



Ministry
of Defence

JSP 816 Element 5: Supervision, Contracting and Control of Activities



Element 5: Supervision, Contracting and Control of Activities

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Amendment record

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

SPOCCE-EP@mod.gov.uk

Version No	Date	Text Affected	Authority
1.0	Feb 22	BETA version for consultation	Dir CCE
2.0	Dec 23	Final version	CCE
2.1	Dec 24	Annual revision and combined element and assurance framework	CCE

Terms and definitions

2. General environmental protection terms and definitions are provided in the Master Glossary of Environmental Terms and Definitions.

Must and should

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

4. 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

5. 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

6. 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.

Purpose and expectations

7. 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.

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

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

8. 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.

9. 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.

10. 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.

11. 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.

12. 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

13. 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.

14. 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

15. 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.

16. 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.

17. 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.

18. 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.

19. 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

Sound environmental performance

20. The concept of sound environmental performance is the application of valid reasoning and good judgement to proactively manage environmental impacts and environmental performance.

21. Sound environmental performance can be used to assess outcomes, such as fulfilling compliance obligations, reducing environmental impacts, mitigating environmental risks, and should reduce the likelihood or impact of environmental damage and improve the quality of the environment.

22. Sound environmental performance 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).

20. 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.

21. 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.

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

Contractors and partners

23. 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.

24. 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

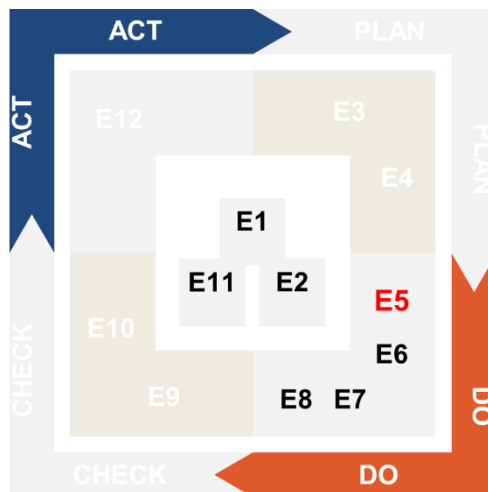
25. The Defence Organisation should ensure that:

- 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 appropriate mechanisms to ensure the protection of the environment.
- f. those responsible for the control of activity have the authority to pause or cease activity where a risk is no longer tolerable.
- 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

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



Element assurance framework

27. The focus of this element requires that the organisation has planned, implemented, maintained and reviewed control measures to meet its compliance obligations and its environmental objectives. It has arrangements for application of these systems, applying through a lifecycle approach. Leadership has effective frameworks in place to best meet the requirement that it has sufficient and timely oversight of the organisation and its supply chain using the four Cs: coordination, co-operation, communication and control.

28. The expectations and performance statements for this element are set out in the following pages.

Expectations and performance statements

Element 5: Supervision, Contracting and Control Activities

The expectations in this element are:

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 sound environmental management

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 sound environmental management

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.

Documents often associated with this element:

- 1LOD assurance reports
- Audit reports such as Control of Major Accident Hazards (COMAH) requiring specific contracts to deliver
- Command / Corporate plan
- Communications plan
- Contract management and supply chain management plans including Environmental arrangements
- Corporate risk register
- Defence Organisation Operating Model
- Defence Organisation EMS
- Documented arrangements for HS&EP co-operation with contractors lodger units (including Encroachments)
- Letter of delegation / authority / appointment including Duty Holder construct and Head of Establishment letters and acceptance
- RACI (Responsible, Accountable, Consulted, Informed) matrix
- Defence Organisational Policy

Expectation 5.1 The Defence Organisation has mechanisms in place to delegate authority for the control of activities impacting the environment.

Unsatisfactory	Limited	Moderate	Substantial
<ul style="list-style-type: none"> • There are no mechanisms in place to delegate authority for the control of activities. 	<ul style="list-style-type: none"> • There is a mechanism in place to delegate authority but is not applied consistently across the Defence Organisation. 	<ul style="list-style-type: none"> • There are mechanisms in place to delegate authority for the control of activities across the Defence Organisation, and such delegated authorities are communicated and clear but there are some gaps in application 	<ul style="list-style-type: none"> • There are mechanisms in place to delegate authority for the control of activities across the Defence Organisation. • Responsibilities are systematically identified and given in writing to teams or individuals, who demonstrate formal acceptance of these responsibilities.

Expectation 5.2 Those holding delegation for authority are competent and trained to discharge their environmental responsibilities and accountabilities.

Unsatisfactory	Limited	Moderate	Substantial
<ul style="list-style-type: none"> • No training is provided to those holding delegation of authority. • There is no assessment performed of their competence to understand and discharge their responsibilities and accountabilities. 	<ul style="list-style-type: none"> • Limited training is provided to those holding delegation of authority. • There is a limited assessment performed of their competence to understand and discharge their responsibilities and accountabilities, but this is not consistent across the Defence Organisation. 	<ul style="list-style-type: none"> • Training is provided to those holding delegation of authority. • There are regular assessments performed of their competence to understand and discharge their responsibilities and accountabilities, but not in all cases of delegated authority. 	<ul style="list-style-type: none"> • Comprehensive training is provided to those holding delegation of authority and they are provided with opportunities for continual learning and development. • There are systematic assessments performed of their competence to understand and discharge their responsibilities and accountabilities in all cases of delegated authority. • Competence is assessed prior to delegation of authority and is monitored and reassessed regularly.

