



Ministry
of Defence

JSP 815 - Annex C

Duty of Care on Deployments

(Element 5)

Annex C - Duty of Care on Deployments

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

This Annex has been reviewed by the Directorate of 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 of publication	Text affected	Authority
1.0	Oct 20	BETA version for consultation.	Dir HS&EP
1.1	29 Sep 23	Final version.	DDS
1.2	10 Sep 24	Amended text to clarify the approval role of SMEs and DSA Regulators in the ECS process and footnote 2.	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](#).

Duty of care

- Under the [Health and Safety at Work etc Act 1974 \(HSWA\)](#), every employer has a duty to ensure that, so far as is reasonably practicable, the health, safety and welfare of employees (including Crown servants, such as Service personnel) are protected. Subject to some limited exceptions, this Act does not apply outside the UK. However, all employers still have a legal Duty of Care to their employees, and this Duty has no geographical boundaries, therefore Defence must fulfil the duty of care owed to its personnel on deployments¹ for operations and exercises in the UK and overseas.
- The [Secretary of State \(SofS\) for Defence Policy Statement on health and safety](#), sets out SofS's commitment for Defence to comply with all applicable health and safety legislation when in the UK. While UK Forces are deployed on operations or exercises outside of the UK the SofS Policy Statement requires that, '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'.

¹ The movement of troops or equipment to a place or deployed position to allow military activities to take place (e.g. military operations, humanitarian missions, disaster relief).

3. UK health and safety (H&S) legislation, Defence safety policy and Defence regulation requires that suitable and sufficient risk assessments are carried out, and identifiable safety risks must be managed to a level that is as low as reasonably practicable (ALARP). The policy for Defence safety risk assessments is set out in [Chapter 8](#) (Safety risk assessment and safe systems of work) of JSP 375, Volume 1.

Overseas collaborative working and secondment postings

4. Those deploying Defence personnel, or those responsible for the engagement in collaborative activities, that will be under the control of a foreign state authority or other government department, should be able to demonstrate that:

- a. they will comply with the laws of host states where they apply to them, and in circumstances where such requirements fall short of UK requirements, they will apply UK standards so far as is reasonably practicable (SFAIRP) to do so in accordance with SofS policy: and
- b. adequate information, instruction and training is provided to mitigate any additional risk from differing standards of other nations H&S legislation requirements for duty of care compared to that of the UK.

Management of safety risks on deployments

5. For deployments, safety risks can be categorised as being:

- a. operating risks – those known or which became apparent prior to deployment, incurred by the operation of capabilities and equipment within a defined operating envelope (for example asbestos and fire risk); and
- b. operational risks – those incurred on combat operations or other circumstances including where the Operational Commander requires Force Elements to operate outside their defined operating envelope.

6. Due to the nature of deployment and operations, safety risks may need to be assessed on a dynamic basis to respond to an immediate or emerging threat. On deployments and operations, there should be a clear and defined risk elevation process for the duty of care through the chain of command. Further information on the management of safety risks on deployments is set out in [Chapter 43](#) (Force Health Protection Aspects of Medical Planning) of JSP 375, Volume 1.

7. Where it has been decided by the Defence Area's senior leader or by regulation that Duty Holding is applicable (for example where military activities present a credible and reasonably foreseeable Risk to Life), each appointed individual in the Duty Holder construct must understand their responsibilities for ensuring that an effective Safe System of Work is resourced and implemented and that any deployed Force Elements fully understand and have practised their safety management arrangements for operational environments, including the risk elevation process. Further detail on Duty Holding is set out in JSP 815 [Element 5](#).

8. The processes for managing risks will vary according to the circumstances of the deployment but should as a minimum, involve liaison between the Tasking Authority², the Deploying Organisation³, the Force Generating Command⁴, the Operational Commander⁵ (Duty Holder where applicable) or the person who has been appointed to take charge of the activity and any specialist advisers required to provide subject matter expertise on specific areas of risk⁶. The process should also encourage environmental health staff to be included within reconnaissance parties and theatre-enabling activity to support the early identification and assessment of force health protection (FHP) risks, including environmental and industrial hazards (EIH), and to inform appropriate mitigation measures prior to the arrival of the main force.

9. During the planning of an overseas deployed exercise, the Deploying Organisation must make sure that FHP risks are considered as part of the overall planning process. An EIH assessment must be undertaken to identify reasonably foreseeable hazards that could adversely affect the health of personnel (for example, asbestos, hazardous substances, poor water quality or other occupational and environmental health risks). The findings should inform the FHP risk assessment and associated control measures. Further guidance is contained within JSP 375 Volume 1 Chapter 43 [Annex A - The Risk Assessment and Management of Force Health Protection, CBRN, and Environmental and Industrial Hazards \(EIH\) on Operations and Exercises.](#)

10. During the planning of an overseas deployed operation, the Deploying Organisation should, where practicable, undertake an EIH risk assessment as part of the wider Force Health Protection assessment process to identify the presence of any reasonably foreseeable hazard(s) that could cause harm.

11. EIH assessments should normally be conducted during reconnaissance activity in order to inform medical planning, and wider FHP assessments. If operational constraints prevent an assessment from being conducted during a reconnaissance visit, the reasons must be documented and the assessment completed prior to occupation or use of the infrastructure or equipment, or as soon as practicable thereafter. This EIH risk assessment must be conducted by a person trained and competent in the identification of EIH risks.

Duty of care requirements for Operational Commanders

12. When on operations, there must be a formal declaration of responsibility placed upon the Operational Commander for determining the Theatre Entry Standards and Operational Job Specifications (which set out the Pre-Deployment Training (PDT) requirements). The Operational Commander is also responsible for the deployment phases and recovery that clearly defines the arrangements for managing the duty of care for those personnel involved and those affected by their activities and actions.

