

JSP 815

Element 12: Assurance



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Amendment record

This element 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	Date	Text Affected	Authority
No	published		
1.0	Dec 22	BETA version for consultation	Dir HS&EP
1.1	7 Jun 23	Final version	DDS
1.2	10 Sep 24	Annual revision and combined element and assurance framework	DDS

Terms and definitions

General safety terms and definitions are provided in the <u>Master Glossary of Safety Terms</u> and <u>Definitions</u> which can also be accessed on GOV.UK.

Must and should

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

Where this element says should, this means that the action is not a compulsory requirement but is considered good practice.

Introduction

- 1. This element provides the direction that must be followed and the guidance and good practice that should be followed which will assist users to comply with the expectations for assurance that are set out in this Element.
- 2. Responsibility for the management of health, safety, and environmental protection (HS&EP) is derived from the Secretary of State for Defence's (SofS) Policy Statement. The SofS Policy Statement sets out the commitment and role of the Defence organisations senior leaders to ensure that safety policy and regulations are applied throughout Defence and that their Defence activities are delivered in line with the Defence Safety Management Systems (SMS) Framework (JSP 815) and their own Defence organisation's SMS.
- 3. The amplification of the SofS Policy Statement is contained in Defence policy for HS&EP which also sets out the general Organisation and Arrangements (O&A) for Defence to manage HS&EP. The minimum necessary management arrangements for safety are set out in JSP 815. The management arrangements for environmental protection policy are laid out in JSP 816 Defence Environmental Management System (EMS) Framework.

Purpose and expectations

- 4. This element is to assist the Defence organisation to put in place assurance mechanisms to identify strengths and weaknesses in its SMS and drive continual improvement. Assurance activity should be planned to cover all business activities and linked to a risk-based assurance plan.
- 5. Defence organisations have the freedom to use other assurance and audit methodologies that are appropriate to their business and activities, however they must provide evidence of compliance with safety legislation, Defence policy and regulation in line with the three Lines of Defence approach set out in this Element.

General assurance process

6. In the <u>Orange Book - Management of Risk - Principles and Concepts</u> His Majesty's Treasury (HMT) defines assurance as:

"A general term for the confidence that can be derived from objective examination of information over the successful conduct of activities, the efficient and effective design and operation of internal control, 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."

7. In Defence, assurance is about providing adequate confidence and evidence, through due process, that safety requirements have been met. It is also about monitoring performance and checking how well risks are being controlled. It is less about assurance as a 'tick box exercise' and more about identifying problems and providing objective information to decision makers so remedial action can be taken.

8. The Health and Safety Executive guidance (HSG) 65 provides additional advice to those who need to put in place or oversee their organisation's health and safety arrangements.

Risk-based approach

9. A risk-based approach means focussing assurance effort on the activities and controls which give rise to the most significant safety risks that may impact upon the successful delivery of the Defence organisation's objectives. It can also include focussing assurance in areas where the most benefit will be derived from the effort. This means a high-level prioritisation approach to identifying, assessing, reporting, and assuring the effectiveness of an organisation's safety management.

Assurance methods

- 10. Defence organisations need to demonstrate and provide assurance that their SMS meets the requirements of the SofS Policy Statement and aligns with this JSP 815, which is based on ISO 45001 International standard for occupational health and safety, a useful comparison between JSP 815 and ISO 45001 can be found in Annex F.
- 11. A Defence organisation's assurance process should provide an objective examination of evidence that demonstrates an independent, objective assessment of risk management, and control or governance processes.
- 12. There are a range of assurance methods that can be used to provide confidence in safety management. Below are some examples of different assurance methods. More detail can be found in ISO 19011¹ (an international standard that provides guidelines for auditing management systems).

Oversight / surveillance

13. Oversight involves monitoring safety performance, verifying that activities comply with policies and reviewing processes and documents. Surveillance can be undertaken by observing work performed.

