



State Safety Programme

Falkland Islands

A joint approach between Air Safety Support International and the Falkland Islands Civil Aviation Department

Issue V2.0

January 2020

Amendment Record

Issue	Date	Notes
1.00	April 2017	
1.1	June 2017	Slight change to 3.3.1
1.2	July 2017	Signatures added
2.0	January 2020	SSP Gap Analysis removed and ASSI amendments incorporated.

Foreword

Annex 19 to the Chicago Convention (first edition, applicable 14 November 2013, second edition applicable 7 November 2019) sets the standards for a State Safety Programme (SSP), placing the responsibility on all contracting States to implement such a programme. For the purposes of the Convention, the Overseas Territories (OTs) are an integral part of the United Kingdom (UK). The UK has established legislation dealing with civil aviation in the OTs.

Within the UK OTs the Governor is the appointed representative of the UK and has specific responsibilities for fulfilling the obligations of the UK as defined in the Convention on International Civil Aviation. In this regard the Air Navigation (Overseas Territory) Order 2013 has been made and sets out the provisions to enable the UK to comply with the Convention on International Civil Aviation (the Convention) and in particular the Annexes to that Convention in the OTs.

The Governor discharges his responsibilities by designating either the Director of Civil Aviation (DCA) or Air Safety Support International (ASSI) to oversee compliance with the ICAO Annexes with the exception of Annex 9, *Facilitation*, - and Annex 13, *Aircraft Accident and Incident Investigation*, which are undertaken by the Department for Transport and the Air Accident Investigations Branch respectively. Where designated by the Governor, ASSI and Falkland Islands Civil Aviation Department aim to improve the effectiveness of regulation and oversight programmes to ensure compliance with the Standards and Recommended Practices (SARPs) of Annex 19 and other relevant ICAO Annexes.

Although part of the overall UK SSP, the UK OTs are not part of Europe and the regulations of European Aviation Safety Agency (EASA) are not applicable. Therefore, it is more practicable for each Territory to devise an SSP to address the safety needs of their civil aviation industry. This document describes the State¹ Safety Programme for the Falkland Islands for the implementation of Annex 19 SARPs within the UK's State Safety Programme.

The focus of the Falkland Islands Civil Aviation Department (FICAD) and ASSI is on jointly evolving and building an SSP in the Falkland Islands to properly reflect Annex 19. We welcome any comments on this document.

enquiries@airsafety.aero

civilaviation@sec.gov.fk



Maria Boyle

CEO

ASSI



Bruce Wilks

Director of Civil Aviation

FICAD

¹ The Falkland Islands is not an ICAO Contracting State itself; the term "State" in this paper reflects that FICAD and ASSI are exercising state functions in the Falkland Islands on behalf of the United Kingdom.

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² To be amended in 2015

³ To be made

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Overview

- 0.1 ICAO describes a State Safety Programme (SSP) as “*an integrated set of regulations and activities aimed at improving safety*”. The SSP exists to ensure the State achieves an Acceptable Level of Safety Performance (ALoSP). The level of the ALoSP and the means by which it is expressed remains at the discretion of the State. Safety Performance Indicators/Targets are currently evolving alongside service provider’s safety management systems. The UK’s ALoSP is stated as, “**no accidents involving commercial air transport that result in serious injuries or fatalities. No serious injuries or fatalities to third parties as a result of aviation activities.**” ASSI seeks to create complementary measures to achieve the UK ALoSP commensurate to the UK OTs’ operations. The concept of establishing an ALoSP attempts to complement the traditional regulatory compliance approach to safety management with a performance-based approach.
- 0.2 The requirement for an SSP recognises that States as well as service providers have safety responsibilities and provides a framework within which service providers are required to establish safety management systems (SMS).
- 0.3 Currently, ICAO standards for an SSP are contained in Annex 19 which became applicable on 14 November 2013 (second edition applicable 7 November 2019).
- 0.4 ICAO standards also require that the ALoSP to be achieved is established by State(s) concerned. The concept of establishing an ALoSP attempts to complement the current regulatory compliance approach to safety management with a performance based approach. Some guidance on what constitutes an ALoSP is provided by ICAO. In summary the ALoSP consists of 4 components, a start point, safety performance indicator (SPI), an in year safety performance target (SPT) and the safety requirements to achieve the target.
- 0.5 This SSP has been developed using the material within ICAO Document 9859 i.e. the SSP framework and guidance material, including the SSP gap analysis. Where possible, the headings proposed by ICAO in its framework SSP document have been adopted in this document.
- 0.6 Chapter 1 and the early sections of chapter 2 describe the State high level overview looking at the underpinning legal structures. Whereas, the latter sections of chapter 2, the following chapters 3, 4 and 5 focus more on the aviation regulatory work of ASSI and FICAD in the Falkland Islands.

