

FORMATION CEREMONY FOR NETHERLANDS DEFENCE SAFETY INSPECTORATE – 15 OCT 18 – DG DSA SPEECH

- **Secretary of State, Minister, General-Secretary, Generals, members of the new Inspectorate General, Ladies and Gentlemen.** It's a real honour to have been asked to speak today. The importance of what you're doing is absolutely clear to me and will be to those military and civilian members of your Defence forces. Your actions today, in inaugurating the **Defence Safety Inspectorate**, demonstrates your collective determination to ensure the priority you afford Safety is matched by governance and resource. I congratulate you, but am not surprised by the course you have adopted.
- I say that having **served alongside Dutch forces** in Bosnia in 1997 when serving as part of the UK-led Multi-National Division based in Banja Luka. And more recently, during the intense period of combat both our nations' forces experienced whilst in Kandahar in the summer of 2006. I was commanding the UK's aviation contribution, which included my own aviation regiment, recently equipped with Apache AH-64 D, on their first operational deployment. Our Apaches worked closely with yours. I regarded the friendships we formed as essential, especially as our learning curve would have been impossibly steep, without the assistance we received from your Apache pilots and engineers. The courage and professionalism of those Dutch forces inspired me and I'm sure they would equally be inspired by your actions, for they represent the purpose behind today and this we should never forget.
- It is also of note that the UK MoD's 'strategic shock', effectively equating to your mortar accident in Kidal, happened near Kandahar that same summer. It took the loss of 14 lives and the crash of a Nimrod aircraft (XV230 – a wide-bodied surveillance aircraft) over Kandahar in September 2006, **to catalyse change in the way the UK MOD does Safety**. This tragic accident was investigated by one of the UK's top Judges. **Justice Haddon-Cave's Inquiry** didn't pull any punches in its criticism of MOD process; he described what he found as: 'too complex, too bureaucratic, lacking accountability and lacking priority in terms of Safety. He found Safety being sacrificed to cut costs, with budgets rather than Safety driving behaviours'. He also commented on the pitfalls of cumulative structural and organisational change on Safety.
- Indeed, many similarities to your own **Dutch Safety Board's Report following Kidal**. These similarities flow into the remits of both your **Defence Safety Inspectorate** and the UK's **Defence Safety Authority or DSA**. The principles underpinning your Inspectorate and those that underpin the DSA are striking in their similarity. The detail of what we do however, is different as our remits reflect our national purpose. **Over the next 20 minutes**, I would like to explain a little about the 'What, Why and How' of the DSA. I'll then share some of the lessons I've learned in my 18 months as its Director General, before concluding with some words of caution.
- Set up in 2015, the DSA is the manifestation of the Nimrod crash, other accidents and their many painful lessons. But just deciding to provide a Defence focus for Safety would never be enough unless with it came **the wherewithal to do its**

business properly, with clear lines of responsibility, authority and accountability. In our case, a **military 3* lead, as the Director General**, with operational and Joint credibility was necessary to set the tone and send the message that Defence was taking this seriously. There were **other essential pre-requisites**:

- **Empowerment** came by personal Charter signed by the Secretary of State for Defence, the only one he signs, as **Safety Authority, Regulator, Enforcer and Accident Investigator**. What the DSA covers is broad, extending over all MOD civil servants, armed forces and those operating under contract in the UK and overseas. Similar to your Inspectorate, although my responsibility does not include **Social Safety**.
- **Independence** is enshrined by the Charter. I am only accountable to the Secretary of State and sit outside all other chains of command.....and I've needed to remind some senior leaders of this. The DSA's role and responsibilities purposefully provide separation with those who own risk and are responsible for outputs. This is especially relevant in addressing any **misperception of the DSA being in charge of Safety** – it's not. That is the responsibility of the Service Chiefs and other nominated senior leaders.
- As **Safety Authority** the DSA writes Safety policy, advises, guides and arbitrates. As **Regulator**, I empower Defence **Regulators** in the Maritime, Land and Aviation domains and for Medical, Ordnance, Fire and Nuclear Safety – all work for me. The DSA largely regulates where Defence has Disapplications, Exemptions or Derogations from UK law (a **Disapplication** is where a law or article does not apply to the MOD. An **Exemption** from aspects of law can be granted by the SofS in exceptional circumstances and a **Derogation** is normally a relaxation of the effect of particular legal provisions). All these recognise the imperative of **Defence being different by necessity**, in its generation and use of operational capability. I'll make the point here. **Defence is a high-risk undertaking**. Success in combat can only be possible if forces train for war realistically. This includes freedom in their use of battle-winning equipment. I don't believe such training can be conducted without ever having an accident or injury, but this does not negate a moral responsibility to mitigate risks and strive for continuous improvement.
- For **accident investigation**, I'm the Convening Authority for Defence-Level Service Inquiries into Safety related accidents, and following an accident or incident, I decide on the level of Safety Investigation. This preserves independence and objectivity, especially in flushing out **systemic or organisational issues**. It's too easy to pick off the low-hanging fruit following an accident, for example following a shooting incident on a range, by focusing on the range safety supervisors or range conducting officers. Our Safety Service Inquiries do not apportion blame, to protect Safety Culture, but their Terms of Reference are designed specifically to dig deep enough to take a view on whether actions higher up the chain of command **reasonably set those lower down up for success**. I have yet to meet anyone in the MoD who wants to kill Defence personnel, but ill thought through decisions, even taken at the higher levels, can have the same consequences. We should always seek to set our

