



Ministry
of Defence

Element 5: Supervision, Contracting and Control of Activities



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Amendment record

1. This chapter has been reviewed by the Directorate of Levelling Up, Climate Change and Sustainability together with relevant subject matter experts and key environmental stakeholders. Any suggestions for amendments should be sent to:

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Version No	Date	Text Affected	Authority

Use of must and should

2. Where this chapter says must, this means that the action is a compulsory requirement.

3. Where this chapter says should, this means that the action is not a compulsory requirement but is considered best practice to comply with the policy.

Scope

4. This policy applies to all those employed by Defence (military or civilian) as well as those working on behalf of Defence (for example, contractors). It applies to all Defence activities carried out in any location (UK or overseas).

Introduction

5. This element provides the guidance and best practice that should be followed and will assist users to comply with the expectations for supervision, contracting and control activities that are set out in Element 5 of the Volume 1 to JSP 816 (this JSP).

Purpose and expectations

6. This element ensures that the organisation has planned, implemented, maintained and reviewed control measures to meet its compliance obligations and its environmental objectives. The organisation should have arrangements for application of these systems throughout the lifecycle of activities it undertakes. Leadership should have effective frameworks in place to ensure sufficient organisation oversight and control of its supply chain using the 4C System: coordination, co-operation, communication and control.

E5.1 The Defence Organisation has mechanisms in place to delegate authority for the control of activities impacting the environment.

E5.2 Those holding delegation for authority are competent and trained to discharge their environmental responsibilities and accountabilities.

E5.3 Those responsible for the control of activity have a mechanism in place to assess and elevate environmental risks and impacts where necessary and leadership are actively involved in their management.

E5.4 Delegated authority should be formally appointed and delegation documented.

E5.5 Those responsible for the control of activity have a duty to mitigate environmental risk using the Best Practicable Environmental Option

E5.6 Those responsible for the control of activity have the authority to pause or cease activity where a risk is no longer manageable through the BPEO.

E5.7 The Defence Organisation has developed and implemented procedures according to which work must be carried out in a way to protect the environment.

Delegation of authority

7. Mechanisms exist to delegate authority for the control of activities for areas of the organisations who implement Defence's environmental policy. This is typically done through 'letters of delegation' which delegate authority for implementing environment policy down the management chain. This is done through defining the remit of individual responsibilities and setting out ownership for environmental management tasks. Letters of delegation are not legal documents and therefore cannot transfer legal responsibility.

8. Delegation originates from the SofS and will normally pass down to individual delivery team leaders, commanders or project managers. For instance, a TLB Chief Executive Officer may delegate responsibilities and authorities to senior officers and in doing so, sets out the flow of delegations to further line management individuals in the aim of sub-delegating their respective responsibilities and authorities.

9. These responsibilities should be systematically identified, given formally in writing and retained for future reference. Delegation should clearly set out what is delegated, to

whom and why, as well as who retains accountability for the activities in question. A letter of authority must be signed by the responsible individual.

10. Those with delegated responsibilities and authorities should ensure that the scope of the authority and responsibility being delegated meets current and future needs. This should be clearly defined and documented within the delegation letter.

11. Each Defence Organisation should record the delegations made for example through a 'delegation of authority matrix', bespoke to the organisation and its activities. This should set out the key activities which have been delegated and show who they have been assigned to.

Training

12. Defence has a duty to provide comprehensive training to all those holding delegation of authority by making sure:

- a. suitable opportunities exist for continual learning and development on a regular basis.
- b. there is a clear understanding of the appropriate elevation process with ownership and acceptance of risk throughout the chain of command.
- c. competency is assessed prior to delegation, monitored and reassessed regularly afterwards with any lesson learned being shared as appropriate.

13. Regular assessments should be conducted to review competency and understand and discharge responsibilities and accountabilities. Competence and training are covered in more depth in Element 6 of this JSP.

Risk and impact tolerability

14. Each Defence Organisation should take steps to assess the environmental Impact of its activities and consider:

- a. which environmental impacts have been identified.
- b. whether there is sufficient information to record and properly assess the environmental impacts of its activities.
- c. whether the impacts are adverse, or exceed an acceptable level, such that mitigating action should be undertaken.
- d. whether there are positive impacts or opportunities

15. Defence should assess the likely environmental risks of their activities in advance of doing them and put in place appropriate control measures and risk management to monitor these. Monitoring should not just assess activities but seek to share good practices and lead to future improvements. Risk and impact assessment are covered in more depth in Element 4 of this JSP.

16. Specific guidance is available for managing environmental risk during acquisition, after which responsibility of residual risk acceptance should be owned and managed by each TLB. Specific decisions and actions may expose the environment to risk. Each

Defence Organisation has an overall responsibility to protect the environment from harm and so should seek to reduce any EM shortfalls and correct activity where possible.