Glossary

AAG	Accident Analysis Group, UK CAAAIB	UK DfT Air
	Accidents Investigation Branch	
ALoSP	Acceptable Level of Safety Performance	
ANO	UK Air Navigation Order	
AN(OT)O	Air Navigation (Overseas Territories) Order	
AOC	Air Operator Certificate	Air Safety Support International
	Limited	
ASSI D	Air Safety Support International Direct Oversight	
ATC	Air Traffic Control	
ATCO	Air Traffic Control Officer	
ATS	Air Traffic Services	
CAA	UK Civil Aviation Authority	
CD	UK Crown Dependency	
CEO	Chief Executive Officer	
CHIRP	UK Confidential Human Factors Incident Reporting Programme	
CNS	Communications, navigation, surveillance	
CTR	Controlled Traffic Region (control zone)	
DCA	Director of Civil Aviation	
DfT	UK Department for Transport	
Doc	Document	
EASA	European Aviation Safety Agency	
ECAC	European Civil Aviation Conference	
ECCAIRS	European Coordination Centre for Accident and Incident Reporting System	
FCO	Foreign and Commonwealth Office	
FICAD	Falkland Islands Civil Aviation Department	
FIG	Falkland Islands Government	
ICAO	International Civil Aviation Organisation	
HF	Human factors	
HM	Her Majesty	
IATA	International Air Transport Association	
IBIS	ICAO Bird Strike Information System	
iSTARS	Integrated Safety Trend Analysis Reporting System (ICAO)	
liC	Inspector in Charge	
IT	Information Technology	
MoD	The (UK) Ministry of Defence	
MOR	Mandatory Occurrence Report	
MoA	Memoranda of Agreement	
MoU	Memoranda of Understanding	
PoE	Pool of Experts	
OTs ⁴	UK Overseas Territories	
OTAA	Overseas Territories Aviation Authorities	
OTAC	Overseas Territories Aviation Circular	
OTAR	Overseas Territories Aviation Requirement	
OTSPC	Overseas Territories Safety Performance Council	
QMS	Quality Management System	
RNP	Required Navigation Performance	

⁴ References to OTs within this document are specifically to only the OTs of Bermuda, Cayman, Falklands, and Turks and Caicos.

RNAV	Area Navigation
SAFA	Safety Assessment of Foreign Aircraft
SAR	Search and Rescue
SARPs	ICAO Standards, Recommended Practices and Procedures
SMS	Safety Management System
SPI	Safety Performance Indicator
SPT	Safety Performance Target
SSP	State's Safety Programme
THREAT	UK CAA The High Risk Event Analysis Team
UKBSC	UK Birdstrike Committee
USOAP	ICAO Universal Safety Oversight Audit Programme

Chapter 1 UK OT State aviation regulatory system

1.1 Introduction

1.1.1 This chapter and document sets out the legislative structure which applies to the UK Overseas Territories (OT).

1.2 The UK Overseas Territories

1.2.1 When the UK ratified the Convention on International Civil Aviation (signed at Chicago on 7th December 1944), it did so on behalf of the various colonies, protectorates and dependencies that existed at the time. Today, the UK's adherence to the Chicago Convention covers the United Kingdom of Great Britain and Northern Ireland (UK 'Main'), the UK's Overseas Territories (OT) and the Crown Dependencies (CD).

