USOAP Critical Element 8 Resolution of Safety Concerns

Presented to:	ICAO NACC Region
By:	Federal Aviation Administration
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Critical Element 8

• Critical Element 8 includes:

- The implementation of processes and procedures to resolve identified deficiencies impacting aviation safety, which may have been residing in the aviation system and have been detected by the regulatory authority or other appropriate bodies.
- This includes the ability to analyze safety deficiencies, forward recommendations, support the resolution of identified deficiencies, as well as take enforcement action when appropriate.
- The regulatory authority must ensure that service providers resolve compliance and safety issues in a thorough and timely manner

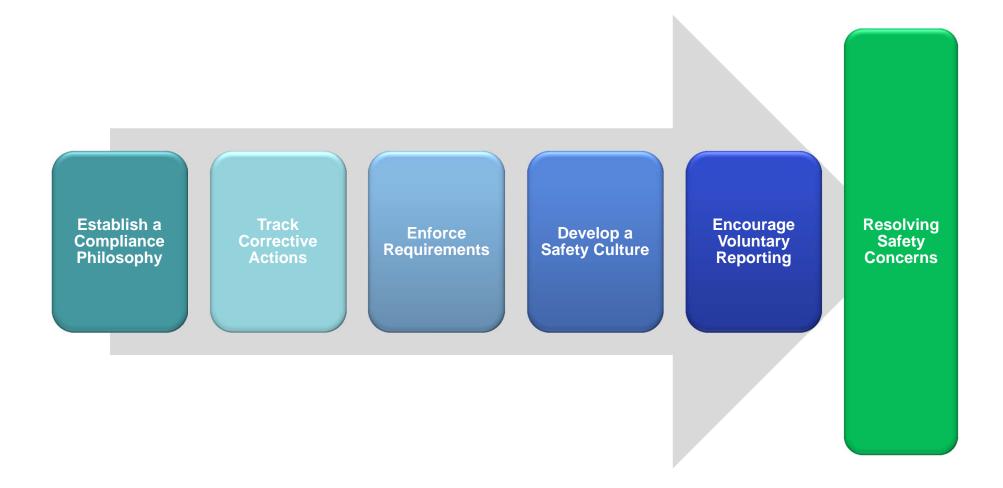


Applying CE8 to Air Traffic Oversight

- A compliance and enforcement program should:
 - Document identification and resolution of issues
 - Prioritize compliance issues according to risk
 - Include deadlines for corrective action to be taken
 - Target repeated problems
 - Identify patterns of weakness or deficiency
 - Be transparent to the service provider(s)
 - Enable the regulatory authority to take immediate action if necessary to mitigate a safety concern



Applying CE8 to Air Traffic Oversight





Compliance Philosophy

• Establishing a compliance philosophy:

- Promotes safety culture in the regulator and service provider(s)
- Builds trust, confidence, and goodwill between regulator and service provider(s)
- Is transparent to the service provider(s)
- Assists service providers in understanding regulatory requirements
- Supports open and transparent relationships with labor unions



Compliance Philosophy

- A strong compliance philosophy:
 - Is transparent to regulators and service providers
 - Includes defined roles and responsibilities for regulators and service providers, as appropriate
 - Ensures accountability
 - Reflects organizational values



Developing Organizational Values

- Values are traits or qualities that are considered worthwhile
 - Represent highest priorities
- Value statements are grounded in values and define how people want to behave with each other
 - Values manifest in daily decision making

Build an Organization Based on Values (http://humanresources.about.com/od/strategicplanning1/a/organizvalues.htm)



Developing Organizational Values

- Values can be allowed to develop on their own, or
- Organizations can develop value statements to reflect priorities
 - Effective organizations identify and develop a clear, concise and shared meaning of values/beliefs, priorities, and direction so that everyone understands and can contribute

Build an Organization Based on Values (http://humanresources.about.com/od/strategicplanning1/a/organizvalues.htm)



Developing Organizational Values

- To ensure values have impact:
 - Develop organizational goals that are grounded in the identified values
 - Include values in decision-making
 - Reward and recognize employees and actions that embody the values

Sample Values					
Integrity	Accountability	Persistence			
Reliability	Responsibility	Diligence			

Build an Organization Based on Values (http://humanresources.about.com/od/strategicplanning1/a/organizvalues.htm)



Compliance Philosophy

- Key questions to consider in developing a compliance philosophy:
 - What are your compliance goals?
 - Examples:
 - "100% compliance, 100% of the time"
 - "Do the right thing"
 - "Make a good faith effort"
 - Will you treat all violations and non-compliance issues equally?
 - How will you respond to repeated violations?
 - How will you handle unique risks or circumstances?

