

Air Transport FEEDBACK



Edition 137 - January 2021

Editorial

Ordinarily I'd start off by wishing you all a happy New Year but I write this the day after a UK national lockdown was announced and so there's little to cheer about in Aviation or elsewhere. No doubt a necessary measure in the battle against COVID, we're all acutely aware of the further stresses that this puts on commercial aviation and, as a result, those who are engaged in aviation activities. Aside from offering my deepest sympathies to those who have been unfortunate to have been made redundant or are receiving

much reduced pay, we've recently had many reports from those still operating that relate to the stresses that some are under as a result of financial pressures, wellbeing and maintaining the bare minimum of recency as rosters are curtailed and the limited amount of flying is shared out. With regard to these stresses, pressures and associated mental health issues, it's somewhat trite to remind all that they have a legal responsibility to ensure that they are fit to fly when there are clear tensions in doing so - self-determining when one's mental health or stress levels are at a point when they are likely to cause distractions or poor performance is notoriously unreliable. Furthermore, for those whose income largely relates to flying hours, there's an understandable temptation to fly whenever rostered in order to bring home some money. Coupled with comments we've received about reporters fearing future redundancy programmes where 'sickness' might be one of the determinants (and so they fear reporting unfit to fly for that reason), there's obvious potential for HF incidents due to distractions, physical and mental ill-health, and stress-related mistakes, errors and omissions.

Here's a couple of recent reports to illustrate: "...the crew forgot to put meaningful performance data into the FMC due to distraction caused by conversations regarding how they had no idea whatsoever what they were being paid this and next month"; "...a crew took off without doing any below-the-line checks which include seating the crew and arming the auto-throttle. After pressing TOGA without the auto-throttle switched on, they manually pushed the thrust levers forward expecting the AT computer to set take-off thrust. Because it wasn't switched on it hadn't done anything and, by sheer luck, the pilot had pushed the thrust levers forward enough

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to give sufficient power”. Both of these incidents were from very experienced crews – nobody is immune to distractions and associated HF issues, so we really do need to take things carefully; check and double-check.

So, what’s to be done? Firstly, companies need to ensure that they set the right conditions for safety despite the current financial pressures. Whilst probably not bedtime reading for most of us, the ICAO Doc9859 Safety Management Manual (SMM) is the bible for Accountable Managers and Safety Teams within a company’s Safety Management System, and this talks about James Reason’s ‘Safety Space’ metaphor where the management tension between maintaining safety and ensuring financial viability is discussed. To use the old adage “If you think safety is expensive, try having an accident...”, the Safety Management System is there to help post-holders make decisions that avoid unintended consequences, and it should be the first port of call when considering changes. Company internal communications are also a key element and, although there are no doubt many examples of good practice, in respect of crew stress in the current circumstances they should focus on reassuring crews that reporting unfit to fly is not a ‘black mark’ and that the company fully understands the stresses that they are under. I’d guess that there’s not a major issue with rostering replacement crews at standby at the moment if someone does report sick, and so crews ought to be encouraged to do so without fear of future sanction if they think they are unfit due to mental stress etc. The recently published CAA Safety Notice number [SN-2021:002](#) ‘General Considerations for Managing Distractions During Aviation Activities’ discusses ways to avoid or mitigate distractions when they happen, and includes a useful [infographic](#).

Secondly, although it’s true that crews are often constituted in larger companies from people who may not have met before, even if you do know each other the pre-flight brief is an important time to understand who has recently done what and talk about the pressures and stresses that everyone might be under – and that includes all the crew, cockpit and cabin. After an honest appraisal, who is best placed to fly that first sector, who really needs that landing, what support do the cabin crew need given that they might also not be firing on all cylinders due to lack of recency? Focussing on the job in hand is vital from pre-flight to end of flight; it’s easy to say, but external worries, issues and extraneous conversations need to be left outside the ‘sterile’ cockpit environment so that all attention can be given to the complex task of operating the aircraft.

Finally, in these unusual times it may become more common for crews to be held on standby in anticipation of reactive roster changes. When rostering such standby periods, the operator is required to document call-out procedures as part of the FTL approval,¹ and these procedures must include the time allowed to receive the call, report at the designated reporting place and then time for planned pre-flight duties. The ‘reasonable time’ for reporting is individual to each company but forms part of the CAA’s routine oversight to ensure it is appropriate. Within these guidelines, crews have their own part to play in ensuring that they are fit to fly and fully rested in case of call out when on standby. Whilst choice of home location is a personal matter, arrangements should be made to cover standby duties from suitable accommodation if home is at a distance from base such that it is not sensibly possible to meet the standby reaction requirements. Sleeping or waiting in one’s car in a car park does not constitute a suitable arrangement and, more than ever in these times of likely increased standby rosters, it’s the crew member’s personal responsibility to play their part in safety by making sure that they make arrangements so that they can sensibly respond to call outs from standby within the required period from proper accommodation/rest facilities.

