

**ANNEX O (ANNEX A)****ARRANGEMENTS FOR INSPECTION OF MOD ESTABLISHMENTS BY HSENI INSPECTORS****GENERAL**

1 This Annex details procedures to be followed by HSENI and by MOD in arranging, carrying out and reporting on inspections of MOD units, establishments and activities under the terms of the HSW(NI)O. These procedures are intended to facilitate such inspections, recognising the statutory right of HSENI to carry them out in all areas covered by the HSW(NI)O and their commitment to do so in such a way as not to compromise national security and the operational capability of MOD. Any difficulties should be referred through the normal channels, and will if unresolved be discussed between CSO(MOD) and HSENI's Chief Executive.

2 Inspections by HSENI are for the purpose of discharging its functions as the regulatory authority and are additional to those, which MOD undertakes for its own management purposes. HSENI's inspections in practice may be broadly classified as follows:

2.1 Planned inspections as part of HSENI's annual programme; these might vary from a half-day visit by a single inspector to a team inspection over a number of days. Substantial initiatives planned by HSENI will be brought to the attention of CSO(MOD) by HSENI's Chief Executive so that any overlaps with MOD's own inspection programmes can be discussed.

2.2 Reactive inspections responding, for example, to an accident, incident or a complaint.

2.3 Inspections for special purposes, for example, to seek information on a specific health or safety topic.

3 In all cases the procedures in this Annex should be followed, recognising that reactive inspections may require a more urgent response.

**INSPECTION ARRANGEMENTS**

4 Inspection of most MOD units and establishments is undertaken by the Defence and Disciplined Services sector of HSENI. This sector is headed by a Principal Inspector who reports directly to the responsible Chief Inspector.

5 HSENI inspectors will liaise with the office of the Chief Environmental, and Safety Advisor (NI) in order to facilitate arrangements prior to undertaking a visit to a MOD unit or establishment. That office will contact the Commanding Officer or Head of Establishment regarding the proposed visit. The Commanding Officer or Head of Establishment may require an inspector to follow up such initial enquiries by submitting a written request to visit the unit or establishment, and should at this stage indicate to the inspector any areas or activities subject to the provisions of Annex C (Special Arrangements for Particularly Sensitive Activities). Failure to agree a mutually convenient date for the inspection or any other difficulties that arise should be discussed by the Commanding Officer or Head of Establishment with the inspector's senior officer. Special arrangements, which apply, to the inspection of HM Ships and Submarines and other MOD(N) vessels are detailed in Annex B.

6 On receipt of notification of an inspection, the Commanding Officer or Head of Establishment should inform MOD through the chain of command.

7 Inspectors carry a warrant. During all inspections of MOD units and establishments, the inspector will be escorted. Commanding Officers have final authority over access to areas under their command. Any decision to refuse access should be based on consideration of the health and safety of those who would be affected, the operational and security needs, the powers of the HSENI inspector and legislative requirements.

8 Any difficulties in relation to access will be referred through normal command and management chains for resolution.

#### **MILITARY AND OPERATIONAL TRAINING**

9 By its very nature, military and operational training does not lend itself to inspection by observation. HSENI inspectors may inspect military training areas, establishments and units where military training and/or operational training is being undertaken. HSENI recognises the requirement to conduct hazardous training. Its principal interest is in the MOD's procedures for controlling and managing hazardous training activities. If exceptionally an inspector feels that such training should be halted or interrupted, the inspector will raise this through the command chain.

10 Arrangements for an HSENI inspector's visit will follow the procedures in paragraphs 4 - 8 of this Annex. Where military and operational training is concerned, the Commanding Officer will take into account the requirement for military training, the risks to Service personnel of any interruption caused by the inspection and the risks to the safety of the HSENI inspector in agreeing the timing of an inspection.

11 HSENI inspection of certain particularly sensitive training activities is the subject of specific arrangements in Annex C to this agreement.

#### **OTHER DISCIPLINED SERVICES**

12 Other disciplined services whose activities are subject to inspection by HSENI may make use of MOD facilities for operational or training purposes. In such circumstances, arrangements for a visit by an inspector HSENI will follow the procedures set out in Para 4 - 8 of this Annex. If representatives of another disciplined service are required to accompany an inspector during a visit, suitable arrangements will be made to facilitate those representatives.