and those who provide Defence regulation.

Corporate Policy and Assurance

3. D DSEA is appointed by PUS as the Defence Authority for HS&EP; supported by DSEA-CPA, he is responsible for:
 - a. Drafting the Policy Statement, this JSP and providing other corporate guidance.
 - b. Coordinating the tracking and influencing of legislation.
 - c. High-level assurance processes including the compilation of the Departmental HS&EP Annual Report.
 - d. Providing the secretariat for the DESC.
 - e. Ministerial, Parliamentary and public information business relating to corporate HS&EP.
 - f. Proposing corporate approaches to improve HS&EP performance.
 - g. Maintaining a central record of enforcement action, fatalities and HS&EP risks referred to SofS.

Conduct of Defence Activities

4. Each TLBH / CE receives delegated authority and responsibility requiring him to conduct defence activities in his AoR safely.

Health, Safety & Environmental Protection Management Duties

5. Both the employer and employees have duties under HS&EP legislation; the duty of the employer is devolved in his AoR on each commanding officer or manager⁶; it may be referred to as a duty of care.

⁶ It is appropriate, however, to select commanding officers or managers at specific levels in an organisation to have documented HS&EP management arrangements etc. (see para 8 & Chapter 5).

Duty Holders for Risk to Life

6. Additionally Defence has created a Duty Holder (DH) construct to focus on the ownership and management of risk to life⁷ and the accountability that arises; guidance on the DH construct is in Part 2 Leaflet 2. Where appointed, a DH has a personal duty of care for people who, by virtue of their involvement in activities, come within his AoR and for the public who may be affected by activities in his AoR. A DH is accountable⁸ for ensuring that risks to life from activities in his AoR are reduced ALARP and are tolerable to him. DHs are nominated at discrete levels in each TLB etc., in parallel with the command or management hierarchy, in order to provide necessary separation and a degree of beneficial tension between safety and delivery. The three levels of DH are:

- a. Senior. The Policy Statement identifies the TLBH / CE as the SDH for activities in his AoR. An SDH is personally responsible for ensuring that resources are adequate to conduct activities safely, that effective management arrangements are implemented and that personnel (in particular DHs) under his command / management are suitably qualified, experienced, trained and equipped. An SDH is accountable, and has right of access, to SofS.
- b. Operating. An SDH is formally to appoint Operating Duty Holders (ODHs) (at typically 2* level) for activities, or groups of activities, in his AoR. An ODH is personally responsible for ensuring that resources are adequate to conduct activities safely, that effective management arrangements are implemented and that personnel (in particular DHs) under his command / management are suitably qualified, experienced, trained and equipped. An ODH typically oversees all defence lines of development (e.g. approved equipment / materiel, trained and competent staff) that contribute to activities, and he may own the safety case for a significant defence activity in his AoR, being personally satisfied that risk to life has been reduced ALARP. An ODH is accountable, and has right of access, to his appointing SDH.
- c. Delivery. A superior DH is formally to appoint Delivery⁹ Duty Holders (DDHs) for specific activities in his AoR. A DDH is personally responsible for ensuring that resources are adequate to conduct activities safely, that effective management arrangements are implemented and that personnel under his command / management are suitably qualified, experienced, trained and equipped. A DDH owns the safety case for his defence activity, if this is not owned by the ODH or others, being personally satisfied that risk to life has been reduced ALARP. By virtue of his position in the command / management hierarchy and his proximity, the DDH provides for the supervision of the defence activity being conducted. A DDH is accountable and has right of access to his appointing superior DH.

7. The conduct of some defence activities (eg. operations under Joint Force Command) may require direction from outside the routine command / management and DH hierarchy. In such situations, duty of care is the responsibility of the commanding officer or manager for the activity; a DH is to define the parameters for safe conduct of the activity and agree the continuing management of these with the command or management hierarchy. The

⁷ The DH construct is concerned with "risk to life". A DH may also have responsibilities as a commanding officer or manager (eg. for environmental protection).

⁸ See Chapter 4 paras 9-11 in relation to individual and corporate liability.

⁹ In some TLBs this is termed the Commanding Officer DH.

responsibilities of the DH and the command or management hierarchy are to be clarified and documented.

Organisation, Capability and Change Management

8. A commanding officer or manager is to ensure that adequately detailed statements are maintained setting out the organisational arrangements for managing his activities safely. Guidance on the principles for a Statement of Organisation & Arrangements is in Part 2 Leaflet 3.

9. Legislation and Defence Regulations may explicitly or implicitly express a requirement that a commanding officer's or manager's organisation be adequately resourced, both financially and in human resources. A commanding officer or manager is to ensure that this is achieved, interacting appropriately with relevant regulator(s).

10. Changes to an organisation, if poorly conceived or controlled, have the potential to be detrimental to HS&EP. It is an explicit requirement of the Policy Statement that, prior to any change in his organisation, a commanding officer or manager is to conduct an assessment and demonstrate no detriment to HS&EP. The assessment analyses the impact of the proposed change with a rigour proportionate to the change's significance. A commanding officer or manager is to interact appropriately with relevant regulator(s). Guidance is in Part 2 Leaflet 4.

Personnel Competence

11. Legislation and Defence regulations routinely and explicitly require activities with HS&EP implications to be carried out by competent people. A competent person is to have suitable current knowledge and experience to enable them to carry out their specific role.

Contractors and Partners

12. TLBs etc. routinely engage contractors and partners to undertake a wide range of defence activities. Contractors and partners are to be competent to undertake the activities required safely, and the employing commanding officer or manager is to ensure that this is the case. The commanding officer or manager is to ensure that sufficient information is provided to contractors / partners to enable them to conduct activities safely. The commanding officer or manager is to designate a competent person from his organisation to have responsibility for co-ordinating HS&EP aspects of each contract or agreement.

13. If there are exemptions from legislation that are relevant to the contractor's or partner's defence activities, then Defence Regulations apply. The employing commanding officer or manager is to ensure that this is expressed in the contract or agreement and that relevant Defence Regulators are empowered through the contract or agreement to regulate the contractor's or partner's activities.

Chapter 4 Regulatory Organisations

Statutory Regulators

1. Most defence activities in the UK are fully subject to relevant HS&EP legislation and are regulated by statutory regulators. The regimes operated by statutory regulators are dependent on the legislation that empowers them, and there is considerable variety. In general, activities with the highest consequences, should there be a failure, attract the greatest intervention from regulators, many of whom 'license' or 'permission' activities. In keeping with the Regulator's Code, statutory regulators provide advice at their own volition.

2. Statutory regulators with powers in respect of certain defence activities in the UK include (the list is not exhaustive):

- a. Health & Safety Executive (HSE) (for Great Britain).
- b. Health & Safety Executive for Northern Ireland.
- c. Environment Agency (EA).
- d. Scottish Environment Protection Agency.
- e. Natural Resources, Wales.
- f. Northern Ireland Environment Agency.
- g. Maritime & Coastguard Agency.
- h. Department for Transport.
- i. Office for Nuclear Regulation.
- j. Local Authorities.

3. Co-ordinated by D DSEA, the Department maintains appropriate formal agreements¹⁰ with some statutory regulators providing interpretation of their responsibilities in Defence, interactions with commanding officers or managers and collaborative arrangements with Defence Regulators.

Defence Regulators

4. Defence Regulators are to provide regulation of HS&EP for defence activities within a specific domain. They are empowered by SofS by charter (DGMAA) or via delegations from PUS and D DSEA (DSEA Regulators)¹¹. Defence Regulators are to operate regimes that are aligned, where reasonably practicable, with statutory equivalents or near

¹⁰ Available through DSEA web-sites.

¹¹ Some relevant legislation provides powers with specific mention of SofS; Defence Regulators exercise these under the *Carltona* principle (*Carltona Ltd v Commissioners of Works 1943*) which concluded that a secretary of state was entitled to authorise a suitable person in his department to exercise powers on his behalf.

equivalents in order to produce outcomes that are so far as practicable at least as good as those required by UK legislation. Since most relevant (exempt) defence activities have high consequences, should there be a failure, Defence Regulators typically 'license', 'permission' and/or 'approve' activities. In keeping with the Regulator's Code, Defence regulators provide advice at their own volition.

5. Defence Regulators are:

- a. The MAA: military air safety.
- b. Defence Nuclear Safety Regulator: nuclear and radiological S&EP in the Defence Nuclear Programme.
- c. Defence Ordnance, Munitions and Explosives (OME) Safety Regulator: ordnance, munitions and explosives S&EP, Major Accident Control Regulations, range safety and laser safety.
- d. Defence Maritime Regulator: maritime S&EP including diving.
- e. Defence Land Safety Regulator comprising:
 - The Land Systems Safety Regulator: S&EP for land systems.
 - The Movements & Transport Safety Regulator: S&EP across movement & transport activities.
 - The Fuel & Gas Safety Regulator: S&EP for fuel & gas installations.
- f. Defence Fire Safety Regulator¹².

