



Effective Reporting Systems, fair use of safety information

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Who we are

SEPLA Safety Reporting System

- **SRS: Independent, Confidential and no punitive** organization
- A non-political and non-profit making organization
- Purpose of capturing the greatest number of occurrences or incidents, and acquisition of all relevant safety information.
- Identify gaps, assess risks and propose strategies to mitigate them

SRS - Aims

➤ Promote a Safety Culture

- General Aviation
- Executive/Corporate Aviation
- Helicopters HEMS/SAR
- Aerial works – Forest Fire Fighting
- Airline ATP
- ATM Controllers*

➤ Promote a Reporting Culture

- Dissemination
- Information
- Training
- Confidence

SRS - Collaboration agreements

➤ SNS

- Received management training in occurrence report
- Share tools ECCAIRS tool (Taxonomy)
- Provide and share occurrence disidentified information

➤ AESA

- Safety seminars

➤ COPAC - APROCTA

- Training seminars

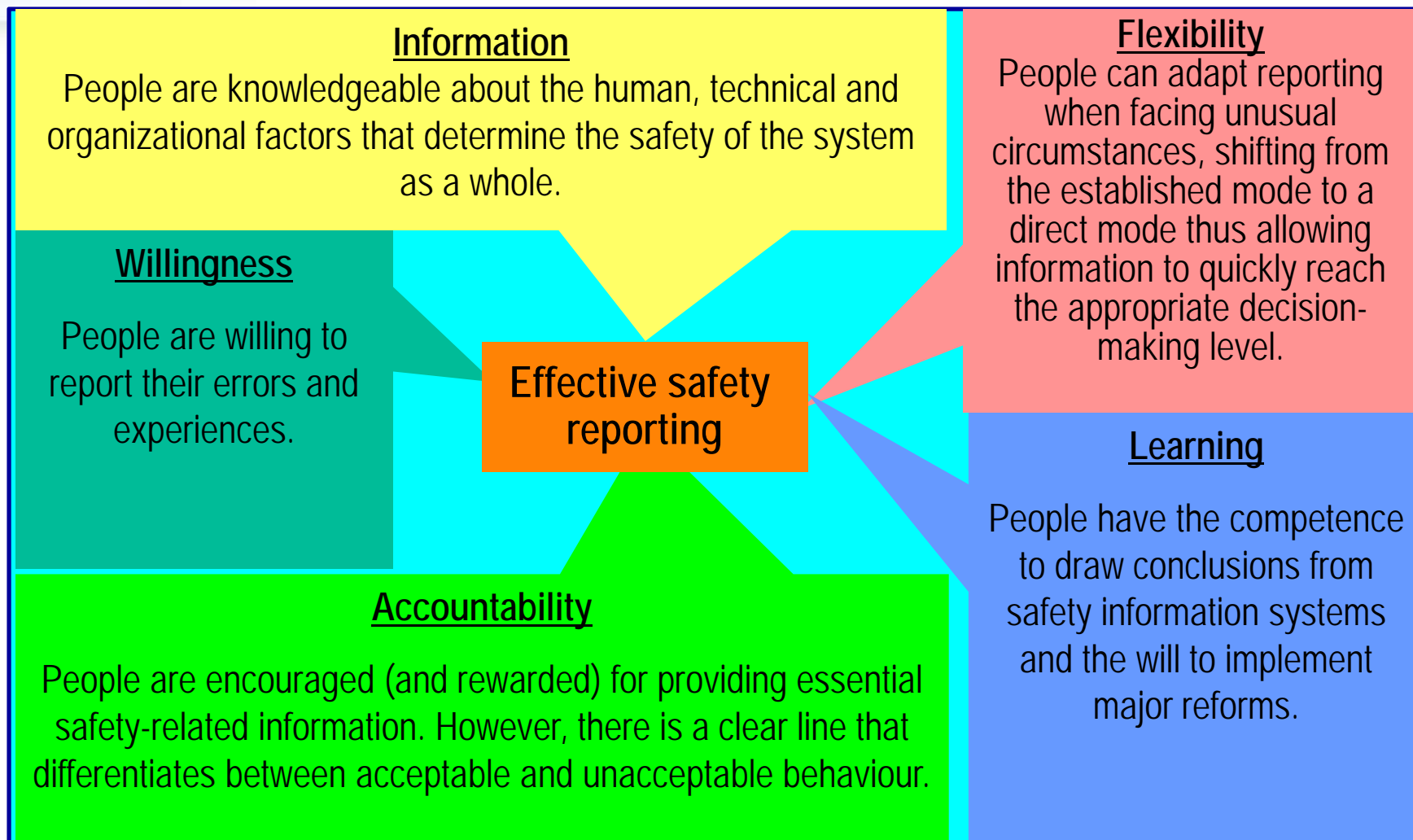
➤ ALL

- Use of logos in communication campaigns (Posters and information leaflets)

