

CHIRP FEEDBACK

Issue No: 74

Spring 2005

EDITORIAL

David Johnson, Deputy Director (Engineering) retires with effect from 30 April. David joined the Programme in 1997 following the decision to extend confidential reporting to Licensed Aircraft Engineers and maintenance/engineering staff, since when he has been a valuable member of the CHIRP 'team'. More latterly he has made an important contribution to the development of the Maintenance Error Management System (MEMS) initiative to share information on maintenance error incidents - see Page 11.

Taking over David's role in the organisation is David Innes, an experienced Licensed Aircraft Engineer, who has held engineering management posts with several airlines. David was selected from a short-list of applicants for the post and joined the team at the beginning of April.

Number of Reports Received Since the Last Issue:

ATC - 5

Report Topics Have Included:

New Equipment/Systems
Training
Adequacy of Procedures

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Flight Crew - 46

### Report Topics Have Included:

Flight Time Limitations - Roster Instability  
SSR Availability  
Sickness Management Policies  
TCAS - Faulty Mode C information  
Noise Preferential Routings

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Engineering - 10

Report Topics Have Included:

Manpower Levels/Staff Shortages
Ramp Safety
Poor Maintenance Practices
Management Bullying of Certifying Staff
Work Required vs. Work Contracted

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BACK ISSUES

Back issues of AIR TRANSPORT FEEDBACK are available on our website: www.chirp.co.uk

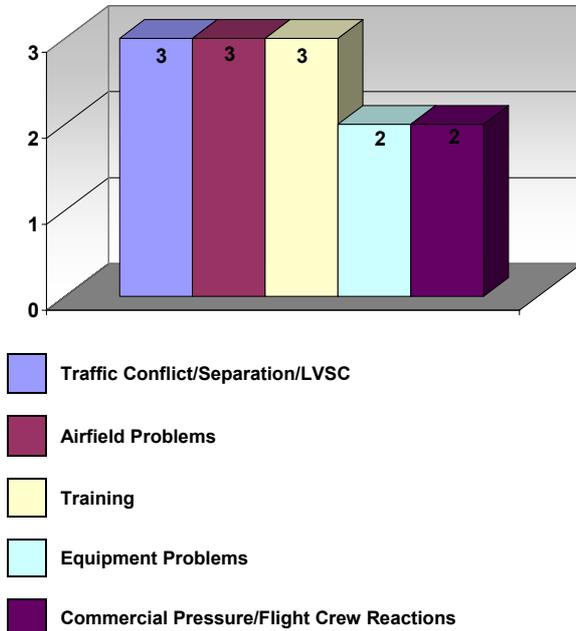
AIR TRANSPORT FEEDBACK is also available on the **CHIRP** website - www.chirp.co.uk

An Air Transport Safety Newsletter

from **CHIRP** the Confidential Human Factors Incident Reporting Programme

ATC REPORTS

Most Frequent ATC Issues Received:
Apr 04 - Mar 05



SURFACE MOVEMENT RADAR

Report Text: I am writing this report because my colleagues and I are becoming increasingly concerned by the number of incidents during Low Visibility Procedures (LVPs) and the current lack of a Surface Movement Radar (SMR) capability. SMR has been promised for many years but not delivered. It is hardly new technology; it has been available for years, so why hasn't it been installed?

For many years now we have been operating as carefully and consistently as we can in LVPs relying totally on pilots' reports to ascertain where aircraft are.

During LVPs we operate a single entry point and a single exit point strategy when it comes to runway access.

Recently during a busy night I witnessed two potential incidents during LVPs (RVR 350m). The first one involved a large freighter aircraft which vacated the runway at an intermediate intersection (despite a message on the ATIS instructing all landing aircraft to vacate at the end of the runway); this put the aircraft in potential conflict with a charter aircraft on the parallel taxiway which had only just passed that point. The pilot concerned wasn't even sure where he had vacated until a fire vehicle spotted him vacating at the intersection.

The second potentially serious incident involved a departing freighter which taxied to the wrong holding

point; again the pilot was not aware of the error until ATC queried his position. Both of these events occurred within the space of 15 minutes!

Initially, the intention was to submit an MOR but subsequently the ATCO was persuaded not to by management. This is regrettable, especially as there has been a very similar incident more recently (which was reported).

In the past several years there have been many similar incidents at this airport not all of which have been reported. There seems to be a tendency to only report the 'serious' ones. Sometimes ATCOs are persuaded not to bother filing an MOR, others think it will achieve nothing, but more recently someone was actually threatened with suspension by management if they filed an MOR.

The whole issue is a source of extreme concern and worry, with not even a glimpse of SMR on the horizon. I'm sure pilots and operators alike would be surprised to learn that we do not have SMR at the airport especially as we operate CAT II/III.

Pilots rely on ATC to ensure that the runway/localiser sensitive area is protected during LVPs but we are totally dependent on the accuracy of pilots' reports and them never making a mistake. As we all know we are human beings and as such are all capable of making errors. SMR would make any such mistakes easily detectable and help to prevent them from occurring in the first place.

Management's response to the growing concerns and MOR's has been to produce more defined operating procedures for ATCOs to use during LVPs. These may reduce the risk slightly but they do not prevent pilot error. As ATCOs, there is only so much we can do; we are not physically in control of these aircraft. Nothing can act as a substitute for SMR.

What I fail to understand is why this threat to safety does not appear to be taken seriously by either management or the CAA. We have entered a new era where both management and ATCO's alike are liable for corporate manslaughter and possible imprisonment (Milan Linate), so I'm surprised it isn't taken seriously.