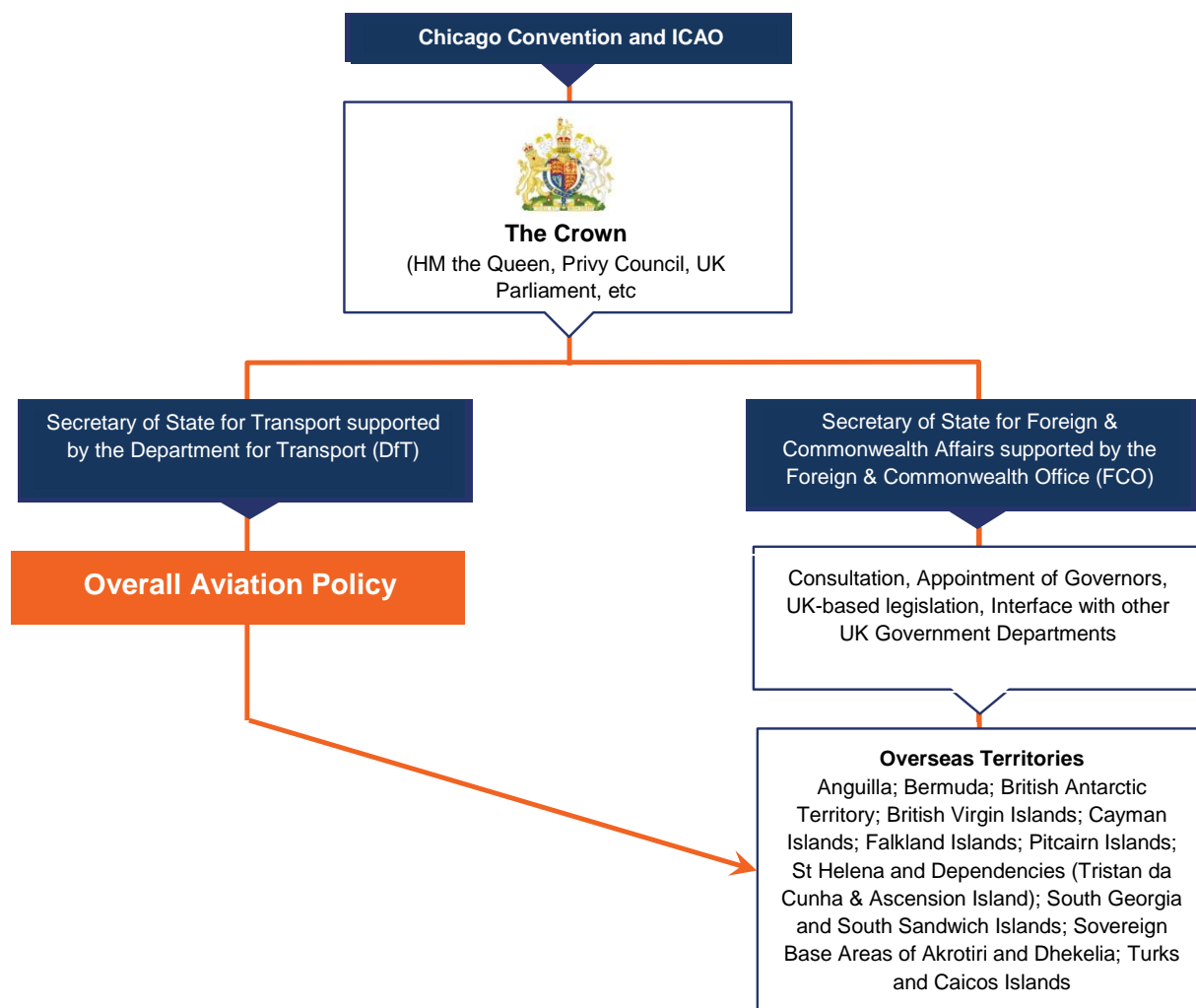


Figure 1- The UK as a Contracting State to ICAO (Simplified constitutional relationship between ICAO, UK and its OTs, note that not all have aviation activity)

1.2.2 The Privy Council, that meets approximately monthly, consists of all the members of the British Cabinet, former Cabinet ministers, and other distinguished persons appointed by the Sovereign including past and present leaders of the British opposition parties. Its functions include advising the Queen on Orders in Council, granting Royal

Charters and, through its Judicial Committee, acting as the final court of appeal from courts in the OT. The British Cabinet remains formally a committee of the Privy Council.

- 1.2.3 Orders in Council are approved by the Queen at meetings of a small number of Privy Counsellors. Orders in Council establishing legal requirements are Statutory Instruments and are normally subject to UK Parliamentary scrutiny. The Order in Council is an important method of giving force of law to the more significant executive orders. Orders in Council are also used to extend civil aviation legislation to the OTs. The Office of Public Sector Information provides access to legislation of the UK; this is available online.
- 1.2.4 The UK DfT is the primary governmental body responsible for civil aviation in the UK and for upholding the UK's compliance with the Chicago Convention. As such, the DfT establishes overall aviation policy in cooperation with the FCO for the UK OTs. The UK CAA has no direct regulatory responsibility for safety oversight of aviation in the UK OTs.
- 1.2.5 There are fourteen UK Overseas Territories, which retain a constitutional link with the UK. All have separate constitutions made by a UK Order in Council. The UK remains responsible, however, for discharging its obligations under the Chicago Convention in respect of civil aviation in the OTs.
- 1.2.6 Parts of the 1949 and elements of the 1971 and 1982 Civil Aviation Acts have been extended to the OTs by Orders in Council. The 1949 Act provides for a State to make an Air Navigation Order (ANO) to implement the Annexes to the Chicago Convention and to regulate air navigation generally. The Air Navigation (Overseas Territories) Order (AN(OT)O) gives the Governor of each of the OT powers and responsibilities in respect of aviation safety oversight.
- 1.2.7 The AN(OT)O 2013 requires the Governor to designate the majority of his powers to a person; in practice this is either a local Director of Civil Aviation (DCA) who is usually an employee of the OT's Government, or to Air Safety Support International (ASSI), a wholly owned subsidiary of the UK CAA but which reports to the Secretary of State (SoS) for Transport.. The Governor is required to consult ASSI before making (or revoking) any such designation. ASSI conducts routine assessment visits to the OT where a person has been designated by the Governor other than ASSI itself.
- 1.2.8 In the Civil Aviation Authority (Overseas Territories) Directions 2003, the Secretary of State directed the CAA to establish ASSI as a subsidiary company to oversee aviation safety regulation in the OTs and to ensure compliance with the requirements of the Convention. The current Directions are the Civil Aviation Authority (Overseas Territories) Directions 2014 (as amended by the Civil Aviation Authority (Overseas Territories) (Variation) Directions 2015, a consolidated copy of which is available on the ASSI website. These Directions extended ASSI's responsibilities to include aviation security oversight and regulation but exclude Annex 9 from ASSI's responsibilities. ASSI has been charged with developing and maintaining the AN(OT)O and producing Overseas Territories Aviation Requirements (OTARs) to support it.

1.2.9 The AN(OT)O also requires the Governor to publish the detailed requirements which applicants for certificates and licences will have to meet. Such requirements are primarily the OTARs developed by ASSI in conjunction with the OT DCAs.

1.2.10 ASSI and FICAD are responsible for providing assistance, training and advice to the aviation service providers in the Falkland Islands. In an OT where there is no local civil aviation regulator or where the regulator does not have the resources or the expertise to undertake the task itself, ASSI can be designated by the Governor to perform the civil aviation regulatory tasks. ASSI therefore performs the role of policy-maker, adviser/mentor, assessor of the efficacy of regulatory oversight where it is not the regulator and, depending on the situation in the Territory, regulator. In the Falkland Islands there is a split of designations shared by ASSI and the Falkland Islands Civil Aviation Department (See Appendix E).



