



Ministry
of Defence

JSP 815 Volume 2 Annex D

Head of Establishment Responsibilities (Element 5)

Annex D - Head of Establishment (HoE) Responsibilities

Amendment record

This Annex has been reviewed by the Directorate of Defence Safety (DDS) together with relevant subject matter experts and key safety stakeholders. Any suggestions for amendments **should** be sent to COO-DDS-GroupMailbox@mod.gov.uk.

Version No	Date of publication	Text affected	Authority
1.0	Oct 20	BETA version for consultation.	Dir HS&EP
1.1	29 Sep 23	Final version published.	DDS
1.2	10 Oct 23	Addition of information at Para 8b, on the interfaces with the Reserve Forces' and Cadets' Association (RFCA).	DDS

Head of Establishment (HoE) Responsibilities

1. Defence organisation senior leaders must formally appoint a Head of Establishment (HoE) through their line-management or chain of command for each Area of Responsibility. The appointed HoE should have day-to-day authority:

- a. over the access to or egress from a specified permanent, building, group of buildings within an establishment, group of establishments, a garrison or garrisons, base or training area forming an establishment or estate; and
- b. to stop any or all activities conducted therein, where the safe place or safe activity is compromised.

2. HoEs should have a clear understanding of their responsibilities for safety of work activities on the premises they use on a temporary or permanent basis. When only controlled rather than owned by the Crown, the management responsibilities should be defined with the owners of the premises. All Defence establishments must be managed in order to meet UK H&S legislation and where they cannot, there is a responsibility on those controlling that establishment to escalate up the chain of command for decisions on the appropriate mitigation measures necessary to achieve compliance.

3. Risk control is dependent on the ability of the HoE to fully control all aspects of activities being conducted (where a HoE is formally appointed as a Duty Holder see [Element 5](#) for further information on Duty Holding) within the secure boundaries of a Defence establishment.

4. Irrespective of desired commercial or financial advantages in novel arrangements, Defence's ability to exercise its duty of care will not be compromised.

5. The HoE should be able to demonstrate that:

- a. they hold a defined role as HoE (or as a lodger with control over access to multiple-occupant accommodation, an office, workshop, or store within a non-Defence owned site) including duties for infrastructure and land, and relationships with facing organisations (Delivery Agents or contractors);

- b. suitable and formal safety information, instruction and guidance has been provided to them within a reasonable period of their appointment as HoE, ideally before they assume their responsibilities;
- c. the policy, procedures, and arrangements necessary for the safe running of the establishment, and activities within it are in place to manage the safety of personnel, and how to respond to emergencies;
- d. regular meetings take place with representation from the Trades Unions, personnel, Delivery Agents, contractors, lodgers, and business partners to discuss safety issues and agreed actions are recorded and acted upon within reasonable timeframes;
- e. comprehensive Lodger/Landlord agreements, where necessary, for the coordination of safety management within the establishment are in place and effective;
- f. a register of site safety risks / impacts is maintained (see JSP 375 Volume 1 Chapter 8 Safety risk assessment and Safe systems of work), and appropriate procedures are in place to manage those risks / impacts to ALARP and for reporting of these risks / impacts further up the chain of command in accordance with their Defence organisation's procedures;
- g. there is appropriate and effective communication, consultation, co-operation, and control of contractors and visiting workers (see JSP 375 Volume 1 Chapter 34 4C system – Management of visiting workers/contractors);
- h. there is an effective and timely means for the dissemination of relevant safety information to all organisations and personnel within the establishment; and
- i. there is regular liaison with relevant personnel responsible for the statutory testing and inspection of common services and facilities providing verifiable assurance that statutory requirements are fulfilled.

Organisation and arrangements

6. The Health and Safety at Work etc Act 1974 requires employers to set out their organisation and management arrangements (O&A) for safety. The HoE for a Defence establishment is required to set out the O&A for all activities undertaken within the establishment. This will include all safety responsibilities and management arrangements, including those where activities are carried out by lodger units, commercially operated facilities, enclaves, encroachments, and where domestic accommodation is provided. This O&A should incorporate fully the requirements of the written delegation describing the full range of responsibilities and authority of the HoE provided by the line management/chain of command. This O&A should be reviewed regularly and whenever a HoE is appointed.