Stay Safe,

Steve Forward, Director Aviation

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Engineering Editorial

CHIRP has previously received reports about EASA regulations perhaps not being as robust as they should, and our departure from EASA has brought many of these regulations into the spotlight. In making the transition, engineers need support through effective minimal bureaucracy that works for the engineer, the organisation and the regulator. The next few months will see many changes for UK Aviation, the big hitters being:

- The stresses of COVID and what is, in effect, the relaunching of airlines in the UK when the new norm starts to materialise.
- Brexit and the organisational and procedure changes needed to cope.
- The CAA separating itself from Europe and retaking command of UK Aviation and Airworthiness.

¹ Standby processes & procedures must meet the applicable requirements in ORO.FTL.225 & CS.FTL.1.225. Compliance with these regulations and the effectiveness of operators’ procedures is part of the UK CAA Flight Operations continuing oversight activities. Specifically, CS.FTL.1.225 (b) (10) states that: “The operator is required to specify a reasonable response time from a callout to reporting time. The response time between call and the reporting time needs to allow the crew member to arrive from their place of rest to the reporting point within a reasonable time”. If accommodation is made available to the crew member on airport standby this must meet the definition of ‘accommodation’ as per ORO.FTL.105(3).

CHIRP cannot fix the above points and I am sure the Government and the authorities will do their utmost best to make the UK a world leader in Aviation once again. What *CHIRP* can do though is highlight some of the historic issues we have received over the years concerning how things have changed as far as engineering legislation is concerned under EASA.

Here are some well-established regulations which, in the past, may have impacted engineers in a negative manner on a daily basis, which was surely never the intention, and may have an effect on behaviour and create HF issues if not effectively managed. The question to consider is, how should regulations protect engineers in their everyday activities? Consider the following regulations:

EASA Part 145.A.25 Facility Requirements. Within this regulation, temperature should be effective for the work being undertaken in regard the level of detail, materials being used, and the duration of time spent at excessively high or low temperatures. Monitoring the temperature in the stores and freezers for composite material is a defined requirement but temperature monitoring in Hangars and workshops is not and should have prescribed limits rather than be left to the interpretation of “effective” or “adequate”. Similarly, vague terms such as “effective” should not be used for lighting Lux values, the regulation should provide the minimum for acceptable norms and inspection to the standard required in the approved data.

EASA GM1.145.A.30 (e) Personnel Requirements. Competency sensibly requires an understanding of Human Factors and biology, but is the currently required knowledge of the retina or the anvil in the outer-ear really relevant to HF? As the first sense to go under pressure, an understanding of why people fail to hear properly in high stress situations is surely much more important information and relevant knowledge.

EASA 145.A.35 (c) Certifying Staff and Support Staff Recency. The question of recency is a massive burden on individual engineers and the organisation employing them. EASA allows concessions in this area, subject to local agreement with the appropriate regulator. Perhaps the CAA can amalgamate the advantages of all these agreements within individual British organisations to form a standard we can all now work to, making maximum use of commonality between types. Equally, experience and on the job training (OJT) could be focussed on achieving fewer designated tasks, which would remove the need for recording tasks that engineers didn't really have a physical hand in just because they were the only ones of value at their line station in recent months.

Future changes to UK regulations provide an opportunity to retain and build on items of value in EASA documents and discard or modify those that are not. For example, in the not-too-distant future, CAP562 Civil Aircraft Airworthiness Information and Procedures (CAAIPs) will hopefully protect aircraft and engineers from falling foul of gaps between high-level regulations (e.g. UK-US Maintenance Agreement Guidance (MAG) and the UK Canadian Bilateral Agreement), much as it does for the ANO and BCARS at present. Perhaps the relationship with British Overseas Territories can also now be streamlined with an agreement between Overseas Territories Aviation Requirements (OTARS) and our new domestic regulations?

EASA has the ‘Notice of Proposed Amendment’ (NPA) process to advise of any proposed amendments to regulations, and a ‘Comment Response Document’ (CRD) to publicise stakeholders’ endorsements and/or objections. Hopefully, the CAA will have similar processes where we can stick our constructive oar in and help build effective HF-compliant regulations. The CAA have undoubtedly got their work cut out and need our help to make our collective lives easier - we are all going to have to be a bit more “Air Legislation street-wise” in the next few years to make sure we don't fall foul of changing rules and regulations; I'm sure you never realised Air Legislation could be so interesting... In the meantime, refer to the CAA UK-EU Transition [Microsite](#) for information on the latest developments about Licences, Maintenance Organisation Approvals, Airworthiness Directives (AD) and Mandatory Occurrence Reporting (MOR).

Belatedly wishing you a safe and happy New Year.

Phil Young, Engineering Programme Manager

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Comments on Previous FEEDBACKs

In response to our plea in the last edition of FEEDBACK for comments on the various reports and our remarks, we received a number of views about the material we published last time. Thank you very much, we welcome all responses (both plaudits and brickbats) so that we can either maintain the good bits or learn how we might do better. There were two common themes that we received your thoughts on, and we've included a couple of the comments for each below. Our apologies to those whose observations or critiques we have not included but space is at a premium – please do continue to get involved in the conversation though.

