

How can a State implement an effective voluntary confidential reporting system?

The importance of a voluntary confidential reporting system

A voluntary confidential reporting scheme is an essential part of a mature aviation safety system. It supplements, though of course does not replace, a comprehensive and well administered mandatory accident and incident reporting scheme. It also complements other forms of gathering information about hazards and risks, such as audit and surveillance by the regulator.

ICAO Annex 19, Safety Management, Chapter 5 paragraph 5.1.3, states that contracting States shall establish a voluntary incident reporting system to facilitate the collection of information that may not be captured by a mandatory incident reporting system. Paragraph 5.3.1 states that States shall accord protection to safety data captured by, and safety information derived from, voluntary safety reporting systems.

A confidential reporting scheme can provide safety information that would otherwise not be available, and can allow early identification of aviation safety problems and trends, leading to corrective action by operators and the regulator. It is widely recognised that a focus on the human factors associated with aircraft accidents and incidents is needed to further improve aviation safety, and a voluntary confidential reporting scheme can be an important part of that approach. Such a scheme is an effective way to collect data about the threats and errors of everyday operations. If a pilot reports a 'near miss' and recounts the lessons they learnt, then that information can be shared with the aviation community to the benefit of all.

The scheme should be available to anyone with an aviation safety concern. The scheme should be administered by an agency other than the State civil aviation regulator. This is because even the perception that the regulator may use the information reported to take action against specific individuals is likely to inhibit the number and comprehensiveness of the reports submitted. Hence, an independent third party should administer the scheme. For example, in Australia, this is the Australian Transport Safety Bureau (ATSB), and in the USA it is the National Aeronautics and Space Administration (NASA). In the UK it is the CHIRP Charitable Trust.

It should be understood that 'confidential' does not mean 'anonymous'. Knowing the reporter's identity, and being able to contact them, allows the agency to clarify and enlarge on the matter that is the focus of the report.

Confidential means that while the reporter's identity is known to the agency to which the report is submitted, their identity will not be passed on to any third party, such as an operator or the regulator. In addition, any details in the report that could lead to the identification of the reporter will be removed before the report is made public or available to a third party.

In States with smaller populations and aviation industries it can be difficult to adequately de-identify the information received to ensure confidentiality. There may only be one operator of a particular aircraft type, and only one individual with a particular role. For this reason confidential reporting is best used to address systemic safety issues rather than focussing on the actions of individuals.

For a confidential reporting scheme to be successful the aviation industry must feel that it is a worthwhile endeavour. If the industry perception is that the information provided is not acted on, then it is unlikely that they will continue to submit reports. Hence, some form of publication is needed to make it clear that there is a safety benefit in submitting reports.

What makes a voluntary confidential system credible and effective?

The following principles are desirable to ensure that a confidential reporting system is seen as credible, and hence operates effectively.

- The reporter needs to trust that the authority handling the report will assure their confidentiality. This very much rests on reputation of the agency managing the confidential system. It also requires strong legal protection, and secure data storage.

- The system is non-punitive. This should preferably be enshrined in legislation.
- Ideally the scheme should be administered by an independent agency. Preferably not the regulatory authority.
- Reports must be de-identified to ensure that they do not contain any information that could identify the source of the report, or identify any individuals referred to in the report.
- Reports must be safety motivated.
- The authority handling the confidential report should accept it at face value, but where possible verify the information supplied by the reporter.
- It should be made clear to all stakeholders – reporters, operators, and regulators – what the system can achieve and what it cannot achieve. If any stakeholder is seeking punitive action, confidential reporting is not the system to progress the report.
- Feedback should be given to all stakeholders regarding the progress of the report and any actions taken in response. If reporters see and believe that the system works they will report again.

The International Confidential Aviation Safety Systems Group

The International Confidential Aviation Safety Systems (ICASS) Group promotes confidential reporting systems as an effective method of enhancing flight safety in commercial air transport and general aviation operations. The principal objectives of the ICASS Group are,

- To provide advice and assistance in the start up and operation of a confidential reporting system
- To facilitate the exchange of safety related information between independent confidential aviation reporting systems
- To identify solutions to common problems in the operation of such systems

There are currently ICASS Group confidential reporting programs in fourteen States.