We live in a world of risk assessments and safety cases and yet something as important as this is just ignored. Why is it not a mandatory CAA requirement for CAT II/III airfields to have SMR? Recommendations from the CAA serve no purpose when it comes to finances and accountants. It is a question of finances vs safety. This is not acceptable.

Until SMR is installed we are effectively working blindfolded and hoping and praying that nothing goes wrong.

CHIRP Comment: Currently, SMR is not mandated in the UK, although it might be open to question whether, given the current focus on runway incursion prevention, SMR should be required or at least recommended at a relatively busy Category III airport.

In the absence of a requirement, it is the Airport Authority's responsibility to assess whether or not SMR should be provided. An important element in determining whether SMR is justified would be an assessment of the risk of a serious incident in low visibility conditions. If the reporter's comments about the reporting culture and management attitude are correct, the under-reporting of potentially serious confliction/incursion incidents might call into question the accuracy of a risk assessment that justifies low visibility operations without SMR.

If you are pressured into not reporting an incident, remember that you can submit a report direct to CAA (SRG) under the Confidential MOR scheme. Alternatively, file a **CHIRP** report.

TCAS RAs - A COMMENT

Report Text: I have just read issue 73 and the report titled "TCAS RA Incident" set me thinking. The advice from NATS is to request pilots to switch off mode C or, if not possible, to select A0000, which is the advice as published within the MATS Pt1 but I believe it might be fundamentally flawed.

The CAP 493 (MATS Pt1) quotes in these circumstances are below,

"There is no requirement to monitor level readouts when Mode C information is not being used to provide vertical separation. However, if a controller observes a discrepancy the pilot is to be asked to confirm his altimeter setting and level. If the discrepancy remains, the pilot is to be instructed to switch off Mode C. If independent switching of Mode C is not possible the pilot is to be instructed to select Code A0000."

If squawk A0000 is adopted, then whilst it will tell an ATCO that the SSR is corrupted, the TCAS receivers in other aircraft will continue to react in exactly the way they are programmed to, even if based on the corrupt Mode C, unless they are able to discriminate the A0000 and not generate an RA based on the Mode A information. I don't believe that the TCAS receivers are that sophisticated as yet, although if I am wrong my concerns are unfounded.

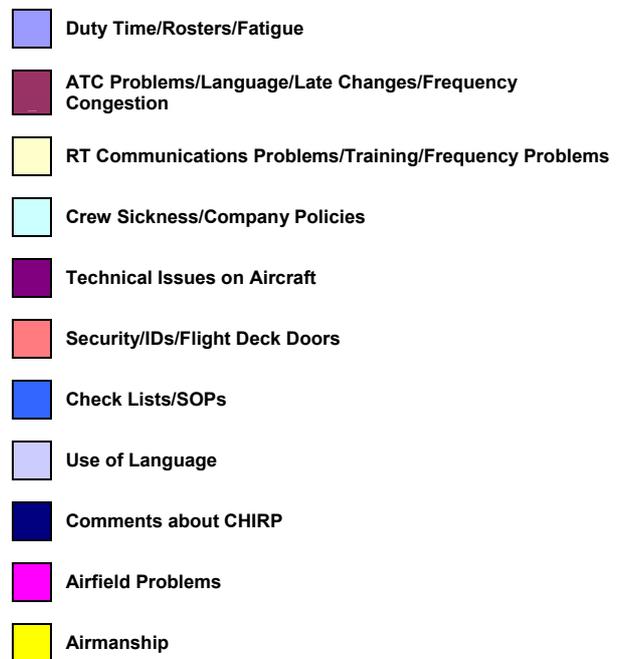
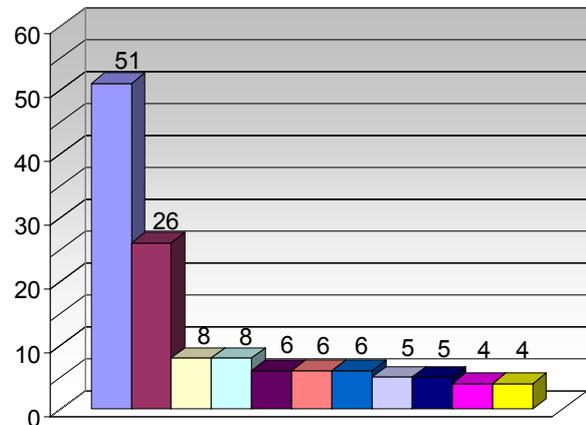
CHIRP Comment: Most current aircraft configurations include dual transponders each with a separate Mode C selection.

In a small number of older installations it is not possible to select Mode C OFF independently. The selection of a 0000 code reminds the controller that the altitude readout is unreliable. In such a case it would appear, as the reporter notes, that the incorrect altitude readout might generate a TCAS RA in a second aircraft if the indicated vertical separation is sensed by TCAS to be insufficient.

The matter has been referred to CAA (SRG) to confirm that the advice contained in CAP 493 remains appropriate.

FLIGHT CREW REPORTS

Most Frequent Flight Crew Issues Received:
Apr 04 - Mar 05



BLOCKED FREQUENCY - THE OTHER POINT OF VIEW

CHIRP Narrative: In the last issue we published a report detailing the problems an ATCO faced when a busy RT frequency was inadvertently blocked.

Here is the flight deck perspective of the incident:

Report Text: The problem began immediately after transfer from AAA Tower to the Departure Sector Frequency. We did not realise at the time, but when this frequency change occurred, at least one microphone became permanently live, blocking the departure frequency.

We were very busy at this stage of the flight, as the aircraft was close to Maximum Take Off Weight and

required careful handling during flap retraction to ensure that flap limit speeds were not exceeded. Additionally, we had a reasonably tight turn to make shortly after departure; our priorities were on flying an accurate departure, keeping on the planned track, at exactly the right speeds.