Workplace inspection

- 14. On-site safety inspections can measure the management of safety at a workplace level and help identify if improvements are needed. An inspection can help to identify hazards or processes that are not working efficiently.
- 15. In addition, inspections can be used to confirm the safe condition of equipment or workplaces. For example, the Provision and Use of Work Equipment Regulations 1998 (PUWER) states the requirement to inspect workplace equipment. This ensures that equipment is maintained, safe to operate and any deterioration can be detected and corrected in good time. Compliance checks on firefighting equipment or first aid kits would also be an example of a focused workplace inspection.

¹ ISO 19011 Annex B describes Interviews, checklists, questionnaires, document reviews, sampling, observations etc as potential aspects of Audits.

Safety visits

16. The opportunity for the Defence organisation's management to explore the effectiveness of risk control measures through planned visits to workplaces to observe tasks and discuss controls. Opportunity for the management to show commitment to safety and communicate with personnel.

Sampling

17. Sampling is the selection of a representative amount or group of items, people, and areas, which are examined to establish compliance and used to indicate the standard of compliance for the wider group. Sampling is required when it is not practical or cost effective to examine all available information; for example, records are too numerous or too dispersed geographically to justify the examination of every item.

Surveys

18. Surveys are where a set of questions (computer or paper based) are asked of a targeted audience to gain a general view from that audience on a given topic. A safety cultural survey would be an example of this.

Audits

- 19. An audit is a significant part of the assurance process and is an essential tool used for checking that a Defence organisation's safety processes are in place and are being followed. The purpose of an audit is to determine the level of adequacy and compliance against a set of agreed standards, policies, procedures, or requirements.
- 20. An SMS audit looks at the compliance towards components of a Defence organisation's SMS with the audit criteria set out in this JSP and the Defence safety policy and regulations appropriate to the Defence organisations activities.
- 21. The Defence audit process is based on the ISO 19011 Guideline for auditing management systems. Further detail on the audit process is set out in Annex H Assurance Manual.

Three Lines of Defence model

22. To better understand who is responsible for what assurance activity, Defence use the three Lines of Defence (LOD) approach for ease of delineating roles and responsibilities. The three LOD for safety is depicted in Figure 1.

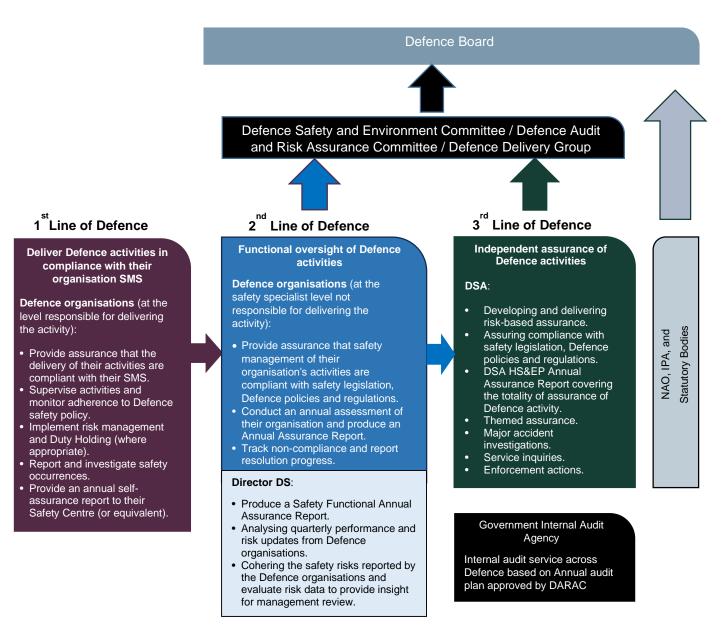


Figure 1: Three lines of Defence

First Line of Defence (1LOD)

- 23. 1LOD assurance comes directly from those responsible for delivering specific activities, objectives or processes. It may lack independence, but its value comes from those who know the business, culture and day-to-day challenges. Defence organisations must conduct 1LOD assurance and this must be provided by those managing the delivery of activities (normally at unit, estate, establishment or platform level) and can be aligned to the Delivery Duty Holder (DDH). The 1LOD needs to be focussed on building the confidence (through evidence) that Defence safety policy and regulation is understood and being followed.
- 24. The 1LOD within the Defence organisation is to identify, assess, own, and manage their safety risks. The Defence organisation is therefore responsible for designing, implementing, and maintaining their own control measures, monitoring their adherence, and implementing corrective actions to address deficiencies.
- 25. Defence organisations provide an annual self-assurance report at 1LOD to their Safety Centre (or equivalent) which then informs the 2LOD Annual Assurance Report (AAR).