Image 1- Aerial of view of Stanley, the capital of the Falkland Islands

Chapter 2 UK OT State safety policy and objectives

State safety legislative framework

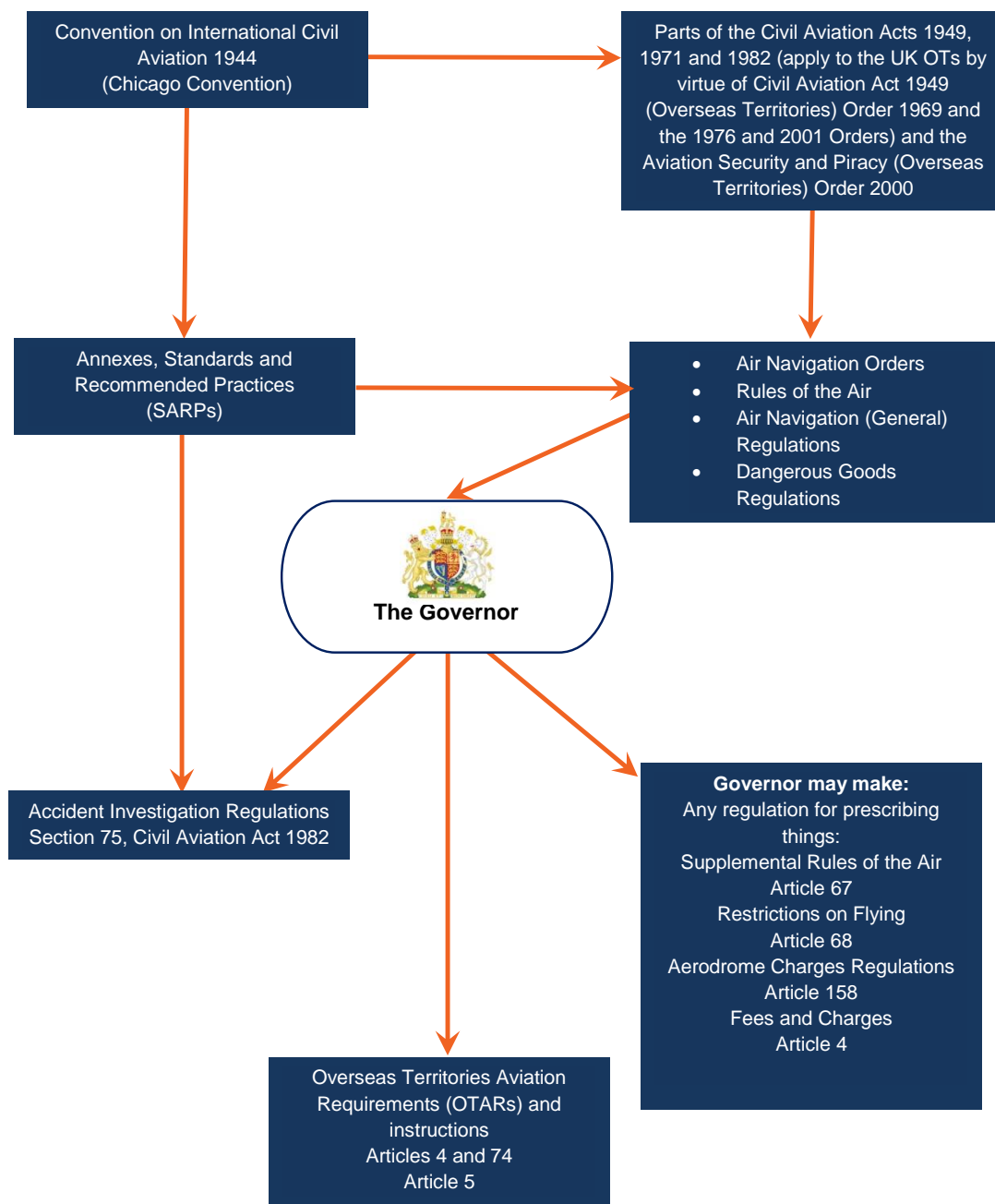


Figure 2 - UK Overseas Territories regulatory framework, note article refers to the provisions of the AN(OT)O 2013.

2.1 Primary legislation - Civil Aviation Act 1949 (Overseas Territories) Order 1969

2.1.1 The Civil Aviation Act 1949, as extended to the Overseas Territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969 is the primary legislation that provides the authority to apply the provisions of the Convention and annexes by Order in Council and implement other statutory instruments in the area of civil aviation in the Overseas Territories.

2.1.2 This Act has been supplemented by the extension of section 62 of the Civil Aviation Act 1971 to the OTs:

- (by the Civil Aviation Act 1971 1982 (Overseas Territories) Order 1976 - section 62 increased the penalties for breaches of an Air Navigation (Overseas Territories) Order) and) this is not in MBs by the extension of sections 61, 75 and 76(4) of the Civil Aviation Act 1982 to the Overseas Territories (by the Civil Aviation Act 1982 (Overseas Territories) Order and No.2 Order 2001.
- Section 61 increased the penalties for breach of an AN(OT)O.
- Section 75 enables the Governors to make air accident and investigation regulations.
- Section 76(4) amends section 40(2) of the 1949 Civil Aviation Act, so that where an aircraft is chartered or demised for more than 14 days, the lessee rather than the owner (lessor) is liable for any damage or injury caused to any property or person on the ground by the chartered or demised aircraft).

2.1.3 Certain parts of the Aviation Security Act 1982 (Parts 1 (offences against the security of aircraft etcetera) and 2 (protection of aircraft, aerodromes and air navigation installations against acts of violence) and Schedule 1 of the Act (provisions relating to compensation)), along with sections 1 and 50 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes and offences by bodies corporate), were extended to the Overseas Territories by the Aviation Security and Piracy (Overseas Territories) Order 2000.

2.1.4 Part 2, section 8 of the Civil Aviation Act 1949 (Overseas Territories) Order 1969, as amended by the Civil Aviation Act 1982 (Overseas Territories) Order 2001, makes provision for the creation and maintenance of the Air Navigation (Overseas Territories) Order to implement the Annexes of the Chicago Convention. Certain provisions of the 1971 and 1982 Civil Aviation Acts have also been extended to the Overseas Territories (see below).