Compliance Philosophy (http://www.summitservicesgroup.com/compliance-philosophy)



Compliance Philosophy

- Key questions to consider in developing a compliance philosophy:
 - How will you balance corrective action and enforcement?
 - What are the roles for regulator and service provider?
 - How will you reflect these roles in your compliance philosophy?

Compliance Philosophy (http://www.summitservicesgroup.com/compliance-philosophy)



FAA Example: Compliance Philosophy

- The aviation and aerospace industry has a statutory obligation to comply with regulatory standards
 - This includes a duty to develop and use processes and procedures that will prevent deviation from standards
- Open and transparent exchange of data between the FAA and the aviation community is instrumental to safety and compliance with standards



FAA Example: Compliance Philosophy

- When deviations from standards do occur, FAA will use the most effective means to return the individual or entity to full compliance and prevent recurrence
 - Some deviations may result from flawed procedures, simple mistakes, lack of understanding, or diminished skills
 - These can most effectively be addressed through root cause analysis, training, and education
- Intentional or reckless deviations from standards pose the highest risk to safety and require strong enforcement



FAA Example: Air Traffic Safety Oversight Compliance Philosophy

- The service provider is responsible for compliance with standards
- Priority should be given to compliance issues with the most associated risk
- Compliance issues should be resolved at the appropriate level of the service provider
- Lack of compliance may indicate a lack of appropriate standards
- Take compliance and enforcement action to prevent future actions that would violate the regulations



Track Corrective Actions

- Tracking compliance issues identified through surveillance requires:
 - Prioritization of compliance issues according to risk
 - Collaboration with ANSP(s)
 - Tracking database
 - Follow-up surveillance, as appropriate



FAA Example: Compliance Process

- The Air Traffic Safety Oversight Service prioritizes compliance issues according to risk:
 - LOW-RISK compliance observations
 - LOW-RISK, REPEAT OBSERVATION compliance issues
 - MEDIUM-RISK compliance issues
 - HIGH-RISK compliance issues
- Different actions are taken depending on the seriousness of the safety risk



FAA Example: Resolving Compliance Issues

• A low-risk compliance observation:

Informally reported to facility managers

• A low-risk compliance issue (C1):

- Requires notifying the service provider of the issue and requesting they take the necessary steps to bring the issue back into compliance
- Low-risk compliance issues are closed after notifying the service provider of the noncompliance



FAA Example: Resolving Compliance Issues

• A medium-risk compliance issue (C2):

- Requires the service provider to submit a Corrective Action Plan (CAP) to return the issue to compliance and prevent recurrence
- A medium-risk issue is closed after the CAP is accepted

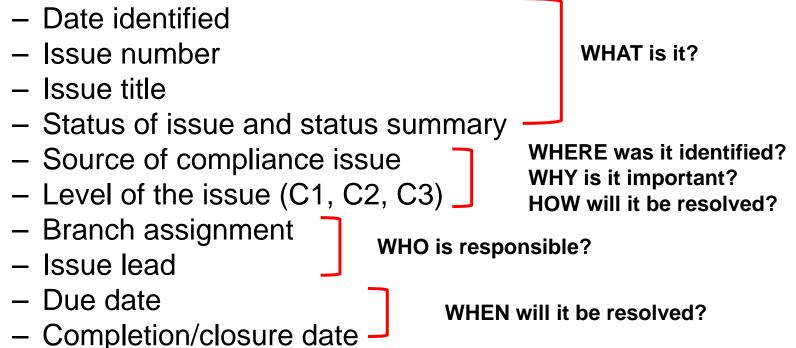
• A high-risk compliance issue (C3):

- Requires verifying the effectiveness of the CAP through documentation or observation
- After verification, the issue is closed



FAA Example: Tracking Database

• The Air Traffic Safety Oversight Service tracks the following data points for each compliance issue:



 Information from closed compliance issues is available and searchable for research



Follow-Up Surveillance

- Verification and validation audit
- Follow-up and/or replication audits
- Hazard tracking
 - ANSP must track and mitigate hazards
 - ATS oversight organization should have access to the ANSP database