Contents

- ✈ Effective system path
- ✈ Legislative framework
- ✈ Just Culture principles
- ✈ Challenges

Effective system path



Effective safety reporting – Five basic traits

Information

People are knowledgeable about the human, technical and organizational factors that determine the safety of the system as a whole.

Education and training, Safety seminars

Effective safety reporting – Five basic traits

Flexibility

People can adapt reporting when facing unusual circumstances, shifting from the established mode to a direct mode thus allowing information to quickly reach the appropriate decision-making level.

Mandatory & Voluntary Safety incident Reporting System thru one channel...Independent

Effective safety reporting – Five basic traits

Willingness

People are willing to report their errors and experiences.

Trust and confidence

Effective safety reporting – Five basic traits

Non punitive scheme

Accountability

People are encouraged (and rewarded) for providing essential safety-related information. However, there is a clear line that differentiates between acceptable and unacceptable behaviour.

Effective safety reporting – Five basic traits

Feed back, learning process ...

Learning

People have the competence to draw conclusions from safety information systems and the will to implement major reforms.

Legislative framework

- ✓ International
- ✓ European
- ✓ National

Legislative framework

- International
 - ✈ ICAO Annex 19 *New
 - ❖ Chapter 3.1
 - d) **State safety promotion.**
 - ❖ Chapter 5.1
 - Safety Data Collection
 - Mandatory & Voluntary Safety incident Reporting System
 - ❖ 5.3.1 A voluntary incident reporting system shall be non-punitive

Legislative framework

- International
 - ✈ ICAO Annex 19 can be improved
 - ❖ Key element I
 - Mandatory & Voluntary *incident* reporting systems
 - REACTIVE**
 - ❖ Definition of incident: An *occurrence*, other than an accident, associated with the operation of an aircraft which affects or could affect the safety of operation

Legislative framework

- International
 - ✈ ICAO Annex 19 can be improved
 - ❖ Key element I

“Incident” must be replaced by “safety”

Mandatory & Voluntary ***SAFETY*** reporting systems
Preventive and Proactive

Legislative framework

- International
 - ✈ ICAO Annex 19 can be improved
- ❖ Key element II

5.3.2 Recommendation.—States should not make available or use safety data referenced in 5.1 or 5.2 for other than safety-related purposes, *unless exceptionally, an appropriate authority determines in accordance with their national legislation*, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety.

Legislative framework

- International
 - ✈ ICAO Annex 19 can be improved
- ❖ Key element II

5.3.2 ~~Recommendation~~. Standard - States should not make available or use safety data referenced in 5.1 or 5.2 for other than safety-related purposes. ~~unless exceptionally, an appropriate authority determines in accordance with their national legislation, the value of its disclosure or use in any particular instance, outweighs the adverse impact such action may have on aviation safety.~~

Legislative framework

- International
 - ✈ ICAO Annex 19 can be improved

- ❖ Key element III

5.3.1 A **voluntary** incident reporting system shall be non-punitive and afford protection to the sources of the information

A non-punitive environment is fundamental to voluntary reporting

And what about **mandatory** reporting?

What is a “non-punitive” environment?

Legislative framework

➤ European Legal Framework

- ✓ Directive 2003/42
- ✓ EU 376/2014 ORR *New

Art. 15 & 16 Confidentiality & Protection of the information

- ✓ Regulation 1321/2007
- ✓ Regulation 1330/2007
- ✓ Regulation 859/2008 (EU-OPS1)

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR

- 13. High Quality information

“It is essential to have high-quality and complete data, as analysis and trends derived from inaccurate data may show misleading results and may lead to effort being focused on inappropriate action.”

