

JSP 815

Element 3: Legislation, Policy, Regulations and Guidance



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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 chapter 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	Scheduled 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 requirements of legislation, regulation, policy, and guidance that are set out in this Element.

Purpose and expectations

2. This Element is to assist Defence Areas to identify and communicate the requirements of legislation, policy, regulation, and guidance surrounding safety in Defence and to assist Defence Areas to put in place good practices and drive continual improvement within their organisation.

Legislation

Compliance with safety legislation

3. Within the UK, Defence is required to comply with all applicable safety legislation unless covered by a disapplication, exemption, or derogation (DED). This includes legislation giving effect to the UK's international obligations. Most safety law applies across Great Britain, with complimentary statute in the Northern Irish assembly (NI). Defence Areas must actively monitor statutory and regulatory safety requirements to make sure that compliance risks due to the emergence of new, or changes to existing, statutory, and regulatory safety requirements are identified and managed.

4. The [Health and Safety at Work etc Act 1974 \(HSWA\) Part 1, Section 2](#) places general duties on employers for their employees 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 under [Section 3](#) persons not in their employment who may be affected.

Note: The HSWA uses the term 'So Far As Is Reasonably Practicable' (SFAIRP) for general safety duties often emphasising the 'legal duty' to act in a way that demonstrates that all reasonable steps have been taken against cost, time, and effort. Defence more commonly uses the term As Low As Reasonably Practicable (ALARP) for emphasising the 'process' of lowering risk to a level that is ALARP. Both terms are based on the concept of 'reasonably practicable.'

5. For Defence, [JSP 375: Management of Health and Safety in Defence](#) sets out how Defence will comply with UK health and safety legislation. It is designed to meet or exceed legislative requirements, aligning with Defence-specific ways of working and terminology. JSP 375 represents the minimum standard that must be applied across Defence. Each Defence Area is required to document their own organisational arrangements that are tailored to their particular ways of working. These arrangements must at least match or, where appropriate, improve upon the standards established in JSP 375.

6. The HSWA [Section 2](#) additionally requires employers ‘to prepare and as often as may be appropriate, revise a written statement of [their] general policy with respect to the health and safety at work of [their] employees and the organisation and arrangements for the time being in force for carrying out that policy, and to bring the statement and any revision of it to the notice of all of [their] employees.’

7. The Secretary of State (SofS) for Defence is regarded as the employer and the [Defence Policy Statement on health and safety](#), sets out the SofS commitment for Defence to comply with all the 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.’

Application to the Crown

8. The Ministry of Defence is subject to the provisions of the HSWA, however prosecution for non-compliance differs from that of private individuals or companies. This is set out in [Section 48](#) of the HSWA.

9. Where Defence has breached its duties set out in the HSWA, instead of prosecution the statutory regulators (for example the HSE) can issue a non-statutory Crown Improvement Notice, a Crown Prohibition Notice or a Crown Censure (where it is considered to be in the public interest). Further detail of statutory safety regulation is covered later in this Element.

10. Although they do not bind the Crown, [Sections 33](#) to 42 of the HSWA will apply to persons in the public service of the Crown (for example members of the Armed Forces or MOD civilians) as they apply to other persons. This means they may be prosecuted for health and safety offences, and if convicted, fined, or for certain offences imprisoned.

11. Where legislation does not apply, Defence maintains Departmental arrangements that produce outcomes that are, so far as is reasonably practicable, at least as good as those required by UK legislation. The combination of DDSS policy and DSA regulation (covered by a Disapplication, Exemption or Derogation (DED) and detailed later) are the ‘Defence arrangements’ that cover situations where specific legislation does not apply. However, where the overarching duty of care is owed, this continues no matter where in the world Defence personnel are serving.

12. Where it is identified and can be justified during the development of legislation that it would not be appropriate for Defence to comply with a legal requirement, and subject to the agreement of the lead Department of State, DEDs can be included in the proposed legislation. Retrospective applications for a DED to existing legislation can also be applied for in certain circumstances where the legislation permits.