We became suspicious that there was a radio problem as we did not receive any reply when we first called Departure Control, nor could we hear anybody else on the frequency. We then began a process of trying to pinpoint what was causing the problem, by switching headsets and trying different transmitters. In the meantime we followed the SID and levelled out at the block altitude of 6,000 ft. We were not aware that we had a permanently live microphone, nor could we hear any transmissions.

Eventually, we believed we had fixed the problem when we were able to hear ATC calling us. I recall we were given a heading to fly and instructed 'not to acknowledge'. This was the first transmission we had heard in approximately five minutes. I am reasonably confident that we did not reply to this transmission, however, there is a chance that we may have done - it is a strong habit to read-back clearances and we may have done so automatically, especially as our workload was high.

We declared a Pan, as only one radio was working and we were not confident it would remain operational. After radar vectors over the sea we dumped fuel and returned for an overweight landing.

I would like to make the following points:

- 1) This problem initially precluded us from hearing ATC instructions. If we transmitted after being requested not to, this was probably because we had a stuck microphone.
- 2) I concede that we may have read back a clearance despite being told not to acknowledge - if that occurred, it was due to habit.
- 3) When two way communications were re-established, ATC were incredibly helpful, keeping us on the same frequency until after we had landed. It turned out that selecting the new frequency after departure had initiated the whole sequence of events, so it is just as well we stayed on the one frequency.

CHIRP Comment: RTF communications failures do still occur - another similar loss of communications occurred recently in the London TMA.

PRESSURE TO DEPART

Report Text: We were operating from AAA (UK major airport) to a European destination. We had been cleared for a northeasterly departure and taxied to the holding point. Upon entering the runway we had our first opportunity to have a good look at the weather on our departure using weather radar. We had not faced the right way until this point. A thick

band of red with large magenta (turbulence) areas extended from north of the field out to some 20 nm West, completely obstructing our departure route.

Experience told me that this was potentially dangerous weather and, as we could not see any gaps, we quickly requested either a southerly departure or a climb on runway track to 20nm to be able to clear the weather and then turn north to join the SID.

After a minute on the landline, the tower controller informed us that they could offer neither and so we declined to depart. We taxied along the runway and vacated to reassess.

We returned to the holding area to review our options. We decided that as the weather was moving east quite rapidly we might be able to depart in 10-15 minutes. We informed tower that we would hold position and advise our intentions.

We then had to endure the humiliation of being referred to by the tower controller as 'the aircraft that won't turn right' when they were issuing instructions to others to pass us. This seemed quite unprofessional and put a great deal of pressure on us to 'get on with it' and depart. Incidentally, this is completely out of keeping with the exemplary professionalism usually demonstrated by the controllers who I would class as the best in Europe by a mile.

During this time the other aircraft using the runway were all on southerly or westerly routes and so we were the only aircraft affected.

After a short time another northbound company aircraft (a different type) entered the runway and kindly informed us that he could now see a gap in the weather on radar. We accepted line-up clearance and saw the earlier gap to the west had indeed moved onto our route and we were able to accept take-off clearance. Having been issued with and acknowledged our take-off clearance, the engines were still spooling up when the tower controller re-issued the clearance with a strong tone of impatience. We had wasted no time and were already accelerating.

We departed safely but were certainly in a less than perfect state of mind after our experience.

I understand the pressure there is to 'keep the show on the road' at a congested airport such as AAA and I regard the ATSU in question as the elite aerodrome unit within Europe. The controllers do an almost miraculous job, which is the key to this airport's success.

I declined the departure clearance with a great deal of reluctance and only because acceptance of the clearance would have posed a serious threat to the safety of my aircraft. However, on this occasion I felt unduly pressured to 'fit in' and accept a clearance that I believed to be unsafe. I wonder whether in other circumstances (a less confident or less rested

crew) the pressure to depart would have won out and the safety of the aircraft compromised.

CHIRP Comment: The reporter is to be commended for resisting the temptation to succumb to what he perceived to be pressure to depart.

From an ATC perspective, there will be occasions when an alternate departure routing may not be available due to traffic considerations. In such a case, the option not to depart is preferable from both a flight deck and ATC radar controller perspective, as opposed to requesting a weather avoidance deviation from the standard departure routing shortly after take off.

POSITION REPORTING

Report Text: I was recently on a VFR flight, in the right hand seat. We were passing within a couple of miles of an Aerodrome Traffic Zone (ATZ), under a Flight Information Service from the local Lower Airspace Radar Service/Approach controller. Visibility was good, and there was not too much traffic on the frequency.

The ATCO requested a position report by asking if we were over ### Island. This feature is not named on the half-mil chart, and in the short time that I spent looking for it, and asking for clarification, a potential Airprox developed. This was noted by the pilot flying and avoided in good time by an evasive manoeuvre.

It left the other aircraft, a light twin, and ourselves rather annoyed by the lack of traffic warning, and it left me angry that the LARS ATCO caused confusion by referring to a local feature not recognisable to a transiting pilot. This was a distraction to the pilot and me that we did not need, being close to an ATZ. We were squawking 7000 Mode C, so I would have thought our position was known. If not, or if there was more traffic than usual on screen, maybe the ATCO should have asked for a specific squawk.

It seems that ATCOs should be aware that non-local pilots only have charted features by which to navigate. Local knowledge should not be taken for granted.

CHIRP Comment: The reporter makes a valid point. If local features are used for position reporting they should either be very obvious or identifiable on aeronautical charts. From a pilot's perspective, if you can't readily identify a ground feature specified by ATC, tell the controller.

