



Defence  
Safety Authority

# DSA 01.2

## Assurance



# Foreword

This document explains how the DSA conducts assurance. It is subordinate to DSA 01 The DSA Sub-Operating Model and complements the other documents in the DSA 01 series. Together, the 01 series provides people in the DSA and across Defence an understanding of how the DSA conducts its activity and what can be expected from its outputs.

This document should be referred to as required to educate and inform stakeholders and guide activity. It is coherent with the Secretary of State for Defence's policy statement for Health, Safety and Environmental Protection (HS&EP) and the DSA Charter. Departmental HS&EP policies are detailed within the relevant Joint Service Publications. Should there be a conflict between these documents and the DSA 01 series, contact the DSA (DSA-Enquiries@mod.gov.uk).

# Organisation

The DSA was established by a Charter issued by the Secretary of State for Defence as independent regulator, investigator and assurer for HS&EP within Defence. The DSA's vision is to protect people, the environment and operational capability through effective and independent HS&EP regulation, assurance, enforcement, and investigation. The DSA derives its independence and authority from the DSA Charter.

Assurance is a whole DSA effort involving:

- DSA Headquarters
- Defence Themed Assurance Branch (DTAB)
- Defence Accident Investigation Branch (DAIB)
- Defence Environmental Protection Regulator (DEPR)
- Defence Fire Safety Regulator (DFSR)
- Defence Land Safety Regulator (DLSR)
- Defence Maritime Regulator (DMR)
- Defence Medical Services Regulator (DMSR)
- Defence Nuclear Safety Regulator (DNSR)
- Defence Ordnance, Munitions and Explosives (OME) Safety Regulator (DOSR)
- Military Aviation Authority (MAA).

# Principles

**Hampton Principles.** In March 2005 the Hampton report was published by the Treasury. It aimed to address the burden of regulation and focussed on inspection and enforcement in the areas of environmental protection and health and safety. The report made several recommendations and put forward principles for regulatory activity. In due course, these have become known as The Hampton Principles and are summarised as follows:

- Proportionality
- Accountability
- Consistency
- Transparency
- Targeting

**The Regulators' Code.** In addition to The Hampton Principles, the Regulators' Code was developed following the Autumn Statement in 2012. It specified that regulators must have due regard to the Code when developing their regulation sets but they are not bound to follow it if they have good reason. The broad principles in the Regulators' Code are as follows:

- Regulatory activity should support those they regulate to comply and grow; they should avoid imposing unnecessary regulatory burdens.
- Regulators should provide simple and straightforward ways to engage with their regulated community.
- Regulatory activity should be based on risk.
- Regulators should share information about compliance and risk.
- Regulators should provide clear information, guidance, and advice to those they regulate.
- Regulators should ensure their approach to regulatory activities is transparent.

## Mitigating risk

The concept of mitigating risks to a level that is *as low as reasonably practicable* (ALARP) lies at the heart of the British health and safety system. It is a key part of the general duties of the Health and Safety at Work Act 1974 and many other sets of health and safety regulations. For environmental protection, individual environmental protection legislation (e.g. Environment Protection Act 1990, Environment Permitting regulations 2010, Environment Act 2021) refers to terms such as, *as low as reasonably achievable*, *best available techniques* and *best practicable environmental option*. All have subtle variations

of meaning and application and are similar to the ALARP principle used for health and safety.

The application of these risk mitigation constructs is a judgement and ultimately needs to be understood and demonstrated by those who will be held personally accountable for directing that an activity should be undertaken. Making sure the risks have been reduced to ALARP or similar is about weighing the risks (as a consequential outcome) against the relative cost of the sacrifice to provide any mitigation that is practicable to reduce it (in terms of money, time and effort). It requires qualitative or quantitative benefit analysis and consideration of good practice to conclude and justify the way forward in taking the risk.