Theme 1 – Document Readability

Comment No 1: Having just read Air Transport Feedback Ed 136, I'd like to add my support to the author of the report "Readability of Documentation", especially in respect of ATC Documents and CAP493. As an ATCO I agree that the Manual of Air Traffic Services is becoming at best difficult to interpret, and at worst ambiguous. I know it's easy to levy criticism at the regulator, but reading the report struck a chord – the content and format of our documentation is becoming a hindrance, when it should be the opposite.

As an example I'd like to refer to Supplementary Instruction SI 2020/03. The first page and a half of the SI is background information on working groups and legalese, with no simple summary of the content of this 10 page document. Reading through the SI, it contains:

- changes to Met reporting requirements for FISOs
- new instructions regarding Solar Radiation
- editorial change to responsibilities of an Aerodrome Controller
- changes to instructions on vectoring to final for Radar Controllers (a significant change)

I worry that the format and presentation may lead to people missing things. In this SI, 4 very different subject matters are spread across a 10-page document; the change in requirements for radar vectoring to final is potentially significant, but is buried on Page 8 after some completely different, and potentially not relevant, information. SI's should be simple and concise – should these changes have been subject to separate SI's for example? Keep it Simple! Or at least have a summary of the procedural changes on Page 1?

Comment No 2: Whilst being a PPL(A), rather than a commercial pilot or controller, I also worked in government for over 30 years drafting reports, guidance and advice; I have always tried, sometimes against the odds, to make those documents readable and useful by the intended audience.

In my experience, confusing or overly detailed guidance is often endorsed by people whose overriding concern is the protection of their organisation's legal position at the expense of meeting customer needs. More specifically, they aim to ensure that any legal comeback in respect of anything they do rests squarely with the end user. As litigation and budget cuts in the public sector increase across the field, and especially when it comes to safety, the problem of poorly produced, delayed advice and guidance is getting worse. Anyone who imagines that the situation in UK's statutory agencies will somehow automatically improve after we leave the EU is deluded.

The reply from the CAA in the report is an obfuscation in its own right. It lies there virtually unchallenged by you. Indeed, I find this sentence in your response particularly unhelpful: "It's a hard one for CAA to balance, and *CHIRP* absolutely understands that the regulator has to ensure the veracity of the statements and signpost the associated legalese." No! It really is not a hard one to balance and, no, the CAA certainly does not have to ensure statements are all signposted to the associated "legalese" within the guidance documents themselves. If their primary aim is to improve safety, the CAA would sift through the legislation and extract valuable, relevant and important messages that would help everyone in aviation to do their jobs properly without creating the kind of stress and confusion hinted at by the author of this *CHIRP* report – which is only the tip of the iceberg.

It doesn't have to be like this. For example, the recent guidance 'Preventing infringements in UK airspace - update' is superbly clear and direct. It contains little to distract the reader from its primary message and provides clear bullet points, all of which make sense. Whoever wrote it knew that any clutter would impede the effectiveness of the message and I'd wager that they had a direct and personal interest in tackling the problem.

As regards *CHIRP*'s reporting role on issues like this, a university lecturer at Sheffield had a curious teaching point on the topic of impartiality for his journalism students. He'd say: "if someone says it's raining and another person says it's dry, it's not your job to quote them both. Your job is to look out of the f***ing window and find out which is true." Would the *CHIRP* editor agree or disagree with that suggested "job" in the current context?!

CHIRP Response: We at least agree on the need for clear and readable documents from the CAA – and that they're not universally there yet. That being said, in this increasingly litigious world, it's easy to understand that the CAA might default to stating the legal basis for rules whenever they feel that they may be vulnerable to challenge or otherwise criticised for 'making it up as they go' if they do not. CAPs used to be much more straight-forward but, over the years, EASA documents (which can be very opaque), have influenced UK towards a particular style that isn't necessarily the most readable. There's a real opportunity now for the CAA to look again at how they present documents and refresh the CAPs; the CAA recognise there's an issue and say that it's their intention to review their documentation (albeit acknowledging that this will be subject to time and resources being available to do so). We join others in the plea to ensure that we return to simple easy-to-read documents that meet the needs of the regulators and those who have to read them. Sometimes it may

well be appropriate to include a source reference in relevant text, other times not. Whether that reference is in the text, as a footnote, endnote or in a glossary is the point we make about balance – I think we would all agree that there should be minimum intrusiveness in the text itself and that, often, background material could be better placed in a ‘References’ section. Perhaps CAPs could also be structured by theme for ease of searching (much the same as UK military flying regulations are); for example, the ‘1000-series could apply to flight operations/licencing, the 2000-series to Rules of the Air/Air Traffic Control, the 3000-series to Airworthiness, etc. It’s also notable that CAPs are often front-heavy with numerous pages of ‘version numbers’, ‘changes’, ‘amendment records’ ‘list of effective pages’ etc that mean you’re often well into the document before you get to any substantive information – most of that could surely be relegated to the back of CAPs? But, in their defence, we must also acknowledge that there are also examples of very good practice in CAA documents (such as the Skyway Code) that could be used as exemplars for future documents.