people up for success and work to understand the downstream consequences of decision, especially when under pressure to save money.

- **Assurance is central to the DSA's Mission** in providing this independently to the Secretary of State that his Health and Safety and Environmental Policy is being implemented. We do this through **proportional and risk-based Safety assurance audits, regulation, enforcement and investigation, (Importantly) with the purpose of enhancing Defence capability and its Reputation**. Our aim in the DSA is to help risk owners reduce and ideally prevent injury and loss of life, to reduce the risk of losing or damaging equipment or capability and to reduce risk to the environment. All Safety Risks should be **Tolerable**, and to comply with UK law, reduced to a level that's **ALARP** (this is where further mitigation is judged grossly disproportionate to any benefits in cost, time and sacrifice)
- My most important output is my **Annual Assurance Report (AAR)**, which I write personally for the Secretary of State and Defence Board. In writing this year, I took into account over **1,500 DSA audits and inspections, the view of the DSA's regulators, respective Service and business unit reports and my own view from the many visits I do**. I discussed this year's Report with our SofS last month. It's been through a number of MoD Head Office senior Boards and is due with the Defence Board next week, before being made available on-line to the public.
- I'll share a few headlines from my Report as I suspect many of its findings will resonate with issues you face. First a few stats. There were **5 x Safety Related deaths** in the March to March reporting period. This is in line with past years and represents just over **3 fatalities per 100,000 personnel**. Incidentally this is better than UK's Agriculture and Waste and Recycling industries. **12,077 injuries or ill health were reported**. This is slightly up from the **11,643 in the pre-eding year**, but could be due to better levels of reporting. Training accounted for 52% or nearly 3,300 injuries and sport 22% or nearly 1,500 injuries. We've tried to put a cost to this. A conservative estimate is over **100,000 work-days lost** and a cost figure provided within HSE work, of some **120M pounds**, but I stress these figures are untested.
- One of the Report's most important findings concerned **Governance** – I cannot stress the importance of getting this right. I found that the MOD as a Military HQ and a Department of State is not yet able to demonstrate how Safety is governed at the highest levels. This inability to consider and treat some of our most significant Safety Risks hinders the Department from setting its Risk Appetite, directing the level of Assurance the Services and other business units should meet, and from tackling those pan-domain perennial issues such as having sufficient Suitably Qualified and Experienced Personnel and addressing the parlours state of Defence Infrastructure. Without an effective method of accountability, there is no incentive for senior risk owners to act, or ambition for them to strive towards achieving higher Assurance Levels. **Governance of Safety at the highest levels** is now being sorted, but only after I served the Permanent Secretary (our equivalent to your General Secretary) with an

Improvement Notice for failing in his duties regarding Safety, by not attending to its Governance.