6. Defence Regulators are encouraged to develop peer relationships with relevant statutory regulators in order to secure seamless regulation of defence activities in a manner consistent with the authority of each regulator. The relationship may be expressed in appropriate understandings or agreements which are to be consistent with any wider understanding or agreement (para 3). The relationship may include joint regulatory activities (eg. inspections).

Overseas Authorities

7. Notwithstanding the position of state immunity under customary international law, many host nations have HS&EP authorities with expectations (which may be expressed in written agreements) in respect of UK defence activities conducted in their jurisdiction. A commanding officer or manager is to engage with such authorities, recognise international (eg. coalition partners) and national sensitivities and is to respond to expectations. Defence Regulators are empowered to regulate UK defence activities overseas, and they co-operate and collaborate with overseas authorities adjusting their regulatory regimes as necessary.

¹² DFRS is a statutory enforcement authority under the Regulatory Reform (Fire Safety) Order 2005.

Enforcement

Statutory Regulators

8. Statutory regulators have enforcement powers and regimes granted to them by legislation; whilst varied in detail (see relevant statutory regulator's publications¹³), they can be considered in three general categories¹⁴:

- a. Serving an Improvement Notice.
- b. Serving a Prohibition Notice or withholding or withdrawing a license, permission or permit (either fully or in part) where an activity is (or is to be) licensed, permissioned or permitted.
- c. Prosecuting in criminal courts.

9. Where an allegedly offending defence activity is conducted by Crown servants (ie. members of the armed forces or MOD civilians), statutory regulators' powers are, in general, modified to issuing a Crown Improvement or Prohibition Notice (instead of an Improvement or Prohibition Notice) or a Crown Censure (instead of a prosecution); further detail of these processes as applied under HSWA may be found in Annex A to the MOD-HSE General Agreement. An equivalent process for statutory environment regulators is to apply to either the High Court (England, Wales and Northern Ireland) or the Court of Session (Scotland) for a declaration that a Crown activity is unlawful. Both the HSE and the EA have undertaken, through their agreements with the Department, not to prosecute Crown servants in lieu of corporate responsibilities. A commanding officer or manager can be prosecuted in circumstances where it is alleged that the offence has been committed with his consent or connivance or has been attributable to his neglect. Crown servants remain subject to the criminal law and may also be prosecuted if it is alleged that they have committed a criminal offence, such as manslaughter.

10. Armed forces personnel are additionally subject to Military Law and may be prosecuted if it is alleged that they have committed a disciplinary offence. If it is alleged that gross negligence or the failure of a commanding officer or manager to address or refer HS&EP issues within his AoR has occurred, disciplinary action under the Armed Forces Act or Civil Service Code of Conduct may be taken.

11. There is no Crown exemption from prosecution under the Corporate Manslaughter and Corporate Homicide Act 2007. The Department is the corporate entity that would face prosecution, should an offence be alleged.

Defence Regulators

12. Defence Regulators have enforcement powers granted by charter or delegations which depend for their application on the corporate discipline of the Department deriving from the Policy Statement; they do not have powers of prosecution. Whilst varied in detail (see the relevant Defence regulations), a Defence Regulator's powers can be broadly considered in two categories¹⁷:

¹³ For example, HSE's at <http://www.hse.gov.uk/enforce/emm.pdf> and EA's at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/296527/LIT_8275_f6fec6.pdf

¹⁴ Warning letters may be precursors to enforcement in some circumstances.

- a. Serving an Improvement Notice.
- b. Serving a Prohibition Notice or withholding or withdrawing a license, permission, permit or approval (either fully or in part) where an activity is (or is to be) licensed, permissioned, permitted or approved.

13. In the event of a dispute between a Defence Regulator and anyone in Defence subject to an enforcement action, the issue will be escalated for resolution through the respective command / management and regulatory hierarchy, up to and including SofS if necessary.

Chapter 5 Risk Management

Introduction

1. The Policy Statement requires that work-related¹⁵ fatalities, injuries, ill-health and adverse effects on the environment are minimised. 'Work-related' activities in the defence context include operational training, which is to be conducted with an appropriate degree of realism, and routine operations. However, when conducting operations in conflict situations, and where there is engagement or the potential for engagement with a hostile party, wider considerations apply to risk management¹⁶, although the aim of minimising fatalities and injuries to those entitled to protection remains the same; commanding officers have discretion to operate beyond the constraints of the risk assessment or safety case (see para 8-10) when necessary.

2. HSWA requires an employer to:

'ensure, so far as is reasonably practicable¹⁷, the health, safety and welfare at work of all his employees' and 'to conduct [activities] ... to ensure, so far as is reasonably practicable, that persons not in employment are not exposed to risks to their health and safety'.

Guidance on demonstrating that safety risk has been reduced ALARP is provided in Part 2 Leaflet 5.

3. Individual environmental protection legislation refers to terms such as 'As Low As Reasonably Achievable', 'Best Available Techniques', 'Best Practicable Environmental Option (BPEO)' which have subtle variations of meaning. For brevity in this JSP, 'selection of BPEO' is used to describe the acceptable reduction of environmental risk.

4. It is accepted that, in some circumstances, the use of an exemption from legislation may result in the risk from a defence activity being higher than an equivalent (if such exists) non-defence activity. The risk assessment (see para 8) for a defence activity is to justify the risk against the operational requirement and be capable of responding to changed priorities requiring, for example, the rapid deployment of a defence capability. Recognising all the circumstances, the requirement is always to establish that risk has been reduced ALARP and the BPEO has been selected.

5. In the event of a loss or harm arising from a failure to manage any HS&EP risk satisfactorily, the Department will respond to claims for compensation; guidance is in Part 2 Leaflet 6.

¹⁵ This is interpreted as 'whilst on duty', but the effect of work on subsequent activity (eg. excessive tiredness when travelling home) may also be considered as 'work-related'. A commanding officer or manager is to determine, in consultation with the workforce, which activities are done 'on duty'.

¹⁶ There is a body of case law relating to 'combat immunity' (see in particular *Smith, Ellis, Allbutt & Others v MOD*, June 2013); appropriate legal guidance in relation to these cases should be sought by those determining the necessary Defence capability for specific operations.

¹⁷ The HSWA phrase 'so far as is reasonably practicable' may also be termed 'as low as is reasonably practicable' (ALARP); in practice the terms are interchangeable and the latter is used. Other requirements of legislation or Defence regulations may be more rigorous than the proof that risk is ALARP or may include risk tolerability criteria.

Health, Safety & Environmental Protection Management Arrangements

6. A commanding officer or manager is to put in place HS&EP management arrangements (see Chapter 3 para 8) to conduct his activities safely. Principles that inform these are:

- a. Clear delegation of authority (responsibility, however, cannot be delegated).
- b. Clear ownership of activity and its risk.
- c. Proportionate risk management.
- d. Auditable decisions.
- e. Clarity of standards.
- f. Appropriate peer review, monitoring, inspection and audit.

7. HS&EP management arrangements are to address the following elements in a manner that is appropriate and proportionate to the organisation and activities being carried out:

- a. Applicable policy, legislation, Defence regulations and guidance.
- b. Information management.
- c. Organisational leadership, culture, capability and change management.
- d. Personnel competence and training.
- e. Risk assessments and safety cases.
- f. Equipment/materiel and infrastructure design and manufacture.
- g. Equipment/materiel and infrastructure maintenance.
- h. Supervision and control of activities.
- i. Incident management and learning from experience.
- j. Emergency arrangements.
- k. Self-assurance.

Guidance on the meaning and content of these elements is given in Part 2 Leaflet 8.

Risk Assessments and Safety Cases

8. It is a legal requirement¹⁸ to conduct a risk assessment for work-related activities. The degree of rigour applied by a commanding officer or manager to risk assessment for

¹⁸ The Management of Health and Safety at Work Regulations 1999 and other legislation.

an activity is to be proportionate to the consequences of failure. Five steps are applied to ensure effective assessment and management:

- a. The hazards which may affect the activity (eg. extreme natural events) and are inherent within the activity are identified.
- b. Those who might be harmed, and the degree of harm, are identified (also applies to the environment).
- c. The identified hazards are assessed for their severity and likelihood, HS&EP risks are evaluated and controls and mitigations are developed that reduce safety risks ALARP and, for the environment, result in the BPEO being selected. If risk to life is identified in the assessment, the arrangements of the relevant DH hierarchy are to be activated.
- d. The result is recorded (as necessary) and implemented: if a commanding officer or manager, at any level, considers that resources (financial, human, material) available to him do not provide for controls or mitigations which reduce the safety risk ALARP or result in the BPEO being selected, he is to refer this to a relevant higher commanding officer or manager¹⁹ for consideration and action and is not to proceed / continue with the activity.
- e. The assessment is reviewed: in particular controls and mitigations are monitored to determine their continuing effectiveness; corrective actions are taken as necessary.