Australia's confidential reporting scheme - REPCON

REPCON (Report Confidentially) is Australia's voluntary confidential aviation reporting scheme. It is administered by the ATSB.

REPCON allows any person who has an aviation safety concern to report it to the ATSB in confidence. All personal information regarding any individual - either the reporter or any person referred to in the report - remains strictly confidential.

Matters that must be reported under a mandatory reporting scheme should not be reported under REPCON. Australia's [Transport Safety Investigation Act 2003](#) outlines matters that are mandatory reportable to the ATSB.

Matters that relate to a specific individual are not accepted by REPCON. If the reporter believes that punitive or regulatory action is required, the reporter is referred directly to the regulator – the Civil Aviation Safety Authority (CASA)

The goals of the REPCON scheme are to increase awareness of safety issues and to encourage safety action by those best placed to respond to safety concerns. REPCON is legislated by the [Transport Safety Investigation \(Voluntary and Confidential Reporting Scheme\) Regulation 2012](#)

The regulations outline the criteria of a Reportable Safety Concern (RSC), primarily that the issue affects, or may affect aviation safety. The concern cannot be industrial related, a criminal matter or a matter that poses imminent threat to a person's life.

The regulations also outline the requirements for protecting the reporters identity; accepting and dealing with reports; and the use and disclosure of information.

The REPCON process is as follows,

- REPCON reports can be submitted via the web, email, telephone or mail.
- ATSB REPCON staff assess a report (i.e. speak with the reporter, conduct data analysis of mandatory reportable incidents, liaise with subject matter experts) for clarity, completeness and significance for aviation safety, and to ensure it meets the requirements of a Reportable Safety Concern (RSC) for aviation.
- The report is de-identified to remove all personal details of the reporter and any individual named in the report. The de-identified report is passed to the reporter, who must authorise the content before the REPCON can proceed further.
- The de-identified text is forwarded to the relevant organisation that is best placed to address the RSC. Usually, that is the organisation that has been named in the report. The desired outcomes are any actions taken to improve aviation safety in response to the identified concern. This can include variations to standards, orders, practices, procedures or an education campaign.
- The organisation's response is then forwarded to the regulator (CASA) or other agencies that may have oversight on the reported concern, for further action as deemed necessary.
- The ATSB reviews the comments, and any proposed action provided by the organisation(s) and regulator(s) and may provide feedback when deemed necessary.
- The reporter, and the organisation named in the report are sent a draft final report, which includes all comments provided. If no further comments, or actions are received, the REPCON is closed.
- REPCON reports are published on the ATSB website
http://www.atsb.gov.au/repcon_reports.aspx?mode=Aviation

The ATSB encourages industry personnel to review these reports to consider whether there are any lessons to be learned within their own organisation.

The ATSB can use confidential reporting to identify trends in hazards and risks that are relevant to more than just one operator, or that involve interactions between operators and the regulator.

REPCON reports can serve as a powerful reminder that, despite the best of intentions, well-trained and well-meaning people are still capable of making mistakes. The de-identified stories arising from these reports may serve to reinforce the message that we must remain vigilant to ensure the ongoing safety of the aviation system.

Example of a REPCON report

The following example of a REPCON report and subsequent actions demonstrates the system working to achieve a positive safety outcome.

Report

Multiple reporters expressed a safety concern relating to cabin crew fatigue on a long haul pairing.

Operator response (excerpt)

The operator provided extensive feedback in relation to their fatigue management system and promotion of fatigue reporting within the organisation.

Regulator response (excerpt)

Cabin crew hours are not regulated in Australia. As such, the organisation is not in breach of any regulations. Without specific examples of sleep times, quality of sleep and any negative safety action as a result of fatigue, the regulator cannot assess the gravity of the reports.

Safety action taken

The operator voluntarily changed the cabin crew schedules, rostering longer stand down time between flights.

The regulator congratulated the operator for their pro-active and positive approach to fatigue management.

The full report can be found at <https://www.atsb.gov.au/repcon/2018/ar201800060>