- 26. As part of their risk management, leaders should be continually asking the question "how do I know the activity within my area of responsibility is safe to proceed?". This question places the emphasis on the leaders to check, test and understand the safety risks associated with the activities for which they are responsible. Risk management is covered more in Element 4 of this JSP.
- 27. Leaders are responsible for ensuring that their Defence organisation design, operate and improve their policies and processes to provide compliance and performance against legislation, Defence policies and regulations. There should be adequate managerial and supervisory controls in place to ensure compliance and to highlight ineffective control measures. Where possible this should be supported by relevant and timely management information.
- 28. Defence organisations can tailor their internal assurance arrangements (1LOD). However, they must have adequate processes in place to provide self-assurance at the unit, estate, establishment or platform level. They should also retain evidence of compliance and show how this delivers against the standards set in JSP 815.
- 29. Where remedial activity is required, the 1LOD should implement control measures to address deficiencies and report the progress and the effectiveness of the control measures up through the Defence organisation's chain of command (CoC).

Second Line of Defence (2LOD)

- 30. 2LOD assurance is the oversight of management of activity, separate from those responsible for delivery but not independent of the Defence organisation's management chain. Defence organisations must conduct 2LOD assurance and this must be provided by the CoC, separate from the assurance given by those responsible for delivering the activity and in line with formal Defence organisation assurance mechanisms.
- 31. 2LOD assurance should be achieved within the Defence organisation by those that specialise in safety management and assurance, such as the Defence organisation's Safety Centres, Chief Environmental and Safety Officer (CESO) teams (or equivalent), or functional specialists² on behalf of the organisations Safety Centres.
- 32. The Defence organisation's 2LOD should have a defined and proportionate approach, so that the methodology for assurance is applied effectively and appropriately. Defence organisations must undertake assessment of 1LOD to provide assurance that the safety management of their organisation is compliant (understood and being followed) with legislation, Defence policies and regulations.
- 33. The safety professionals in the Defence organisation's Safety Centres, CESO teams or equivalent, must undertake an annual assessment of their organisation and lead in the production of an Annual Assurance Report (AAR) of their organisation's safety performance against the JSP 815 Defence Safety Management System (SMS) Framework.
- 34. To assist in the Defence organisation's self-assessment, a safety self-assessment toolkit has been created at Annex G of this JSP (the use of this self-assessment is not mandatory, but if used this would satisfy the minimum assessment standard required to provide assurance against JSP 815).

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² These functional or technical specialists may or may not be part of the Defence organisation.

35. The Defence organisation's Safety Centres, CESO team or equivalent, are responsible for tracking non-compliance resolution and agreeing the close out of actions. The Safety Centres (or equivalent) are responsible for reporting the progress and close out of corrective actions (through the Performance and Risk Reviews (P&RR)).

Third Line of Defence (3LOD)

36. 3LOD assurance provides an 'internal audit' capability and is carried out by an organisation (for example the DSA) that is independent of the Defence organisation whose activities are being audited. Through its independence, an internal audit function will provide an objective evaluation of how effectively an organisation assesses and manages its risks. It includes an evaluation of the design and effectiveness of the operation of the 'first and second lines of defence.' It often does so through a risk-based approach, by evaluating all elements of the risk management framework and risk and control activities. An effective and holistic internal audit function delivered by many organisations, may also enhance the assurance picture of the management of cross-organisational risks, thereby supporting the sharing of good practice between organisations.

Note: Some Defence organisations still refer to parties of assurance, which are:

- a. 1st Party Assurance (1PA), which is the assurance undertaken by those responsible for delivering specific activities and equates to 1 LOD assurance.
- b. 2nd Party Assurance (2PA), which is the assurance undertaken by specialists outside of the immediate chain of command but still within the Defence organisation and equates to 2 LOD assurance.
- c. 3rd Party Assurance (3PA), which is the assurance undertaken by parties that are fully independent of the Defence organisation, generally by the DSA or the Government Internal Audit Agency (GIAA) and equates to 3 LOD assurance.