2.2 Subsidiary legislation – Air Navigation (Overseas Territories) Order 2013

2.2.1 The AN(OT)O is secondary (i.e. subordinate) legislation to provide a sound legal framework for enabling the adoption of the Overseas Territories Aviation Requirements (OTARs) as a common cohesive package of requirements. The AN(OT)O enables, or gives power to, the requirements contained in the OTARs.

2.2.2 The latest revision is a complete re-write, simplifying and modernising the AN(OT)O to form a coherent unit with the OTARs - the OTARs being the principal regulatory instruments and the AN(OT)O providing mainly the necessary legal basis. The rebalanced and consolidated version, AN(OT)O 2013, became effective in January 2014 and reflects changes required as a result of the safety oversight audit carried out by ICAO in 2009. Three amendments have been made to date to the AN(OT)O 2013 – see the 2014 and 2015 amendment Orders. An additional amendment is in progress.

2.2.3 The AN(OT)O gives the Governors a wide variety of discretionary powers which are exercised by the designated regulator to grant certificates, licences and approvals. An individual or organisation affected by certain decisions made by the regulator on behalf of a Governor is entitled to seek a review by the Governor of such decision in accordance with Article 13 of the AN(OT)O.

2.3 Operating regulation/ requirements – Overseas Territories Aviation Requirements (OTARs)

2.3.1 The OTARs comprise a package of requirements that forms a means of compliance with the ICAO SARPs and that is consistent with the legislation in force.

2.3.2 ASSI is required, under the directions from the Secretary of State, to produce the means of compliance to enable the Governors to be satisfied that applicants for, or holders of, licences, certificates and approvals meet their legal obligations. Governors are required under Article 5 of the AN(OT)O to publish these requirements. The OTARs do not constitute 'regulations' in legal terms. They do, however, conform to the wider ICAO definition of regulations used in ICAO Doc 9734 Safety Oversight Manual in relation to Critical Element 2 and were recognised as such by ICAO during the 2009 USOAP audit of the UK.

2.3.3 The OTARs set out, for the benefit of those regulated:

- the requirements for obtaining and holding a licence, certificate, authority or approval;
- the way in which the rights and privileges of licences, certificates, authorities or approvals are exercised;
- the way obligations which come with the privileges are to be discharged; and
- general instructions regarding the operation and equipment of aircraft.

2.4 Industry guidance material – Overseas Territories Aviation Circulars (OTACs)

2.4.1 There is also a need to promulgate additional information which is not appropriate for inclusion in the OTARs themselves. Such information and guidance is included in Overseas Territories Aviation Circulars (OTACs).

2.4.2 These include the following information:

- practical, detailed guidance on meeting the requirements;
- information of a temporary nature;
- administrative material;
- information published in advance of a formal amendment to OTARs;
- the means of ensuring that aspects of the State civil aviation system comply with ICAO SARPs where this is a State responsibility, e.g. SAR.