Safety Cases

9. If the work-related defence activity is complex and/or if the consequences of failure whilst conducting the activity are significant for the health or safety of the workforce or public or for the environment, it may be appropriate to produce and document the risk assessment as a safety case²⁰; it is expected that many defence activities are in this category. The owning commanding officer or manager²¹ is to decide whether to produce such a safety case in consultation with relevant regulator(s) and recognising the requirements of legislation or Defence regulations.

10. Typically such a safety case or safety case report²² for a defined defence activity and operating environment:

- a. Is owned by the commanding officer or manager for the defence activity as a means of documenting the hazards to and risks from conducting the activity, and the management of the necessary controls and mitigations.

¹⁹ Particularly applies within the DH hierarchy. A TLBH / CE (SDH for risk to life) is to refer such risks to SofS; those risks accepted by SofS are to be notified to DSEA-CPA who maintain a central register.

²⁰ A safety case is a structured argument, supported by a body of evidence that provides a compelling, comprehensible and valid case that a system is safe for a given application in a given operating environment. It includes health and environmental risk assessment as appropriate.

²¹ Where there is a DH for the activity, ownership of the safety case may rest with him.

²² A safety case report summarises the arguments and evidence of the safety case and documents progress against the safety management plan.

- b. Is evidence to support a claim by the commanding officer or manager that they consider that the defence activity is safe with the reasoning for that conclusion.
- c. Has evidence that the boundary for the assessment of the defence activity eg context of use, operational environment, interfaces etc is defined.
- d. Starts with a short executive summary outlining, in plain English, the principal hazards and environmental impacts which have been identified and the reasons why the safety risks are ALARP and the BPEO is selected.
- e. Identifies any residual safety risks or environmental impacts and how they should be mitigated or managed.
- f. Is appropriate and proportionate in its rigour to the activity to be conducted, the consequences of failure and the needs of the commanding officer or manager (and regulator(s) as necessary).
- g. Includes evidence and analysis from each defence line of development that contributes to control and mitigation of hazards and environmental impacts.
- h. Defines the safe operating envelope of any equipment / materiel / infrastructure used in conducting the activity.
- i. Addresses and defines interfaces with other related activities and their risk assessments / safety cases.
- j. Is able to address urgent and short-term changes to hazards, consider changes to risk and the need to adjust controls and mitigations.
- k. Is maintained and reviewed, being informed by feedback from conducting the activity, from any incident or accident, by the equipment / materiel state, by technological developments, by changes to appreciation of hazards and by changes to controls and mitigations (e.g. the availability of human or financial resources).
- l. Documents any assumptions, dependencies and limitations that have been used or identifies and justifies the reasonableness of such assumptions.
- m. Is available at appropriate milestones throughout the life of the activity, product, service or system.
- n. Provides evidence that risks, outside the owning commanding officer or manager's authority, have been referred and owned at an appropriate level of seniority.

Defence Capability Development

11. The foregoing text in this chapter addresses risk management prior to the actual conduct of defence activities; this paragraph considers risk management during the development of defence capability. The disciplines of reducing safety risk to ALARP and selecting the BPEO encourage continuous improvement as understanding and technology advance (see also Part 2 Leaflet 5 para 17). Reduction in HS&EP risk may often be

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beneficially advanced at the introduction of a new defence capability or during a major upgrade to existing capability. Those responsible for capability development, including the expected future commanding officer(s), manager(s) or DH(s), are to address HS&EP factors from the earliest stages; they are to engage as appropriate with relevant Defence Regulators, noting that regulatory views are very likely to be sought during the investment scrutiny process.

Chapter 6 Corporate Records, Notifications and Investigations

1. In order to support routine DB and annual reporting and to provide a centrally-held data in the event of enquiries, DSEA-CPA collates records of certain HS&EP-related events. Defence Statistics collates and publishes annual health and safety statistics for the Department derived from data supplied by TLBs etc. on fatalities, injuries, near misses and dangerous occurrences.

Enforcement Notification

2. In addition to internal processes (including reports as necessary to ministers), TLBs etc. are to notify DSEA-CPA of any enforcement action²³ taken by statutory or Defence Regulators as soon as possible after the action is taken. The information for DB and annual reports is to include brief details of the enforcement action and the progress made in resolving the issue.

Fatality Notification

3. An SDH is to notify SofS of any work-related fatality²⁴ in his AoR, which is potentially safety-related, as soon as possible after it has occurred²⁵; the template at Part 2 Leaflet 9 provides guidance on the content of such a notification which is to be copied to DSEA-CPA. Notification is also necessary to relevant statutory and/or Defence Regulators and to police forces. The information for DB and annual reports is also to include brief details of fatalities and the progress with subsequent investigations.

Investigations

4. A commanding officer or manager is to conduct an appropriate²⁶ investigation into an HS&EP incident or accident occurring during a defence activity in his AoR. Trades Union or other safety representatives may conduct investigations in relevant circumstances²⁷. Service Inquiries may be instigated²⁸. Statutory or Defence Regulators may also choose to investigate; in some HS&EP domains independent investigatory organisations have responsibilities. In the event of a fatality an appropriate police force²⁹ may investigate potential breaches of the criminal law and the coroner³⁰ may convene a hearing; in such a case the commanding officer or manager may not be able to investigate causation until agreed with the relevant body. The precedence of investigations and the authority of

²³ This is to include enforcement action taken against anyone or any organisation (including Tier 1 contractors or where a contractor's activity affects an MOD employee) conducting defence activities in the AoR of TLB etc.

²⁴ This is to include anyone engaged in a defence activity (Armed Forces, MOD civilian or contractor) or any fatality resulting from the activity (eg. a member of the public).

²⁵ There may be other routes for notification of fatalities to SofS; it is an SDH's responsibility to resolve any double reporting whilst ensuring the minimum information (Leaflet 9) is provided.

²⁶ Consideration includes the consequences of the incident / accident, the management level at which to hold the investigation, the need for independence, the duties and requirements of other investigators.

²⁷ Health & Safety (Consultation with Employees) Regulations 1996.

²⁸ See JSP 832 and note that DG MAA can convene a Service Inquiry.

²⁹ Including MOD or Service Police.

³⁰ In Scotland the Procurator Fiscal.

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investigators may present complex issues potentially requiring legal advice and careful negotiation to reach a modus operandi in each case.

5. A commanding officer or manager is to respond to the recommendations of any investigation, making a plan for follow-up actions and monitoring their completion.

Chapter 7 Assurance and Reporting

Assurance

1. A commanding officer or manager is to include monitoring, review, audit and inspection as part of his self-assurance management arrangements in order to measure, correct, improve and provide evidence about HS&EP performance. The arrangements, which are to have a rigour (including appropriate independence) proportional to the consequences of failure when conducting activities, are to include:
 - a. Use of proactive and reactive performance indicators.
 - b. Specific monitoring of health effects where these might result from engagement in the activity.
 - c. Processes for reviewing, auditing and inspecting both the HS&EP management arrangements and the activities conducted.

The evidence acquired from the assurance processes within a TLB etc. will be principally for its own purposes, but suitably summarised, it is to support Departmental HS&EP performance reporting (see below).

2. DSEA-CPA is to conduct reviews of the central HS&EP management arrangements of TLBs etc. against the requirements of the Policy Statement and this JSP. These reviews support its responsibilities in collating Departmental reports (see below).
3. Defence Regulators are to conduct audits and inspections against their regulations of a commanding officer's or manager's activities and HS&EP management arrangements. The evidence from these and from enforcement action is to support Departmental HS&EP reporting (see below).

Performance Reporting

4. The DB is to receive a monthly summary report on HS&EP performance which includes information on fatalities and enforcements together with any specific issue that may be requested. DSEA-CPA is to collate this report from information provided by TLBs etc. and Defence Regulators.

Annual Reports

5. Each TLB etc. is to compile an annual HS&EP assurance report, the executive summary of which is to be provided to DSEA-CPA for inclusion in the Departmental Annual HS&EP Assurance Report (the AAR). Each TLB etc. is to include a self-assessment of performance by declaring a level in the range 1-6 (guidance at Part 2 Leaflet 10) addressing each of the 11 elements of HS&EP management arrangements (Chapter 5 para 7). The assessment is to be done at ODH or Higher Level Budget Holder level and a range of scores provided. Each TLB etc. is to describe the risks or issues relevant to its HS&EP performance.
6. Each Defence Regulator is to compile an annual report drawing out issues within his domain that may need common action by relevant commanding officers or managers,

noting any enforcement action taken and summarising his regulatory health and activity. The executive summary of the report is to be provided to DSEA-CPA for inclusion in the AAR. Under the terms of his charter, DGMMA submits his Annual Report to SofS.