13. The SofS's Policy Statement identifies the key requirements and high-level responsibilities for Health and Safety which applies to all Defence activities and personnel, as such the senior leader of each Defence Area must set down and implement their safety management arrangements for the activities under their area of responsibility.

14. Domestic legislation will not always extend beyond the UK's geographical limits, however, there are exceptions where UK legislation expressly extends beyond that. For example, the Health and Safety at Work etc. Act 1974 (Application outside of Great Britain) Order 2013 sets out several situations where the jurisdiction of safety law is extended, including within the territorial sea in relation to offshore installations. Furthermore, the application of the safety legislation to UK flagged vessels will depend on the ship's role and location. If further clarification is required, then advice should be sought from the Defence Area chain of command and where appropriate referred to the relevant Defence regulator or the Directorate of Defence Safety & Support (DDSS).

15. Any questions regarding the application of safety laws to visiting forces in the UK, or to UK Defence personnel who are operating overseas under a Status of Forces Agreement (SOFA), should be directed to MOD Legal Advisers.

Civil Liability

16. Where an individual suffers harm as a result of negligence (arising from a breach in the statutory or common law duty of care owed by the employer - the MOD - to the individual), the individual may make a claim for compensation in a civil law case, in legal terms this is referred to as a 'civil tort.' The function of vicarious liability means that the MOD may be legally responsible for the wrongful acts or omissions of its employees which caused the harm. In order to claim against Defence, the claimant (person making the claim) must prove that Defence owed them a 'duty of care,' that the 'duty of care' was breached, and that breach led to the claimant being harmed.

17. The Court has some discretion in allowing civil claims to extend beyond a 3-year period under the [Limitation Act 1980](#), but claimants generally have up to 3 years from the discovery of harm to submit a civil claim for compensation. This could be 3 years following an occurrence that resulted in immediate injury; it could be following the diagnosis of an ill health condition linked to workplace hazards (such as noise induced hearing loss or asbestos exposure and so on); or in the event of claimants being under 18, the timeframe is 3 years from the date of their 18th birthday.

Combat Immunity

18. Combat Immunity is a legal concept which establishes that there is no common law liability for negligence in respect of acts or omissions on the part of those who are actually engaged in armed combat. It is very much circumstance-dependent and will usually only be identified after the incident when Defence is facing an allegation that a duty of care has been breached and legal action is being taken.

19. Combat Immunity is not a concept that can be invoked ahead of a situation to suspend the 'duty of care' but rather it may be argued, subsequent to the incident, that the circumstances at the time of the incident constituted those that warrant Combat Immunity.

20. Defence Areas should be able to demonstrate that appropriate governance arrangements are in place for operations to which Combat Immunity could be applied. In the case of *Smith & Others v the Ministry of Defence*, the Supreme Court Case Comment¹ stated that: “the doctrine of combat immunity was narrowly construed to apply only to actual or imminent armed conflict and not to failures at the earlier stage of planning and preparation for active operations against the enemy.”

Armed Forces Compensation Scheme (AFCS)

21. Under the Armed Forces Compensation Scheme (AFCS), claims for injury, illness or death caused by service must normally be made within seven years of the date of the incident, or within seven years of the date of diagnosis where conditions manifest or are identified later. This includes late-onset conditions such as mental health disorders or hearing-related illness, where the time limit begins when the condition is first formally diagnosed. For service prior to 6 April 2005, claims fall under the War Pensions Scheme, which has no statutory time limit. In exceptional circumstances, Veterans UK may consider claims submitted outside the standard seven-year limit, where compelling reasons can be demonstrated (for example, issues affecting capacity or delayed diagnosis). Defence personnel should ensure that potential AFCS-relevant injuries or conditions are reported and recorded promptly through Defence medical channels to support any future claim.

Information legislation

22. Under the [Data Protection Act 2018](#) data controllers (for example Defence) are obliged to comply with the data protection principles set out in Article 5(1) of the UK General Data Protection Regulation (GDPR) when processing “personal data”, which is defined as any information from which a living individual can be identified.