A second point arising from this report is the importance of pilots understanding what a particular ATC service, in this case a Flight Information Service (FIS), will provide. Warnings of conflicting traffic are less likely under a FIS than with a Radar Advisory Service or a Radar Information Service. When receiving a FIS, maintaining a good lookout remains of prime importance.

MORE ON FREQUENCY CONGESTION

(1)

Report Text: On transfer from Maastricht to London, the London frequency was so busy that it took seven attempts to establish contact over about 3-4 minutes. During this time there were many crossed transmissions as other aircraft also attempted to make contact.

This is often a feature of transfer to London frequencies, both on departure from and arrival into UK airspace. Particularly on transfer to UK frequencies, the problem is often associated with the volume of traffic arriving on the frequency at once and requiring sequencing by use of headings and speeds. Perhaps the congestion and hence periods of non-contact could be reduced by earlier sequencing by previous sectors as they would be aware of aircraft routes.

(2)

Report Text: My concern is the increase in apparent overloading of controllers in the LAM sector with aircraft in descent from FL310-ish to FL 250-ish. To a lesser extent this also applies to the DTY sector.

In the past month I have twice had my descent clearance taken by another aircraft and the incorrect readback NOT picked up by the controller. On another occasion I took a descent clearance (correctly, as it turned out), but the First Officer then said "Was that for us?"

Easy, ask ATC. Except on all of the above occasions the controller was starting transmissions to another aircraft within half a second of getting a reply. This ran continuously for (in one case) over four minutes, leaving no chance to get a transmission into the continuous radio chatter. The controller is obviously very busy and probably doesn't want any extra transmission adding to his workload; he is clearly using the time taken by aircraft replies to think of his next transmission (which is probably why he has missed the incorrect readbacks).

Now what do I do? The controller thinks I will descend at, at least 500 fpm, to make good "SABER by FL150" or whatever, whereas another aircraft IS descending when he hasn't cleared it. Doing nothing is potentially as bad as descending. And I still can't get a word in. Perhaps for four minutes.

Perhaps a definition of overload should be if the controller cannot leave at least two seconds between an aircraft replying and him starting a new transmission. This two-second pause would allow him time to reflect on the readback and allow another aircraft a chance to give him some useful information.

This "blocking" of the frequency by rapid ATC transmissions also sounds very aggressive with a "My

need is greater than yours" feel about it. I have also noticed that the same aggressive use of the radio by ATC (the next transmission beginning within half a second of an aircraft's reply) is starting to occur on the DTY sector.

CHIRP Comment: As has been mentioned with previous confidential reports on the topic of congested RT frequencies, although there is anecdotal evidence that the problem occurs more than rarely, very few formal reports are submitted.

It is only by reporting incidents in a MOR in a timely manner that the specific circumstances can be investigated using RTF tapes and, where necessary, improvements made.

RTF congestion is something pilots tend to accept as part of everyday operations, however, given that the consequences of a misheard/incorrect clearance can be serious, if you experience the problem, why not report it?

AN UNHELPFUL COMMENT

Report Text: Taxied to the S11 Hold for a full length departure Runway 09R LHR. Intersection departures were in operation from the opposite (north) side of the runway where groundwork precluded full length departures. ATC advised that the normally available 'Conditional' line up clearance would not on this occasion be forthcoming.

When take off clearance was issued, we lined up promptly and commenced take-off without delay; the process was necessarily slower than if a conditional clearance had been issued. During the take-off roll, there was an anonymous, petulant sounding transmission on the Tower frequency of the word. "Occupancy"! My initial concern was that there had been a runway incursion, but the runway was confirmed visually to be vacant by all three crew members and we continued the take-off.

After take-off a concerned sounding ATCO asked if we had made the comment. We confirmed we had not, but believed the comment had been transmitted from another aircraft, the crew of which might have mistakenly believed that the slower than usual line up and departure was due to our failure to react promptly to a line up clearance (not so). Later, the (very busy) controller indicated that the transmission had caused him to become concerned that he had allowed a potential runway incursion situation to develop (not so). We had also been seriously distracted by the transmission, which was made at a critical phase of flight.

It seems likely that the anonymous transmission came from another aircraft on the ground; possibly born of the frustration of operating at a congested airport where runway occupancy is critical. On this occasion, the malicious and intrusive transmission on a very busy ATC frequency nearly caused a heavily

loaded, large twinjet to abandon take-off unnecessarily.

Fatuous R/T banter has no place on the modern flight deck. The offender should be made aware of the stupidity of his actions. If he reads this I hope he is ashamed of himself and suitably embarrassed by his lack of professionalism - but I suspect he won't be.

Thank you to the ATCO who dealt with the intrusion so calmly.

CHIRP Comment: Whilst, as the reporter notes, the comment might have been indicative of the perceived pressures to maximise departure/arrival rates at some major UK airports, it was nevertheless unhelpful, unprofessional and unnecessary.

ILS VECTORING

Report Text: On several occasions at AAA (UK major airport), I have been vectored to the ILS, on both the easterly and westerly runways, such that the aircraft is above the glidepath at localiser intercept.

I have discovered that this is not an unknown occurrence; colleagues within my Company and from other airlines have suffered similar problems. I understand that representations have been made to the Duty Supervisor, but the practice continues sporadically.

As far as I am aware, no aircraft are equipped to intercept the glidepath automatically from above.

My next course of action will be an MOR, but CHIRP might just highlight the issue such that an MOR is unnecessary.

CHIRP Comment: It is sometimes the case that height restrictions associated with airspace structure or particular traffic conditions can result in intercepting the localiser above the glidepath.