7. Detailed instructions for the AAR are to be issued annually by DSEA-CPA. The AAR is to include the contributions from TLBs etc. and Defence Regulators (above) and from some statutory regulators and is to draw out pan-Defence HS&EP issues. HS&EP performance is to be reported against the following targets:

- a. Minimise work-related fatalities, injuries, ill-health and adverse effects on the environment³¹: performance indicators – i) no abnormal variation³² in fatality numbers, ii) reduction in rate of major injuries from previous year, iii) reduction in number of significant environment incidents; summaries provided by Defence Statistics are included in the AAR.
- b. Self-assessments provided by each TLB etc. against the 11 elements of HS&EP management arrangements: performance indicator – Level 4.

8. The AAR is to be considered by the DESC and subsequently submitted to DB by PUS; interactions with the Defence Audit Committee may also be required. The AAR is to be widely available with a routine expectation that it will be published (via GOV.UK).

³¹ From Policy Statement para 2a

³² Under the Statistical Process Control technique used by Defence Statistics, abnormal variation is declared if there is a violation against a set of rules relating to the data.

Annex A



HEALTH, SAFETY AND ENVIRONMENTAL PROTECTION IN DEFENCE

Policy Statement by the Secretary of State for Defence

1. I make the following Policy Statement for all health, safety and environmental protection (HS&EP) matters in Defence because, as Secretary of State, I am answerable to Parliament for such matters and to comply with a requirement of the Health and Safety at Work etc Act. In doing so, I emphasise the importance which I attach to the health and safety of those who deliver defence activities (including the Armed Forces and MOD civilians) and those who may be affected by defence activities and to the protection of the environment. This Policy is to be applied throughout Defence.

GENERAL DUTIES

2. I require that:
- We minimise work-related fatalities¹, injuries, ill-health and adverse effects on the environment, and we reduce health and safety risks so that they are as low as reasonably practicable (ALARP).
 - Within the United Kingdom (UK) we comply with all applicable HS&EP legislation.
 - Overseas we apply our UK arrangements where reasonably practicable and, in addition, respond to host nations' relevant HS&EP expectations.
 - Where Defence has exemptions, derogations or dis-applications from HS&EP legislation, we maintain Departmental arrangements that produce outcomes that are, so far as reasonably practicable, at least as good as those required by UK legislation.
 - Those of us in positions of management or command, from the Defence Board downwards, lead by example on HS&EP as part of normal business and maintain a just culture where everyone is empowered to contribute to HS&EP objectives.
 - We take reasonable care of the health and safety of ourselves and others who may be affected by our acts or omissions at work, we protect the environment and we co-operate with arrangements that are in place to enable us to discharge the duties placed on us.

GOVERNANCE

3. The Defence Board is to receive information on HS&EP matters at each meeting, is to discuss issues arising and is to review an Annual HS&EP Assurance Report submitted by the Permanent Under Secretary (PUS).
4. As the Department's most senior official for HS&EP matters, PUS is to ensure that effective management arrangements are in place to achieve compliance with this Policy Statement, which may be amplified as appropriate, drawing on advice as necessary across the Department. PUS is to include HS&EP performance in the Department's holding-to-account process.

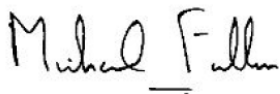
¹ I wish to be notified, in writing by the responsible Senior Duty Holder, of any fatality which is potentially safety-related as soon as possible.

5. Each Top Level Budget (TLB) Holder or Chief Executive of Trading Fund Agencies and Defence Infrastructure Organisation is to be the Senior Duty Holder (SDH) for the safety of defence activities conducted in his/her area of responsibility (AoR) in addition to his/her wider HS&EP responsibilities. If an SDH considers that a risk from a defence activity cannot be mitigated so that it is ALARP, he/she is to refer it to me. Each SDH is to set down and implement HS&EP management arrangements for activities in his/her AoR and ensure that commanding officers and managers to whom he/she may delegate HS&EP authority are competent and have adequate resources at their disposal.

6. Any commanding officer or manager who wishes to change organisational arrangements or resources is to ensure that, before being implemented, the proposed change is properly assessed and demonstrated not to be detrimental to HS&EP and that implementation is subsequently suitably managed.

7. There is to be organisational separation between those who conduct defence activities and those who provide regulation, so that the latter are independent whilst being part of the Department. The Director General Military Aviation Authority and the Director, Defence Safety & Environment Authority are to provide for the regulation of HS&EP in Defence where this is an MOD responsibility (for example as part of the arrangements identified at para 2d above). Defence regulators are to have appropriate powers to enforce their regulations.

8. The detailed organisation and arrangements that amplify this Policy Statement are to be set out in JSP815 (Defence Health, Safety & Environmental Protection).



Rt Hon Michael Fallon
Secretary of State for Defence
August 2014



**Ministry
of Defence**

**JSP 815
Defence Health, Safety and Environmental
Protection**

Part 2: Guidance

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Foreword

This Part 2 JSP provides guidance in accordance with the policy set out in Part 1 of this JSP; the guidance is sponsored by the Defence Authority for Health, Safety and Environmental Protection. It provides policy-compliant business practices which should be considered best practice in the absence of any contradicting instruction. However, nothing in this document should discourage the application of sheer common sense.

Preface

How to use this JSP

1. JSP 815 contains the policy and direction on Health, Safety and Environmental Protection (HS&EP) in Defence and associated guidance. This JSP will be reviewed at least annually.
2. The JSP is structured in two parts:
 - a. Part 1 - Directive, which provides the direction which is to be followed in accordance with statute or policy mandated by Defence or on Defence by Central Government.
 - b. Part 2 - Guidance, which provides the guidance and best practice that will assist the user to comply with the Directive detailed in Part 1.

Coherence with other Defence Authority Policy and Guidance

3. Where applicable, this document contains links to other relevant JSPs, some of which may be published by different Defence Authorities. Where particular dependencies exist, these other Defence Authorities have been consulted in the formulation of the policy and guidance detailed in this publication.

Related JSPs	Title
JSP 375	Management of Health & Safety in Defence
JSP 392	Radiation Safety Handbook
JSP 418	Management of Environmental Protection in Defence
JSP 426	Fire Safety Manual

Further Advice and Feedback - Contacts

4. JSP 815 is maintained on the Defence Intranet and is revised when required. <http://defenceintranet.diif.r.mil.uk/Reference/DINsJSPs/Pages/JSP815DefenceEnvironmentandSafetyManagement.aspx>
5. The owner of this JSP is DSA-CPA-TL. For further information on any aspect of this JSP or to provide feedback on the content, contact:

Job Title / e-mail	Focus	Phone
DSA-CPA-TL	Overall including SofS Policy Statement	0207 80 78075
DSA-CPA-Policy	Policy matters including JSPs 375 & 418	0207 21 87054
DSA-CPA-Assurance	Assurance matters including annual reporting	0207 21 89139

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Record of Changes

Serial	Amendements	Date
1	Initial version	Feb 09
2	Major re-write post Haddon-Cave	Nov 13
3	Reformatting into Parts 1 & 2: SofS Policy Statement becomes Annex A: New Leaflet on Duty Holder Construct: other editorial matters	Dec 14

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Leaflet 1 Visiting Forces

1. The Visiting Forces Act 1952 provides the UK legal framework for visiting forces. Visiting NATO Forces are subject to the Articles of the NATO Status of Forces Agreement 1951; of specific relevance to health, safety and environmental protection are Articles II, VII and IX. There is no similar agreement for non-NATO forces who visit, although certain aspects may be addressed in a Memorandum of Understanding; in these circumstances, normal protocol is applied bearing in mind that such visiting forces are covered by state immunity.

2. Statutory regulators do not routinely inspect visiting forces or their facilities, ships or aircraft. In the event of an incident involving visiting forces being reported to a statutory regulator, they have agreed to make a judgement as to the requirement for and extent of any investigation which takes into account the legislation, treaties, protocols and agreements relating to visiting forces. Where the Department is identified as vicariously liable for the activities of visiting forces or their ships or aircraft, statutory regulators may undertake further investigation and enforcement action against the Department in accordance with the relevant regulator / Departmental agreement. Where there are exemptions from UK legislation (aside from overarching state immunity) in areas relevant to visiting forces' activities, Defence Regulators have a legitimate interest but their actions are constrained in manner similar to those of statutory regulators.

3. Interface arrangements for safety management between the Department, United States Visiting Forces and the HSE are set out in an annex to the HSE / MOD Agreement. Enforcement action is limited to the issue of notices equivalent to Crown Notices (see Leaflet 5) with the recipient being an MOD employee. Similarly, interface arrangements for environment management between the Department, United States Visiting Forces and the EA are set out in an annex to the EA / MOD Agreement.

Leaflet 2 The Duty Holder Construct

Background

1. The formal appointment of Duty Holders (DH) is a specific adaptation of the normal employer's duty of care to employees and others adopted in Defence where activities are judged to pose a risk to life. It was introduced following the Nimrod Review (2009) initially in the aviation domain. This leaflet provides guidance on the DH construct and its expected attributes.
2. The DH construct has had a profound and positive effect on safety in Defence predominantly because it has emphasised the responsibilities of the Command TLBs and others who conduct defence activities; it has changed the focus from the previous culture in which safety was often considered to be an attribute of defence equipment and not a matter for operators.

