

ANNEX M (ANNEX D)**SPECIAL ARRANGEMENTS FOR PARTICULARLY SENSITIVE ACTIVITIES****GENERAL**

1. Some activities carried out by MOD are particularly sensitive and are protected not only by a high level of security classification but also by a very tightly constrained 'need to know basis'. Access to information relating to such activities is highly restricted and available only to nominated persons who have been cleared by the appropriate security directorate.
2. This annex details procedures to be followed by MOD and HSE where access to certain sensitive areas and activities should, for good reason, be subject to control. Specific guidance on areas subject to controlled access is issued to MOD Units and Establishments by individual services through the chain of command. Copies of this guidance will be furnished by individual services to Hd Safety, Sustainable Development and Continuity Division (SSD&CD).
3. It is not intended that this annex should be used to restrict unnecessarily the access of HSE inspectors to MOD sites. Where these arrangements are invoked, Commanding Officers and Heads of Establishment must notify details to their chain of command HSW focal point so that details can be furnished to SSD&CD.

INSPECTION ARRANGEMENTS

4. If some time has passed since the last HSE contact with the establishment or if HSE proposes a substantial inspection initiative, inspectors will write to the Commanding Officer or Head of Establishment in order to make an appointment to visit to the establishment, and to obtain the name of an individual nominated to deal with the visit. At this stage, the existence of any areas or activities subject to the provisions of this annex should be brought to the attention of the inspector and MOD should be informed through normal command chains.
5. In most cases, it is likely that the inspector will be able to proceed without access to the activities in question. Inspection places emphasis on management systems with sampling to verify findings from interviews and the examination of documents. Physical and detailed investigation of every activity is therefore not essential. Commanding Officers and Heads of Establishment should co-operate with the inspector to facilitate the inspection by providing access to documents and to work areas so far as is possible within the bounds of the special security requirements.
6. The Commanding Officer or Head of Establishment should ensure that the escort accompanying the inspector is properly briefed and competent to ensure that security requirements are met.
7. Any difficulties arising in making arrangements for or carrying out the inspection should be referred through normal management and command chains for resolution.
8. SSD&CD will maintain records of when these arrangements are invoked and will discuss them at the routine liaison meetings with HSE's Public Services Sector (MOD lead).

SPECIAL ARRANGEMENTS

9. There may be occasions where an inspection cannot proceed without access to particularly sensitive information. This might be the case, for example, when a reactive inspection is required following an accident, particularly where members of the public or civilian staff are involved. There may also be cases where MOD would wish to seek HSE advice on compliance with specific statutory requirements in such areas. All such cases except those covered by paragraphs 22-29 of Annex B will be referred through normal channels to Hd SSD&CD and the HSE Public Services Sector (MOD lead) for discussion. That discussion will also involve the appropriate MOD branches and security directorate.
10. The aim of any such discussion will be to seek ways in which HSE can fulfil their mandate without access to particularly sensitive information. However, should that prove impossible and it is

agreed that a need to know exists, a member of either the HSE's Public Services Sector (MOD lead) or another HSE inspector(s), cleared to the required national security vetting status, will be briefed and cleared to have access to the necessary information. All procedures required by the appropriate security directorate regarding the collection, storage and dissemination of that information will be followed.

11. To facilitate this process, one or more members of the Public Services Sector are cleared to Security Check (SC) level. Information on the national security vetting status of HSE staff can be checked with HSE's Departmental Security Officer.

DISPUTE RESOLUTION

12. Disagreements between MOD and HSE about the application of this Annex that cannot be resolved locally should be referred through the chain of command/line management for discussion at the HSE/MOD Joint Liaison Committee (JLC), if necessary.