Defence Safety Authority (DSA)

- 37. For safety in Defence, the DSA provides the main internal and independent audit function within 3LOD and provides assurance to the Secretary of State (SofS) 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. It is empowered through its Charter, on behalf of the SofS for Defence, for its roles as the independent regulator, investigator and assurer for HS&EP within Defence. To maintain the DSA's independence, the Director General takes their authority from the DSA Charter.
- 38. The DSA is responsible for:
 - a. providing independent assurance to the Secretary of State and the Department that the SofS Policy Statement 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.
 - b. preparing an Annual Assurance Report including a summary of HS&EP compliance and risk for consideration by the Second Permanent Secretary, the Defence Board, and onward consideration by the Secretary of State.

- c. ensuring that, within each regulatory area, Defence Regulators plan and conduct their own risk-based assurance activity, maintain, promulgate, assure compliance with, and when necessary, enforce Defence regulations; and to promote an engaged HS&EP culture.
- d. ensuring that there is an effective appeals process to review enforcement action if it is challenged by those to whom it applies, to include escalation through the relevant chain of command, up to Secretary of State if necessary.
- e. ensuring that 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.
- f. ensuring that, in any circumstances where the Director General judges HS&EP concerns are not being satisfactorily addressed through normal Departmental processes, they retain the right of direct access to the Secretary of State to raise those concerns, while ensuring that the Second Permanent Secretary is kept informed.

Government Internal Audit Agency (GIAA)

- 39. The GIAA Internal Auditing service for Defence will provide assurance to Defence's Accounting Officer (the Permanent Under Secretary (PUS)) and the Defence Audit, Risk and Assurance Committee (DARAC); a subcommittee of the Defence Board. Internal Audit is a key part of the Department's assurance framework and in many ways is unique due to its scope across the whole department.
- 40. The GIAA provide an independent third line (3LOD) assurance function and its role is to provide independent and objective assurance, advice and insight over the risk management, governance and internal control processes within Defence.
- 41. With the exception of Military Operations, all business systems, processes, functions and activities within Defence may be subject to internal audit work. The GIAA Defence annual risk-based audit plan defines what activities will be reviewed by them and is formally approved by the DARAC. Further information on the GIAA can be found at Government Internal Audit Agency (Formally Defence Internal Audit) (sharepoint.com).

External assurance

- 42. External Assurance bodies are outside the immediate Department boundary, but they are part of the risk management framework. Defence organisations should work closely with these groups and provide timely information and access when requested.
- 43. External assurance is provided by:
 - a. independent regulatory and inspection bodies (for example, Health and Safety Executive (HSE));
 - b. external system accreditation reviews / certification (for example, International Organisation for Standardisation (ISO));
 - c. HM Treasury / Cabinet Office / who support and review approval processes;

- d. the Infrastructure and Projects Authority (IPA), who provide independent expert assurance reviews of major government projects including business case appraisal and consideration of H&S risks; and
- e. external auditors, chiefly the National Audit Office (NAO), who have a statutory responsibility for financial statements and risk management impact including to safety.
- 44. Defence organisations should also familiarise themselves with the Memorandums of Understanding (MOU) between the MOD and HSE, other Statutory Regulators and devolved HSE agency in Northern Ireland. When dealing with these bodies the Defence organisations may wish to consult their legal department for further advice and guidance.