17. Once environmental risks have been identified, they should be responded to, to avoid, reduce, accept or share. If needed, risks should be escalated to notify more senior personnel or other areas of Defence due to a risk's significance or an organisation's inability to manage it. Risk escalation does not however transfer the risk ownership. Defence organisations should establish a process to capture environmental risks, and a separate process to escalate and report them if required. Any risk escalation should be conducted in line with JSP 892, which provides extensive guidance on this topic.

18. If an environmental risk has the potential to impact on safety or risk to life, then this risk should be raised to the safety committee for consideration of inclusion into the safety hazard log and managed appropriately.

Mitigating environmental risks

Best Practicable Environmental Option (BPEO)

19. The concept of Best Practicable Environmental Option (BPEO) is well established in environmental regulation. BPEO is the outcome of a systematic and consultative decision-making procedure which emphasises the protection and conservation of the environment across land, air and water; it is about 'doing the right thing'. The BPEO can also be used to describe an identified outcome of this process.

20. The BPEO approach can be used to establish the option that provides an acceptable level of environmental risk reduction, with an acceptable impact to activities in a short and medium term. BPEO sets out the following framework:

- a. definition of purpose and scope.
- b. identification of options.
- c. screening.
- d. selecting attributes.
- e. option analysis.
- f. weighting factors.
- g. identification of the BPEO.
- h. integration into decision making.

21. If properly implemented, BPEO should reduce the likelihood or impact of environmental damage and improve the quality of the environment as a whole.

22. A BPEO approach will vary by activity and scenario and so will not be straightforward to apply. Defence organisations should clearly set out their approach and formalise targets to achieve. A lessons learnt exercise should be undertaken to consider how future actions could be revised and adjusted.

Developing and implementing procedures

23. Defence organisations should determine what environmental procedures are necessary and ensure the development and implementation is completed systematically. When determining what procedures are necessary organisations should consider:

- a. relevant environmental risks and opportunities, compliance obligations and significant environmental aspects which need to be addressed.
- b. environmental objectives which may require delivery via a control framework (e.g. a procedure).
- c. the most appropriate method of control (e.g. a simple work instruction or the deployment of a competent person may be sufficient to provide the required level of control rather than a documented procedure).

24. If it is determined that one or more environmental procedures are necessary, the process for the development of a procedure should include:

- a. identifying and consulting with relevant stakeholders (e.g. staff who will be involved in implementing the procedure).
- b. defining acceptable operating criteria (e.g. legal requirements relating to waste management storage and disposal).
- c. engaging a relevant subject matter expert to draft a procedure using an established template to ensure consistency.
- d. review of the procedure by someone independent of the process being addressed but with sufficient knowledge and experience to provide constructive challenge.

25. Procedures should typically define (as a minimum):

- a. a specific set of activities that need to be performed and the required sequence.
- b. the roles and responsibilities, competency and training requirements for those involved.
- c. any key variables which need to be kept within certain limits (e.g. wastewater discharges).
- d. necessary resource requirements.

26. Procedures should always be as concise as possible consistent with providing the target audience with the information required.

Contractors and partners

27. TLBs routinely engage contractors and partners to undertake a wide range of defence activities. Contractors and partners must be competent to undertake the activities required and will comply with all relevant environmental legislation and the employing commanding officer or manager is to ensure that this is the case. TLBs must monitor that its contractors and partners hold appropriate environmental permits and licences and, the

contractor and partners have in place and implement procedures to comply with environmental protection legislation.

28. If there are exemptions from legislation that are relevant to the contractor's or partner's defence activities, then Defence regulations apply. The Defence contracting organisation is to ensure that this is expressed in the contract or agreement and that relevant Defence regulators are empowered through the contract agreement to regulate the contractor's or partner's activities.

Element summary

29. The Defence Organisation should ensure that:

- a. mechanisms are in place to delegate authority for the control of activities impacting the environment.
- b. those holding delegation for authority are competent and trained to discharge their environmental responsibilities and accountabilities.
- c. those responsible for the control of activity have a mechanism in place to assess and elevate environmental risks and impacts where necessary and leadership are actively involved in their management.
- d. delegated authority should be formally appointed and delegation documented.
- e. those responsible for the control of activity have a duty to mitigate environmental risk using the BPEO.
- f. those responsible for the control of activity have the authority to pause or cease activity where a risk is no longer manageable through the BPEO.
- g. procedures have been developed and implemented according to which work must be carried out in a way to protect the environment.

Plan- Do- Check- Act- (PDCA) Cycle

30. This diagram is designed to illustrate where this, and all the elements of JSP 816, fit into the PDCA cycle.