As for the journalism quote, it is very much our role at *CHIRP* to be impartial in how we operate, we neither favour the ‘system’ or the ‘user’ but consider the overall context and the views of both, and then determine what we think is the correct way ahead with constructive advice as we see it – not that we claim infallibility, we just give our view of things as an experienced body of aviation practitioners. If only things were as simple as looking out the window to see what the weather is - as with most things aviation, if you put 12 aviators in a room you’ll end up with 24 different opinions. Some things are a matter of personal choice, some things are clearly wrong, and some things are just different to what is being done elsewhere. It’s probably also true that some people actually like the current CAPs and so their view also has to be considered (even if we don’t necessarily agree ourselves).

Theme 2 – Security

Comment No 3: I would like to add my thoughts to what I perceived to be one of the themes running in Air Transport Feedback Ed 136. There were two completely unrelated reports in particular that caught my attention but both were for the same reason. The reports in question were ‘Security and Food’ and ‘Unattended Baggage Concerns’. What I took away from the ‘Comments’ in both of these reports is that the UK attitude and approach towards security is one of being reactive rather than proactive when dealing with terrorism threats, and of Government bodies who are only willing to take responsibility for their own piece of territory - when legitimate concerns are raised, the stock answer is “not my area of concern”.

In the ‘Security and Food’ report, I felt the responses were inadequate at best. The response from the reporter’s company was actually well considered and the only aspect that I thought warranted scrutiny was the statement “Past events demonstrate insider incidents involving aircrew for a variety of motivations; hijack, terrorism and personal gain to name a few. Hence the reason for high standard security screening.” I genuinely think the irony of this statement is lost on the aviation industry; as the Germanwings incident showed us, a frozen microwave meal is not a requirement when a pilot is planning to hijack a passenger airliner!

The comments to the ‘Unattended Baggage Concerns’ report left me in no doubt that there are too many factions ‘responsible’ for aviation safety and seemingly no joined up thinking when it comes to potential threats. The reporter made an extremely valid assertion that sleeping passengers who arrive at airports the night before an early morning flight are in effect leaving their baggage unattended when they fall asleep next to it and leaving it vulnerable to being tampered with. At best, the passengers themselves will find out the hard way when the baggage is intercepted by security or customs with prohibited items. At worst, the baggage makes its way onto an aircraft, despite all the layers of screening designed to prevent such an occurrence (which have failed before and will likely fail again), and brings down that aircraft with the perpetrator nowhere to be found. If anybody denies this is possible, why are passengers still routinely asked at check-in whether anybody could have interfered with their luggage?

The point however is this, somebody with knowledge of the aviation system identifies a potential weakness in the system and the answer from more than one stakeholder is to fob them off and claim it is nothing to do with them. If airport landside security is the remit of the HSE (why???), the CAA’s response should have been “your reporter makes a valid point regarding unattended baggage and we will explore this potential weakness with the relevant authority”. As is so often the case in aviation, it will take an incident before the rules change because the CAA, HSE, DfT will claim that the risk had never been perceived and it didn’t fall under their remit at the time.

I fully accept that many reports probably come across as whingeing, but certain reports raising serious potential weaknesses in the aviation security system that may never have been considered before deserve a certain amount of respect and attention. Where the rule making/enforcing authorities are reluctant to do that for fear of treading on toes or because it is easier to do nothing, *CHIRP* needs to hold them to account and not simply ‘accept their comments at face value’. Please hold the CAA, airlines and airports to account as much as your remit allows because they just don’t listen to us in isolation!

Comment No 4: I read with great interest the CHIRP report of Security and Food in edition 136. Although I appreciate the reasons for the rules for the carriage of liquids, I do sympathise somewhat with the original reporter, having had sun cream and food items confiscated by security in the past. Whilst the CAA AvSec comment comes as no surprise, I was disappointed with the response provided by CHIRP. The justification given by CHIRP was that it is not always possible to positively confirm identity simply because someone is wearing a uniform and has a pass because there is potential for credentials to be forged is, in my opinion, not a credible explanation. I fail to understand the explanation being put forward that an individual with a uniform and a pass could be using forged credentials to gain access airside. Every day in airports throughout the UK, engineers and contractors are using “tools of the trade passes”, to legitimately take flammable liquids that could have the potential to be made into Improvised Explosive Device onto aircraft. A “tools pass” can also allow the holder to take tooling such as a knife or other dangerous items onto an aircraft. Current policy allows aircraft engineers to take flammable liquids and potential weapons through security but also serves to prevent them from taking a drink, frozen meal or large bottle of sun cream into work. What is the possible explanation for this? It is positive that CHIRP understands the reporter’s frustration at being thwarted from having a hot meal during long duties, but how are the CHIRP panel helping alleviate this issue, or is there simply no solution? Is there no solution that would allow the original reporter to eat a hot meal but also keep our airports safe?