Also, the use of Continuous Descent Approaches (CDAs), required by the Department for Transport for environmental reasons at some UK airports, is also considered to be 'best practice' at other locations for the reduction of noise, nuisance and emissions (UKAIP ENR 1-1-3-1 Para 2.3.1 refers).

One of the principal objectives of CDAs is for an aircraft to join the glidepath without recourse to level flight. Where the use of CDAs are promulgated in the appropriate AIP AD2 Section, the detailed procedure permits the pilot to descend at a rate he judges will be best suited to the achievement of continuous descent and thus avoid the problem described in this report. However, no standard RTF phraseology currently exists to cover CDA procedures and it is not clear that pilots are always aware when a CDA procedure is being conducted. In view of the important environmental contribution of CDAs; it would be perhaps appropriate to review this particular aspect.

If you are positioned significantly above the glidepath at localiser intercept, submit an MOR to permit the reasons to be investigated.

NUISANCE TCAS ADVISORIES

Report Text: During radar vectors on a left base leg to the final approach to the northeasterly runway at ### we experienced five consecutive TCAS Traffic Advisories (TAs). ATC didn't warn us about any traffic.

There is a low level VFR corridor to the west of the airport for VFR traffic routing across the zone. The multiple TAs were a result of VFR traffic squawking Mode 'A' only.

These TAs were at a high workload stage of the flight and in intermittent Instrument Meteorological Conditions (IMC). Why are aircraft permitted to transit this corridor with Mode 'A'? Surely either Mode 'C' or no transponder is advisable due to commercial TCAS traffic that now operates in close proximity. This is a regular occurrence.

CHIRP Comment: ICAO Annex 6 requires the progressive introduction of a Mode C pressure altitude reporting transponder capability in all aeroplanes and helicopters to improve the effectiveness of ATC provision and to support TCAS. CAA policy accords with the ICAO Standards and some implementation dates have been promulgated.

In the specific case of a Mode C capability for light aircraft, a major factor is the availability of a suitable lightweight transponder; it is understood that this is being actively pursued.

In the absence of a Mode C capability, Mode A provides ATC with the ability to monitor the position of light aircraft operating in the low level VFR corridor. Whether this benefit outweighs the problem of nuisance TAs, as described by the reporter, is perhaps worthy of further consideration.

PREFERENTIAL RUNWAYS - A COMMENT

Report Text: I completely agree with the reporter's comments on this subject. I am based at AAA (which is no doubt the airport in question). Your response seems to say that the CAA have recognised the problem, written a report about it, discussed it but not actually done anything about it!

The last paragraph mentions what it says in the AIP. But presumably what is said in the AIP about Preferential Runway Operations is based on there being an ILS at both ends, as there was before the work started. It seems that the Airport management are still using this data. But surely it should have been revised once the work-in-progress was going to put the ILS out of operation not for a few days but for many months covering TWO complete winters.

Surely, in this case, the runway with the ILS should become the preferential runway and always be used

unless, for example, there is more than a 5kt tailwind - whereas previously the other runway would have been used up to say a 5kt tailwind.

The last part of your last paragraph just isn't going to happen at a busy airport. It should not be up to the Flight Crew to have to request to use the safest approach method; it should be in the Airport operations manual. Yes, the flight crew have the ultimate decision to make, but it should be written down in black and white as the rules that the airport should be operating to, not left to interpretation.

Have the CAA approached AAA airport management to tell them that they should be operating with preferential use of the runway with the ILS, if not why not? The airfield inspectors go around telling many airfields about extremely petty changes they must make, so why not something that really does affect safety.

I would also like to know why AAA is allowed to plan the work in such a way that the ILS is out of service for such a long time. Surely the work could be done in a way to have the ILS operational over a lot of this time, if it was planned with that objective in mind. Even if the whole ILS transmitter has to be removed to do the work, it doesn't take that long to complete the work in that area and then put the ILS back and calibrate it. Yes, the ILS may need to be off the air sometimes when work is actually going on in the area around the transmitter, but this is not the case, there is no work at all going on while the airport is open. They had work-in-progress at BBB (UK Regional Airport) when the new taxiways were being built, this resulted in the ILS being withdrawn when work was in progress, but any time the weather was anywhere near minimum, work stopped and the ILS was made operational again.

CHIRP Comment: In the case referenced above, the criteria for the preferential runway procedure included minimising the risk of wake vortices in the vicinity of the airfield boundary.

It is understood that use of the preferential runway procedure when the cloudbase is less than 1,000ft is being reviewed.

The period of ILS unavailability was determined by the requirement to relocate large amounts of soil during the re-development; this would have required the ILS to be re-calibrated on numerous occasions.

MANUAL LOAD-SHEETS

As a result of the restructuring of the handling arrangements at one of our company bases, all load-sheets are to be completed by the flight crew. (No other bases on our network do this).

Our scheduled report time for a duty is 1 hour. When we report for a duty and check-in, we have to get the paperwork done with a computer check-in system that rarely works and printers that are in the same

condition. Therefore our time is taken-up sorting this out plus preparing the load-sheets for the day. The result of this is that we (both pilots) don't have time to liaise with the cabin crew and we end up getting to the aircraft 25/30mins before ETD.

We rarely get the chance to get the weather and have a briefing. This is totally unsatisfactory and the extra work of completing the load-sheets is one of the main reasons.

Our handling staff are capable of doing this task and we all strongly feel that this should be done, so we can give appropriate attention to pre-flight briefings etc.

CHIRP Comment: In most circumstances, a report time of one hour is sufficient for the completion of all pre-flight tasks. However, more should be allowed where routinely the crew need it, such as when there is difficulty in obtaining weather reports, NOTAMS, payload details, etc, when fuel planning is complex, or access to the aircraft takes more than a few minutes. Similarly, the turnaround time should be sufficient to accommodate all of the required flight crew tasks. This matter has been referred to CAA (SRG), to permit the issues raised by the reporter to be reviewed.