Enforce Requirements

• An enforcement program should:

- Be fair and consistent
- Target repeated problems
- Enable the regulator to take immediate action if necessary to mitigate a safety concern
- Document identification and resolution of issues
- Be transparent to the service provider(s)
- Include a dispute process



FAA Example: Enforcement

- The Air Traffic Safety Oversight Service (AOV) has the authority to issue:
 - Letters of Correction
 - Warning Notices
 - Safety Directives requiring the service provider to make a change, stop a procedure, or alter a practice
- AOV enforcement authority is documented in FAA Order 1100.161
 - Available to all FAA personnel



FAA Example: Enforcement

- A Letter of Correction formally documents the service provider's correction of instances of noncompliance
- A **Warning Notice** brings to the service provider's attention that *immediate* action is required to correct an unsafe condition
- A **Safety Directive** is a mandate to take immediate corrective action to address a noncompliance issue that creates a significant unsafe condition



Strategies for Resolving Safety Concerns

- Build a cooperative relationship with service providers
- Take enforcement action swiftly when necessary
- Establish an objective and transparent dispute process
- Require robust reporting
- Encourage a safety culture



- **Safety culture** is the way safety is perceived, valued, and prioritized
 - Reflects the real commitment to safety at all levels in the organization
- Safety culture is important to regulators and ANSPs
- Safety culture can be positive, negative, or neutral

SKYbrary: Category: Safety Culture (http://www.skybrary.aero/index.php/Category:Safety_Culture)



- An organization with a **negative** safety culture:
 - Does not address staff concerns about safety
 - Does not learn from safety events
 - Does not include safety management in decisionmaking
 - Believes that safety is someone else's responsibility

SKYbrary: Toolkit: Safety Culture, A1.3 What is a "good" safety culture? (http://www.skybrary.aero/index.php/Solutions:Safety_Culture)

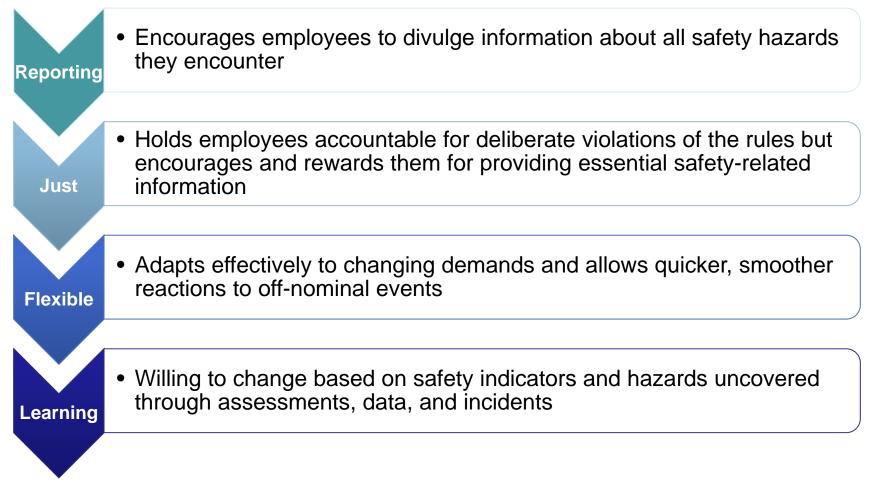


- An organization with a **positive** safety culture:
 - Recognizes that safety is a business imperative
 - Prioritizes safety over other pressures (economic, societal, etc.)
 - Believes that safety is everyone's responsibility

SKYbrary: Toolkit: Safety Culture, A1.3 What is a "good" safety culture? (http://www.skybrary.aero/index.php/Solutions:Safety_Culture)



Positive Safety Culture



James Reason, Managing the Risks of Organizational Accidents, Hants: Ashgate, 1997, p. 196)



• To develop a positive safety culture:

- Understand the concept of safety culture
- Measure safety culture
- Improve safety culture

SKYbrary: Toolkit: Safety Culture (http://www.skybrary.aero/index.php/Solutions:Safety_Culture)



• Conduct a safety culture assessment to:

- Establish a shared understanding of the organization's (CAA or ANSP) safety culture and identify its strengths and weaknesses
- The safety culture assessment process includes:
 - Pre-launch phase
 - Data collection
 - Safety culture questionnaire, interviews, workshops
 - Safety culture analysis
 - Diagnosis, feedback, and way forward

