



Ministry
of Defence

JSP 815

Element 5: Supervision, Contracting and Control Activities



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Amendment record

JSP 815 has been updated as a part of Defence Reform and will be subject to further scheduled reviews and updated as required.

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

Version No	Date Published	Text Affected	Authority
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
1.3	1 Sep 26	Annual revision and Defence Reform update	Dir-DSS

Terms and definitions

The term 'Defence Area' refers to one of the four top-level areas of Defence: Department of State (DOS), Armed Forces (MSHQ and Military Commands), National Armaments Director (NAD) Group and the Defence Nuclear Enterprise (DNE). Within Defence Safety Policy (JSP 815, JSP 375 and JSP 376), reference to a 'Defence Area' responsibility applies to the top-level Defence Area however, for the Armed Forces it also applies to their component Military Commands (Army, Air, Navy and CSOC).

General safety terms and definitions are provided in the [Master Glossary of Safety Terms and Definitions](#) 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 and will assist users to comply with the expectations for supervision, contracting and control activities that are set out in this Element.

Purpose and expectations

2. This Element will assist Defence Areas to implement Safe Systems of Work (SSW) to control activities and to meet their legal Duty of Care requirements. It will assist Defence Area senior leaders to develop and implement the effective frameworks that must be in place to ensure that they have sufficient and timely oversight of their Area and its supply chain. Defence Areas must be able to maintain a safe working environment and ensure that visiting workers and contractors are managed safely on the Defence estate as part of a structured methodology using the 4Cs (coordination, co-operation, communication, and control). The 4Cs methodology is covered more in JSP 375 [Chapter 34](#) (4Cs System - Management of Visiting Workers/Contractors).

Safe Systems of Work

3. All activities across Defence must be conducted within the elements of a Safe System of Work (SSW). An SSW is a method of work which puts in place control measures arising from a risk assessment, in order to manage identified hazards, which are broken down into four main subjects; safe person (a person who has been given the appropriate information, training, instructions, and supervision to enable them to carry out a specific activity), safe practice, safe place and safe equipment. The SSW **must** be in place for activities undertaken by 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). JSP 375 [Chapter 8](#) (Safety Risk Assessment and Safe Systems of Work) sets out the requirements for all activities in Defence to be conducted within a SSW.

Duty of Care

4. There is a legal obligation on employers to take all reasonable steps to ensure the health, safety, and wellbeing of employees and others in the workplace, this is known as the employer's 'Duty of Care.' The [Health and Safety at Work etc Act 1974 \(HSWA\) Part 1, Section 2](#), places general duties on employers it says, 'it shall be the duty of every employer to ensure, so far as is reasonably practicable, the health, safety and welfare at work of all [their] employees' and in accordance with [Section 3](#) these duties must be extended to persons not in their employment who may be affected.

5. Duty of Care is a legal concept under which all individuals owe, and are owed, an obligation to take reasonable measures to prevent foreseeable harm to themselves and others who may be affected by their actions. For Defence, this legal concept must be in place and exercised at every level, starting at the top with the Secretary of State (SofS) for Defence with responsibility at all levels of the chain of command.

6. Under their Duty of Care, those responsible for the control of Defence activities have a duty to mitigate risk to as low as reasonably practicable (ALARP) and tolerable and also have the authority to pause or cease activity where a risk is no longer ALARP and tolerable. Risk mitigation and tolerability are covered in more detail in [Element 4](#) of this JSP.

7. The Secretary of State (SofS) for Defence [Health & Safety Policy Statement](#) sets out the SofS commitment for Defence to comply with all applicable health and safety legislation when in the United Kingdom (UK). When overseas, 'we will comply with the laws of Host States, where they apply to us, and in circumstances where such requirements fall short of UK requirements, we will apply UK standards so far as is reasonably practicable to do so.'