- The Report goes on to list those **Risks I consider significant** across Defence, owing to the potential impact they could have if realised. I'll mention a few as I suspect you will recognise these. **Change** is at the top and concerns the impact of Change on Safety. It includes **Structural and Organisational change**, where lines of responsibility, authority and accountability can become broken and confused, and **capability change**, as new equipment brings with it new risks, whilst conversely equipment extended in Service, owing to delays in the introduction of the new, brings its own risks as well. The amount of Change is increasing with its cumulative effects on Safety now almost impossible to comprehend. To try to control this the DSA has introduced policy, now mandated by our SofS, for **Organisational Safety Assessments**. These are not bureaucratic overheads, but compel Change Programmes to consider how Safety is affected and to ensure, following Change, levels of Safety are at least as good as what they were prior to the Change taking place. We are also seeking to ensure Safety is formally scrutinised during the MoD's procurement of equipment and services.
- Next concerns Risk caused by insufficient numbers of **Suitably Qualified and Experienced Personnel or SQEP**. Sufficient SQEP has challenged Defence and has been a feature in annual Safety Reports since 2005. Driven mainly by a lack of personnel with sufficient experience rather than qualifications, it represents a composite of numerous separate manning threads and highlights the inherent tension between a Service or organisation's perceived need for SQEP and its ability to grow and maintain a cadre of people with sufficient experience to be deemed competent. Resolving this will be challenging, but after 13 years of being reported, MoD's senior leadership could be accused of **admiring the problem** rather than really gripping it.
- The other Significant Risks concern **Mid Air Collision**, especially now with drones, **Fuel and Gas Infrastructure and Fire Safety Management**. I'll only say a few words on Fire Safety Management. The context is a 30% increase in non-compliance with Fire Articles last year and a reduction in its Assurance level from **SUBSTANTIAL** to **LIMITED**. Oh and the tragic Grenfell Tower Fire in London in June last year, which you might have heard of. This year despite fewer fires and false alarms, having completed a targeted review of Fire Safety Management for Single Living Accommodation, the area where Defence carries greatest risk to life, the Review found worrying levels of deterioration and did not make for good reading.
- So moving on to some **lessons or 'Top Tips'**. First there will be some **myths to dispel** such as – being Safe means being Risk Averse. Safety is an unnecessary overhead and costs too much. Or Safety is not my responsibility because I'm the Commander! And, Why should I make Safety my Top Priority when no-one holds me to account for it? I think you'll agree **your leadership regarding Safety** will attend to these myths. Just on **Risk Aversion** as this is a common accusation.

- Next those **factors which I've identified as featuring most in the accidents we investigate**. Getting at these will assist in preventing recurrence. **These are:** a failure to follow procedures, a lack of appropriate supervision, the taking of inappropriate levels of risk and a lack of or inadequate leadership. The latter theme on leadership I regard as particularly important as **appropriate leadership is essential** in developing and sustaining Safety Culture.
- **Pte Connor McPherson** was killed during a routine night field firing exercise. He was shot in the head by his colleague from a distance of some 5m, because his friend thought he was a target. (**F2FP** – RCO, night vision, hearing protection, **Supervision** – Safety Supervisors, company commander, **Inappropriate Risk** – 9 practises in single day, rushed, fatigue, no progressive learning, **Leadership** – promoting Safety Culture). The full report can be found on the DSA website.
- Finally **some words of caution**. And here I don't mean to be disrespectful, but from my experience, including visiting many partner nations, I found the following to be true:
- **The analogy that Safety is like a formal partnership or marriage**. The ceremony or wedding is spectacular and attended and celebrated by everyone. Approval is almost universal, with few challenging the benefits stable relationships bring to society. But the reality is that most unions need work. They need to be nurtured by both sides and supported by wider family. Commitment, honesty and responsibility are some of the ingredients needed for success. If left unattended or if competing priorities detract, then values and trust can be lost, complacency sets in and, worse case, divorce becomes inevitable. **The same is for Safety. Justice Haddon-Cave's findings**, let me remind you – too complex, too bureaucratic, lacking accountability and lacking priority in terms of Safety. Safety being sacrificed to cut costs, with budgets rather than Safety driving behaviours'. And the potential pitfalls of cumulative structural and organisational change on Safety. **You might** have noticed a hint of some of these in my Annual Report. Also the DSA in some areas is under-manned by up to 20%. Be alert to this.
- **Independence and Transparency**. These are essential for the Inspector General and must be protected. That his findings are routinely made public will provide considerable incentive for others to make the right decision.
- **Credibility is the DSA's Centre of Gravity**; I suspect it will also be the Inspectorate General's too. Some of the judgements Wim makes will be unpopular, they will rightly be challenged, but there will be others with different agendas who will seek to discredit. Normally this will come from those who aren't convinced of the need for Safety or are unwilling to resource it.
- **Finally**, Wim and his organisation will need **your continued support and close patronage**. You should be demanding of him, you should encourage him in 'speaking truth to power', and in doing so remain conscious of the difficult challenge and immense responsibility you've given him. **In wrapping up what**

feels like the 'Best Man's' speech at this wedding – Wim you have our best wishes and our guarantee of support whenever needed.

- Thank you.