SKYbrary: Toolkit: Safety Culture, B1.1 How do you measure safety culture? (http://www.skybrary.aero/index.php/Solutions:Safety_Culture)



- Strategies for conducting a safety culture assessment:
 - Collaborate with an external, independent assessment team of experts
 - Appoint an internal "champion"
 - Seek staff contribution and involvement

SKYbrary: Toolkit: Safety Culture, B1.2 and B1.3 (http://www.skybrary.aero/index.php/Solutions:Safety_Culture)



- The **safety culture questionnaire** is tool to collect data about the current safety culture
 - Set of statements that respondents are asked to agree or disagree with
 - Designed to elicit responses on a variety of topics that indicate how the ANSP(or regulator!) approaches and manages safety in practice

Example safety culture questions	Strongly disagree	Disagree	Neither	Agree	Strongly a gree
 Appropriate responses are made after an incident to address the reasons why the incident occurred. 	1	2	3	4	5
 Everyone at my Unit feels that safety is their own responsibility - there is proactive participation by all staff in safety initiatives. 	1	2	3	4	5
3. People who raise problems are seen as trouble-makers.	1	2	3	4	5
 Even if the system fails, we are still expected to achieve the targets that are set for us. 	1	2	3	4	5
The organization says "it is committed to safety" but actually has other higher priorities.	1	2	3	4	5
6. Only my manager has responsibility for safety.	1	2	3	4	5

Safety Culture in Air Traffic Management: A White Paper; FAA/EUROCONTROL AP 15



- Additional sources of information about safety culture include:
 - Website
 - Safety programs and safety initiatives in place
 - Documented policies and procedures
 - Internal publications (organization structure, mission statement, etc.)
 - Incident reports
 - How often voluntary reporting processes are used
 - Quality and scope of incident reports, and whether important issues are covered appropriately
 - Whether reports are acted on, how feedback is communicated, and what the process for responding to reports entails
 - How trends in incident data are collected and acted upon

SKYbrary: Assessing Safety Culture in ATM (http://www.skybrary.aero/index.php/Assessing_Safety_Culture_in_ATM#Data_Collection:_The_Safety_Culture_Questionnaire)



Improving Safety Culture

- A safety culture assessment may suggest specific opportunities for improvement
- The following practices also support a positive safety culture:
 - Encourage open discussion of safety concerns among staff and management
 - Establish and foster voluntary safety reporting programs



Improving Safety Culture

- Strategies for managing culture change:
 - Establish commitment to improving safety culture at all levels of the organization
 - Set up monitoring processes (for resources, objectives, implementation, timelines)
 - Report progress and communicate achievements
 - Celebrate success

SKYbrary: Toolkit: Safety Culture, C1.3 Planning for safety culture change (http://www.skybrary.aero/index.php/Solutions:Safety_Culture)

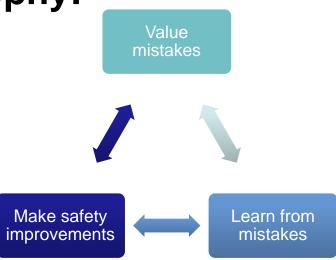


Encourage Voluntary Reporting

- Voluntary safety reporting programs are a component of a positive safety culture
 - Non-punitive

• Voluntary reporting philosophy:

- Value mistakes
- Learn from mistakes
- Make safety improvements





Encourage Voluntary Reporting

- Successful voluntary safety reporting programs require:
 - Incentives to report
 - Limited immunity from enforcement and/or disciplinary actions
 - Legal protection of identities and reported information (de-identification)
 - Collaboration between regulator and service provider(s)
 - Agreement on terms and conditions to be upheld by each party
 - Dedicated program manager
 - Documented process for report handling and analysis
 - Resolution of identified safety issues
 - Data-sharing processes to provide access to safety information gathered by the program(s)



Why Voluntary Reporting?