23. With the hybrid style working pattern more prevalent, the use of electronic / digital signatures (the replacement of an ink (wet) signature), is becoming more evident as it allows key decision-making business to be maintained. It also reduces the burden on physical security of hard copy documents. [JSP 441](#) - Information, Knowledge, Digital and data in Defence provides the key principles around organising, sharing, protecting, and preserving information.

24. Electronic signatures are admissible in legal proceedings in the UK under the [Electronic Communications Act 2000](#). The [Forgery and Counterfeiting Act 1981](#) and the [Fraud Act 2006](#) usually accept the validity of using electronic signatures; it is considered a form of forgery and fraud if the creation involves intentionally forging or misrepresenting someone else's digital signature without their knowledge or consent. Forgery is a criminal offence and the penalty for forgery can result in fines or imprisonment, or both in addition to any Departmental disciplinary action.

¹ [Case citation: \[2013\] UKSC 41.](#)

Defence safety policy

25. The Director of Defence Safety & Support (Dir-DSS) is responsible for developing and maintaining effective safety policies and guidance on behalf of the SofS for Defence. These [policies](#) are published in Joint Service Publications (JSPs) or Defence Instructions and Notices (DINs). JSP 815 (this JSP) is the overarching Defence Safety Management System (SMS) and [JSP 375 \(Management of Health and Safety in Defence\)](#) is the JSP that covers the basic arrangements for complying with safety law. Each chapter covers a separate hazard or work environment in which health and safety measures are needed to protect Defence employees.

26. Defence safety policy provides the direction that must be followed to help Defence Areas comply with (keep to) safety law, primarily the Health and Safety at Work etc. Act 1974 (HSWA) and its underpinning statutory regulations. It also provides guidance on the processes to be applied in discharging their duties of care required by law and good practice that should be followed to help Defence Areas to apply the policy.

27. Defence Areas must develop their own safety management arrangements to reflect the safety policy requirements of [JSP 815 - Defence Safety Management System](#) and JSP 375 - Management of Health and Safety in Defence. As part of their overall assurance activity, Defence Areas must make sure that Defence safety policy is being followed and put into practice effectively and in line with their own safety management arrangements. Defence Areas must notify the Dir-DSS if they are permanently unable to comply with any parts of Defence safety policy. In such circumstances, the head of the relevant Defence Area is to send a detailed request to apply an 'alternative acceptable means of compliance' for specific parts of the policy to the Dir-DSS, as set out in [JSP 375 - Directive & Guidance](#).

28. The Dir-DSS leads on the policy review process to make sure Defence safety policy remains in line with the relevant UK safety legislation. The Defence Areas provide the Dir-DSS with assistance on developing Defence safety policy offering resources and expertise as part of the stakeholder consultation process. Views and input from subject matter experts (SMEs) and relevant stakeholders are essential to make sure that the Defence Area's requirements are considered in new and emerging safety legislation or Defence policy and the potential impact that this may have on the capabilities of the organisation, its personnel and those working on behalf of the organisation, for example, contractors.

29. Defence Areas subject to [Armed Forces Act 2006](#), have an unfettered right to create orders as necessary (providing that they are lawful and militarily necessary).

30. The default position should be that in keeping with MOD's policy simplification agenda, Defence Areas do not seek to duplicate Defence policy or regulation. Where Defence Areas feel that additional guidance is required, this should be discussed with the DDSS and / or DSA as appropriate with a sound justification provided. Defence Areas are responsible for making sure that any organisation-specific safety guidance is written in line with the overarching Defence SMS and does not conflict with any Defence safety policy or regulations.

31. Defence Areas should:

- a. proactively identify and incorporate good practice from external sources, supply chain, and other relevant bodies when developing new safety guidance and processes;

- b. monitor existing policy, guidance, and processes to make sure they are operating effectively;
- c. comply with all Defence safety policy and regulations and assure its use as part of their overall assurance activity, with an added focus on continual improvement; and
- d. inform the Dir-DSS if they become aware of any relevant changes to legislation, incidents or other triggers which would require Defence safety policy to be updated.