8. Often statutory duties are bound by geographical location and application will usually be restricted to the UK, however the common law Duty of Care is driven by the nature of the relationship between the person who owes the duty and the person to whom it is owed. As such, the common law Duty of Care owed by Defence will apply irrespective of the location of Service personnel, civil servants and others (for example contractors or visiting personnel) who undertake activities for, or on behalf of, Defence or may be affected by such activities. Thus, Defences' Duty of Care extends to operations and exercises in the UK and overseas and whilst on deployments. Further details on the Duty of Care requirements on deployments can be found at [Annex C](#) to this JSP.

Duty Holding

9. Duty Holding¹ was introduced following the Nimrod Review² initially in the aviation domain but is now applied across all Defence domains for certain activities. Where Duty Holding is applied to an activity, it does not replace the legal Duty of Care that Defence has for its people but enhances the Duty of Care responsibilities of Defence Areas Senior Leaders and those formally appointed as Duty Holders. Providing a safe system of work (SSW) is a legal requirement as part of Defence's Duty of Care and applying the Duty Holding construct is about enhancing the risk management for military activities that are considered to be high risk and present a credible and reasonably foreseeable risk to life. Further details on Duty Holding requirements on deployments can be found at [Annex C](#) to this JSP.

10. The principle of Duty Holding is to establish a clear and simple organisational construct of trained and accountable individuals who are competent and empowered to hold safety risks across the spectrum of military activities³ where it has been decided that Duty Holding applies.

11. Duty Holding must be applied for military activities that the Defence Area's most senior leader considers:

- a. are justified and present a credible and reasonably foreseeable Risk to Life (RtL)⁴; and

¹ Duty Holding in Defence must not be conflated with duty holding as outlined in the HSWA74.

² Haddon Cave Nimrod Review 2009.

³ Military activities - Are those that can be directly or indirectly linked to military outputs and are at the discretion of the Service Chief or the Defence Area's senior leader.

⁴ Risk to Life (RtL) - Is where the outcome of an activity has a high probability of resulting in a fatality. People should only be exposed to risk of harm where a clearly defined benefit is expected and where the risks are adequately controlled.

- b. the Duty of Care, or other statutory arrangements and / or the control of risks are considered to be inadequate and require enhanced safety management arrangements; or
- c. are mandated through regulation.

12. Defence Areas must maintain a record of all activities to which they have decided to apply Duty Holding other than those mandated by regulation and make that record available as part of the assurance process (set out in [Element 12](#) of this JSP) or upon request by senior Defence leaders (for example the Secretary of State (SofS), Permanent Under Secretary (PUS), Director of Defence Safety & Support (Dir-DSS) or the Director General of the Defence Safety Authority (DG DSA).

The Duty Holding construct

13. The fundamental principles of Duty Holding management arrangements are that there are four levels of responsible individuals for managing risk where a Duty Holding framework has been applied. They are the: Executive Duty Holder (EDH), Senior Duty Holder (SDH), Operating Duty Holder (ODH), and Delivery Duty Holder (DDH). When appointed, the relevant Duty Holder is responsible for the safe conduct of activities within their area of responsibility (AoR) by ensuring that RtL is ALARP and tolerable. The Defence Areas must set out the Duty Holder construct for their Area in their safety management arrangements.

14. The Senior Leaders of the four Defence Areas (Chief of Defence Staff (CDS), Permanent Under Secretary (PUS), National Armaments Director (NAD) and Chief of Defence Nuclear (CDN)) provide leadership for safety within their respective Areas by virtue of their appointment. The Senior Leaders of the four Defence Areas are also accountable for Duty Holding within their respective Areas at the highest level of the Duty Holding construct and have the role of Executive Duty Holder (EDH). The term EDH refers, by virtue of their appointment, to a senior leader for the specific activities to which Duty Holding has been applied. EDH status is activity specific and must not be used as a universal label for senior leaders for general Defence Area safety responsibilities.