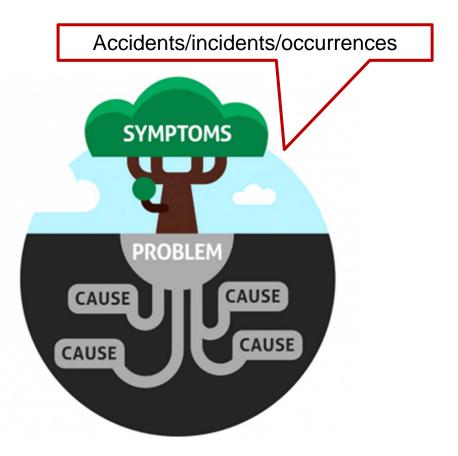
• FAA (regulatory) perspective:

- Many accident precursors do not entail noncompliance with regulations/requirements
- Access to safety information not otherwise known
- Incentive to exceed minimum standards
- Additional means of achieving corrective action
- Improve the ability to ensure future compliance



Root Cause Analysis

- Root cause analysis is a deductive method used to analyze a problem, identify its causes and the measures that could be taken to prevent it from occurring again
 - Symptoms of the problem may be visible but you are unable to see and identify the causes
- Voluntary safety reports support root cause analysis



Using Root Cause Analysis to Drive Process Improvement (http://intland.com/blog/safety-engineering/using-root-cause-analysis-to-drive-process-improvement/)



FAA Voluntary Reporting Tools

Aviation Safety Action Program (ASAP)

Air Traffic Safety Action Program (ATSAP)

Technical Operations Safety Action Program (T-SAP)

Aviation Safety Reporting System (ASRS)

AVIATION SAFETY INFORMATION ANALYSIS AND SHARING (ASIAS)



Acceptable Reports

 Voluntary reporting programs do not tolerate intentionally reckless or criminal behavior

• Acceptable reports:

- Must be inadvertent
- Must *not* involve gross negligence (that is, the individual did not intentionally introduce risk)
- Must not appear to involve criminal activity
- Must *not* appear to involve substance abuse, controlled substances, or alcohol
- Must not appear to involve intentional falsification



FAA Example: Protecting Safety Information

- Limitations on disclosure of safety information are contained in U.S. statutes and regulations
 - 49 U.S. Code § 44735: Limitation on Disclosure of Safety Information
 - Title 14 of the Code of Federal Regulations
 - Part 91.25 Aviation Safety Reporting Program: Prohibition Against use of Reports for Enforcement Purposes
 - Part 193 Protection from Release of Voluntarily Submitted Safety Related Information
 - FAA ATSAP and T-SAP reports protected under Part 193
 - Part 13.401 Flight Operational Quality Assurance Program: Prohibition against use of data for enforcement purposes



FAA Example: Event Review

- An Event Review Committee (ERC) determines the appropriate response for each voluntary safety report
 - Reviews and analyzes the information provided
 - Conducts interviews of reporting personnel when required
 - Gathers additional information as available
 - Investigates all safety related reports to the extent appropriate



FAA Example: Event Review

• The ATSAP ERC:

- Includes members from each party to the program:
 - Regulator
 - Service Provider(s)/Certificate Holders
 - Labor union(s)
- Requires members to sign confidentiality and nondisclosure agreements
- Meets at least twice a month
- Uses both informal and formal methods to resolve reports
 - May recommend additional training to address an employee's performance that demonstrates a lack of qualifications
 - May issue a formal Corrective Action Request requiring response from the service provider



References

• Compliance and Enforcement Resources:

- FAA Order 1100.161
- FAA Order 8000.373

• Safety Culture Resources:

- Do You Have a Safety Culture? by Robert Sumwalt
- Safety Culture in Air Traffic Management: A White Paper
- SKYbrary Safety Culture Toolkit
- SKYbrary Safety Culture Discussion Cards



References

• Voluntary Reporting Resources:

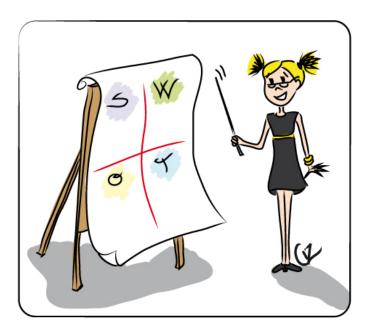
- FAA Order JO 7200.20
- FAA Order 7200.22

ICAO Safety Management Manual, Doc 9859





SWOT ANALYSIS¹... CRITICAL ELEMENT 8



¹ Innovation Games (www.innovationgames.com)



SWOT Analysis Game

- Strengths
- Weaknesses
- Opportunities
- Threats





Review: CE 8

- Critical Element 8:
 - The establishment of a CAA and/or other relevant authorities or government, supported by the appropriate and adequate technical and nontechnical staff and provided with adequate financial resources