To demonstrate that a risk is ALARP or similar, the person accountable for the activity must be able to show that the cost (or sacrifice) of applying further mitigation would be grossly disproportionate to the risk reduction that would be achieved. Importantly, even when a risk is mitigated to ALARP or similar there may still be a high residual risk. It must also be recognised that the conditions and circumstances when a decision is taken will change over time. For these reasons, it is essential that risk assessments and for environmental protection, impact assessments, are reviewed regularly and with the changeover of accountable individuals.

### **The concept of risk tolerability**

In addition to reducing the risk, an organisation needs to ensure that the risks it takes are also acceptable, i.e., tolerable. Within Defence, it tends to be that a person is appointed to be accountable for an activity; they are empowered to determine whether the residual risks associated with that activity are tolerable. This requires a balancing between the residual risk that the activity poses against the benefit that is derived from that activity in question. The DSA will not analyse whether an individual has made a reasonable assessment when making such a determination. However, organisations must be able to demonstrate that they have sound procedures and processes in place to enable reasonable decisions on tolerability to be reached. This may include ensuring that a person appointed to be accountable for an activity has sufficient training, experience and knowledge (i.e. SQEP) to perform their duties effectively, as well as the provision of sufficient guidance documentation on how that valuation should be made.

### **Application in the DSA**

The DSA bases its assurance activities on the above principles to provide a framework that:

- Is proportional, consistent and targeted based on evidence and risk.
- Is proportionate to, and dovetails with, the regulated community.
- Is applicable wherever Defence operates.
- Can evolve to meet new and changing technologies and risks and to incorporate best practice.
- Is accessible, practical and easy to use.



***“As similar as possible, as different as necessary”***. Where reasonably practicable, the DSA's regulators operate regimes that are aligned with statutory equivalents to produce outcomes that are at least as good as those required by UK legislation. This alignment makes working with statutory regulators and compliance with both legislation and Defence regulations easier for both the DSA and the regulated community. Whilst this does lead to necessary differences between its parts, the DSA seeks to harmonise its approach where there is benefit in doing so.

## Defence Policy and Assurance

### Defence Policy

Defence is required to comply with UK HS&EP statutory requirements. To do so, the Defence policy which must be met, and the guidance that should be followed, is detailed in Joint Service Publications (JSP). The JSPs provide the overarching policy and frameworks for complying with all HS&EP statutory requirements. To ensure compliance, statutory bodies such as the Health and Safety Executive (HSE) and the Environment Agency (EA) may conduct assurance or enforcement activity against Defence.

### Assurance in Defence

Assurance is a general term for the confidence that can be derived from objective information regarding the successful conduct of activities, the efficient and effective design and operation of internal controls, compliance with internal and external requirements, and the production of insightful and credible information to support decision-making. Confidence diminishes when there are uncertainties around the integrity of information or of underlying processes.

Assurance in Defence is about providing confidence to those making decisions that risks are being effectively managed and rules and regulations are being adhered to, with supporting robust controls and assurance activities in place. This is achieved by:

- Having an effective risk management framework in place.
- Robust Internal Control Assurance Frameworks.
- Strong assurance reporting aligned to the Three Lines of Defence (LOD).

### Total Assurance

Total Assurance consists of collective and complementary activities involving the DSA and all organisations delivering and assuring HS&EP. It includes all assurance activity, across all the LODs. It is 'Total' in the sense that it is an organisation-wide effort to conduct assurance with every LOD playing its part, in some cases one of the three LODs offsetting a weakness in one or more of the other LODs. It is not 'Total' in the sense of assuring everything all the time; rather, it requires a risk-based approach through a system of connected activities. It culminates in an annual snapshot, the DSA HS&EP Annual Assurance Report, for consideration by the Defence Board, DARAC, DSEC and Director HS&EP (D HS&EP).

# DSA Assurance Activity

The DSA is the primary element of the Department's 3rd LOD for HS&EP. It provides independent assurance to the Secretary of State and the Department that the Secretary of State's policy on HS&EP is being implemented in the conduct of Defence activities. This is achieved through proportional and appropriate evidence-based assessment activity, including:

- Activities, such as audits and inspections, in the Defence regulatory areas.
- Permissioning, including, authorisation, certification and licensing activities.
- Themed Assurance, in-depth examinations of selected areas.
- The conduct of Service Inquiries and Non-Statutory Inquiries.
- The production of the DSA Annual Assurance Report.