CHIRP Response: Both of the security reports mentioned raised serious concerns for us and we agree, some of the responses we received didn’t take us much further forward. But we have no statutory authority and can only try to influence and champion the cause with the regulators and companies; ultimately it’s for them to either acknowledge and act or not. In fact, the security teams we spoke to were quite open and responsive to our questions but obviously weren’t going to go through any specific procedures and team responsibilities. They did provide some more information that we couldn’t print about landside security and who was doing it, but we did have to take much of it at face value. Suffice to say, it’s not a neglected area, the Home Office and Police also have a role in the conduct of landside security oversight.

The ‘Security and Food’ report was a difficult one to unravel. Whilst we’d hope the Airline would just provide hot food onboard, they were clear that they weren’t going to be doing that in the immediate future. With regard to the security aspects, although the insider threat is real, from a security perspective its more to do with the overall threat. We don’t imagine there are too many pilots who wouldn’t agree that there are many more effective ways they could kill themselves and passengers than by smuggling liquids. The concern though is that if they weren’t security screened then it’s conceivable that anyone could pose as flight crew to get through communal security areas and then, rather than proceed to the flight deck to try to fly the aircraft, could pass materials to others in the departure area for example. Hence the security teams have to screen everyone to the same standards (albeit with some exemptions). In that respect, frozen food just can’t be scanned effectively at the moment so, along with other ‘blanket ban’ items, they are not permitted at present for either flight crew or passengers alike. Perhaps things could be different if airports had separate air-side access points for crew that were direct from their reporting location rather than sharing with the general public.

The comments about engineers raise interesting similarities but there are also some key differences. Engineers go through access control when they go onto the line, and that access point is definitely not open to the general public. With that in mind, there are probably only a few ‘limited’ numbers of people who gain access in that way, and they’ve hopefully all been previously vetted. The flight crew case is often different because, although they will also have been vetted, they often share access with a mass of people who haven’t. There’s an irreducible risk, but the bottom line is that engineers have to take stuff onto the aircraft that could easily be used for a terrorist activity and the only way this can be mitigated is through vetting and colleagues being on the lookout for suspicious behaviour. Much is made of such intelligence-based security to get wind of such things, another useful tool no doubt, but it’s not the complete answer. But just because we can’t stop engineers taking stuff onto aircraft doesn’t mean that we shouldn’t screen others who we can more easily monitor – that is what deterrence is all about, making it difficult and raising the risk of discovery.

It’s easy to criticise the CAA but they don’t set the security requirements, DfT do that and CAA simply enacts them. We have to accept that, notwithstanding there’s always room for improvement and change, those who devise the policy and look at these threats in more detail than we can are not doing so out of a perverse desire to be difficult or just doing so unthinkingly – when we speak to them it’s clear that they’re all very focused on the threat and the risks we face. The bottom line is to work out what can be done, and how the threat can be mitigated without completely clogging up operations. Although we at CHIRP can offer constructive critique, we’re not security experts and have no levers to pull to solve any problems ourselves, so all that we can do is to try to influence those who can enact change, and relay to others some of their reasoning for why things are as they are. If nothing else, at least we expose the issues to the wider community and, in doing so, cause those who do have authority to reconsider their positions and look at changing things if appropriate. But we don’t claim to get it right every time, so you’re right to dig us in the ribs if you think we can do better.

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Reports

Report No.1 - Disciplinary Threats for Reporting Fatigue

Report Text: The roster in [A Middle East region Airline] can be very challenging physically on the body. In almost [x] years in the company I have reported fatigued once. This was followed by a meeting in the office with pilot management. In the meeting, I explained how I was fatigued and that I was having problems with fatigue. I was advised that I should either take all my annual leave allowance, or unpaid leave, or just to continue with the flights. I asked for some assistance to help recover such as day flights or a more regular roster, but this was not possible. Subsequently I was also told that if I reported fatigued the company would not be happy, and I would be removed from the roster (end of employment).

The rostering is still very bad. For [month] I have over 160 hours duty of which 125 are credited because bunk time is not considered. One of the main issues for me is the [lack of] regular rostering of rest periods between 18-30 hours. I am often flying with colleagues who fall asleep without realising, which I feel is not only an indication of the issue of fatigue but also how ineffective the reporting is. These levels of fatigue and falling asleep at the controls have become normalised within this company. Nothing is ever reported due to the fear of punitive action by the company. Often fatigue is not reported and instead is reported as sickness as a result. [Airline] operates many flights in the UK FIR and we carry many British passengers so I think the UK CAA would be interested in what is happening.