UK OT civil aviation framework and accountabilities

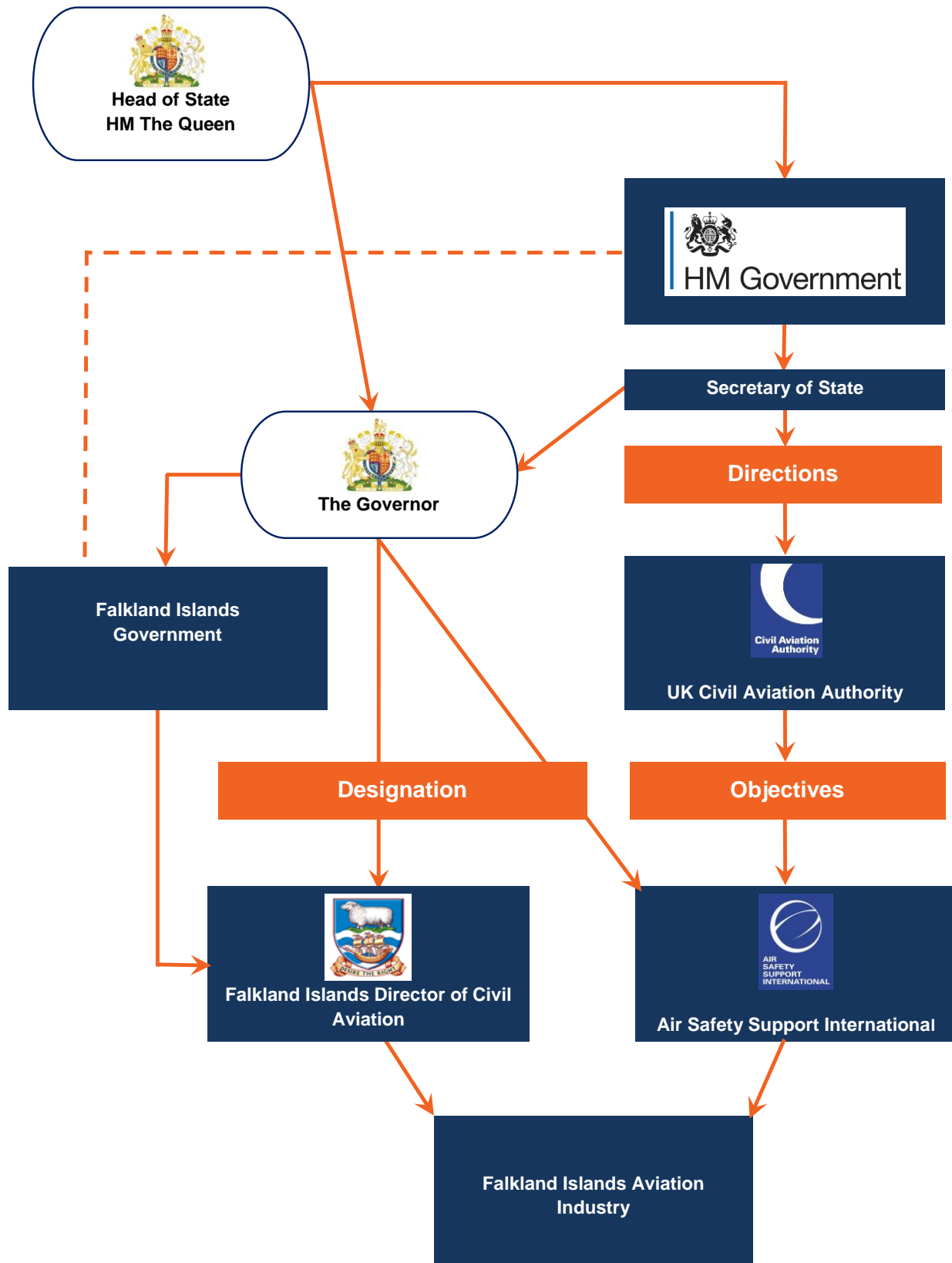


Figure 3 - UK Overseas Territories flow of authority

The UK Department for Transport responsibilities

- 2.5.1 The Department for Transport (DfT) is responsible for setting overall policy for the standards of safety and security in transport in the UK, including civil aviation. It is the ultimate authority responsible for the coordination of ICAO-related matters. It is also responsible for the management of international affairs in the civil aviation context, which are reserved to the UK under the OTs' Constitutions. The Secretary of State has issued Directions for the UK CAA to establish ASSI and which set out ASSI's responsibilities. The Secretary of State's Directions require the UK CAA to set objectives for ASSI which the Secretary of State approves.

The UK OT's Governor's responsibilities

- 2.5.2 The Governor is the Queen's representative and acts on behalf of the UK Government in relation to the general governance of a Territory, within the scope of the respective Constitution, and in relation to international affairs which are reserved to the UK under the Constitution. Governors are accountable to the Foreign and Commonwealth Office (FCO).
- 2.5.3 As the Queen's representative the Governor is responsible for ensuring the adequacy of the civil aviation safety regulation within a UK OT. Within each OT the Governor appoints a Regulator to carry out most of the Governor's functions under the AN(OT)O.

The UK Civil Aviation Authority responsibilities

- 2.5.4 The UK CAA appoints the Board of ASSI, a wholly owned UK CAA subsidiary, along with enacting the Directions to establish ASSI and setting objectives for ASSI subject to the Secretary of State's approval. The UK CAA is also required to audit annually the activities of ASSI. The UK CAA does not have any responsibility for aviation regulatory oversight of the UK OTs.

Air Safety Support International responsibilities

- 2.5.5 ASSI is responsible for the drafting of the AN(OT)O, OTARs and OTACs in order to implement the SARPs. ASSI is also responsible for undertaking regular assessments of OT Aviation Authorities on the standards of civil aviation safety regulation and the adequacy of the resources employed, to advise to the Secretary of State and the Governor on whether the Territory is complying with the UK's obligations under the Chicago Convention and on whether any remedial measures may be necessary. These include advice and recommendations to the Governor on the designation of a regulator in the Territory.
- 2.5.6 ASSI is the designated regulator responsible for Annex 17 within all the UK OTs and certain functions under the AN(OT)O (other than those reserved to the Governor⁵) in the Falkland Islands. The table in Appendix E shows the split of designations shared by ASSI and FICAD.

⁵ These are specifically publishing of requirements, hearing of appeals and issuing of supplementary rules.

The Falkland Islands Civil Aviation Department

2.5.7 The Falkland Islands Civil Aviation Department is the designated regulator responsible for certain functions under the AN(OT)O other than those reserved to the Governor and those designated to ASSI. The table in Appendix E shows the split of designations shared by ASSI and FICAD.

2.6 Framework/ regulations review

2.6.1 Regulations are regularly reviewed by ASSI. In addition to periodic review

Such reviews may be triggered through:

- monitoring of ICAO State Letters
- safety issue feedback from the OTAA's via the Overseas Territories Safety Performance Council
- DCA conference call feedback
- ASSI/ OTAA Inspector webinars
- ASSI/ OTAA training events
- direct feedback from ASSI staff
- direct feedback from OTAA staff
- direct feedback from service providers.

2.7 State safety programme documentation and records

2.7.1 This SSP document is subject to regular review. Following SSP gap analysis in 2013 objectives were created with implementation plans. As the SSP evolved through the implementation plan activities a number of related safety activities have been conducted and planned. The creation method and plans were published in the in the State Safety Programme for the OTs Parts 2 and 3 respectively. The essential information within Parts 2 and 3 has been now subsumed into this document.

2.7.2 Most of the SSP implementation plan has been completed and the processes created have now provided data for continuous improvement of our safety promotion and areas of focus to achieve the UK safety objectives.

2.7.2 This SSP document therefore contains most of the high level SSP documentation and this current issue, along with previous issues, provides a record of the SSP activity.

2.7.3 ASSI's IT management system and website (www.airsafety.aero) facilitate the operation of many SSP functions. For example, risk management, reporting, auditing, document control, meeting minutes and data analysis. They also contain information and records.