SEAT BELT SIGNS

I have noticed a few reports about "seat belt signs on" recently and your response to them. I seem to remember some time ago that there was a legal interpretation of what cabin crew were allowed to do with the signs on.

If I remember correctly, once the sign was on all passengers should return to their seat and get strapped in. The cabin crew should check that all passengers were strapped in then return to their seats and get strapped in themselves.

The habit of cabin staff doing bar services etc. with the seat belt sign on left them uninsured and the habit of some commanders of releasing cabin staff from remaining seated left themselves personally liable.

I am interested in the legality of the situation as I recently travelled as a passenger with ### (A non-UK operator) and both the cabin crew and passengers ignored the sign and kept on doing what they wanted.

Does the CAA have a legal view? In a recent Chirp Newsletter (2003) you gave your opinion but not a legal interpretation which would have been more interesting and answered the writer's reasonable question.

CHIRP Comment: The reporter's query was referred to the CAA Legal Department who provided the following response in relation to UK Approved operations:

"Article 45(2)(c) of the Air Navigation Order 2000 provides that the commander of a UK registered aircraft flying for

public transport of passengers shall, before the aircraft takes off, and before it lands, take all reasonable steps to ensure that the crew of the aircraft are properly secured in their seats and that members of the cabin crew are properly secured in seats in the passenger compartment.

Article 45(2)(d) imposes obligations on the commander of such an aircraft concerning the securing of passengers in their seats but a passenger is defined in the ANO as someone other than the flight or cabin crew, so these obligations do not apply to cabin crew."

It should be noted that Article 45(2)(d) refers to before take off, during a flight and after landing.

LOOSE FILLER CAP

Report Text: We had been off-line for most of the day due to bad weather (snow/low cloud); aircraft ground run in the morning post maintenance, and subsequently serviceable.

I carried out a pre-flight inspection mid-afternoon with anticipation of the weather improving and so going on-line. I checked fuel cap (it being a 'place on, turn to lock and turn spring' locking system). Although visually it looked secure on manually checking it, it came away in my hand.

The last refuel had taken place the evening before by one of the crew (relatively inexperienced) and the aircraft had been 'daily checked' by one of the engineers working on it that evening. Another engineer had done the 'pre-flight' before the ground run - both being signed for in the tech log!!

Fuel caps are expensive, are capable of causing serious damage to an aircraft in flight if one hit the rotor blades and could be dangerous for anyone on the ground; not to mention the egg on the faces of all involved.

CHIRP Comment: This is not an uncommon occurrence in helicopter operations. A significant number of filler caps have no alignment marks and therefore should be physically checked, as the reporter did on this occasion.

CABIN CREW REPORTS

USE OF MOBILE PHONES

Report Text: After the meal service I went up to check on the flight deck, and observed one of the pilots using their mobile phone as a calculator.

I commented that I didn't think you could use mobiles in flight and had a very curt response asking me to show where in the Operations Manual it states that you cannot use a mobile in flight.

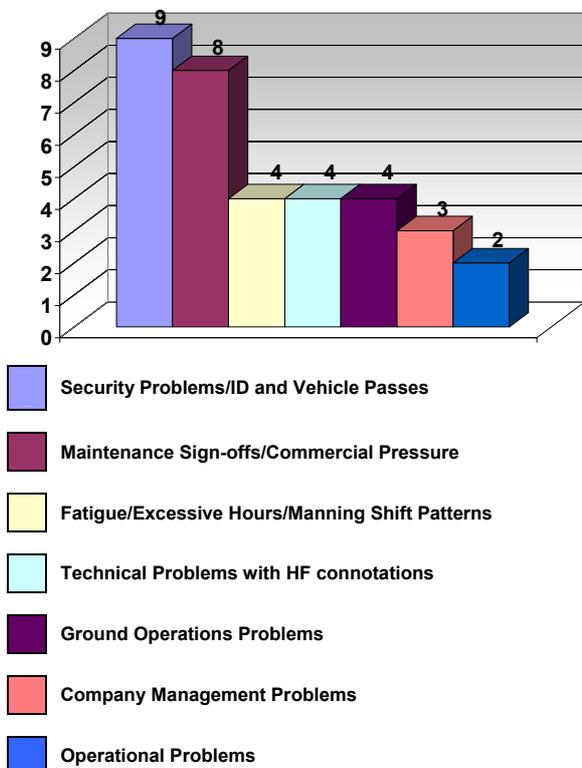
It is my understanding that mobile phones cannot be even switched on during the flight. Please could you

clarify if you can use a mobile in any mode during the flight?

CHIRP Comment: AIC 1/2004 (Pink 62) is quite specific. Except for the aircraft commander's discretion during prolonged departure/parking delays, operators should ensure that all intentionally transmitting portable electronic devices (PEDs) are to be completely **SWITCHED OFF** once the aircraft doors are closed and are to remain switched off until the doors are opened after landings. Flight crew and cabin crew should observe the same restrictions on the use of portable electronic devices as passengers.

ENGINEER REPORTS

**Most Frequent Engineering Issues Received:
Apr 04 - Mar 05**



EDITORIAL

Engineer licensing has been the subject of many recent reports to CHIRP. This subject was discussed further at the April 2005 meeting of the **CHIRP** Air Transport Advisory Board. It was reported that there has been a high level meeting between EASA, Department for Transport (DfT), CAA and ALAE representatives. At this meeting the anomalies in implementation of the JAR/EASA 66 rules for licensing of Engineers between the various EU/JAA countries were discussed.