CHIRP Comment: It wasn't clear from the reporter's text whether they had been approaching the relevant FTL maximum or whether the airline was just being insensitive to someone reporting fatigued. Some airlines tend to have a policy where operations are routinely conducted near to the maximum allowable FTL as a target, rather than using the limits as a boundary to be approached by exception and with careful management. This is often compounded by rosters with multiple short-duration flights that can end up straddling the 'Window Of Circadian Low (WOCL). The issue of not taking 'bunk time' into consideration within FTL is also a significant difference to how most Western airlines operate. To some extent, it's true that pilots know what they're letting themselves in for when they sign up for the job in the airline they've chosen, but this doesn't excuse a heavy-handed approach to those who report being fatigued; embracing a Just Culture is a key tool for aviation safety, and basic Human Factors principles recognise that individuals can sometimes become fatigued for a number of reasons due to cumulative working patterns and numerous influences which we all react to differently.

We approached the CAA and, although they cannot regulate directly because this was not a UK airline, they do have an obligation regarding safe operations to/from the UK and a mandate to protect UK consumers on whichever operator they fly with. As such they agreed to take the issue to the State Safety Partnership Manager (part of the CAA 'International Group') to raise our concerns and add to their safety intelligence; however, there were limited expectations of any specific action as a result given that there was no evidence of any breaches of regulation from what was but a single report.

As background information, alongside SAFA inspections of specific aircraft, the International Group is how the UK gains some level of influence and protection of UK passengers flying in foreign carriers in UK Airspace by sharing our best practice. Within the International Group there are two teams that are fully funded and directed by the DfT. They have no regulatory or oversight responsibilities but both share the ambition of enhancing operational safety performance internationally to the benefit of public safety. Of these 2 teams, the State Safety Partnership is a well-established programme that monitors the safety performance of foreign aircraft in UK airspace, and that received by UK aircraft when overseas. Working closely with UK industry, it engages with other States and their industry to identify issues that would benefit from mutual cooperation and safety partnership. The other team is the Air Safety Unit which was newly formed in preparation for EU exit. Its primary activity is to provide safety recommendations to the DfT Air Safety Committee so that advice can be given to the public regarding which Air Carriers do not meet Internationally agreed safety standards. The main output is the 'UK Air Safety List of Air Carriers' which are subject to an operating ban in UK airspace. Its other role is to provide safety assessments prior to the issue of a UK Third-Country Operator authorisation.

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Report No.2 - ASR Confidentiality

Report Text: I was PF on sector 3 of a 4-sector day. At [Airline] we use a procedure for receiving final figures for weight and balance during taxi out. There are fairly frequent delays to receiving this information which causes distraction during this critical phase. The actual incident was minor and caused more delay than danger, but involved the load control office and operations being uncontactable by either ACARS, VHF or, after those options had been exhausted, mobile phone (whilst stationary). As a result, I filed an ASR regarding the distraction.

In the [xx] years I have been flying for this operator, I was always under the impression that any safety reporting was confidential and de-identified before distribution. On this occasion, however, I was shocked to receive an email to my company email address complaining about the fact I had filed a report. This email came from a

member of staff in the department involved, who had themselves been part of the chain that caused me to file the report. Whilst the email was not aggressive, it was written in a tone that I was surprised by. The email arrived within 4hrs of the report being filed (it was in my inbox when I arrived home). I therefore believe that the safety reporting system is not as confidential as we are led to believe. I am concerned that direct contact between parties without going through the correct channels presents an implicit threat to open and honest reporting in the company. I don't think any malice was intended, and everyone is a bit stressed at the moment about redundancies etc, so I did not report this further to the company.

Company Comment: A review of our reporting system showed that although the goal is to ensure confidentiality as much as possible concomitant with investigating the reported incident, the current system's confidentiality could be improved. We investigated this specific event to see how we might change our processes and have taken the following actions:

- There were a plethora of people and departments that were able to access the safety system as a result of legacy processes; numerous permissions have now been revoked in order to limit those who can access report details.
- Some business areas had allowed their focus to settle on business priorities rather than balancing this with safety investigation. Whilst efficiency is a key business aim, emphasis has been placed at the highest levels on ensuring that Just Culture is maintained as a fundamental safety measure.
- The safety reporting system allows identification of the reporter's email address to those with high enough system access; we are working with the supplier to create access levels which allow viewing of the whole report for investigation respondents but does not allow identification of the reporter in this way.
- The Safety Team are now conducting much more detailed safety investigation audit activities, part of which is to ensure Just Culture principles are met throughout any use of safety data.
- A Company-wide 'culture-rebuild' is planned for this year (2021) but has yet to be fully launched due to COVID-19 repercussions. It will be launched as soon as possible and will recognise confidentiality as a fundamental part of Just Culture.