Legal

3. The DH construct was introduced as a matter of Defence HS&EP Policy, and although some Defence regulations are based on it, no changes to UK legislation were necessary for its introduction. The legal responsibilities of a DH are no different to those of any employee. Under Section 48 of HSWA, persons in the service of the Crown may be prosecuted if it is considered that an offence has been committed with the consent or connivance of, or is attributable to any neglect on the part of such a person. However, an individual Crown servant will not be prosecuted in substitution for the Crown body or for an honest mistake or because of defects in management arrangements.
4. The DH construct can be considered as part of an organisation's self-declaration of where accountability and safety responsibilities lie, complementing the Organisation and Arrangements statement. It should be expected that any regulator or investigator would take this declaration as a starting point when examining responsibilities during an inspection or investigation. The DH construct has been extended on a case by case basis to embrace a few senior contractor personnel in individual appointments which place them in relevant senior manager roles in Defence organisations.

Risk to Life and Management Arrangements

5. Chapter 5 addresses risk management, stating the requirements for risk assessment and the reduction of risk ALARP. Many, but not all, defence activities have high consequences, should a failure occur: ie. that a fatality amongst the workforce or harm to members of the public are both credible and foreseeable. The term "Risk to Life" (RtL) has been adopted to characterise the impact of such high-consequence activities. The suitable and sufficient arrangements necessary to reduce risk from such activities ALARP may include the expression of the risk assessment as a safety case and the provision of equipment, infrastructure, trained personnel and procedures of an appropriately high calibre. It should also be necessary to apply appropriately high management attention to the activity to maintain the arrangements and to be able to respond to changes (including organisational changes – see Leaflet 4). The term "DH construct" has been adopted to characterise the high level of management attention necessary for RtL activities.
6. The measures typical of the high level of management attention might include:

- a. formal competence requirements for management positions and assessment of staff against them;
- b. ready access to subject matter experts (SMEs);
- c. ready access to staff in DH-facing organisations (see below);
- d. enhanced documentation and record-keeping;
- e. enhanced supervision and control of work;
- f. enhanced quality / assurance arrangements and internal policing of arrangements;
- g. independent challenge, including independent assurance of safety cases;
- h. an organisational construct that allows for appeals to senior levels in the event of high concern about safety; this finds expression in the DH construct in the policy expectation that the three levels of DH are separated by at least one tier in the chain of command / management hierarchy.

7. The Policy requirement is limited to the provision of a DH construct only for RtL activities, and the decision on which activities are considered RtL should be made by the organisation responsible for the activity. Careful consideration should be given to such decisions by the command or management chain; comparisons should be made with decisions in other organisations (Chief Environment & Safety Officers may facilitate this) and advice should be sought from SMEs. The conclusion of such consideration should be documented (in an RtL register), justifying the decisions made, and such documentation should be kept in date. Even if the formality of a DH construct is not considered necessary, elements of the high level of management attention might be appropriate for an activity to be conducted. Similarly, if the environmental consequences of failure are judged significant, arrangements akin to the DH construct might be appropriate.

Defence Operations

8. Chapter 3 para 7 addresses the interaction of the DH construct with defence operations directed from outside the routine command / management hierarchy. It may be helpful, in such contexts, to appreciate the different tasks of the force generator, in whose organisation the DH construct may be found, and the force employer, who has a duty of care to the force and a requirement to consult the DHs. The force generator / force employer duality is apparent routinely for operations conducted by Commander, Joint Operations (CJO) in Joint Forces Command (JFC), but it may be an approach adopted within a Command TLB.

9. CJO has Operational Command (OPCOM) of UK forces within operational theatres; he is the force employer. Commander JFC is the SDH, and provides the DH construct, where CJO's commanders are in direct control of RtL activities (eg. storage and issue of OME, fuels and gases at main fixed bases). Otherwise, a Command TLB which generates a force (eg. a squadron of aircraft, a battalion of troops) to meet a specific operational requirement will be delegated Operational Control (OPCON) for the operation, the responsibility for determining how it is to be carried out and the application of the DH

construct. At the outset of each operation under CJO OPCOM a meeting should be held with all stakeholders to agree DH responsibilities. The arrangements should be formalised into an Order and reviewed regularly to ensure they remain suitable as the operation proceeds.

10. The appropriate Command TLB DH will declare an “operating envelope” inside which he is satisfied that risks are ALARP. The OPCOM may use the force within the envelope without further reference. Should changed circumstances make it desirable to operate outside the envelope (on either an occasional or enduring basis), the OPCOM must seek agreement from the Command TLB DH construct to this variation¹. The relevant DHs should establish that the revised risk assessment still concludes that the risk is ALARP, given the change to the operational requirement. Escalation of the issues, if agreement cannot be reached at ODH and equivalent OPCOM level, may ultimately require a dialogue between the SDH and CJO with, if necessary, reference above to PUS, Chief of the Defence Staff and SofS. The outcomes of any consultations should be appropriately documented with decisions justified.

11. Joint Forces Command and Permanent Joint Headquarters (JFC/PJHQ) have issued procedures² covering this.

Lead Equipment Generator

12. Where a force is based on an equipment that is in-service with more than one Command TLB, a lead Command should be agreed and should hold the through-life responsibility for that equipment and particularly for the standards that underpin its safe-to-use statement in support of the multiple DHs.

Duty Holder Facing Organisations

13. The provision of a defence capability ready to conduct activities and operations requires the collation and application of a number of elements which are often called Defence Line of Development (DLoD). Those DLoDs potentially having the most significant immediate effect on the safety of RtL activities are personnel, training, equipment and infrastructure. The latter two, in particular, are provided by Defence bodies separate from the Command TLBs; these have been termed DH-facing organisations. It should also be recognised that a Command TLB can be DH-facing to another Command TLB in some circumstances (eg. use of airfields for aircraft from another Command TLB).

14. Whilst not directly within the DH construct for a particular defence activity, staff in DH-facing organisations have a significant responsibility for providing and maintaining equipment or infrastructure necessary for the activity that is fit for purpose and intrinsically or inherently safe. HSWA Section 6 imposes duties to demonstrate that “articles for use at work” (which in this context may be considered to apply to equipment or infrastructure) have risks reduced ALARP in their own right (see Leaflet 5 para 16). The duties include the provision of information about the use of the equipment or infrastructure.

15. Senior managers in the DH-facing organisations should specifically recognise the responsibility of DH-facing staff. There should be arrangements to ensure that such staff are competent for the role and have adequate resources to discharge their responsibilities

¹ There should be arrangements covering urgent operational needs.

² JFC Duty Holder Construct Standard Operating Procedure 0013.

to the relevant DH. There should be processes and procedures to ensure that DHs' requirements are attended to and appropriate senior management oversight and priority given. Where the provision of equipment or infrastructure or its maintenance is contracted out, the arrangements should include relevant contractors' staff.

16. Risk ownership remains within the DH construct for the activity, and as indicated above, DHs at a level appropriate to the activity, should ensure that they have ready access to staff from relevant DH-facing organisations to enable resolution of issues. DH-facing staff should provide, without request, information on the items for which they are responsible, for example unexpected changes to the material status of the equipment or infrastructure identified during inspection or maintenance. DHs should ensure that DH-facing staff are consulted in making judgements about the risk of the activity. If changes or improvements to equipment or infrastructure are judged necessary in managing risk, there should be clarity of tasking and expectation. DHs and DH-Facing staff should identify remits, assign and accept formal responsibility and hold and be held to account for delivery of specific mitigation actions. The agreed actions to mitigate a risk should be formalised and an agreement made on the assurance necessary to demonstrate that the action has been satisfactorily discharged.

Escalation

17. Defence organisations are hierarchical in nature presenting both potential benefits and potential detriments of referring decisions upwards; this applies equally in both the conduct and regulation of defence activities. This JSP suggests occasions when escalation may be necessary in making judgements about HS&EP risk (eg. Chapter 4 para 13, Chapter 5 para 8d and para 9 of this Leaflet). The DH construct, in keeping with good HS&EP practice, specifically includes escalation and adds a dimension of independence in order that decisions may be demonstrably justified. It should be recognised, however, that defence activities governed from a safety perspective by a DH construct, are likely to be technically complex with risk assessments of some sophistication justifying an ALARP conclusion. A DH should have confidence in his judgement, given his own competence and the availability of advice, and be slow to escalate.