## Regulatory assurance

The DSA's regulators conduct risk-based assurance activities to secure compliance with their regulations and to contribute to the overall assessment of HS&EP in Defence. They are empowered to enforce their regulations, including identifying where changes are needed or stopping activity if required. Activities include audits, inspections, and surveillance.

To aid regulators in discharging their responsibilities, they may accredit other organisations to conduct specified assurance activities on their behalf.

## Permissioning

The HSE define permissioning as a means to give 'permission' for certain work activities involving significant hazard, risk or public concern, for example where there are risks of:

- multiple fatalities from a single or linked series of events.
- widespread and significant adverse effects on human or environmental health.

For certain Defence activities, the DSA's regulators may include a requirement for permissioning such activities<sup>1</sup>. This is usually restricted to high hazard activities that require enhanced safety or environmental protection arrangements. The terms and conditions of granting such permission are captured in permissioning documents. In such cases, the regulators will seek information on compliance with the terms of these documents, as well as information about the hazards and safeguards associated with the activity, and any resultant risk. Other organisations may be used to conduct certain permissioning activities on the regulator's behalf.

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<sup>1</sup> Permissioning includes authorisation, certification and licencing.

## **Themed Assurance**

Themed Assurance is an in-depth examination of a selected specific area which may be identified through other learning, such as intelligence sharing, findings, reporting, or performance monitoring. It provides benefit by enabling in-depth focus on a specific or complex topic to check compliance against policy and suggest improvements. Themed Assurance audits will be directed (by DG DSA, the DSEC or similar), reactive (following an accident, incident or a Service Inquiry) or routine (any subject contained within the JSP 375).

The two main ways that the DSA conducts Themed Assurance audits is either through the Defence Themed Assurance Branch (DTAB) or by establishing a specific cross functional team from within the other regulators and branches in the DSA.

## **Service Inquiries and Non-Statutory Inquiries**

Lessons and recommendations identified from the inquiries conducted by the DSA form an important part of the assurance picture.<sup>2</sup> They can identify themes where assurance has failed to ensure that appropriate risk management controls were in place, and which resulted in an accident. It is the identification of these themes that can drive assurance activity in other areas.

## **Information fusion**

The DSA HQ is key to fusing information, including intelligence from the DSA regulators and branches, Defence organisations and Head Office, to aid in reporting and decision making. This intelligence fusion is critical to enable the DSA to understand where risk management controls are proving ineffective before an accident occurs. This can drive subsequent assurance activity to restore confidence in the system.

## **Annual Assurance report (AAR)**

The DSA is to provide a comprehensive HS&EP assurance assessment to the Secretary of State. This is done through the production of the AAR. It provides an independent assessment of how the Department is doing with regards to implementing Defence's HS&EP policies and provides the Department with a benchmark against which to measure progress, understand trends and identify issues that need to be addressed.

The DSA AAR is a product of the DSA's information fusion. Once drafted, the AAR is presented to the DSEC members who are invited to identify any factual inaccuracies. The final version of the AAR is then submitted to the DARAC, Defence Board and subsequently to ministers for approval to release. The AAR will be staffed through Defence organisation secretariats for final fact checking and redaction before publication on [www.gov.uk](http://www.gov.uk).

Once published, the AAR informs discussion across the Department about how to restore controls where increased safety and environmental risk has been identified. It also informs action within the DSA as part of its activities within the 3<sup>rd</sup> LOD for the Department. The 1<sup>st</sup> and 2<sup>nd</sup> LOD should also conduct a review to ascertain what measures they can implement

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<sup>2</sup> See DSA01.4 Investigation

to maximise the effectiveness of assurance activities and reduce safety and environmental risk. However, the AAR is only the end result of an assurance system and discussions about safety and environmental risks, assurance controls and confidence in processes will be ongoing throughout the year.

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