



Ministry
of Defence

Navy Command FOI Section
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19 April 2016

Dear [REDACTED]

Release of Information

Thank you for your correspondence dated 6 April 2016 requesting the following information:

'In the light of the EC Vibration Directive on Whole Body Vibration (WBV), which became effective on the 6th July 2010, I write to ask for a freedom of information request regarding military and maritime personnel (but understand that this would primarily affect the Navy and Royal Marines) who use small high speed craft.

In particular I would like to know:

- 1. What are the conditions of the Derogation signed by the Secretary of State for Defence;*
- 2. What are the specific requirements the MOD has to undertake to fulfill their obligations under the Derogation;*
- 3. What are the related timescales for the specific conditions/work packages.*
- 4. How long is the Derogation for?*
- 5. What happens when it expires?'*

I can confirm that the Department holds the information within the scope of your request and taking your questions in order:

Q1. *What are the conditions of the Derogation signed by the Secretary of State for Defence;*

A1. The Ministry of Defence is currently exempted from meeting the Daily Exposure Limit Values (ELV) of two pieces of legislation – The Control of Vibration at Work Regulations 2005 and The Merchant Shipping and Fishing Vessel (Control of Vibration at Work) Regulations 2007. The Secretary of State for Defence requires MoD to meet all the other regulations within this legislation as closely as possible.

Q2. *What are the specific requirements the MOD has to undertake to fulfil their obligations under the Derogation;*

A2. MoD has either to comply or prove that it has reduced the risk of harm from WBV to As Low As Reasonably Practicable (ALARP) in each of the Regulations as follows:

- a. Reg 4 – Exemption/Derogation from the ELV
- b. Reg 5 – Exposure – understand just how much exposure MoD employees are experiencing while operating small, fast craft. A Survey was completed by the Institute of Naval Medicine in 2013 which has informed the development work.
- c. Reg 6 – Equipment – understand how an employer can improve the equipment being used by employees to reduce the risk of exposure to WBV. MoD has undertaken a long and involved programme to understand how suspension seating and other forms of equipment can be introduced into legacy craft to reduce the exposure of MoD staff to WBV.
- d. Reg 7 – Health Monitoring – employers must have a system of health monitoring the effect of WBV on their employees. MoD has designed a digital recording and analysis programme which monitors users.
- e. Reg 8 – Information, Instruction and Training – employers must provide this for their work force. MoD has instigated two online training courses, one for Line Managers and one for Operators/Boat Crews. It also provides instruction on Maritime WBV on the seamanship training course when personnel are taught how to drive craft. It has incorporated instruction/information in all relevant reference/instruction publications across the MoD applicable to the use of small craft. It provides information on how staff can incorporate physical training exercises into their personal fitness regime to improve their core body strength.

Q3. *What are the related timescales for the specific conditons/work packages.*

A3. Time scales are not defined – most of the work towards Regulations 5,7 and 8 is nearly complete and this will then become normal business. There is an ongoing workstream of research and development to monitor risk reduction measures against Reg 6 for future craft and there are post design service tasks being let to review the retrofit equipment requirement for legacy (existing) craft.

Q4. *How long is the Derogation for?*

A4. The current Exemption and Derogation is valid until 6 Jul 2020

Q5. *What happens when it expires?*

A5. No maritime user of these type of craft can currently meet the ELV set out in the legislation and this is recognised by the Health and Safety Executive. The MoD will therefore have to apply for rolling 5-year exemptions and derogations.

Your enquiry has been considered to be a request for information in accordance with the Freedom of Information Act 2000.

If you are not satisfied with this response or you wish to complain about any aspect of the handling of your request, then you should contact me in the first instance. If informal resolution is not possible and you are still dissatisfied then you may apply for an independent internal review by contacting the Information Rights Compliance team, 2nd Floor, Zone N, MOD Main Building, Whitehall, SW1A 2HB (e-mail CIO-FOI-IR@mod.uk). Please note that any request for an internal review must be made within 40 working days of the date on which the attempt to reach informal resolution has come to an end.

If you remain dissatisfied following an internal review, you may take your complaint to the Information Commissioner under the provisions of Section 50 of the Freedom of Information Act. Please note that the Information Commissioner will not investigate your case until the MOD internal review process has been completed. Further details of the role and powers of the Information Commissioner can be found on the Commissioner's website, <http://www.ico.org.uk>.

Yours sincerely

Navy Command Secretariat – FOI Section