15. The EDH must formally appoint a Senior Duty Holder (SDH), who has delegated authority for the safe conduct and management of military activities which may present a high probability of a RtL, for which Duty Holding is applied. Typically, SDHs are Military Command Chiefs who will oversee the practical implementation of Duty Holding.

16. It is normally for the SDH to decide what activities within their AoR require Duty Holding arrangements to be applied. They must notify the EDH of those activities. Additionally, the EDH may decide to apply Duty Holding arrangements to activities within the Defence Area they lead and inform the relevant SDH(s).

17. As part of their legal responsibilities, the SDH is personally responsible for ensuring that an effective Safe System of Work is resourced and implemented for any activity which has a Duty Holding framework applied. The SDH must be able to demonstrate:

- a. why Duty Holding has been applied to a military activity to supplement Duty of Care arrangements and that the EDH has been notified;

- b. that arrangements are in place to enable those responsible for the activity to stop that activity in the event that RtL is no longer considered to be ALARP and tolerable⁵;
- c. that the risk escalation criteria is proportionate and appropriate to their AoR and the escalation and acceptance of RtL is being effectively managed in line with the specific regulatory requirements; and
- d. that responsible individuals have been appointed as ODHs and DDHs.

18. If a SDH considers that a risk from a military activity cannot be mitigated so that it is ALARP and tolerable, they have the delegated authority and legal responsibility to stop those activities. Such risk is normally managed through the Area Management Board, with management normally delegated to the Military Commands within the Armed Forces. Where required, risk may be escalated through Defence governance for mitigation and reprioritisation.

19. Where an activity risk cannot be mitigated to ALARP and tolerable or constitutes a societal risk or a material risk to life, there is a requirement to elevate to the SofS. This would normally be done by the Area senior leader (as EDH if Duty Holding is applied). Where the situation is time critical, such that normal governance routes cannot be followed, the risk may be elevated directly to the SofS by a direct subordinate to the Area senior leader (as SDH if Duty Holding is applied).

20. In such circumstances the activity should stop unless there is an overwhelming and previously ministerially endorsed operational imperative. The relevant Area senior leader (if not elevated by them) and the Dir-DSS must be informed of any such elevation.

21. The EDH must formally appoint the SDH(s)⁶ through a letter of appointment which must be formally accepted. The SDH must in turn formally appoint the ODH(s) through a letter of appointment which must be formally accepted. The SDH will set the level of risk that can be held by the ODH and DDH, which must also be in line with any specific regulatory requirements. The SDH or the ODH must formally appoint the DDH(s) through a letter of appointment which must be formally accepted.

22. The ODH and/or DDH must be able to demonstrate that:

- a. they have the ability to manage the RtL within their defined AoR⁷;
- b. they have direct access to their superior DH;
- c. they are suitably qualified and experienced to undertake their Duty Holding responsibilities;
- d. there is adequate safety management in place that considers Duty Holding and ensures ALARP and tolerable outcomes when managing RtL;
- e. all Duty Holder Facing Areas have been identified, and arrangements are in place for the effective identification and management of RtL; and
- f. RtL risks can be readily elevated when required.

⁵ Under the Duty of Care legal concept, those responsible for the control of Defence activities have a duty to mitigate risk to as low as reasonably practicable (ALARP) and tolerable.

⁶ Specific regulatory requirements mandate that each Service Chief will be an SDH by virtue of their position.

⁷ This includes the financial authority to prioritise resource within their AoR to deliver safe outcomes.

23. All Duty Holders (DH) should undertake the DSA-approved [Generic Duty Holders Course](#) (GDHC) within 3 months of the date of their formal appointment. Where mitigating circumstances, such as course availability or booking lead times, prevent attendance within this period, the DH must be able to demonstrate that they applied to undertake the GDHC within 3 months of their formal appointment. In such circumstances, the DH must complete the GDHC within 6 months of the date of their formal appointment. The course content includes developing a clear understanding of the purpose of the Duty Holder role, the hazards and safety risks associated with the role, and the technical knowledge required to discharge Duty Holder responsibilities effectively.