Leaflet 3 Principles for Statements of Organisation and Arrangements

1. There is no mandated format for Statements of Organisation and Arrangements (O&A); a commanding officer or manager is to develop these in accordance with his own health, safety and environmental protection (HS&EP) management arrangements. However, to ensure a degree of consistency across Defence such statements should, as a minimum, adhere to the principles set out in this Leaflet.
2. A Statement of Organisation and Arrangements should:
 - a. Set out the extent of its authority / applicability.
 - b. Cross refer to the Secretary of State's Policy Statement on Health, Safety and Environmental Protection in Defence (TLB Holder / TFA Chief Executive) and/or superior commanding officer's or manager's O&A Statement.
 - c. Ensure all relevant HS&EP domains and elements are addressed as part of the HS&EP Management Arrangements.
 - d. Set out the commanding officer's or manager's requirements for control, co-operation, co-ordination and competence; specific reference should be made to any requirements for lodger organisations, partners and contractors.
 - e. Identify the commanding officer's or manager's HS&EP committee structure (including the chairmen and secretariats) and, for TLB Holders / TFA Chief Executives, representation at Departmental HS&EP committees.
 - f. Set out how HS&EP assurance is achieved, including mechanisms for developing any relevant objectives and targets.
 - g. Identify a focal point to whom any comment or suggestions for improvement in the O&A statement should be addressed.
 - h. Identify sources of specialist HS&EP advice and support from subject matter experts relevant to the commanding officer's or manager's activities.
 - i. Emphasise that HS&EP management is integral to the business of the commanding officer or manager.
 - j. Reference, where appropriate, any specific document rather than repeat or reinterpret them.
 - k. Signpost the relevant HS&EP management arrangement and detail any requirements to be addressed by subordinate O&A Statements.
 - l. Be signed by the commanding officer or manager.

Leaflet 4 Organisational Capability and Change Control

Background

1. Inquiries into major accidents across the world have regularly found that a significant root cause was uncontrolled organisational change leading to a loss of capability to deliver activities safely. Haddon-Cave, in an analysis subsequently supported by Levene, devoted a whole chapter of the Nimrod Review (2009) to the issue: “MOD suffered a period of deep organisational trauma between 1998 and 2006 due to the imposition of unending cuts and change which led to the dilution of its safety and airworthiness regime and culture ...”. The Policy Statement therefore has included a specific requirement for control of organisational change.

Capability

2. A commanding officer's or manager's organisation should be capable of conducting its activities safely. Complex and large organisations, typical of those found in Defence and involved in a range of activities, are routinely subject to many pressures; the commanding officer or manager should be vigilant and able to demonstrate that the organisation is operating safely at all times. The elements of safety management arrangements (Leaflet 8) cover the attributes that an organisation should maintain (as appropriate to its activities). The Policy Statement includes a specific duty on a TLB Holder or TFA Chief Executive to ensure that those to whom he/she may delegate HS&EP authority have adequate resources (defined in Chapter 5, para 8d to include financial, human and material) at their disposal.

3. An organisation should be consciously designed to conduct activities safely; it should not be assumed, on first approaching the issue, that the extant organisation is adequate simply because it appears to be coping or has not experienced incidents or accidents. Criteria for design of an organisation might include:

- a. Levels of hierarchy (eg. flat vs pyramidal and/or matrix structure) and associated span of control for individual commanding officers and managers (eg. how many subordinates).
- b. Roles and responsibilities of individual commanding officers and managers coupled with their authority to make decisions.
- c. The range of competences required by the organisation's people and the arrangements to maintain them.
- d. Governance arrangements linked with internal challenge and cross-cutting functional structures.
- e. The balance between crown employees and external service providers in delivering activities.

4. Consideration should be given to maintaining a record (eg. document / database) of the organisation's design representing the “safety baseline” from which change can be

judged (see below). The posts or roles within the baseline should include those undertaking, supervising, managing, defining or directly supporting work where action or inaction by the incumbent could pose an immediate or latent threat to safety. The baseline itself should be subject to internal challenge, should be owned by the commanding officer or manager and should be accompanied by a statement justifying why it is adequate to ensure that activities are conducted safely. In some HS&EP domains the baseline may be presented as evidence in satisfying regulators about organisational capability.

Change Management

5. Organisational change is inevitable and should be embraced as an essential part of business improvement. Defence, of its very nature, responds to changes in threats to security which are outwith national control and, being a public capability, is subject to the political, regulatory and financial influences of UK governance. The effect of change on HS&EP should be addressed at the very earliest stages of consideration, when the recognition of drivers for change is first acknowledged. Properly managed, the assessment of the effects of change on HS&EP may be a positive discipline for the wider consideration.
6. Communication and consultation with all stakeholders should be an essential feature of change management from the earliest stages of consideration. Some regulatory regimes (eg. nuclear) include specific requirements for agreement of changes, depending on their significance, prior to their implementation.
7. A commanding officer's or manager's HS&EP management arrangements should include a process for categorising the effect of organisational change on HS&EP and applying relevant degrees of governance to assessment of, decisions on and subsequent implementation of the change. A change with little or local effect might be managed within the unit or branch. A change of some significance, but contained within for example, a TLB, should be considered by the senior HS&EP committee and attract an appropriate formality of endorsement.
8. The most significant organisational changes in Defence, for example in the relationships between customer and supplier, block transfers between TLBs, proposals to outsource large areas of delivery or that have the potential to affect regulation, should attract the highest rigour in assessment. The Defence Environment & Safety Committee has agreed a process for consideration of such changes and the provision of advice to PUS by D DSEA as chairman of its Working Group. The impact on HS&EP should be specifically addressed in relevant submissions if the change is subject to the Department's investment approvals or major programmes portfolio processes (see JSP 655). D DSEA will provide confirmation, if justified, to the Chairman of the Investment Approvals Committee, that no detriment to HS&EP is expected from a change undergoing scrutiny.
9. A significant change may take considerable time from inception to decision and proceed in stages. Organisational Safety Assessments (OSA) should be prepared which should develop in parallel with the stages of the change, adding increasing detail and fidelity. The OSA should be authored by a clearly nominated individual who should be within the change / transformation management team where one exists. Each OSA should provide the following:

- a. a clear understanding of the governance of the organisation undergoing change or of the change programme itself, the staging of OSAs and the internal approval of the OSAs (including by the Senior Responsible Officer if appointed);
- b. the baseline of HS&EP performance evident before the change;
- c. the issues and risks apparent at the current stage of work to effect the change, and how the risks are planned to be mitigated;
- d. a clear declaration of no detriment to HS&EP, as a result of the proposed change, as far as could be determined given the work done thus far.

10. An implementation plan should be proposed with close attention paid to any interim stages where HS&EP arrangements may be particularly vulnerable. Implementation of the change should not proceed until the HS&EP assessment is approved in accordance with the governance arrangements. Implementation arrangements should include appropriate monitoring of HS&EP performance during and on conclusion of the change. A complex change may take time to implement; there should be revision points within the plan to allow for actual versus projected impact to be considered and adjustments made as necessary. In anticipation of future changes, a lessons-to-be-learned exercise should be conducted when the outcome of the change is sufficiently established to allow for this.

Leaflet 5 Demonstrating that Risk is ALARP

1. This leaflet³ provides guidance on demonstrating that risk is as low as reasonably practicable (ALARP); such demonstration involves weighing a risk against the sacrifice, in money, time or trouble, needed to control it. It should be noted that legislation does not aim to create an environment that is entirely risk free; it deals with situations where there is a material risk which any reasonable person would recognise and take steps to control. Thus, ALARP is not zero (see also para 20).

2. The concept of “reasonably practicable” is at the heart of UK health and safety arrangements. It is key in defining general duties in the HSWA and in much health and safety legislation. HSE’s stated policy is that legislation, approved codes of practice and guidance should be based on what is reasonably practicable.

Definition

3. The definition set out by the Court of Appeal (in its judgment in *Edwards v. National Coal Board*, [1949] 1 All ER 743) is:

“‘Reasonably practicable’ is a narrower term than ‘physically possible’ ... a computation must be made by the owner in which the quantum of risk is placed on one scale and the sacrifice involved in the measures necessary for averting the risk (whether in money, time or trouble) is placed in the other, and that, if it be shown that there is a gross disproportion between them – the risk being insignificant in relation to the sacrifice – the defendants discharge the onus on them.”

4. The term “so far as is reasonably practicable” (SFAIRP) is most often used in HSWA and other legislation. ALARP is the term used by HS&EP specialists, and in this JSP. In HSE’s view, the two terms are interchangeable, but in formal legal documents SFAIRP is used.

Application

5. HSAW does not prescribe detail to employers; it sets goals and using “reasonably practicable” is consistent with this approach. This flexibility is an advantage, allowing choice of method and supporting innovation, but it can be challenging because deciding whether a risk is ALARP requires employers (and regulators) to exercise judgement⁴. In many cases, decisions can be informed by reference to existing ‘good practice’ that has been established by a process of discussion with stakeholders and leads to a consensus about what is ALARP. Where, as is frequently found in Defence, the consequences are high or the circumstances are complex or novel, good practice becomes a starting point,

³ Based on HSE’s self-guidance (and contains public sector information published by HSE and licensed under Open Government Licence v1.0), to be found at: <http://www.hse.gov.uk/risk/theory/alarplance.htm>. Being so based and because HSE are “custodians” of HSAW, HSE’s policies and views are given due reference in the leaflet.