Regulation and statutory regulators

Statutory safety regulation

32. Defence activities in the UK are subject to safety legislation (unless covered by a Disapplication, Exemption or Derogation (DED)) and the regimes operated by statutory regulators are dependent on the legislation that empowers them, and there is considerable variety. This includes different internal Defence regulatory domains such as healthcare, maritime, nuclear, transport and environmental protection, each of which is overseen by distinct statutory regulators relevant to their sector. In general, activities with the highest consequences, should there be a failure, will attract the greatest intervention from statutory or Defence regulators, many of whom 'license' or 'grant permission' for activities to be undertaken. In keeping with the Regulators' Code, statutory regulators provide advice where they decide it is appropriate. Statutory regulators may also investigate safety occurrences as part of their enforcement role and these investigations are used to support enforcement action.

33. Statutory regulators have enforcement powers granted to them by legislation, this is varied in scope (see relevant statutory regulator's publications). Defence as a Crown Body has immunity from prosecution and therefore breaches of the law are subject to enforcement action by the statutory regulators' whose powers are, in general, modified to issuing a non-statutory Crown Improvement Notice or Crown Prohibition Notice (or withholding or withdrawing a license, permission or permit) or a Crown Censure which is served on Defence as a Crown Body (not individual Crown Servants). Crown Censures can be issued where a statutory regulator believes that the safety occurrence would have led to a prosecution with a realistic prospect of conviction and that it is in the public interest to do so.

34. Importantly, where a Crown Censure is issued by a statutory regulator (for example the Health and Safety Executive (HSE)), it is the expectation that this is received in person at the Crown Censure hearing by the relevant Senior Leader of the Defence Area.

35. A Crown servant can be prosecuted in circumstances where it is alleged that the offence has been committed with their consent or connivance or has been attributable to their neglect. Furthermore, the MOD, as a Crown Body, may also face prosecution under the [Corporate Manslaughter and Corporate Homicide Act 2007](#) (subject to certain exceptions relating to military activities set out under Section 4 of the Act).

36. The MOD, as a Crown body, is exempt from the [Employers' Liability \(Compulsory Insurance\) Act 1969](#). This means the MOD is not required to obtain or display a certificate of Employer's Liability insurance, nor to insure work-related risks that would typically be covered under the Act. Any personal injury claims made by MOD employees (both civilian staff and service personnel) arising from their employment / official duties will be managed by MODs contracted claims administrators under the Department's Employers' Liability claims handling arrangements.

37. Civil servants and members of the Armed Forces are subject to criminal law in the same way as any other individual. Armed Forces personnel are additionally subject to Military Law [JSP 830 Manual of Service Law](#) and may be prosecuted if it is alleged that they have committed a disciplinary offence. If it is alleged and subsequently proven that gross negligence or the failure of a Commanding Officer, Head of Establishment or Duty Holder to address or report HS&EP issues or safety occurrences within their Area of Responsibility, disciplinary action may be taken against that individual where there is a breach under the Armed Forces Act 2006 or Civil Service Code of Conduct.

38. The statutory safety regulators who have powers in respect of certain Defence activities in the UK include (this list is not exhaustive):

- a. Health & Safety Executive (HSE) for Great Britain.
- b. Health & Safety Executive for Northern Ireland (HSENI).
- c. Maritime & Coastguard Agency (MCA).
- d. Driver & Vehicle Standards Agency (DVSA)
- e. Office for Nuclear Regulation (ONR).
- f. Local Authorities (LAs).
- g. Care Quality Commission (CQC).
- h. Medicines and Healthcare products Regulatory Authority (MHRA)

Defence safety regulation

39. The Director General of the Defence Safety Authority (DG DSA) owns, develops, and maintains [Defence safety regulations](#) on behalf of the SofS.