² Normally Security Policy & Operations Current Commitments (SPO CTS), especially if for a named operation under a CDS Directive.

³ Normally PJHQ J3.

⁴ Normally one of the single Services but could also be Cyber & Specialist Operations Command (CSOC) for some Force Elements.

⁵ Normally Commander Joint Operations (CJO).

⁶ Including Command IEs and Safety Centres, Defence Medical Services, or Defence Regulators.

13. The Operational Commander has the delegated authority to own the operational risk and move outside of the defined operating envelope only where there is an operational imperative (military need plus time pressure) to do so. The Operational Commander must communicate any intent to move outside the operating envelope up through the operational chain of command and to the Force Generating chain of command (or Duty Holder where applicable). In exceptional and unforeseeable operational circumstances where it is not possible or proportionate to refer the matter up through the Force Generating chain of command (or Duty Holder where applicable), the Operational Commander must record and subsequently report their decisions up through the Force Generating chain of command (or Duty Holder where applicable) at the earliest opportunity.

14. The Operational Commander holds a duty of care to all personnel within their area of responsibility for the period they are assigned Operational Control (OPCON).

Duty of care requirements for the person who has been appointed to take charge of authorised training exercises within the UK or overseas

15. When on authorised training exercises within the UK or overseas, there must be a formal declaration of responsibility placed upon the individual who has been appointed to take charge of the exercise. The delegated responsibility must include managing the duty of care for those personnel involved in the exercise and those affected by their activities and actions for the duration of the exercise to which they are assigned and to manage within the defined operating envelope.

Duty of care for Force Generating Commands

16. Force Generating Commands must provide Deploying Organisations with written assurance that all personnel are sufficiently trained and equipped for the intended and declared activities and are informed of any operating constraints that should be understood while assessing risk.

17. Force Generating Commands must be able to demonstrate that personnel are sufficiently trained and equipped in preparation for the reasonably foreseeable risks associated with the conduct of any activities required by any planned and declared activity. Delivery and assurance of PDT is the responsibility of the Force Generating Command, assurance must be conducted in accordance with JSP 815 [Element 12](#).

Duty of care of Tasking Authority and Deploying Organisations

18. The Tasking Authority and Deploying Organisations must provide the Force Generating Commands with a clear description of intended and declared activity of Units or individuals they require to be deployed. For complex capability requiring Duty Holder risk management, the safe operating envelopes are to be indicated and processes for risk tolerance agreed.

19. Those persons responsible for the deployment of personnel must demonstrate that those being deployed are competent and appropriately briefed, trained and equipped in preparation for any intended and declared activity. Deploying Organisations must provide Force Generating Commands with appropriate assurance that all reasonably foreseeable safety risks to deployed personnel have been assessed and the specified mitigation and control measures are in place and communicated to all personnel to be deployed.

20. Where the Operational Commander has an operational imperative to use the deployed personnel beyond the intended and declared safe operating envelope, their Duty of Care responsibility must include the assessment of any additional risk from the activity and advise the Force Generating Command how this increased requirement and additional mitigation measures may be balanced. Where the Force Generating Command has judged such a risk not to be ALARP and tolerable, this must be elevated in line with the Force Generating Command's elevation process to provide direction on action as appropriate which might involve anything from treatment to transfer, to cessation, as appropriate.

21. Deploying Organisations should be able to demonstrate that:

- a. effective mechanisms are in place to provide Force Generating Commands with a clear description of intended and declared activity;
- b. the operational safety risks from undertaking the intended and declared activity have been identified, assessed, allocated to an appropriate owner and are managed to be ALARP and tolerable;
- c. effective mechanisms are in place to make sure that where there is an operational imperative to use the deployed personnel beyond the intended and declared activity, that Force Generating Commands are consulted on how any additional risk will be mitigated; and
- d. effective mechanisms are in place for assuring Force Generating Commands that risks from deployed locations are ALARP and tolerable.

22. The Deploying Organisations should be able to demonstrate that the personnel to be deployed are competent and appropriately briefed, trained and equipped in preparation for any intended and declared activity. Persons authorising the deployment of personnel should be able to demonstrate that the Deploying Organisation has assurance that those deployed are appropriately trained and equipped, documenting any operating constraints that should be understood when assessing risk.

Duty of care in Joint Commands

23. Where the tasking is across multiple commands or uses capabilities from different Services, the Force Generating Commands must retain their duty of care responsibility for their deployed Force Elements. Assurance must be provided by the Joint Deployed Commander that safety risks are being managed to ALARP and tolerable. The OPCON and Tactical Control (TACON) must be specified within tasking orders and responsibilities (including the duty of care) must be agreed during the force estimating process.

24. Joint Commands are to demonstrate to Force Generating Commands how the operational risk appetite affects risks to deployed personnel. The agreed safety risk control measures and any accepted risk tolerance must be formally recorded in the operational directive. Where a Force Generating Command judges that a safety risk is not ALARP and tolerable, the risk must be treated, transferred, reduced or, where necessary, the activity ceased.

Duty of Care of persons controlling premises or establishments

25. The accountable person, whether they are within or outside the UK, must take all reasonable steps to make sure all safety risks on deployed work premises are ALARP and tolerable and compliant with UK or Host Nation law.

26. Overseas, the accountable person is to make sure adequate information, and instruction is supplied to those under their command, visitors and lodgers using the premises or persons who may be adversely affected by the operation of those premises. This must apply to both temporary and permanent accommodation provided as part of work premises.