⁴ In accordance with Chapter 3 para 5, commanding officers or managers have the devolved responsibility on behalf of the employer; where a Duty Holder arrangement is in place, this is equally applicable to the relevant DH.

and more formal decision making techniques, including cost-benefit analysis, may be used to inform judgement.

6. In essence, making sure a risk has been reduced ALARP is about weighing the risk against the sacrifice needed to further reduce it. The decision is weighted in favour of health and safety because the presumption is that the employer should implement the risk reduction measure. To avoid having to make this sacrifice, the employer must be able to show that it would be grossly disproportionate to the benefits of risk reduction that would be achieved (see also para 19). Thus, the process is not one of balancing the costs and benefits of measures but, rather, of adopting measures except where they are ruled out because they involve grossly disproportionate sacrifices. Extreme examples might be:

- a. To spend £1M to prevent five staff suffering bruised knees is obviously grossly disproportionate.
- b. To spend £1M to prevent a major explosion capable of killing 150 people is obviously proportionate.

7. In reality many decisions about risk and the sacrifice that achieves ALARP are not so obvious. Factors come into play such as ongoing costs set against remote chances of one-off events or the supervision required to ensure that, for example, employees wear personal protective equipment. How much the sacrifice can outweigh the risk reduction before being judged grossly disproportionate also depends on how big the risk is to begin with (the larger the risk, the less likely it is that high sacrifice would be considered disproportionate). It may further be appropriate to consider public perception of the risk (sometimes called "societal concern"); guidance is available in the HSE publication "Reducing Risks, Protecting People". In summary, it requires judgment; there is no simple formula for computing what is ALARP. More detailed guidance is available from HSE⁵ and in some health and safety domains (eg. nuclear, military aviation) additional targeted guidance is available.

Hazard and Risk

8. A hazard is something (eg. an object, a property of a substance, a phenomenon or an activity) that can cause an adverse consequence. For example:

- a. Explosives are a hazard because they are designed to produce an over-pressure when activated which can cause injury.
- b. Loud noise is a hazard because it can cause hearing loss.
- c. Asbestos dust is a hazard because it can cause cancer.

Legislation requires employers to take account of hazards which are a reasonably foreseeable cause of harm, taking account of reasonably foreseeable events and behaviour. Foreseeability is about knowing in advance, or reasonably anticipating, that the consequence, event or behaviour may occur.

9. A risk is the likelihood that a hazard will actually cause its adverse effect, together with a measure of the effect (consequence); put simply, risk equals consequence

⁵ [ALARP suite of guidance](#)

multiplied by likelihood. Likelihoods can be expressed as probabilities (eg. one in a thousand), frequencies (eg. 1000 cases per year) or in a qualitative way (eg. negligible, significant). This can be described in many different ways. For example:

- a. The annual risk of a worker in Great Britain experiencing a fatal accident [consequence] at work [hazard] is less than one in 100,000 [likelihood].
- b. About 1500 workers each year [likelihood] in Great Britain suffer a non-fatal major injury [consequence] from contact with moving machinery [hazard].
- c. The lifetime risk of an employee developing asthma [consequence] from exposure to substance X [hazard] is significant [likelihood].

The risks considered should not be trivial or fanciful, but they are not limited to obvious risk; employers have a duty to think about risks from all aspects of the activity undertaken.

Deciding by Reference to Good Practice

10. In most situations, deciding whether the risks are ALARP involves a comparison between the controls in place or being proposed and those that would normally be expected in such circumstances (ie. relevant good practice). 'Good practice' is defined by HSE as "those standards for controlling risk that HSE has judged and recognised as satisfying the law (including, where appropriate, Codes of Practice) when applied to a particular relevant case in an appropriate manner". HSE⁶ decides what good practice is by establishing a consensus through discussion with stakeholders, such as employers, trade associations, Government departments, trade unions, health and safety professionals and suppliers. Once determined, much of the discussion in a particular case is likely to be concerned with the relevance of the good practice, and how appropriately it has been (or will be) implemented. Where there is relevant, recognised good practice, it is expected to be followed, but it may be possible to demonstrate alternative approaches to controlling the risk.

Deciding from First Principles

11. There may be circumstances where it is difficult to reach a decision on the basis of good practice; examples are: the complexity of the activity; the novelty of technology involved; the lack of comparators⁷. In such cases, good practice should be followed as far as it can be, and then consideration given to whether there is more that can be done to reduce the risk. If there is, the presumption is that these further measures will be implemented but always on the first-principles basis of comparing the risk with the sacrifice involved in further reducing it.

12. Often such "first principles" comparisons can be done qualitatively by applying common sense and/or exercising professional judgment and experience in estimating costs and reduction in risk. Where disproportionality is obvious or equally where it is clearly not the case, a decision can be reached without further analysis and the appropriate action taken.

⁶ In Defence this may require a broader consideration involving, in particular, relevant Defence Regulators.

⁷ Defence may often be unique in this context; in appropriate circumstances comparisons may be made with other UK practice (eg. emergency services) and there is precedent for comparisons to be made with Armed Forces' activities of allied nations.

13. In other circumstances (perhaps for high consequence activities) the arguments may be less clear-cut, and a more detailed comparison should be undertaken. In order to compare risk and sacrifice, Cost Benefit Analysis (CBA) techniques may be used to provide additional insights in coming to a judgment. In a CBA, both risk and sacrifice are converted to a common set of units (money); sacrifice is presented as a cost, with risk reduction as a benefit. HSE provides more detail (such as which costs to take into account and which risks to consider) in its suite of guidance³ and in some health and safety domains additional targeted guidance is available.

“Daily” Application

14. Whilst application of ALARP as described above, implies a degree of rigour and process, the concept of reducing risks ALARP equally applies to “common sense” decisions that might be made on a daily basis. The decision, for example, to postpone a training activity because of extreme weather conditions, is as much an application of ALARP as the most sophisticated, and CBA supported, argument in a safety case.

Additional Points

Activities and Equipment / Infrastructure

15. HSWA states three principle duties to reduce risk SFAIRP (or ALARP); these incorporate two different approaches and place duties on different bodies. Section 2 of HSWA requires an employer “to ensure, SFAIRP, the health, safety and welfare of all his employees” and Section 3 adds the duty “to ensure, SFAIRP, that persons not in his employment who may be affected thereby are not thereby exposed to risks to their health or safety”. The commanding officer or manager, having the devolved responsibility on behalf of the employer, thereby has the duty to reduce risks ALARP for both his workforce, any co-workers (eg. contractors) engaged in his activities, any visitors to or observers of his activity and members of the public in its vicinity. The method of demonstration that such risks are ALARP is addressed above.

16. Section 6 of HSWA places a duty on “any person who designs, manufactures, imports or supplies any article for use at work to ensure, SFAIRP, that the article is so designed and constructed as to be safe and without risks to health when properly used”; the duty is further extended to the provision of information about use of the article, and those who install an article for use at work have equivalent duties. In the Defence context, where materiel is significant in an activity, this duty devolves on DE&S teams and contractors who supply, install and maintain equipment, and the concept may be further extended to the provision of infrastructure by DIO and its contractors. Demonstration of ALARP for risks inherent in articles for use at work may require different analyses (eg. construction from appropriate materials, the ease of use (human factors), the “worthiness” of a platform), and these are not specifically addressed in the preceding text. The risk assessment / safety case for the defence activity may, however, be significantly influenced by the equipment and / or infrastructure used. It should also be recognised that the manufacture or construction and subsequent maintenance of equipment or infrastructure may represent a significant defence activity in its own right, needing suitable risk assessment and/or safety case including demonstration that risks are ALARP.

Continuous Improvement

17. It is part of UK health and safety philosophy that standards are continuously improved; this has been widely promoted by HSE, who seek to encourage improvement in a responsible manner, and it produces one of the best records for health and safety in the world. However, promoting continuous improvement is a separate exercise from demonstrating whether a specific activity is safe (ie. that the risk is ALARP). As technology develops, new and better methods of risk control become available; commanding officers and managers should periodically review what is available and consider whether new, reasonably practicable, controls need to be implemented. The test of reasonable practicability may mean that it would be grossly disproportionate to update older equipment and infrastructure to modern standards, but other measures (eg. partial upgrades) might be necessary to reduce risk ALARP. The demonstration that risk is ALARP may also need to be reviewed if understanding about consequences subsequently changes. For example, new authoritative evidence may show that exposure to a substance produces a more aggressive (or more benign) health effect than previously thought; controls would need to be enhanced⁸ (or may be reduced) to maintain risks ALARP.

Beyond Good Practice

18. Some employers may implement standards of risk control that exceed accepted good practice. This may enable them to meet corporate social responsibility goals, because they strive to be leaders or because they have reached an agreement with employees to provide additional controls. Just because some employers have adopted them, it does not follow that these standards represent good practice; the process of determining good practice (see above) should be pursued prior to any wider adoption.