CE 8 – Ideal End State

- The air traffic safety oversight organization identifies safety concerns and deficiencies, and takes appropriate action to ensure that service provider(s) resolve issues
 - The primary aviation legislation grants the air traffic safety oversight organization necessary authority to resolve safety issues
 - Deadlines established for corrective action
 - Personnel participate in voluntary reporting programs



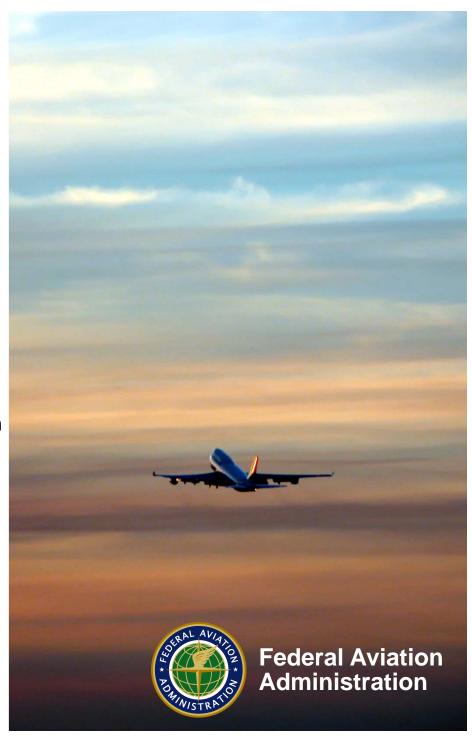
Activity Instructions

- 1. Assemble in groups
- 2. Choose a facilitator/recorder
- 3. Access the CE 8 SWOT Analysis grid
- 4. Work together to complete a SWOT analysis for CE 8
- 5. Prioritize to identify the best ideas
- 6. Report on your discussions



Review: Applying the USOAP Eight Critical Elements to Air Traffic Safety Oversight

Presented to:	ICAO NACC Region
By:	Federal Aviation Administration
Date:	February 20-24, 2017



Critical Element 1 Primary Aviation Legislation

 Primary aviation legislation for air traffic oversight should establish an oversight organization independent from air navigation service providers (ANSPs)

Critical Element 2 Specific Operating Regulations

Refer to ICAO Sample Civil Aviation Regulations for Air Navigation Services
Require ANSPs to use a Safety Management Systems (SMS) approach
Establish defined roles and responsibilities for civil and military aviation authorities



Critical Element 3

State Aviation System and Safety Oversight Functions

- Consider size and complexity of aviation activity in the oversight organization structure
- Structure the organization around essential responsibilities
- Review ANSP organization to assist in designing the oversight authority's organization structure
- Leverage regional and bilateral relationships with other oversight authorities
- Ensure safety inspectors are credentialed

Critical Element 4 Qualified Technical Personnel and Training

- Hire experienced technical experts and train them to become safety professionals
- Develop a comprehensive training program
- Train the entire workforce to conduct audits



Critical
Element 5Technical Guidance, Tools and Provision
of Safety Critical Information

- Develop technical guidance and tools for air traffic safety oversight personnel
- Use Standard Operating Procedures to standardize safety oversight, compliance, and licensing functions within an organization

Critical Element 6 Licensing, Certification, Authorization and Approval Obligations

- Establish a licensing program for personnel providing safety-related ATC services
- Consider adopting a systems safety approach to assess and monitor ANSP SMS implementation
- Distinguish between high, medium, and low-risk activities



Critical Element 7 Surveillance Obligations

• Develop a continuous surveillance program to ensure that the standards of a service provider's capability and competence are equal to or exceed those required at the time of original certification (the baseline)

Critical Element 8 Resolution of Safety Concerns

- Encourage a safety culture in the oversight authority and service providers
- Prioritize compliance activities according to risk and take enforcement action when necessary



Safety Management System Fundamentals

An Overview

Presented to:	ICAO NACC Region
By:	Federal Aviation Administration
Date:	February 20-24, 2017



What is Safety?

• According to Annex 19:

 Safety is the state in which risks associated with aviation activities, related to, or in direct support of the operation of aircraft, are reduced and controlled to an acceptable level



What is SMS?