40. DG DSA is authorised through the DSA Charter to empower suitably qualified and experienced Crown servants to regulate safety activity across Defence. Defence regulations can be put in place for one or more of the following five reasons:

- a. Where Defence has a disapplication, exemption, or derogation (DED) from UK statutory requirements.
- b. Where the Defence regulator has a delegation from the statutory regulator or is directed by authorised local authorities.
- c. Where the Dir-DSS or a Defence Area has requested, and the DSA has accepted, that an area of Defence activity is not sufficiently regulated.
- d. Where there is a gap in UK legislation that needs to be filled when considering Defence activity or following lessons identified; and

- e. Where activities that are considered as high risk, Defence Areas (via the Defence Safety Committee) have decided that the legislation does not provide enough regulation for specific military activities.

Disapplication, exemptions, and derogations (DEDs)

41. It is essential that Defence is aware of and can appropriately influence emerging legislation and consider the potential for consequential constraints on Defence capability. Awareness of potential changes to legislation safeguard those circumstances where the protection of Defence interests may require the seeking of a DED.

42. DEDs are defined as:

- a. **Derogation** – is a relaxation of a statutory requirement, to allow the law to be applied differently for justifiable practical or operational reasons. A derogation occurs where law is 'suspended' in certain circumstances, for example derogating from parts of human rights law when there is a threat of terrorism.
- b. **Exemption** – is a formal written authorisation for all or a part of specific legislation to not apply. An exemption creates the ability to 'step outside' of the law in certain circumstances (usually exemptions require the direct authority of the SofS, however some are done on behalf of the SofS through an exemption committee). Certain provisions in the legislation allow the SofS to exempt Defence from parts of its requirements by issuing an exemption certificate. The process for applying for an exemption certificate is contained in Annex B to this JSP.

Note: An exemption from legislation should not be confused with exemptions or waivers from Defence regulations. No exemption from Defence regulations can be obtained without the explicit approval of the relevant DSA regulator.

- c. **Disapplication** – is where all or part of specific legislation does not apply to Defence (it is disapplied). For a Disapplication, legislation will normally state that the legal requirement does not apply to Defence and on most occasions, Defence will have put in place policy or regulation to define the Defence requirement. In the absence of a relevant Defence policy or Defence regulation, then the intent of the legislation is to be followed as if it were to apply to Defence.

43. Where there is a DED from UK safety legislation or where Defence activities are conducted overseas, the SofS Policy Statement requires Defence to put in place arrangements that produce outcomes which are, so far as is reasonably practicable, at least as good as those required by UK legislation. Accordingly, a fundamental responsibility of the DSA is to regulate activities against Defence regulations where there are DEDs. Defence regulators will consult with the key stakeholders from their respective domains when reviewing and updating Defence regulations.

44. The DSA is required to have in place Defence regulators to provide regulation, assurance, and enforcement in order to comply with the SofS Policy Statement. The Defence Areas must make sure that Defence safety regulations are followed, it should be part of their overall assurance activity to make sure that Defence safety regulation is being followed and put into practice effectively.

45. There are eight Defence regulators which are as follows, their responsibilities are set out in their respective Defence regulations:

- a. Defence Environmental Protection Regulator (DEPR) has responsibility for assurance, regulation, and enforcement, as well as coordination of environmental protection (EP) reporting, to deliver a coherent and consolidated view on EP compliance across Defence.
- b. Defence Fire Safety Regulator (DFSR) regulates fire safety and Fire & Rescue Services.
- c. Defence Land Safety Regulator (DLSR) regulates land systems, fuels, gases, movements and transport and adventurous training.
- d. Defence Maritime Regulator (DMR) regulates Defence Maritime Activity, which includes MOD Shipping, Ports and Harbours and Defence Diving.
- e. Defence Medical Services Regulator (DMSR) regulates patient and staff safety across Defence delivered healthcare.
- f. Defence Nuclear Safety Regulator (DNSR) regulates nuclear activities and radiological safety of the Defence Nuclear Enterprise.
- g. Defence Ordnance, Munitions and Explosives (OME) Safety Regulator (DOSR), regulates ordnance munitions and explosives, land ranges safety policy and major accident control regulations (MACR); and
- h. Military Aviation Authority (MAA) regulates all aspects of air safety across Defence.