7. The HoE must formally document the O&A for the safety management of the establishment and make sure that suitable and effective Lodger / Landlord agreements are in place and adhered to for the coordination of safety management where premises are shared with, or solely occupied by, Defence Partners or Third-Party organisations.

Other considerations for HoE

8. Defence establishments may comprise a variety of users ranging from lodger units, enclaves, non-work-related service encroachments (such as museums, social clubs, cadet organisations) to service accommodation. The management arrangements and responsibilities will be described clearly and accurately in any written delegation to Responsible / Accountable persons. It may be that the Responsible / Accountable Person is required to discharge legal responsibilities that are additional to those described in H&S legislation. The HoE will need to consider the following aspects for each type of premises:

- a. Lodger units within an establishment will not have distinct or separate access or egress arrangements. Typically, they will be Defence units that work to a different line management or command chain. Although they will not fall within the HoE line management chain, the lodger unit must meet the safety management arrangements for the host establishment (e.g. specified in an establishment's Standing Orders). Where the lodger cannot meet these requirements, the HoE has the authority to stop the activity or use of facilities by the lodger unit;
- b. Interfaces with the Reserve Forces' and Cadets' Association (RFCA) estate need to be defined, tested and clarified. Establishments and sites that are managed by the RFCA that have no military chain of command presence, including isolated Cadet sites and Cadet Training Centre's, do not require a formally appointed HoE, and specific HoE responsibilities will be delegated to an Accountable Person. The Accountable Person will be the Chief Executive of the local RFCA, who will fulfil specific HoE functions as set out in the sS/CRFCA Service Level Agreement (SLA), where they pertain to the legal requirement to deliver safe places;
- c. Service encroachments are a specific form of lodger unit whose activities are not work-related (e.g. small museums, social clubs and societies and military cadets). As with a lodger unit, they will not have distinct or separate access or egress arrangements. Although they will not fall within the HoE line management chain, the service encroachment should be compatible with the safety management arrangements for the host establishment (e.g. specified in establishment's Standing Orders). Any implications for the whole site Defence Regulations should be assessed. Where the service encroachment cannot meet these requirements, the HoE has the authority to stop the activity or use of the facilities;
- d. Enclaves are distinct from lodger units because they occupy discrete and separate premises within a host establishment's outer boundary, defined by a physical boundary and separate access control arrangements. Enclaves are often established for the use by a contractor or may be required for high security or high hazard activities. As such enclaves will be the responsibility of a different Responsible / Accountable Person and in these circumstances, the Responsible / Accountable Person for the host establishment will retain a legal responsibility for duty of care for the safety of person's accessing or egressing the enclave (for example transiting or using facilities on the host Defence establishment) as visitors. The Responsible / Accountable Person for the enclave should ensure that its activities do not impact on the safety of those within the host Defence establishment or its environmental impact. These respective responsibilities should be captured in a written agreement between respective Responsible / Accountable persons;

e. Large Defence establishments may have commercially operated facilities within their boundaries (e.g. shops, launderettes, or sports facilities). Such facilities are provided under Defence-commercial arrangements for the benefit of users and personnel using or occupying the host Defence establishment. These facilities do not satisfy the definition of an enclave because they permit ready access by users. However, a commercially owned operation is the responsibility of the commercial employer. As with enclaves, the HoE will retain responsibilities for the safety of personnel accessing the commercially operated facility (nominal boundary) but the employer for the commercially operated facility must ensure that its activities do not impact on the safety of those within the host Defence establishment or its environmental impact. These respective responsibilities must be captured in a written agreement between the Responsible / Accountable Person for the host Defence establishment and the representative of the commercially operated facility; and

Note: The HoE should seek assurance (captured in the respective written agreement) that operations and activities within an enclave / commercially operated facility are safe and no material changes to the infrastructure are being undertaken. Where any activities within an enclave / commercially operated facility are adversely impacting the host Defence establishment, the HoE should retain the right to stop these activities.

f. On Defence establishments accommodation falls broadly into two types: single-living accommodation (SLA) or service family accommodation (SFA). The HoE for the host establishment will hold safety responsibilities for anyone requiring access to accommodation facilities, both for their use and maintenance (i.e. transiting the establishment). A variety of different management arrangements exist across Defence for the provision and maintenance of accommodation, from direct responsibility by HoE's and Commanding Officers to outsourced arrangements managed by a non-Defence undertaking.