- 29. State Safety Programme & State Safety Plan

- 30. SPI State Performance Indicators

Legislative framework

➤ European Legal Framework *cont.*

✓ Key points EU 376/2014 ORR

➤ 29. State Safety Programme & State Safety Plan

“Responsibilities of the Agency and of the competent authorities of the Member States. The overall process should be monitored by the relevant competent authority, which should, when necessary, require that additional action be taken to ensure that the safety deficiencies are correctly addressed”

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR

➤ 30. SPI State Performance Indicators

*“The **States should provide trends** and analysis deriving from the implementation of this Regulation by the Member States, as well as information in an aggregated form on the content of the European Central Repository, and may be provided by **publishing safety performance indicators**”*

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR
- 33. Confidentiality
- 34. Protection of the reporter
- 35. Protection and disidentification
- 37. Non punitive, Safety Culture

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR

➤ 33. Confidentiality

*“Occurrence reporting and the use of occurrence information for the improvement of safety depend **on a relationship of trust** between the reporter and the entity in charge of the collection and assessment of the information. **This requires strict application of rules on confidentiality**” “In this context, **sensitive safety information should be protected** in an appropriate way and its collection should be ensured by guaranteeing its confidentiality, **protecting its source and ensuring the confidence of staff working in civil aviation in occurrence reporting systems.**”*

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR

- 34. Protection of the reporter

*“In order to ensure the confidence of employees or contracted personnel in the occurrence reporting system of the organisation, the **information** contained in occurrence reports **should be protected** appropriately **and should not be used for purposes other than maintaining or improving aviation safety.**”*

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR

- 35. Protection and disidentification

“A reporter or a person mentioned in occurrence reports **should be adequately protected**. In this context, occurrence reports should be **disidentified and details relating to the identity of the reporter and of the persons mentioned in occurrence reports should not be entered into databases.**”

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR

- 37. Non punitive, Safety Culture

*“A ‘just culture’ should encourage individuals to report safety-related information. It should not, however, absolve individuals of their normal responsibilities. In this context, **employees and contracted personnel should not be subject to any prejudice on the basis of information provided pursuant to this Regulation, except in cases of wilful misconduct**”*

Legislative framework

➤ European Legal Framework *cont.*

- ✓ Key points EU 376/2014 ORR
- ✓ Art. 15 & 16 Confidentiality & Protection of the information

*“Member States may retain or adopt measures to strengthen the **protection of reporters** or **persons mentioned** in occurrence reports. Member States may in particular extend that protection to civil or criminal proceedings”*

Legislative framework

➤ National Framework - España

✈️ Royal Decree 1334/2005

✈️ LSA Regulation 1/2011

Art. 11 No punitive and Confidential

Art. 12 Organization & Authority No punitive

Art. 18 Data collection, FDM, protocol

✈️ RD 995/2013 SSP State Safety Programme Dec 2013

✈️ **PASO** State Safety Plan SPI * **June 2014**

✈️ Other State Regulations

Legislative framework

- ✓ International
- ✓ European
- ✓ National Framework
art. 19

... and national justice role

Just Culture principles

- **Just Culture** principles as core element with comprehensive and systematic implementation
Extremely important to educate and train Judiciary Branch into Just Culture Principles
- **Stricter protection of the safety information and of the occurrence reporter is needed to avoid information leaks out during a judicial process ...**

Challenges

- ☐ State Safety promotion in the organizations, professionals and ... at judicial level
- ☐ How to interface with judicatory
- ☐ Education and Support; Prosecution Expert Pool project –EUROCONTROL/IFATCA/ECA
- ☐ Local or regional WS with Prosecutor

Challenges

- ☐ Provide mandatory safety reporting system with the same level of protection and provide to the sources of the information, as voluntary
- ☐ Mandatory reporting incident systems shall be non punitive
- ☐ Independent system...

Challenges

- ☐ Quality of information
- ☐ Automatic capture of the information FDM but...
- ☐ ...Unable to capture Human Factors related to the event

Challenges

- ❑ FDM needs to develop a balance protocol to protect the sources of the information
- ❑ Protocol agreement between organization and professionals is mandatory at national level by law (LSA)

Challenges

- ☐ New challenges have arrived
FRMS Fatigue Risk Management System
- ☐ Human factor events, fatigue
- ☐ Low rate of notifications
- ☐ New regulation will come in force, FTL based in fatigue researches

Muchas gracias

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