CHIRP Comment: [Regulation \(EU\) 376/2014 Occurrence Reporting](#) covers the issue of confidentiality in reporting (specifically Articles 6, 15 and 16). Article 6 states that: "*The handling of the reports shall be done with a view to preventing the use of information for purposes other than safety, and shall appropriately safeguard the confidentiality of the identity of the reporter and of the persons mentioned in occurrence reports, with a view to promoting a 'just culture'.*" But it is important to differentiate between 'confidentiality' and 'anonymity'; Article 15 allows for reporter's details to be used when investigating incidents but Safety Teams must "*...limit the use of the information to what is strictly necessary in order to discharge their safety-related obligations without attributing blame or liability; in this respect, the information shall be used in particular for risk management and for analysis of safety trends which may lead to safety recommendations or actions, addressing actual or potential safety deficiencies*".

It must be emphasised that filing an ASR is not necessarily an anonymous activity, although it can be if the reporter specifically annotates the report as such (normally through ticking a box requesting anonymity). Irrespective of whether this box is ticked or not, the Safety Team will still know the name of who was reporting as a necessary part of conducting the investigation and responding but, in all cases, they should try to ensure that circumstantial details are removed when possible if sending out material. Although full disidentification will only be carried out when the report is finally closed and loaded to the company system, there is a personal responsibility for all people in a company to respect a reporter's confidentiality if they become involved in an investigation, or are the subject of an investigation, so that the notion of Just Culture is preserved.

We were grateful for the Company's open and frank acknowledgement of the confidentiality issues in their system that this report raised, and for their pro-active approach to rectifying them. In particular, their recognition and emphasis placed on safety being carefully weighed against business priorities/efficiency was a welcome and refreshing response. There are multiple models in use for how companies handle internal safety reporting and confidentiality, and so people need to understand their own company's procedures – there is no single procedure used by all companies, all that is required of them is that Just Culture be promoted and preserved. Whether the safety teams are independent of the company or not is also a factor in ensuring confidentiality – it is more difficult to ensure confidentiality in systems that are not independent from the company.

The bottom-line (as noted in the [Guidance Material to Regulation \(EU\) 376/2014](#) Para 1.12), is that although reporting to the company is not necessarily anonymous, organisations are required to take the necessary measures to ensure the appropriate confidentiality of occurrences they collect and to comply with rules on the processing of personal data. A clear separation between the department handling occurrence reports (i.e. the Safety Team) and the rest of the organisation can be a way to achieve this objective.

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Report No.3 - Proving Engineering Competence

Report Text: [presented in précis to ensure confidentiality] Previously, [Company] operated a system whereby training was broken down into modules; for inspector training, this took 3 months followed by an assessment. [Company] have now implemented a new system whereby staff will be given 3 parts to inspect - 2 non-life'd and 1 life'd part. If they can successfully inspect these parts, they will receive an authorisation to inspect a major aircraft component. This change is causing a great amount of stress because inspectors will be forced to carry out work that they feel they are not competent to do. I am concerned that, under the new system, we will be making a lot more mistakes and the product quality will suffer badly. The new process is called the 5-step process and my concern is for how competence will be achieved under EASA 145.

CAA Comment: This CHIRP report was converted to a full Whistleblowing (WB) report in the CAA system, and was investigated under the WB code of practice.

CHIRP Comment: All companies have a duty to train their workforce adequately, and it is always a concern if safety barriers are removed by management action to the extent that standards of training do not reflect the perceived critical nature of the task in hand. In this case, there appeared to have been a change that was not seen as being for the better by the workforce, and which required closer scrutiny. The issue of the approval of the new training programme was raised with the CAA with the reporter's consent, and it is gratifying to see that the issue has now been taken up with the Company. Because this is now subject to CAA whistleblowing action, CHIRP is not able to comment further on the outcome but the report reflects the value of reporting such concerns in order to highlight potential poor practices. CHIRP was happy to act as an intermediary in facilitating this, but reporters can also access CAA whistleblowing directly using the simple form on the [CAA website link](#) in the knowledge that the CAA will ensure confidentiality in contacting 3rd-parties.

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Report No.4 – Meaning of red anti-collision beacon

Report Text: [Airline] have unilaterally changed the meaning of the red anti-collision beacon from, 'Don't approach the aircraft, it's dangerous...engines are either running, or about to run or the aircraft is moving or about to move' to 'the aircrew of this aircraft are ready to start engines, but this may not happen for some time'. [Airline] have effected a change to what and how we communicate with the ground crew using the red anti-collision beacon and, consequently, this change of communication significantly alters the situational awareness, and thus safety, of both flight and ground crews. The red anti-collision beacon is now in the 'Before Start Procedure', which is run as soon as we consider ourselves, that is as a flight crew, ready to start the engines, and ignores external factors. We don't need a start clearance to turn the beacon on (which historically we did) or even to have communicated with the ground crew (which historically we did). We can be sat waiting for a slot with it flashing away. The ground crew could still be doing their walk-around and we can turn it on (of course it ought to interrupt the walk around but do they know that its meaning has been altered?). It is in the 'Before Start Checklist' but only as a check.

