



# CHARTER

## FOR THE DEFENCE SAFETY AUTHORITY



### INTRODUCTION

1. By this Charter the Defence Safety Authority (DSA) is empowered on behalf of the Secretary of State for Defence for its roles as the independent regulator, investigator and assurer for Health, Safety and Environmental Protection (HS&EP) within Defence. In fulfilling these roles and associated activities in support of them, the DSA has operational independence and will not be subject to undue financial, political, or operational pressures. The MOD shall provide the DSA with sufficient resources to discharge its roles effectively.

### APPOINTMENT

2. The DSA is to be led by a Director General who shall be a military officer of 3-star rank, suitably qualified and experienced for the role. The appointment shall be confirmed by the Secretary of State.

3. To maintain the DSA's independence, the Director General takes their authority from this Charter. To ensure their organisational separation from those that deliver Defence outputs, the Director General is accountable to the Secretary of State through the 2nd Permanent Secretary.

### ROLES, RESPONSIBILITIES AND ACCOUNTABILITIES

4. The DSA provides independent assurance to the Secretary of State and the Department that the Secretary of State's policy on HS&EP in Defence is being implemented in the conduct of Defence activities. This will be achieved through proportional and appropriate regulatory and evidence-based assessment activity.

5. The Director General shall attend the Defence Safety and Environment Committee and prepare an Annual Assurance Report including a summary of HS&EP compliance and risk for consideration by the 2nd Permanent Secretary, the Defence Board, and onward consideration by the Secretary of State.

6. The Director General shall, on behalf of the Secretary of State, empower suitably qualified and experienced Crown Servants to be Defence Regulators for appropriate and defined areas. The authority of Defence Regulators derives from this Charter and extends wherever Defence activities are conducted, including overseas (in which case the Regulator must take into account whether the national legal requirements of the Host State have been complied with). Defence Regulators shall operate in a manner consistent with UK good practice for regulation as presented in the Regulators' Code.

7. In each regulatory area it shall be the duty of the Defence Regulator to maintain, promulgate, assure compliance with, and when necessary, enforce Defence Regulations; and to promote an engaged HS&EP culture. The Director General shall have an appeals process to review enforcement action if it is challenged by those to whom it applies.

8. The Director General is the primary Convening Authority for HS&EP related Service Inquiries (SI). The Director General will ensure all HS&EP related fatalities, serious injuries, significant environmental incidents and major capability loss are appropriately investigated to identify lessons, make recommendations, promote continuous improvement, and minimise the risk of reoccurrence. The Director General will approve the assignment of suitably qualified and experienced personnel to undertake the roles of SI President and panel members. In circumstances where the Director General has elected to dispense with an SI, other Defence organisations retain the right to conduct their own inquiry.

9. The Director General shall empower suitably qualified and experienced Crown Servants to act as Defence Investigators to assist SIs and carry out non-statutory inquiries (NSI). The authority of Defence Investigators derives from this Charter and extends wherever Defence activities are conducted including overseas.

10. In any circumstances where the Director General judges HS&EP concerns are not being satisfactorily addressed through normal Departmental processes, they shall retain the right of direct access to the Secretary of State to raise those concerns, while ensuring that the 2nd Permanent Secretary is kept informed.

### GOVERNANCE

11. The Defence Operating Model establishes a single integrated framework of internal controls covering the entire Department. The governance of the DSA, and between the DSA and the Department, shall be outlined in a Framework Document.

12. The DSA shall be governed by a Board that will be chaired by the Director General and include independent and expert individuals representing the Department and from outside the Department to advise and challenge the DSA in discharging its responsibilities.

### REVIEW AND AMENDMENT

13. This Charter is not a personal delegation and remains in effect through changes of incumbent whether Secretary of State, 2nd Permanent Secretary or the Director General. It should be maintained in alignment with the Secretary of State's policy statement for HS&EP in Defence. Amendments to this Charter may be requested at any time, consulting with Head Office, the DSEC, Director General DSA and the 2nd Permanent Secretary, for a decision by the Secretary of State. This Charter shall be reviewed by the Secretary of State and the Director General at least every five years.

### CITATION AND COMMENCEMENT

14. This Charter may be cited as the Defence Safety Authority Charter and shall come into force on 15 May 2023.

Given this 15<sup>th</sup> day of May 2023

Rt Hon Ben Wallace MP  
Secretary of State for Defence