• A Safety Management System is a systematic approach to managing safety, including the necessary organizational structures, accountabilities, policies and procedures

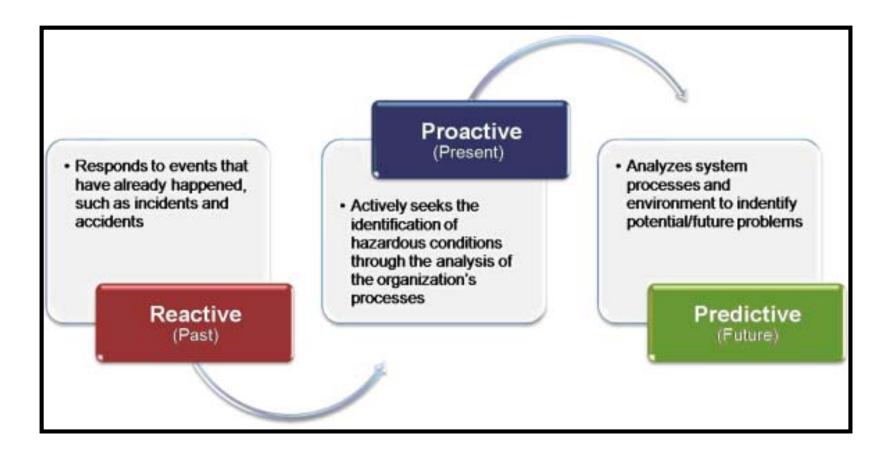


What is an SMS?

- An **SMS** is:
 - An integrated collection of processes, procedures, and programs that ensure a formalized and proactive approach to system safety through risk management
 - Risk assessments are required for all changes to identify safety impacts
 - The SMS ensures that all changes are documented and all problems or issues are tracked to conclusion



What is SMS?





What is SMS?

- SMS implementation represents a transition from the legacy focus on compliance with requirements to performance-based safety improvement
 - An SMS should be appropriate to a service provider's size and operational complexity



Questions that SMS Answers

- Are there currently unmanaged risks or leading indicators pointing to unsafe conditions?
- Did you introduce additional risk through mitigations or system improvements?
- Who will mitigate the risks? How?
- How do you know that you are reaching your safety goals?



• Safety Management Systems:

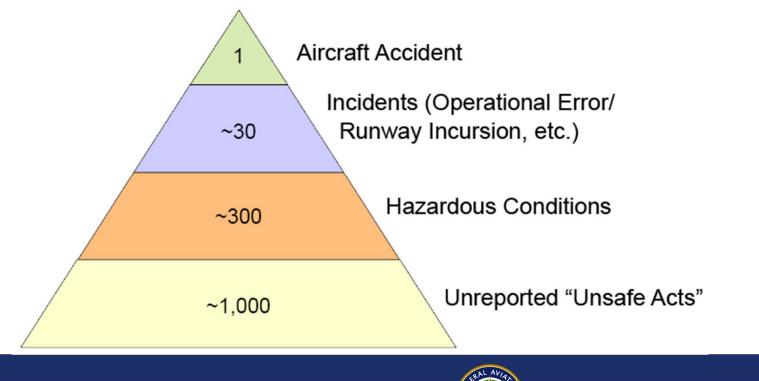
- Improve accountability for safety through defined managerial roles and responsibilities and SRM processes
- Allow an organization to adapt to change, increasing complexity, and limited resources
- Foster a positive safety culture that can help improve system safety



- SMS has many benefits:
 - SMS is a disciplined and standardized approach to mitigating hazards prior to unsafe outcomes being realized
 - Traditional approach to safety is weighted towards addressing hazards that had already been identified
 - For each hazardous condition, many unreported unsafe acts or circumstances might exist



• Heinrich's Triangle illustrates the number of incidents, hazardous conditions, and unreported "unsafe acts" that occur for every one airport accident



Federal Aviation

Administration

• Other benefits of SMS include:

- Cross-functional Safety Risk Management among air traffic service providers
- Intra-agency stakeholder participation in solving safety challenges
- Safety saves money