24. The ten principles of Duty Holding are set out in Table 1 as follows:

Principle 1 - Duty Holding must be applied for military activities that the Defence Area's Senior Duty Holder (SDH) or Executive Duty Holder (EDH) considers are justified and present a credible and reasonably foreseeable RtL; and the Duty of Care, or other statutory arrangements and/or the control of risks are considered to be inadequate and require enhanced safety management arrangements; or are mandated through regulation.
Principle 2 - Duty Holders must be specified at four levels: Executive Duty Holder (EDH), Senior Duty Holder (SDH), Operating Duty Holder (ODH), and Delivery Duty Holder (DDH). Ordinarily these positions sit within the chain of command.
Principle 3 - Duty Holders must be competent and adequately prepared for Duty Holding, by means of formal training, in order to understand and discharge their responsibilities and accountabilities.
Principle 4 - Duty Holding is not rank related and Duty Holders are to have direct access to a superior Duty Holder.
Principle 5 - Duty Holders must be empowered through letters of appointment.
Principle 6 - Duty Holder responsibility, accountability, and budgetary power (on behalf of the SofS) for the activity are to be aligned, to ensure RtL is mitigated to ALARP and tolerable. Where this may not be possible for organisational reasons, the SDH must ensure that Duty Holders have the necessary influence to allow the mitigation of the RtL.
Principle 7 - Duty Holders must have the authority, if appropriate ⁸ , to pause or cease activities within an Operating Envelope where an operating risk is no longer ALARP and tolerable.
Principle 8 - Where a Duty Holder is unable to mitigate a RtL to both ALARP and tolerable, a mechanism must exist for it to be elevated up the Duty Holder chain.
Principle 9 - Duty Holders must always retain their responsibilities for deployed Force Elements (FEs). These FE's are owed a Duty of Care by the Operational Commander.
Principle 10 - Areas that support Duty Holders by providing platforms, equipment (DE&S) and infrastructure (DIO) that are designed, manufactured and maintained to be 'safe to operate', or services supporting the mitigation of RtL, are recognised as Duty Holder-facing.

Table 1. The ten Principles of Duty Holding

⁸ In an operational context, it may not be possible for the Duty Holder to stop the activity if it is critical to delivering an essential operational effect.

Duty Holder Facing organisations

25. A Duty Holder Facing organisation is any organisation whose activities and decisions could affect the ability of a Duty Holder to mitigate associated RtL so that they are ALARP and tolerable. This includes but is not restricted to, providers of equipment, platforms and infrastructure through the NAD Group and other Defence enabling organisations such as Defence Digital for IT services.

26. Duty Holder Facing organisations are responsible for assuring Duty Holders that equipment, platforms and infrastructure are safe to use by providing evidence in safety cases or equivalent safety evidence and/or providing the necessary support to Duty Holders, for example, building regulatory compliance, in-service inspections (for safety and compliance) & assurance procedures.

27. Duty Holder Facing organisations are to report to the Duty Holder any failures to meet agreed safety criteria and agree a plan with the Duty Holder and be able to confirm that the associated risk has been mitigated to a level assessed as ALARP and tolerable by the appropriate risk owner. Safety and the acquisition of equipment is covered in more detail in JSP 376.

Contracting

28. Where Defence contractors undertake work or provide services directly in support of Defence activities, they are to comply with relevant safety legislation, the requirements of the SofS Policy Statement and with relevant Defence regulation and policy. This must be prescribed expressly in relevant contractual arrangements. Generally, Defence contractors cannot benefit from any disapplication, exemption or derogation (DED) from statutory requirements granted to Defence where they control activities. There may be exceptions to this which should be specific in contractual arrangements where they occur. Significantly though, Defence contractors are not exempt from prosecution.