Communication with stakeholders and collaborative effort to comply with safety legislation and Defence policy

46. Good safety management relies on regular engagement with internal and external stakeholders to communicate and address safety issues and drive continual improvement. Defence Areas and chains of command should make sure that engagement exists across all levels of the organisation, and that appropriate safety forums and meetings are put in place, for example stakeholder committees, review groups and consultation with recognised trades unions or staff representatives. Communications and stakeholder engagement are covered more in [Element 11](#) of this JSP.

47. Defence Areas should consider the attendance and the frequency appropriate to the forum or meeting. In addition to programmed safety meetings, Defence Areas should conduct 'extraordinary' safety meetings in response to a major safety event to make sure that risks are being effectively managed, lessons learnt and communicated effectively. In addition to dedicated health and safety meetings, other senior leader committees and management boards should have 'safety' as a standing agenda item to make sure that key safety issues are brought to the attention of the senior leaders and to report on performance and compliance with safety legislation, Defence policy and regulations.

Element assurance framework

48. The focus of this Element requires that the Defence Area identify and communicates the requirements of legislation, policy and guidance surrounding safety. Leadership sets out how safety contributes to the organisation's success and achievement of objectives and puts in place a framework for making balanced decisions at all levels both within the organisation and across other Defence Areas.

49. The expectations and performance statements for this Element are set out in the following pages.

Element 3: Legislation, Policy, Regulations and Guidance

The Expectations in this Element are:

E3.1 The Defence Area has mechanisms in place to maintain compliance with Defence safety policy, legislation and Defence regulations, and to identify and assess the impact of emerging safety legislation.

E3.2 The Defence Area's policy and guidance is consistent and does not conflict with the Defence SMS or Defence safety policy or regulations.

E3.3 The Defence Area has mechanisms in place to communicate with internal and external stakeholders the requirement to comply with safety legislation, Defence policy and Defence regulations.

E3.4 The Defence Area policies and guidance are reviewed regularly to reflect any significant changes.

E3.5 The Defence Area has a process in place to manage exemptions from statute, and exemptions / waivers / concessions from Defence regulation.

Documents often associated with this Element:

- Agenda and minutes of the safety committee meetings (Strategic, Tactical and Working)
- Command / Strategic plan
- Communications Plan (for safety information cascade)
- Compliance Registers
- Defence Codes of Practice (DCOPs) & other level 4 documentation
- Defence Area business plans
- Defence Area Operating Model
- Defence Area safety management arrangements
- Exemptions log and process
- Leadership sign-off for policy
- Legislation review and implementation process
- Legislation risk register
- Management Plans
- Policy change process
- Policy tracker
- Risk register review process
- Role holder for horizon scanning and policy update

Expectation 3.1 The Defence Area has mechanisms in place to maintain compliance with Defence safety policy, legislation and Defence regulations, and to identify and assess the impact of emerging safety legislation.

Unsatisfactory	Limited	Moderate	Substantial
• New safety legislation, Defence safety policy, and regulations are only considered on a reactive basis once they have become implemented. • There is no demonstration of compliance with legislation, Defence safety policy, and regulations. • There is no demonstration that leadership reviews management information relating to compliance with legislation, Defence safety policy, and regulations.	• There is engagement with some, but not all consultation activities relating to the implementation of legislation, Defence safety policy, and regulations. • There is insufficient, demonstration of compliance with legislation, Defence safety policy, and regulations. • Leadership only reviews on a reactive basis, management information relating to compliance with legislation, Defence safety policy, and regulations.	• There is active engagement with consultation activities relating to the implementation of legislation, Defence safety policy, and regulations. • Effective processes and controls are established and demonstrate compliance with legislation, Defence safety policy, and regulations. • Leadership proactively reviews management information relating to compliance with legislation, Defence safety policy, and regulations.	• There is active engagement with consultation and horizon-scanning activities relating to the implementation of legislation, Defence safety policy, and regulations by assessing the potential impact on its activities, operating procedures, workforce, contractors, and suppliers. • Effective processes and controls are established that demonstrate compliance over and above the requirements of legislation, Defence safety policy, and regulations. • Leadership proactively reviews management information and incorporates good practice from stakeholders to drive continual improvement to comply with legislation, Defence safety policy, and regulations.