There was no progress in attempting to establish a 'level playing field' with regard to implementation of the rules across all participants in Europe. This is in no small part due to an admission from the EASA representatives that they have no powers to establish an audit function to ensure consistent compliance with the rules across the EU Countries. It will require additional legislation for them to acquire these powers and this is likely to take some time.

Duplicate Inspections are under review again and Engineers are invited to contribute their experiences. A joint initiative is underway with the UK Operators Technical Group, UKOTG, and CAA with the objective of producing an up-to-date standard for Duplicate Inspections/Independent Inspections, vital points checks and ETOPS operations in a single CAA publication. This Working Group is seeking information and reports from Engineers who have found problems when carrying out second inspections; as is often the case such problems are not recorded but the second inspection signed off after correction. This information will assist in highlighting important points to be emphasised in such inspections/checks. The more objective the information the better, aircraft types, systems involved, difficulties experienced, recency of experience and so on will be most helpful. The contacts for information are your UKOTG representatives or Peter Ashmore, UKOTG Secretary, e-mail peter.ashmore@dhl.com.

MANNING LEVELS

(1)

CHIRP Narrative: This reporter advised of the manpower levels for all trades available for the quoted workload and went on to comment...

Report Text: Incidents are occurring regularly but not serious enough to have the authorities involved.

Manpower levels must be in contradiction to required levels. These are not levels that occur because of sickness/holidays, they are the shift levels. My shift appears worse than the others but I have listed mine below. Each nightstop there are more than 30 shorthaul aircraft to be worked. Please let me know if you think these levels of certifying staff and mechanics are sufficient. Each aircraft is required to have a Daily or Ramp Check every night (in addition to defect rectification work).

CHIRP Comment: The NAA concerned undertook an audit of the Part 145 organisation involved. They reported that at the time of their visit, the workload and manpower were within acceptable levels. However, prior to their inspection certain workloads had been reduced and they were also advising the company to review their skills mix within the manpower levels.

(2)

Report Text: This report does not specify a particular incident, just the chronic shortage of permanent avionic certifying staff.

1. Shortage of avionic licensed engineers. Pressure to certify aircraft as "fit for flight" simply to play for time. Substantial amounts of overtime available to cover for manpower levels, but this in itself is wearing and does little to rectify the manpower shortage.
2. Loss of permanent staff and failure (inability) to recruit them. Contracting staff now seem to make up for the majority of avionic cover on each shift. Contracting staff seem to have great ease in obtaining approvals, despite little being done to ensure they are aware of company procedures. Approvals granted "overnight". Contracting staff (generally), seem disinterested in quality, lack responsibility and perform the minimum amount of work required of them.
3. Management and personnel department either in denial or oblivious to problem, and concerns raised. Bullying attitude towards staff who complain about anything. Very poor morale amongst engineering staff.
4. Loss of avionic night shift cover from (European) hub. Evidence of crews (suspicion) "carrying" defects (AOG defects) back to line stations where there are avionic engineers.
5. B1 licensed staff given 'one-off' approvals to carry out tasks outside their licence coverage. B1 certifying staff granted avionic approvals will admit they feel uncomfortable about signing for such work.

Whilst I am aware that this is a common complaint in this industry, point 3 is perhaps the most worrying. Simply that the engineering management is unwillingly to properly address the problem.

CHIRP Comment: The Working Time Directive is now operative in the UK and should limit overtime being worked. However, maintainers are still coming to terms with implementation and are understandably reluctant to increase staff to cover peak work loads.

Under Part 145 Approval, "one-off" authorisations are permitted but under strictly controlled circumstances. The requirements refers to 'unforeseen circumstances' and is dependent on the individual holding equivalent type authorisations on aircraft of similar technology. The "one-off" authorisations noted by the reporter may well fall outside of these restricted provisions and be illegal and the Regulator will no doubt take a dim view of this practice.

THIS IS NO PARTY TO BE INVITED TO!

Report Text:

1. I work for an engineering company maintaining 3rd Party Aircraft. In recent years these 3rd Party Airlines have been sourcing their larger 'C' Check inputs at alternate (foreign) maintenance providers. We still carry out smaller 'C' Checks and 'A' Checks. We are increasingly finding defects on these smaller 'C' Checks and 'A' Checks that should have been picked up on the larger 'C' Checks or that have been found and "covered up". These have included floor beam corrosion (galley areas) and out of limits damage on external airframe surfaces. One of which had been filled with body filler! When these defects are found they impose a considerable man/hour increase on the Check. While this is not a direct problem, we are put under considerable commercial pressure to control the time spent on these defects. Any large defects that go over 50 hours (Fixed Price Servicing Contract) the customer has to approve the hours estimate on the defect card. This often results in the customer saying that they will only pay for a portion of the hours on the defect card. The additional hours on the defect card they won't pay for; pressure is placed directly on shop floor staff being asked to justify their time spent on defects. This results in a clock-watching attitude, workers being overly concerned with not over-booking the card rather than making sure the job is correctly carried out. The customer not paying for some hours spent on the job also leads to the feeling that the company is not being paid for all the good work we are doing!
2. Carrying out modifications and Service Bulletins on 3rd Party Aircraft. Where modification instructions are being provided by a 3rd Party Design Organisation, we are constantly having to "back engineer" the mod to enable it to be carried out. The time spent on these queries can be considerable. The customer rarely sees the effort and time that goes into resolving these issues. The additional hours that get booked to the card are queried and argued over. This leads to a situation where they (the customer airline) only pay for a portion of the hours. This leads to a feeling that we are sorting their mod designer out with solutions and not getting paid for it.
3. Where the airline provides their own Tech Services they are often inadequate and slow to respond. We on the shop floor work 24/7 shifts to provide cover for the customer but as soon as 16.00hrs comes they are nowhere to be found. Weekend cover is even worse as is nightshift cover. This all leads to poor morale because the 'shop floor' workers are the people at the 'sharp' end of the business, being pushed harder and harder by commercial pressure to produce a high

quality product in reduced manhours for which there is little back-up by behind the scenes staff.