29. Where Defence contractors are required to work on the Defence estate (or platforms), they must comply with all relevant local policy and procedures as set out by the relevant Head of Establishment (HoE) (or Accountable Person), for further information on HoE responsibilities refer to Annex D.

30. Specifically, where any UK Defence contractor designs, manufactures, imports or supplies any equipment for use by Defence at work, it has legal responsibilities under UK health and safety legislation with specific regulations under the HSWA74, for example, the Supply of Machinery (Safety) Regulations 2008.

31. For overseas manufacturers and suppliers, these requirements must be included in contractual arrangements. The UK responsibilities are to:

- a. Ensure, so far as is reasonably practicable, that the equipment is designed and constructed to be safe to operate;
- b. Carry out or arrange for the equipment to be tested and examined to verify that it is safe to operate;
- c. Provide the user of the equipment with information verifying that the equipment is safe to operate; and
- d. Inform the user if the equipment becomes unsafe to operate.

Element assurance framework

32. The focus of this Element requires that the Defence Area has implemented a SSW to control activities and meet its legal Duty of Care requirements. It has arrangements for application of these systems that includes supervision, engagement, and support of all members of the workforce and contractors, ensuring they are able to participate effectively in safety arrangements. Leadership have effective frameworks in place to ensure that they have sufficient and timely oversight of the Defence Area and its supply chain using the 4Cs: coordination, co-operation, communication, and control. This also applies to Duty Holding for military activities where there is a credible and reasonably foreseeable Risk to Life (RtL) and where other statutory arrangements are seen to be inadequate.

33. 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 Area has mechanisms in place to delegate authority for the control of activity.

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

E5.3 Where safety risks are significant, these risks are elevated, and leadership are actively involved in their management.

E5.4 Delegated authority should be formally appointed via a letter of delegation.

E5.5 Those responsible for the control of activity have a duty to mitigate risk to as low as reasonably practicable (ALARP) and tolerable.

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

E5.7 The Defence Area has developed and implemented Safe Systems of Work (SSW), to safeguard those carrying out the work or affected by it.

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 / Strategic plan
- Communications plan
- Contract management and supply chain management plans including safety arrangements
- Corporate risk register
- Defence Area Operating Model
- Defence Area safety management arrangements
- Documented arrangements for safety 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

Expectation 5.1 The Defence Area has mechanisms in place to delegate authority for the control of activity.

Unsatisfactory	Limited	Moderate	Substantial
• There is little or no evidence to demonstrate that there are mechanisms in place to delegate authority for the control of activity. • There is little or no evidence to demonstrate that Safety roles, tasks and objectives are defined.	• There is some, but not enough evidence that there is a mechanism in place to delegate authority consistently across the Defence Area.	• There is evidence but could be improved, that there are mechanisms in place to delegate authority for the control of activity across the Defence Area, and such delegated authorities are communicated and clear.	• There is robust evidence that there are mechanisms in place to delegate authority for the control of activity across the Defence Area. • There is robust evidence that 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 of authority are trained and competent to discharge their responsibilities and accountabilities.

Unsatisfactory	Limited	Moderate	Substantial
• There is little or no evidence to demonstrate training is provided to those holding delegation of authority. • There is little or no evidence to demonstrate there is assessment performed of their competence to understand and discharge their responsibilities and accountabilities.	• There is some, but not enough evidence that training is provided to those holding delegation of authority. • There is some, but not enough evidence that assessment performed of their competence to understand and discharge their responsibilities and accountabilities. There is some, but not enough evidence that this is consistent across the Defence Area.	• There is some but could be improved evidence that those holding delegation of authority are trained. • There is some but could be improved evidence that competence is assessed prior to delegation of authority and is monitored and reassessed periodically.	• There is robust evidence that those holding delegation for authority are trained and are provided with opportunities for continual learning and development. • There is robust evidence that competence and training completion are regularly monitored and assessed.

Expectation 5.3 Where safety risks are significant, these risks are elevated, and leadership are actively involved in their management.