2.8 State Safety responsibilities and accountabilities

State safety programme development

2.8.1 The OTSPC, which comprises UK OT Directors of Civil Aviation, ASSI and UK OT representatives, conducted an ICAO Document 9859 Safety Management Manual SSP Gap Analysis in November 2013 and reviews it on a regular basis. This gap

analysis, for each OTAA, has formed the basis of a number of UK OT SSP implementation plans. Noting the size and resource of each OTAA, the initial focus of the work was to address the missing elements identified by the gap analysis. As these elements were completed the focus moved from implementation to continuous improvement. A record of each UK OT's current SSP gap analysis is held within the ICAO iSTARS system.

2.9 State safety programme responsibilities and resources

- 2.9.1 Although the primary responsibility for the UK SSP rests with the DfT, the Falkland Islands Civil Aviation Department and Air Safety Support International (as designated by the Governor), perform the safety-related functions and therefore coordinate the SSP documentation for the Falkland Islands. The DCA of FICAD and the CEO of ASSI are accountable for the SSP and the resource allocations to sustain it. The DCA of FICAD and the Safety Development Manager of ASSI are responsible for the development of the SSP.

2.10 State safety programme coordination committee

- 2.10.1 The ASSI CEO regularly attends the UK Aviation Safety Strategy Board to ensure any pertinent coordination with the overall UK State activities.
- 2.10.2 The OTSPC co-chaired by the ASSI CEO and a UK OT DCA meets twice a year where it regularly reviews the SSP progress and activities of the UK OTs. The OTSPC's vision *is to improve safety performance in the OTs and set the benchmark for others.*
- 2.10.3 ASSI liaises with UK OT Governors and UK OTs agencies where required to progress SSP implantation and activities.
- 2.10.3 Within ASSI, as a small organisation, the monthly Functional Managers' Meeting reviews ASSI's operation and any SSP activity. FICAD reviews progress with development of and compliance with the SSP prior to each meeting of OTSPC.

2.11 State safety policy

- 2.11.1 ASSI and FICAD Safety Policies are regularly reviewed. They are available via their respective websites and are contained in appendix A.

2.12 State acceptable level of safety

- 2.12.1 The UK's acceptable level of safety is **"no accidents involving commercial air transport that result in serious injuries or fatalities. No serious injuries or fatalities to third parties as a result of aviation activities."**
- 2.12.2 To support this acceptable level of safety, ASSI reviewed 2017/ 2018 data including occurrence reports and regulatory findings to create an initial set of safety performance indicators (SPIs). These are based on the ICAO Document 9859 structure creating both outcome and process orientated SPIs. These relate to operational risks, State

functions, State activities, compliance oversight processes and SMS implementation (see Appendix E).

2.12.3 In many cases these reflect ongoing workstreams such as wildlife hazard management, runway rehabilitation, QMS and SMS implementation. Initially targets have not been set in terms of numbers. Instead directions of travel have been the target, to reduce, increase or complete.

2.12.4 Based on these indicators a comparison between the 2018 and 2019 data to date shows that these are not improving. The 2018 figures may not have been fully representative as there were two major hurricanes in the Eastern Caribbean that year. However, it is clear that, further work needs to be done. These indicators were shared with service providers at the beginning of 2019.

12.1 ICAO provisions call for the States to establish a safety programme in order to achieve an ALoSP. The UK SSP sets these as follows:

1. Fatal accident rate 5 year rolling average is in the best 5% of States;
2. SPIs track the frequency of operational events regarded as potential precursors to fatal accidents, and indicate continuous improvement in reducing these risks; and
3. Compliance with ICAO Standards, Recommended Practices and Procedures (SARPs) of at least 90% with sound and considered rationale where differences have been filed.

2.12.2 The UK is currently revising the UK State acceptable level of safety. ASSI in conjunction with the UK OTs will look to devise complementary measures commensurate to the UK OT aviation activities.

2.13 State safety programme improvement/ review

2.13.1 The OTSPC regularly reviews the progress of each OTAA's SSP implementation progress and activities. As the implementation plans progress, a revised SSP gap analysis is conducted at regular intervals. A record of each UK OTAA's current SSP gap analysis is held within the ICAO iSTARS system.

2.13.2 SSP implementation and improvement are continuously reviewed as part of the ASSI business planning and risk process. Annex 19 work features in our strategic objectives and the business objectives are set to progress these.

2.13.3 To deliver an SSP over the last few years ASSI has made advancements in the following:

- Business planning and business risk processes
- Safety risk process
- Regulatory and safety action group meetings
- Regulatory auditing
- Data collection, records and analysis
- Reporting and enforcement
- SSP related documentation
- Training
- Electronic management system

- Service provider QMS and SMS

2.13.4 This work now allows ASSI to conduct a data driven SSP going forward.

2.14 State accident and incident investigation

2.14.1 In each OT the Governor has made accident investigation regulations under Section 75 of the Civil Aviation Act 1982, as extended to the OT by an Order in Council, which empowers the Governor to appoint investigators to investigate accidents and serious incidents.

2.14.2 Memoranda of Agreement (MoA) or Understandings (MoU) are in place between individual Territories and the UK Air Accidents Investigation Branch (AAIB). In the majority of the OTs a Letter of Appointment has been signed by the Governor of the OT, pursuant to the MoA/ MoU, appointing the Chief Inspector of the AAIB as the Chief Inspector of Air Accidents for the OT. The Letter of Appointment empowers the Chief Inspector to appoint individual inspectors from within the AAIB for the purposes of undertaking any investigation required under the regulations and in accordance with such regulations.