Total assurance

- 45. Assurance is about providing confidence that safety policy and regulations are embedded and being followed across the Defence organisations; risks are identified and managed; and assurance activities identify learning opportunities to support continual improvement.
- 46. Total assurance is about the holistic picture and confidence derived from separate assurance activities at all LOD levels and culminates in the Defence AAR collated by the DSA. The Defence AAR is a product of the DSA's information cohering and provides an independent assessment of how the Department is doing with regards to implementing Defence's HS&EP policies and regulations in order to provide the Department with a benchmark against which to measure progress, understand trends and identify issues that need to be addressed. The findings from the DSA AAR are reported to the Defence Board, DARAC, and DSEC.
- 47. Total assurance is not the expectation that assurance will cover all activities equally and with the same depth of review. It brings together risk and assurance in a joint approach to provide confidence in:
 - a. the successful conduct of activities or SMS integration into wider Corporate Governance;
 - b. the efficient and effective design and operation of internal control;
 - c. compliance with internal policy and regulatory requirements and external statutory requirements;
 - d. the production of insightful and credible information to support organisational governance and decision-making; and
 - **e.** The risk-based approach allows for targeted activity, making best use of limited resource where it is most needed and minimising the regulatory burden on Defence organisations.

Element assurance framework

- 48. The focus of this element requires that the Defence organisation has assurance mechanisms in place to identify strengths and weaknesses in its SMS and it drives continual improvement. Assurance activity is planned to cover all business activities and is linked to having a risk-based assurance plan.
- 49. The expectations and performance statements for this element are set out in the following pages.

Expectations and performance statements

Element 12: Assurance

The Expectations in this element are:

- **E12.1** The Defence organisation has mechanisms in place and conducts a risk-based 1st Line of Defence (1LOD) assurance that is appropriate to its scale and complexity.
- **E12.2** The Defence organisation conducts 2LOD, has mechanisms in place to enable 3LOD assurance, and supports external assurance.
- **E12.3** The Defence organisation conducts an annual self-assessment against the elements of the Defence SMS and provides this to organisational leadership to identify opportunities for improvement and help inform the generation of the annual assurance report submission.
- **E12.4** The Defence organisation's leadership formally review the effectiveness of their SMS in meeting organisational objectives based on assurance activity undertaken.
- **E12.5** The Defence organisation has mechanisms in place to ensure that corrective action is taken to address Defence and statutory regulator enforcement actions.

Documents often associated with this element:

- 1LOD assurance reports
- Agenda and minutes of the safety committee meetings (Strategic, Tactical and Working)
- Annual Assurance plan
- Assurance mapping and gap analysis of risk and control measures
- Command / Corporate plan
- Continual Improvement (CI) logs
- Corrective action plans
- Defence and statutory regulator enforcement actions procedures
- Defence organisation business plans
- Defence organisation Operating Model
- Defence organisation SMS
- · List of enforcement actions received

Expectation 12.1 The Defence organisation has mechanisms in place and conducts a risk-based 1st Line of Defence (1LOD) assurance (appropriate to its scale and complexity).

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that the Defence organisation conduct 1 LOD risk-based assurance activities.	 The Defence organisation conducts 1 LOD assurance activity. There is some, but not enough evidence this is risk-based formal schedule. The Defence organisation has insufficient resources and competency in place to conduct 1LOD assurance. The 1LOD assurance identifies non-conformance but does not identify corrective actions. 	 There is some but could be improved evidence that the Defence organisation conducts 1 LOD assurance activity, using a risk-based formal schedule. The Defence organisation has sufficient resources in place to conduct 1LOD assurance. The 1LOD assurance identifies non-conformance and corrective actions. There is some but could be improved evidence that the Defence organisation routinely review its risk-based formal schedule. There is some but could be improved evidence that it is not agile in reprioritising its assurance activity. 	 There is robust evidence that the Defence organisation conducts 1LOD assurance activity, identifies non-conformance, corrective actions and manages these through to resolution with a formal management and review process. There is robust evidence that the Defence organisation uses the findings from its 1LOD assurance activity to review and update its SMS. There is robust evidence that the Defence organisation routinely reviews its risk-based formal schedule and is agile in re-prioritising its assurance activity in response to emerging risks.