Affordability

19. The foregoing text has outlined the concept of balancing risk reduction against the sacrifice (in time, trouble and cost) of implementation. The allowable reason for constraining the (further) sacrifice is that it is grossly disproportionate to risk reduction; it is not acceptable to argue that the sacrifice cannot be afforded by the commanding officer or manager. If the activity is to take place, the sacrifice necessary to reduce risks ALARP must be resourced.

Zero risk

20. ALARP does not represent zero risk. It has to be expected that the risk arising from an activity will be realised occasionally and for harm to occur, even though the risk is demonstrably ALARP. This may be uncomfortable, but it is inescapable. Risk from an activity can never be entirely eliminated unless the activity is stopped; even in such situations it is possible that risks may increase in other areas because activities are displaced.

⁸ In extremis this might require a fundamentally different approach to the delivery of a defence capability or the acceptance that it would be no longer possible to possess it.

Leaflet 6 Claims

1. If an individual or organisation suffers injury or loss arising from defence activities he or it may pursue a common law claim for compensation against the Department. When a compensation claim is received it is considered on the basis of whether or not the Department has a legal liability to pay compensation; where there is a proven legal liability, compensation is paid. The burden of proof for common law compensation claims is lower than that in criminal law, being based on the balance of probability rather than beyond reasonable doubt. In the vast majority of cases the Department will accept vicarious liability for the negligent actions of an employee or agent who is acting in the course of his employment and an individual will be indemnified by the Department. All common law compensation claims against the Department are handled by the Directorate of Business Resilience Common Law Claims & Policy (DBR-CLCP).

2. The Department will not accept vicarious liability for negligent acts committed by an individual in a personal capacity or where the act is out-with the scope of his employment.

This document has been archived and has now been
superseded by DSA01.1 – Defence Policy
Health Safety and Environmental protection
[https://www.gov.uk/government/
publications/defence-policy-for-health-safety-and-environmental-protection-dsa-011](https://www.gov.uk/government/publications/defence-policy-for-health-safety-and-environmental-protection-dsa-011)

Leaflet 7

Not used in this edition

Leaflet 8 Elements of HS&EP Management Arrangements

Health, safety and environmental protection (HS&EP) Management Arrangements can be disaggregated in many different ways and expressed in a manner which best suits the activities being conducted. After consulting many sources, and in order to provide for consistency of performance assessment, the 11 elements listed in Chapter 5 para 7 are considered to fit well with Management Arrangements in Defence. An amplification of these elements is provided below to assist in interpretation; TLBs and TFAs should adopt this disaggregation as a minimum for annual reporting of performance and, as appropriate, across all commanding officers or managers and all relevant HS&EP domains as far as is practicable.

A. Applicable Legislation, Defence Regulations, Policy and Guidance

This element covers knowledge of legislation, Defence regulations, policy and guidance relevant to the activities conducted and application of this knowledge to management arrangements, procedures and activities. It also covers maintenance of knowledge and arrangements to track and influence emerging legislation, Defence regulations, policy and guidance.

B. Information Management

This element covers the arrangements to generate and promulgate HS&EP information to those who need it (eg. workforce, visitors, public, emergency services), the derivation of requirements for records (eg. for personnel, of operations), the arrangements to make and keep such records and the quality control of all information (eg. risk assessments, procedures) held in whatever media.

C. Organisational Leadership, Culture, Capability and Change Management

This element covers leadership behaviours and HS&EP culture expected in the organisation, the derivation of capabilities and resources (human, financial and material) required for the organisation to conduct its activities safely (including the interfaces between the organisation and others with which it works) and the arrangements to maintain these. It also covers the assessment of proposed organisational or resource changes and control of the implementation of agreed changes.

D. Personnel competence and training

This element covers the derivation of competences for all roles having HS&EP responsibilities in the organisation and the means of competence assessment and maintenance for those persons discharging such roles. It also covers the arrangements to train personnel to conduct activities safely.

E. Risk Assessments and Safety Cases

This element covers the arrangements to conduct risk assessments and (as necessary) produce, document and maintain safety cases (see Chapter 5 paras 8 – 10) for the activity to be conducted. It also covers arrangements (as necessary) for peer review.

F. Equipment / Materiel and Infrastructure Design and Manufacture

This element covers arrangements to influence the design of equipment / materiel and infrastructure used in conducting the activity, including interfaces with those involved in the design⁹ and (as appropriate) the standards to be adopted. It also covers involvement in the manufacture and commissioning of equipment / materiel and infrastructure prior to use, maintenance of knowledge about the design (eg. its relevance to any safety case) and arrangements for design modification.

G. Equipment / Materiel and Infrastructure Maintenance

This element covers the derivation of requirements to maintain the material state of the equipment / materiel and infrastructure and the arrangements for conducting and verifying the necessary maintenance¹ including safe systems of work if the commanding officer's or manager's organisation is to conduct the maintenance itself.

H. Supervision and Control of Activities

This element covers the adoption of safe systems of work (including the generation of procedures where appropriate, informed as necessary by any safety case) to control activities and arrangements for their application including supervision at all levels.

I. Incident Management and Learning from Experience

This element covers the notification, recording, investigation and reporting of incidents (which includes, for example, near misses, abnormal occurrences, accidents). It also covers the generation and promulgation of lessons to be learnt from a commanding officer's or manager's own incidents or operational experience, the monitoring of trends and the assimilation into management arrangements of lessons from these and relevant incidents anywhere.

J. Emergency Arrangements

This element covers the response to emergencies (including accidents), the preparation for such response and appropriate rehearsal or exercising of such response.

K. Self-assurance

This element covers the manner in which a commanding officer or manager gains confidence that the previous 10 elements are being conducted correctly and in accordance with the overall HS&EP management arrangements. Unless provided for elsewhere in the management arrangements, it also covers internal governance, monitoring, review, quality assurance and advice more generally (eg. safety advisory committees).

⁹ In some circumstances the equipment / materiel or infrastructure may be of such significance to the safety of the activity to be conducted that acquisition HS&EP Management Arrangements may be invoked in this element.

Leaflet 9 Template for Fatality Notification

To: PS/Secretary of State

From: TLB Holder / Chief Executive

Issue:

1. The death of Service person / MOD civilian / defence contractor / member of the public on *date*, as a result of *cause* (give brief cause so far as is known eg. fall from height) in *location*.

Recommendation:

2. That SofS notes that;
 - a. *Name* and *service / status* was killed as a result of *cause* whilst undertaking / affected by *defence activity* at *location*. Investigations will be conducted / are ongoing into the fatality and its cause; they involve *name* police force / statutory regulator / Defence Regulator / other.
 - b. Kinforming is ongoing / complete

Timing:

3. Immediate

Background:

4. Include further detail of:
 - a. Unit (*ship, battalion, squadron, establishment*).
 - b. Known circumstances surrounding fatality (*shot, fall from height; died instantly*); any others involved.
 - c. Whether any immediate action to prevent reoccurrence has been taken.
 - d. Investigations; who internally and externally may become involved

Presentational issues:

5. Include:
 - a. Kinforming – complete or ongoing
 - b. Whether there is any likely media interest in the fatality
 - c. If Press lines have been prepared include them at Annex

Copy to:
Other ministers
PUS / CDS
DMC
DSEA-CPA
Relevant Defence Regulator (as necessary)
TLB / TFA internal distribution

Leaflet 10 HS&EP Performance Assessment Levels

Elements of HS&EP Management Arrangements		Level 1	Level 2	Level 3	Level 4	Level 5	Level 6
A	Applicable legislation, Defence regulations, policy & guidance	<p>Serious Weakness(es)</p> <p>Arrangements are seriously below standard or have failed in their application</p> <p>RED</p>	<p>Significant Weakness(es)</p> <p>Arrangements are significantly below standard - procedures or practices are flawed</p> <p>AMBER</p>	<p>Minor Weakness(es)</p> <p>Arrangements are below standard - audit findings and feedback have identified some minor weaknesses and action plans have been produced</p> <p>YELLOW</p>	<p>Compliant</p> <p>Arrangements are compliant</p> <p>GREEN</p>	<p>Developed</p> <p>Arrangements exceed compliance requirements and improvements have been realised through benchmarking</p> <p>BLUE</p>	<p>Excelling</p> <p>Arrangements become the benchmark</p> <p>VIOLET</p>
B	Information Management						
C	Organisational leadership, culture, capability & change management						
D	Personnel competence & training						
E	Risk assessments & safety cases						
F	Equipment/materiel & infrastructure design & manufacture						
G	Equipment/materiel & infrastructure maintenance						
H	Supervision & control of activities						
I	Incident management & learning from experience						
J	Emergency Arrangements						
K	Self-assurance						

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publications/defence-policy-for-health-safety-and-environmental-protection-dsa-011](https://www.gov.uk/government/publications/defence-policy-for-health-safety-and-environmental-protection-dsa-011)