Unsatisfactory	Limited	Moderate	Substantial
• Risk assessments are inappropriate for significant risks. • There is little or no evidence that there is a risk elevation process for significant and a reasonably foreseeable risk to life (RtL).	• Risk assessments are appropriate for their intended use but are not regularly updated by leadership. • There is some, but not enough evidence to show that there is a risk elevation process for significant and a reasonably foreseeable risk to life (RtL), but it has significant weaknesses.	• Risk assessments are adequately designed to capture risk mitigation activities. They are regularly reviewed by leadership. • There is some evidence to show that there is a risk elevation process for significant and a reasonably foreseeable risk to life (RtL) with only minor weaknesses.	• Risk assessments are well designed to capture risk mitigation activities. They are regularly reviewed by leadership. • There is robust evidence of a risk elevation process for significant and a reasonably foreseeable risk to life (RtL) that is operating effectively.

Expectation 5.4 Delegated authority should be formally appointed via a letter of delegation.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that letters of delegation are in place	There is some, but not enough evidence that those with delegated authorities have a letter of delegation or have letters that reflect their current responsibilities.	- There is some but could be improved evidence that all those with delegated authorities are formally appointed via a letter of delegation, providing detail on their role and responsibilities. - There is some but could be improved evidence that all those with delegated authorities have formally accepted a letter of delegation.	- There is robust evidence that all those with delegated authorities are formally appointed via a letter of delegation. There is awareness across the Area as to who has delegated authority. - There is robust evidence that all those with delegated authorities understand their delegations. - There is robust evidence that the letter of delegation is continually monitored for its relevance.

Expectation 5.5 Those responsible for the control of activity have a legal duty to mitigate risk to As Low As Reasonably Practicable (ALARP) and tolerable.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that the Defence Area have a process in place to adequately assess, identify and mitigate risks to ALARP and tolerable.	There is some, but not enough evidence that the Defence Area has a process in place to assess, identify and mitigate risks to ALARP and tolerable. There is some, but not enough evidence that it is being consistently applied across the Area.	There is some but could be improved evidence that the Defence Area has a process in place to assess, identify and mitigate risks to ALARP and tolerable that is consistently applied across the Area.	There is robust evidence that the Defence Area has a process in place to assess, identify and mitigate risks to ALARP and tolerable that is consistently applied across the Area. In addition, risk controls are monitored and reassessed regularly with actions taken in response.

Expectation 5.6 Those responsible for control of activity have the authority to pause or cease activity where a risk is no longer ALARP and tolerable.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that there is a process in place to allow those in control of activities to pause or cease activity where a risk is no longer ALARP and tolerable.	There is some, but not enough evidence that there is a process in place to allow those in control of activities to pause or cease activity where a risk is no longer ALARP and tolerable. There is some, but not enough evidence that this is applied consistently across all activities.	There is some but could be improved evidence that there is a process in place to allow those in control of activities to pause or cease activity where a risk is no longer ALARP and tolerable. There is some but could be improved evidence that this is applied across some activities.	There is robust evidence that there is a process in place to allow those in control of activities to pause or cease activity where a risk is no longer ALARP and tolerable. There is robust evidence that this is applied consistently across all activities.

Expectation 5.7 The Defence Area has developed and implemented Safe Systems of Work (SSW), to safeguard those carrying out the work or affected by it.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence to demonstrate that the Defence Area has developed or implemented SSW.	There is some, but not enough evidence that SSW are inconsistently adopted and applied throughout the Defence Area, and they are not communicated effectively to the workforce across the Defence Area.	- There is some but could be improved evidence that SSW are consistently adopted and applied throughout the Defence Area. - There is some but could be improved evidence that SSW are defined, and their importance and application is communicated effectively to the workforce across the Defence Area.	There is robust evidence that the Defence Area continually improves its SSW processes based on the application of lessons learned.