Expectation 12.2 The Defence organisation conducts 2LOD assurance, has mechanisms in place to enable 3LOD assurance, and supports external assurance.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that the Defence organisation have mechanisms in place to conduct 2LOD assurance and enable 3LOD assurance and support external assurance activity.	 There is some, but not enough evidence that the Defence organisation is able to fully support the full range of Defence 2LOD and 3LOD activities including external assurance because of resourcing and organisational constraints. There is some, but not enough evidence that the Defence organisation understand the similarities and differences for 2LOD, 3LOD and external assurance processes, arrangements, and requirements. 	 There is some but could be improved evidence that the Defence organisation conducts 2LOD assurance and have mechanisms in place to enable 3LOD activities and external assurance. There is some but could be improved evidence that the Defence organisation consistently collate the findings from 2LOD, 3LOD and external assurance activities, or fully incorporate them into the management and review process. The Defence organisation can demonstrate how it intends to reach substantial assurance. 	 There is robust evidence that the Defence organisation proactively conducts 2LOD assurance and have robust mechanisms in place to enable 3LOD assurance and fully supports external assurance. There is robust evidence that the Defence organisation routinely collates the findings from 2LOD, 3LOD and external assurance activities, and fully incorporates them into the management and review process. The Defence organisation can demonstrate how it intends to maintain substantial assurance.

Expectation 12.3 The Defence organisation conducts an annual self-assessment against the elements of the Defence SMS Framework and provides this to organisational leadership to identify opportunities for improvement and help inform the generation of the annual assurance report submission.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that the Defence organisation conduct an annual self-assessment against the elements of the Defence SMS Framework to inform the annual assurance report.	 There is some, but not enough evidence that the Defence organisation formally conducts an annual self-assessment against the elements of the Defence SMS Framework. Improvement opportunities are identified however these are not implemented by leadership. An annual assurance report submission is produced; however, it does not provide sufficient detail as to safety performance. 	 There is some but could be improved evidence that the Defence organisation formally conducts an annual self-assessment against the elements of the Defence SMS Framework. Improvement opportunities are identified during the self-assessment and are used by leadership to enable continual improvement. An annual assurance report submission is produced and provides sufficient detail relating to safety performance. 	 There is robust evidence that the Defence organisation formally conducts an annual self-assessment against the elements of the Defence SMS Framework. Improvement opportunities are identified during the self-assessment and passed onto leadership to enable continual improvement, with a formal plan for improvement and clear actions taken in response. Previous annual assurance report submissions are reviewed to allow for year-on-year trending of safety performance.

Expectation 12.4 The Defence organisation's leadership formally review the effectiveness of their SMS in meeting organisational objectives based on assurance activity undertaken.

Unsa	atisfactory	Limited	Moderate	Substantial
demonstra evaluating	ttle or no evidence to ate that leadership is the outputs of onal assurance.	There is some, but not enough evidence that leadership is evaluating the outputs of organisational assurance. There	There is some but could be improved evidence that leadership evaluates the outputs of organisational	There is robust evidence that leadership promotes continual improvement in safety based on learning from formal reviews
There is little or no evidence to demonstrate that leadership is reviewing its SMS effectiveness on organisational objectives.	is some, but not enough evidence, that this is planned, scheduled and documented.	assurance; the process is well documented and routinely undertaken.	of assurance activity and the effectiveness of their SMS.	
	 Leadership reviews effectiveness of their SMS in meeting organisational objectives. 	There is some but could be improved evidence that leadership regularly reviews the effectiveness of their SMS in meeting organisational objectives.		
	There is however some, but not enough evidence, that this is it is done consistently.			

Expectation 12.5 The Defence organisation has mechanisms in place to ensure that corrective action is taken to address Defence and statutory regulator enforcement actions.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that the Defence organisation have mechanisms in place to take corrective action to address Defence and statutory regulator enforcement actions.	 There is some, but not enough evidence that the Defence organisation has mechanisms in place to take corrective actions to address Defence and statutory regulator enforcement actions. There is some, but not enough evidence, that this is formally documented or consistently applied. Actions are not complied with within the timescale set by the regulator. 	 There is some but could be improved evidence that the Defence organisation has mechanisms in place to take corrective actions to address Defence and statutory regulator enforcement actions, and these are formally documented and consistently applied. Actions are complied with within the timescale set by the regulator. 	There is robust evidence that actions taken to comply with Defence and statutory regulator enforcement actions are shared across Defence for the benefit of organisational learning and prevent recurrence.