I'm not sure whether it's come from within [Airline] or from Boeing, but I find myself profoundly uneasy about the process. To sit on the stand with the red light flashing but nothing happening for extended periods of time leads to a desensitising of the ground crew to the historic meaning of the red anti-collision beacon, and will likely eventually lead to a poor outcome. After someone or something has been ingested by an engine the finger will no doubt be pointed for ignoring the red beacon, but if it's on all the time and now means something other than just 'DANGER', its power is watered down and it will be ignored. The usage adopted by [Airline] is profoundly unhelpful. It should not be used to mean anything other than 'DANGER-GET AWAY' and certainly not 'we are ready'.

I don't want to take it up with my management as I'm really not hopeful. They seem to be completely focused on efficiency and this will fall under that category. I think also that if I raise the matter with management or the flight safety team to no avail, then they will then know who is behind any subsequent CHIRP comments, and they are inclined to seek to punish me later in some disassociated way, with both sides understanding that this is what is happening, I am wary to put my head above the parapet!!.

Company Comment: Our flight crew procedures are based on manufacturer and industry best-practice in conjunction with feedback from our SMS. The before-start procedure is normally accomplished immediately prior to departure, and it includes a step to coordinate with ground crew. We have not changed the ICAO or other interpretation of the anti-collision light.

With regards to reporting, we have many different channels to help flight crew with the understanding and interpretation of procedures. This includes the fleet, training and/or safety teams, so that any issues can be addressed. More recently, a questionnaire was also developed as part of the restart to provide aircraft commanders with an opportunity to raise any other additional issues or concerns they may have. Our SMS also encourages crew (and all staff) to proactively identify and report hazards (this includes safety concerns over procedures) and near misses through our reporting system. Each safety report is looked at and processed

by the relevant stakeholders. Where possible we aim to provide individual feedback to the reporter, including actions taken, and throughout this process we ensure Just Culture is adhered to. Additionally, should an individual require further protection of their identity, our SMS includes a confidential report form and an anonymous reporting process. Safety Culture is a continuous focus. We are always looking to improve the way we do things, as illustrated by the recent development and communication of our Safety Objectives. These were endorsed by the Safety Board, which includes senior management across all operational areas and our Accountable Manager, and are aiming to further improve our safety culture (which includes our Just Culture).

CHIRP Comment: In the years before EASA, the UK ANO used to have a line to the effect that red anti-collision beacons should be on when engines were running. With the transfer to SERA this changed, and SERA.3215 only requires them to be on when the aircraft is either taxiing or being towed. More broadly, ICAO Annex 2 para 3.2.3.2(d) requires that “*all aircraft on the movement area of an aerodrome whose engines are running shall display lights which indicate that fact*” which implies (but does not state) that the lights used to indicate that the engines are running (i.e. the red anti-collision beacons) should not be selected on until the engines are running because that would dilute their meaning. Current best-practice is that anti-collision beacons should normally only be selected on at, or just before, engine start, but the CAA confirmed that the use of anti-collision beacons in respect of engine running was not regulated as such, and was more dependent on what the manufacturer/company checklists stated.

This issue has previously been discussed at great length in CAA Ground Handling Operations Safety Team (GHOST) meetings in order to promote commonality across operators (a fuller discussion of the issue from the GHOST perspective is available on the UK Flight Safety Committee’s website within their FOCUS magazine article at Pages 6-8 of Issue 92 (Autumn 2013) at [link](#)). Within this, it is fundamental that anti-collision beacons should be managed in a common manner because ground operators will be expected to clear away from the underside of the aircraft as soon as the anti-collision beacons are illuminated and they should not approach an aircraft when they are flashing. Flight Crew procedures call for Ground Handling staff to be warned before starting engines, and so those immediately attending to an aircraft should be aware, but it is those who may be moving around the ramp area that may not know the exact status of the aircraft and will automatically avoid an aircraft, or stop when they see the beacons illuminate.

Whilst we don’t know what review was undertaken in this case, in principle, any new procedure should be subject to a change management process to fully consider the implications, if any, and companies should not generally incorporate OEM checklist changes without first considering the impact on their own operations. That being said, it is possible that some operators may feel under pressure to incorporate manufacturer-initiated changes that may not be globally suitable. To add to the confusion, there appears to be a difference between how Boeing and Airbus view the use of the anti-collision beacon in this respect; Airbus being more prescriptive than Boeing in their different approaches to its use regarding engine start. There have been efforts to align the 2 manufacturers’ views on such issues in the past, but this has not been successful and there are obvious implications for those working on or around the 2 different manufacture types.

The Company’s comment that the before-start procedure is normally done immediately prior to departure and includes a step to coordinate with ground crew is pertinent but, where there is uncertainty, there is increased safety risk; having left EASA, there is an opportunity for the CAA to publish specific guidance on when to select anti-collision beacons on by expanding on the current [CAP642](#) guidance which currently says, at para 2.52, “*The aircraft anti-collision beacon(s) must be switched on before an engine is started*”. As a result of this report, the CAA have agreed to review this with the Airlines to ensure that procedures are robust; from CHIRP’s perspective, the outcome should be ‘switch on anti-collision beacons when ready and cleared for start’.

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