

VOLUNTARY AND CONFIDENTIAL REPORTING SYSTEM

1.0 PURPOSE

- 1.1 This Advisory Circular (AC) describes the Voluntary and Confidential Safety Reporting system established by the Authority under the Civil Aviation (Safety Management) Regulations. The system provides the Authority with a mechanism for collecting information about safety concerns, issues and hazards, which otherwise will not be revealed by a mandatory reporting system. The system affords confidentiality of the submitted reports for promotion of aviation safety without revealing the source of the information or invoking enforcement action to guarantee its continued availability.
- 1.2 This Advisory Circular supersedes CAA-AC-SMS005 dated September 2014.

2.0 REFERENCE

- 2.1 The Civil Aviation Act;
- 2.2 The Civil Aviation (Aircraft Accident and Incident Investigation) Regulations
- 2.3 The Civil Aviation (Safety Management) Regulations
- 2.4 ICAO Doc 9859 – Safety Management Manual
- 2.5 ICAO Doc 9284 – Technical Instructions for the Safe Transport of Dangerous Goods by Air

3.0 BACKGROUND

- 3.1 In order for service providers to identify safety hazards, control associated safety risks and accurately measure the performance of its Safety Management System (SMS), effectively reporting of all safety occurrences is critical. Regulations already require mandatory reporting of safety occurrences by service providers and safety critical personnel. A reporting culture which influences effective hazard reporting, collaborative root-cause analysis and acceptable risk mitigation is a key component of these essential processes. It is the only way service providers can collect safety data from which safety critical information is derived.
- 3.2 Similarly, for the Authority to effectively manage aviation safety by determining Acceptable Level of Safety performance (ALoSP) relevant to each service provider and its aviation activity, there must be a continuous flow of safety information from the service providers and their personnel. There must, therefore, be a deliberate mechanism to encourage service providers and personnel involved in

their aviation activities to voluntarily report aviation safety occurrences without fear of recrimination.

- 3.3 The Authority's Voluntary and Confidential reporting system is developed to facilitate and guarantee this free and continuous flow of safety information.

4.0 SYSTEM DESCRIPTION

4.1 Objective of the reporting system

- 4.1.1 The key objective of the Authority's voluntary and confidential reporting system is to enhance aviation safety through the collection of reports on actual or potential safety deficiencies that would otherwise not be reported through other channels. The systems also allow for the submission of information related to observed hazards or inadvertent errors without an associated legal or administrative requirement to do so. The Authority may waive enforcement action for reports of inadvertent errors or unintentional violations. Under these circumstances, reported information should be used solely to support the enhancement of safety.
- 4.1.2 Such reports may involve occurrences, hazards or threats relevant to aviation safety. This system does not eliminate the need for mandatory reporting of aircraft accidents and incidents under the existing Civil Aviation Regulations.
- 4.1.3 Reporters are also encouraged to make use of their organization's internal SMS voluntary reporting system where applicable, unless they have no access to such systems, or the incident or hazard is deemed beyond the scope of their organization's purview.
- 4.1.4 The Authority's voluntary reporting system is a non-punitive and confidential reporting system established under the Directorate of Aviation Safety. It provides a channel for the voluntary reporting of aviation occurrences or hazards while protecting the reporter's identity.
- 4.1.5 It should be understood that 'confidential' does not always mean 'anonymous'. Knowing the identity of the reporter, and being able to contact them, allows the Authority to clarify and follow up on the matter that is the focus of the report.
- 4.1.6 Confidential means that while the reporter's identity is known to the Authority, their identity will not be passed on to any third party, such as an operator or other agencies. 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.

4.2 Scope of aviation sectors/ areas covered by the system

- 4.2.1 The Authority's voluntary and confidential reporting system covers, but is in no way limited to the following areas:
- 4.2.1.1 General
- a) Crew Resource Management

- b) Human Factors
- c) Passenger Handling
- d) Work environment and safety hazards
- e) Equipment
- f) Organization and safety culture concerns

4.2.1.2 Flight Operations;

- a) Departure/ en route/approach landing operations
- b) Aircraft cabin operations
- c) Aircraft proximity events
- d) Mass and Balance
- e) Aircraft Performance

4.2.1.3 Aerodrome Operations:

- a) Aircraft ground operations
- b) Movement on the aerodromes
- c) Fueling operations
- d) Aerodrome conditions or services
- e) Cargo Loading

4.2.1.4 Air Traffic Management:

- a) ATC operations
- b) ATC equipment and navigation aids
- c) Crew and ATC communications

4.2.1.5 Aircraft Maintenance:

- a) Aircraft/ engine/ component maintenance & repair activities
- b) Maintenance errors and near misses
- c) Bogus parts
- d) Tooling and equipment issues

4.2.1.6 Approved Training Organizations:

- a) Training activities involving flight operations
- b) Aircraft maintenance defects

4.2.1.7 Dangerous Goods

4.2.1.8 Unmanned Aircraft Systems

4.3 Who can make a voluntary report?

4.3.1 If you belong to any of these groups, you can contribute to aviation safety enhancement through the Authority's voluntary and confidential reporting system by reporting on occurrences, hazards or threats in the aviation system.