Expectation 3.2 The Defence Area's safety policy and guidance is consistent and does not conflict with the Defence SMS.

Unsatisfactory	Limited	Moderate	Substantial
The Defence Area's safety policy and guidance is poorly developed, not consistent with Defence Policy or non-existent or has major levels of non-compliance identified.	The Defence Area's safety policy and guidance is established and operating somewhat effectively against the Defence SMS except for some areas where significant weaknesses have been identified	The Defence Area's safety policy and guidance is established and operating effectively against the Defence SMS with some minor weaknesses.	The Defence Area's safety policy and guidance are mature and operating effectively and fully aligns with the Defence SMS with an added focus on continual improvement.

Expectation 3.3 The Defence Area has mechanisms in place to communicate with internal and external stakeholders the requirement to comply with safety legislation, Defence policy and regulations.

Unsatisfactory	Limited	Moderate	Substantial
• Safety legislation, Defence policy and regulations and the Defence Area's policy are not well understood. There is little or no evidence that their importance has been communicated across the organisation. • Stakeholders do not appear to be aware of the safety legislation, Defence policy and regulations and their organisation's policy, or why they are relevant to organisation activities.	• The importance of safety legislation, Defence policy and regulations and the Defence Area's policy is communicated within the organisation, but workforce have inconsistent understanding and interpretation of what it means for them. • The content and purpose of safety legislation, Defence policy and regulations and their organisation's policy are not widely understood or applied consistently.	• The importance of safety legislation, Defence policy and regulations and the Defence Area's policy is clearly communicated across the organisation. • Amendments and updates to legislation, Defence policy and regulations and their organisation's policy are communicated on a timely basis, with leadership providing clear direction on how the organisation should prepare for new requirements.	• Safety legislation, Defence policy and regulations and the Defence Area's policy are well communicated to stakeholders. • The Defence Area works with internal and external stakeholders to drive continual improvement in compliance with safety legislation, Defence policy and regulations and their organisation's policy.

Expectation 3.4 The Defence Area safety policies and guidance are reviewed regularly to reflect any significant changes.

Unsatisfactory	Limited	Moderate	Substantial
Defence Area safety policies and guidance are out of date, and there is little or no evidence that suitable mechanisms are in place for them to be updated regularly.	The majority of the Defence Area safety policies and guidance are up to date. There are mechanisms in place to involve appropriate stakeholders in some ad-hoc consultation and policy review after specific safety events or changes in the external environment, but the approach is inconsistent.	- Leadership recognises the importance of reviewing the Defence Area policies and guidance proactively and at least annually, consulting stakeholders across the Defence Area. - There is an effective change management process in place which identifies and manages changes in the Defence Area safety policies and guidance and communicates the impact of changes to the workforce.	The Defence Area safety policies and guidance is reviewed with stakeholder involvement to drive continual improvement in safety performance.

Expectation 3.5 The Defence Area has a process in place to manage exemptions from statute, and exemptions / waivers / concessions from Defence regulation.

Unsatisfactory	Limited	Moderate	Substantial
There is little or no evidence that the Defence Area have a process for applying for, or managing, exemptions from statute or exemptions / waivers / concessions from Defence regulations.	The Defence Area has a process with significant weaknesses for applying for, and managing, exemptions from statute or exemptions / waivers / concessions from Defence regulations.	The Defence Area has a methodical and documented process with minor weaknesses for applying for, and managing, exemptions from statute or exemptions / waivers / concessions from Defence regulations.	- The Defence Area has safety management arrangements in place which include clear policy, processes, and systems, including the jurisdiction(s) for which safety legislation will be applied in the case of conflicting guidelines. Clear principles and good practice are communicated with achievable safety policies and practices to be applied where there are gaps in legislative frameworks. - The Defence Area has a methodical and documented process that is operating effectively for applying for, and managing, exemptions from statute or exemptions / waivers / concessions from Defence regulations. The list of exemptions / waivers / concessions, and any additional measures required to maintain them, is kept under regular review.