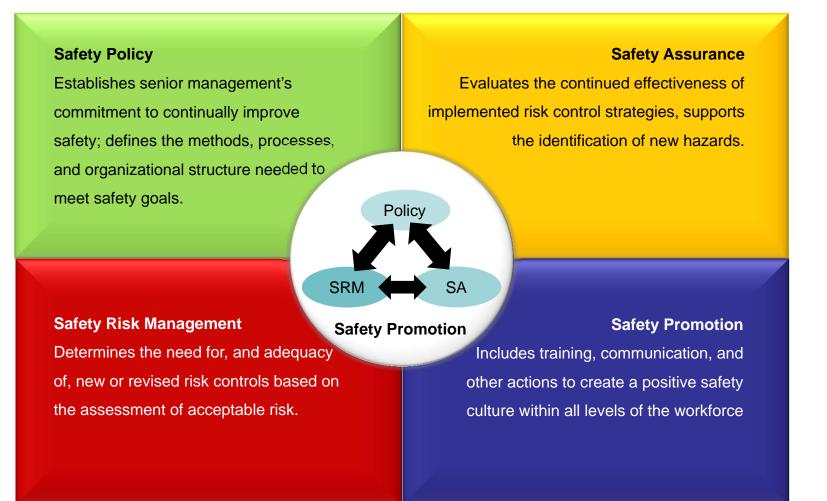


• Other benefits of SMS include:

- Reduction in the number of isolated safety decisions, thus contributing to the more efficient use of time and resources
- Assessment the performance of organization (safety assurance) while retaining the ability to assess risk directly of the product and service (safety control)
 - Hazards are often rooted in the interactions between groups of people and processes



SMS Components





SMS Components

- The SMS components ensure that a service provider is able to:
 - Systematically look for the things that can and do go wrong (hazards) in a system or operation
 - Find, describe, and track these hazards, their causes, and inherent risk(s)
 - Prioritize the hazards according to risk
 - Mitigate the risk(s)
 - Verify that the mitigations work
 - Document all of the above



SRM: Key Concepts

- Safety Risk Management (SRM) is a critical component of an SMS
- SRM establishes formal methods for identifying hazards, controlling, and continually assessing risk
 - The objective of SRM is to assess the risks associated with identified hazards and develop and implement effective and appropriate mitigations



SRM: Key Concepts





SRM: Why is it Important?

- SRM ensures that changes or modifications do not negatively impact safety
 - The current system is the starting point, or *baseline*, for establishing the safety of the system and evaluating the potential safety impact of changes
 - The service is required to maintain the airspace system at a safety level at least equal or better than the baseline
 - Compliance with the approved SMS is required for all changes



SRM: Roles and Responsibilities

- The service provider is responsible for:
 - Conducting a safety risk assessment in compliance with the approved SMS
 - Documenting the results of the SRM in a safety case as required
 - Providing the safety case for regulator's review and approval before implementing any changes
- The regulator is responsible for:
 - Reviewing the service provider's safety case and providing approval in a timely manner
 - If approval is withheld, the regulator must advise the service provider of the rationale and identify the information necessary to issue an approval



SRM and Safety Assurance

• Relationship between SRM and Safety Assurance:





Safety Assurance

- Provides confidence that the SMS is operating as designed
 - Evaluates the continued effectiveness of implemented risk control strategies
 - Supports the identification of new hazards



SRM and Safety Assurance

• SRM provides:

- System analysis
- Identification of hazards
- Analysis and assessment of safety risk

• SRM produces:

- Safety risk controls



SRM and Safety Assurance

• Safety assurance is used to:

- Ensure that safety risk control strategies are in place
- Assess whether they are achieving their intended objectives (risk reduction)
- Monitor for unintended consequences
- If controls are not adequately reducing risk, then they are modified and/or additional controls are developed through the SRM process



Safety Assurance

 Safety assurance activities should include the development and implementation of corrective actions in response to findings of systemic deficiencies having a potential safety impact



Safety Assurance: Roles and Responsibilities

- The **service provider** is responsible for:
 - Safety performance monitoring and measurement
 - Change management
 - Continuously improving the SMS
- The regulator is responsible for continuously monitoring and evaluating all aspects of the service provider's safety management processes

SKYbrary, Safety Assurance: http://www.skybrary.aero/index.php/Safety_Assurance



FAA Example: Safety Assurance





Systematic Safety Management

- Organizations that have implemented an SMS approach have found that they are able to:
 - Systematically look for the things that can and do go wrong (hazards) in a system or operation;
 - Find, describe, and track these hazards, their causes, and inherent risk;
 - Prioritize the hazards according to risk;
 - Mitigate the risks;
 - Verify and validate that the mitigations work; and
 - Document all of the above.



Systematic Safety Management

- The four SMS components work together to assist organizations in managing safety by answering the following fundamental questions:
 - What will be the next accident?
 - How do you know?
 - What are you doing about it?
 - Is it working?