4.3.1.1 Flight and cabin crew members

- 4.3.1.2 Air traffic controllers
- 4.3.1.3 Licensed aircraft engineers, technicians or mechanics
- 4.3.1.4 Employees of maintenance, design and manufacturing organizations
- 4.3.1.5 Aerodrome ground handling operators
- 4.3.1.6 Aerodrome employees
- 4.3.1.7 General aviation personnel
- 4.3.1.8 Anybody becoming aware of any situation which could affect aviation safety, etc.

4.4 Making a voluntary report

4.4.1 A voluntary report can be made:

- 4.4.1.1 For others to learn and benefit from the occurrence or hazard report but are concerned about protecting your identity.
- 4.4.1.2 When there is no other appropriate reporting procedure or channel.
- 4.4.1.3 When you have tried other reporting procedures or channels without the issue having been addressed.

5.0 PROCEDURE FOR MANAGEMENT OF VOLUNTARY OCURRENCE REPORTS

5.1 Reporter

5.1.1 The voluntary reporting system allows anyone to make a report in the system. Operators are encouraged to make voluntary reports as appropriate online on the KCAA website - https://eservices.kcaa.or.ke/Pages/VORSY/VORSY_AppForm.aspx

5.1.2 There are no set timelines on voluntary reports, however, to allow for effective investigation it is desirable that reports are made as soon as the occurrence necessitating the report takes place. This will facilitate preservation of perishable evidence.

Note: Voluntary reporters are encouraged (where necessary) to avail their contacts to allow for follow-up, where necessary, and feedback upon completion of investigations but this is not compulsory.

5.2 State Safety Programme Office

5.2.1 The State Safety Programme Office is required to access the voluntary reports from the system and take necessary steps to de-identify the report and protect the identity of the reporter or any items of the report that may jeopardize the identity of the reporter. The SSP office shall, on the basis of the information available, determine the suitable inspectorate Department and allocate the most suitable inspector to conduct investigations.

5.3 Inspector

5.3.1 Inspectors shall in liaison with their respective Head of Department conduct the necessary investigations to establish facts of the report.

- 5.3.2 On conclusion of the investigation, the inspector shall compile a detailed investigation report verifying the allegations raised by the reporter and, where possible propose course (courses) of action.

Note:

In order to ensure that the Authority is able to verify allegations in a voluntary report and make appropriate recommendations to address the allegation raised, an oversight inspection and/or audit shall be conducted to establish facts as appropriate.

5.4 Head of Department

- 5.4.1 Support the investigation as appropriate and may include allocation of additional resources and rescheduling surveillance activities or increasing the scope to address areas of concern. The heads of department shall also review the investigation reports submitted by the investigating inspector to ensure that the investigation is satisfactory and identifies the root causes of the occurrence.
- 5.4.2 It is important for the Authority to ensure that service providers and individuals who make voluntary reports are protected and treated in a fair and consistent manner; they are more likely to divulge such information and work with the regulator to effectively manage the associated safety risk(s).

5.5 Feedback to the Aviation Community

- 5.5.1 If the content of a voluntary or confidential report suggests a situation or condition that poses an immediate or urgent threat to aviation safety, the report will be handled with priority and referred, after de-identification, to the relevant organizations as soon as possible to enable them to take the necessary safety actions.
- 5.5.2 Relevant de-identified reports and extracts may be shared with the aviation community through periodic publication, so that all can learn from their experiences.

6.0 KEY VOLUNTARY REPORTING PRINCIPLES

The following key principles are to be considered when establishing a voluntary reporting system within the generic framework of an organization's safety management system (SMS):

6.1 Trust

- 6.1.1 The reporters must be certain that the information will not be used against them; otherwise they will be reluctant to report their mistakes. A positive Safety Culture in the organisation provides the foundations of a successful occurrence reporting system.

6.2 Non-punitive

- 6.2.1 The reporting person must be protected against legal, administrative or disciplinary sanctions, except in case of gross negligence, criminal activity or intent.

6.3 Inclusive Reporting Base

- 6.3.1 The systematic approach to safety management requires that voluntary reporting be targeted at all

aspects of aircraft operation, such as flight operation, cabin safety, aircraft maintenance, air navigation services, aerodrome operation, etc. Collecting information on the same occurrence from different perspectives provides for a complete analysis and understanding of events, and consequently of the hazards and their effects.

6.4 Confidentiality

- 6.4.1 Non-punitive systems should ideally be based on confidential reporting. The person reporting an incident must be sure that his identity and other information that may be used to identify involved other physical or legal personalities will not be disclosed.

6.5 Ease of reporting

- 6.5.1 Submitting a report should be as easy as possible for the reporter. The reporting forms should be readily available to anyone wishing to file a report. They should be easy to compile, provide adequate space for narrative and make maximum use of the “tick off” format. The forms should encourage safety improvement suggestions, such as how to prevent reoccurrence of a hazard or deal with it.

6.6 Acknowledgement

- 6.6.1 To encourage further submission of reports the organisation should clearly communicate to its personnel that the voluntary reports are a valuable safety asset and acknowledge the efforts made by reporting persons. Whenever possible, feedback on the actions taken in response to a report shall be provided to the reporting person directly but also in the form of collective feedback to the reporting community.

6.7 Promotion

- 6.7.1 The de-identified information received from the voluntary reporting system should be made available to the aviation community in a timely manner. A variety of information dissemination methods should be used to achieve maximum exposure, for example monthly newsletters, periodic summaries, safety bulletins published on internet etc. Such promotional activity may help motivate people to improve further the reporting of safety occurrences.



Civil Aviation Authority