CHIRP Comment: This is not an uncommon situation. Commercial departments within maintenance engineering companies are under pressure from all the competition, at home and from abroad, to secure work. In this case, the Company, having been contacted by **CHIRP**, has recognised the need for contract terms and conditions to be more widely known to supervisors and licensed engineers and is arranging a series of briefing sessions for the purpose. Similarly, it is determined to capture and charge for the extra manhours generated by work outside the contract terms. The Company has met with their customers on this issue; the customers complain that the hangar staff are too commercially aware!

ADDs - A TRAP FOR THE UNWARY

Departing one of our aircraft on a standard turn round, when assessing the list of deferred defects (ADDs), I noticed a current ADD for a toilet call light unserviceable. This ADD had been raised some five days before when on a 'C' check abroad. The aircraft flew its first revenue flight on the day I checked the ADDs.

The previous week I had changed the same light on the same toilet on a different aircraft and when looking in the MEL for dispatch requirements, I noted it was on a repair interval of a) 3 days with inspection of the toilet for fire/smoke etc, or repair interval of b) 10 days with the toilet electrically isolated and locked out. The aircraft had been dispatched without reference to the MEL. As the toilet had not been electrically isolated, it had been flying out of compliance from 00:01 of that day.

I feel the reason for this is that the toilet call light is seen as a passenger comfort item, and there is no direct reference to the call light being related to the toilet smoke detector system within our MEL.

CHIRP Comment: This is a potential 'gotcha' for the unwary. Passenger/Attendant lights, as with other similar items, are normally 'allowable' without any restriction, but this is not always the case, as the reporter notes.

UK AIRPROX BOARD

The UK Airprox Board (UKAB) published its twelfth report in two volumes - on Tuesday 19 April 2005. Copies have been widely distributed in particular to operators and ATC units. The report covers all Airprox which occurred in UK airspace in the first six months of 2004 and which were opened for full investigation. A map shows the location of the 109 such Airprox, the report also containing some broad statistical

analysis and full details of each Airprox event. Peter Hunt, UKAB's Director, paid tribute to those who reported their experiences honestly and openly so that colleagues might benefit. You are encouraged to seek out a copy of the report and to review this set of Airprox: there are worthwhile lessons to be learned for all who seek to improve flight safety.

The UK MEMS Group

MEMS (Maintenance Error Management Systems)

EASA Part 145 Approved organisations engaged in maintenance of civil air transport aircraft are required to have MEMS in place as part of the process of gaining Approval. This is a formal system for investigating serious errors resulting from faulty maintenance in which human factors are a significant element. The objective is to determine the root cause(s) of the error and implement measures to prevent re-occurrence in the future, as far as is practicable.

Error reports were held within Company databases. However, it was determined that this safety information should be more widely shared.

CHIRP was invited to collate the completed reports from participating UK organisations, disidentifying them and producing a consolidated database for use by participants. In this way, individual organisations can compare their own experiences with the wider UK industry.

Initially having six participating organisations, the programme is controlled and developed by a Review Board and is set to expand further in the future, as more organisations are invited to join.

A newsletter is produced periodically to identify current issues to participating organisations, but is also available together with further information about the programme on our website:

www.chirp-mems.co.uk

CAA (SRG) ATSINS

The following CAA (SRG) ATS Standards Department ATSINS have been issued since January 2005:

CAA (SRG) ATS Information Notices are published on the CAA (SRG) website -

www.caa.co.uk/application.aspx?categoryid=33&pagetype=65&applicationid=11&mode=list&type=search&search=atsin

Number 61 - Issued 1 February 2005

Changes to the Mandatory Occurrence Reporting Scheme

Number 62 - Issued 8 April 2005

Introduction of CAP 745 Aircraft Emergencies: Considerations for Air Traffic Controllers

Number 63 - Issued 15 April 2005

Regulation of Air Traffic Control Units That Are Required to Operate Under a Safety Management Systems (SMS): Revision to The Minimum Change

CAA (SRG) FODCOMS

The following CAA (SRG) FODCOMS have been issued since January 2005:

CAA (SRG) Flight Operations Department Communications are published on the CAA (SRG) website - www.caa.co.uk

2/2005

- 1. Cabin Crew - Crew Resource Management (CRM) Forum - 24 May 2005

3/2005

- 1. Carriage of Guide Dogs and Assistance Dogs in the Aircraft Cabin

4/2005

- 1. Operations Manual Requirements for the British Formula 1 Grand Prix Event, Silverstone 10 July 2005

5/2005

- 1. Foreign Object Damage (FOD) to Aircraft and Aircraft Engines

6/2005

- 1. Future Arrangements for the Distribution of FODCOMs
- 2. The Availability of CAA Publications

Special Communication 1/2005

- 1. Alleviation for Flight Deck Doors and Interphone Systems

7/2005

- 1. Dangerous Goods Training Applicable to All AOC Holders

8/2005

- 1. JAR-FCL Differences

9/2005

- 1. Requirement for the Fitting of Automatically Activated Emergency Locator Transmitters (ELT)

10/2005

- 1. Helicopter Offshore Operations - Crosswind Considerations

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Flight Crew Post - as above
Fax: + 44 (0) 1293 573996
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