Expectation 5.3 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.

Unsatisfactory	Limited	Moderate	Substantial
<ul style="list-style-type: none"> • There are no mechanisms in place for those responsible for the control of activity to assess and elevate risk and impacts. • Leadership is not involved in risk management and understanding the potential impact to the Environment of their activities. 	<ul style="list-style-type: none"> • Those responsible for the control of activity have a mechanism in place to assess and elevate risks and impacts but it has not been effectively communicated or implemented. • Leadership is aware but not involved in risk management. 	<ul style="list-style-type: none"> • Those responsible for the control of activity have a mechanism in place to assess and elevate risks and impacts. This has been effectively communicated and implemented, and included in work instructions, procedures, and orders as necessary. • Leadership is aware and partially involved in risk management. 	<ul style="list-style-type: none"> • Mechanisms to elevate risks and impacts are regularly monitored for effectiveness and lessons learnt and shared. Mechanisms in place are continually improved. • Leadership is actively involved in risk management and fully understands the potential impact to the Environment of their activities.

Expectation 5.4 Delegated authority should be formally appointed and delegation documented.

Unsatisfactory	Limited	Moderate	Substantial
<ul style="list-style-type: none"> • There is no evidence to show that delegated authority has been set out across the Defence Organisation and documented. 	<ul style="list-style-type: none"> • Some evidence is available to demonstrate delegation of authority within the Defence Organisation, through letters of delegation, formalised roles and responsibilities and documented Terms of Reference for governance groups and committees. However, these are not consistently adopted or made available. 	<ul style="list-style-type: none"> • Evidence is available to demonstrate delegation of authority for the majority of activities within the Defence Organisation. • Formal governance groups and committees have signed off Terms of Reference, and letters of delegation of formalised roles and responsibilities are in place for individual positions. 	<ul style="list-style-type: none"> • Evidence of delegation of authority is readily available and communicated across the Defence Organisation. • Mechanisms in place are reviewed frequently and updated as needed. There is wide awareness across the organisation as to who has delegated authority, and through what documented process.

Expectation 5.5 Those responsible for the control of activity have a duty to mitigate environmental risk using the sound environmental management.

Unsatisfactory	Limited	Moderate	Substantial
<ul style="list-style-type: none"> The Defence Organisation does not have a process in place to reduce the risk of environmental damage. 	<ul style="list-style-type: none"> The Defence Organisation has a process in place to reduce the risk of environmental damage. However, it is not consistently applied across the organisation. 	<ul style="list-style-type: none"> The Defence Organisation has a process in place to reduce the risk of environmental damage which is usually applied across the organisation. 	<ul style="list-style-type: none"> The Defence Organisation has a process in place to reduce the risk of environmental damage using sound environmental management which is always applied across the organisation. In addition, risk controls are monitored and reassessed regularly with actions taken in response.

Expectation 5.6 Those responsible for the control of activity have the authority to pause or cease activity where a risk is no longer manageable through sound environmental management.

Unsatisfactory	Limited	Moderate	Substantial
<ul style="list-style-type: none"> • There is no process in place to allow those in control of activities to pause or cease activity where a risk is longer manageable through sound environmental management. 	<ul style="list-style-type: none"> • There is some process in place to allow those in control of activities to pause or cease activity where a risk is no longer manageable through sound environmental management. • This is not applied consistently across all activities or well understood by those with responsibility. 	<ul style="list-style-type: none"> • There is a process in place to allow those in control of activities to pause or cease activity where a risk is no longer manageable through sound environmental management. • This is consistently applied across most activities and is well understood by the majority of those with responsibility. 	<ul style="list-style-type: none"> • There is a comprehensive process in place to allow those in control of activities to pause or cease activity where a risk is no longer manageable through the sound environmental management. • This is applied consistently across all activities. • Those with responsibility demonstrate clear understanding of their duty/authority and understand how and why to apply it. • Leadership demonstrates that those with responsibilities who pause or cease an activity are supported and not judged unreasonably.

Expectation 5.7 The Defence Organisation has developed and implemented procedures according to which work must be carried out in a way to protect the Environment.

Unsatisfactory	Limited	Moderate	Substantial
<ul style="list-style-type: none"> The Defence Organisation has not developed or implemented procedures that enable work is carried out in a way to protect the Environment. 	<ul style="list-style-type: none"> Procedures that enable work is carried out in a way to protect the Environment have been developed. However, these are either not comprehensive in their scope and content or are inconsistently applied throughout the Defence Organisation and are not communicated effectively to the workforce. 	<ul style="list-style-type: none"> Procedures are consistently adopted and applied throughout the Defence Organisation which address all the relevant environmental aspects of the organisation. Procedures are defined and their importance and application are communicated effectively to the workforce and other relevant stakeholders. 	<ul style="list-style-type: none"> The Defence Organisation continually improves its procedures to inform working which will protect the Environment, based on the application of lessons learned. Procedures are developed and maintained with cross-functional involvement of relevant stakeholders.