2.14.3 Under the Letter of Appointment arrangements, once the Governor has notified the AAIB of an accident or serious incident, an Inspector in Charge (IiC) will be appointed by the Chief Inspector of the AAIB. The IiC will be a member of the AAIB, irrespective of whether the AAIB attends the scene of the accident or whether the investigation is conducted remotely, from the UK.

2.14.4 The AAIB will- at the time of an accident- appoint an individual or individuals in the Falklands, whose role is to assist the AAIB in the conduct of its investigation. The individual will be chosen on a case by case basis from a list of several personnel that AAIB have provided with training during previous visits to the islands. The coordination of this will be via the Falkland Islands Director of Civil Aviation or his appointed officer.

2.15 State enforcement policy

2.15.1 Following the OTSPC gap analysis it was agreed by the OTAA DCAs and ASSI that a common enforcement policy would be adopted by all OTAAs. The policy is based on ICAO 9859 Safety Management Manual guidance and the associated process was reviewed in 2019. A copy of this policy is contained in Appendix B and the enforcement guide graphic is contained in appendix F.

2.15.2 The enforcement procedure that accompanies the policy recognises that enforcement covers a range of activities from usual everyday oversight, to powers that enable the prevention of flight, suspension, variation or revocation of a licence or certificate, offer of a right of review and finally prosecution. In line with the AN(OT)O, the procedure provides a right of review. The policy and procedure allows a consistent approach that takes into account the performance of the service provider's Safety Management System, voluntary reporting, and each case's circumstance. It is based on the overall aim of achieving compliance and safe operation.

2.15.3 Should it be required, a case that escalates to prosecution is handed over to the local OT criminal prosecution service. A failure to comply with the AN(OT)O and its related regulation may be a criminal offence. Specialist Investigation Officers can be called upon along with legal expertise to advise on such a course of action. It is of note that in

any such case it is important to ensure that any safety issue is addressed without waiting for the prosecution to finish, as the prosecution process will not achieve this. Care must be taken so as not to prejudice any prosecution case, but adequately address the safety issue.



Image 2 - Three FIGAS Islanders and a Bristow Helicopters search and rescue S92 on the apron at Stanley Airport.

Chapter 3 UK OT safety risk management

3.1 Safety requirements for the service provider's SMS

- 3.1.1 The service providers in the Falkland Islands are not complex operations. Annex 19 notes that a Safety Management System should be commensurate with the size of the service provider and the complexity of its aviation products or services. Some of the processes within a safety management system, as noted by ICAO 9859 Safety Management Manual, can be integrated into existing systems such as quality management or security management systems already being employed by service providers. The approach being taken to fully implement SMS is to evolve elements over time, and where possible, integrate these into other established systems.
- 3.1.2 Regulatory oversight visits will review these elements. Hazard logs, safety meetings and reporting are the initial focus elements. Throughout 2019 ASSI has been reviewing each service provider's SMS manuals. In 2020 the focus will turn to the performance indicators within these manuals to assess their effectiveness.
- 3.1.3 ASSI has developed a standard SMS requirement text based on Annex 19 that is revised in the relevant OTARs as they are reviewed and updated. This text is currently published within the Safety Management Systems OTAC (April 2016). This text has explicitly listed safety reporting and investigation processes to highlight the important part these play in hazard identification. The following OTARs require an SMS to be established appropriate to the size and complexity of the operation (specified areas):
- OTAR 61 Pilot licences and ratings (Training organisation)
 - OTAR 65 Air Traffic Services Personnel Licensing, Ratings and Training Organisation Approval
 - OTAR 66 Aircraft maintenance personnel licensing (Training organisation)
 - OTAR 119 Air operator certification
 - OTAR 125 Complex GA (including corporate operations)
 - OTAR 139 Certification of aerodromes
 - OTAR 140 Rescue and fire fighting requirements
 - OTAR 145 Aircraft maintenance organisation approval
 - OTAR 171 Aeronautical telecommunication service
 - OTAR 172 Air traffic service organisation approval
 - OTAR 173 Flight Checking Organisation Approval
 - OTAR 176 Instrument flight procedure approval
- 3.1.4 ASSI has an ongoing objective to update regulations with related guidance and associated training for both regulatory and service provider staff to improve safety management (see appendix D).

3.2 Agreement of product or service provider's safety performance

- 3.2.1 There is only one SMS in the Falklands that spans all regulatory designations shared by ASSI and FICAD. Therefore it is important for FICAD and ASSI to have a joined up approach to agreement of the service provider's SMS.

- 3.2.1 ASSI continuously evolves its processes to collate and evaluate data to assess the safety performance of service providers. This includes reviews across different aviation disciplines related to each service provider using audit findings, ramp checks, operational data, any enforcement action history and occurrence reports. International and State safety/ incident data is regularly reviewed and shared amongst the ASSI team.
- 3.2.2 Inspectors, Policy Specialists and the Safety Development Manager meet to review relevant information on service providers and the UK OT operating environment at both the weekly Regulatory team meeting and the monthly SAG.
- 3.2.2 ASSI has not, at this time, established acceptable levels of safety for service providers. During oversight visits, ASSI regularly reviews service provider's risk registers/ hazard logs and the actions that they contain. FICAD will work in conjunction with ASSI and the OTSPC to agree what acceptable levels of safety it will adopt also. At the start of 2019 ASSI communicated the UK ALoSP and safety performance indicators to service providers. Following the 2019 SMS manual review service provider performance indicators will be collated and monitored.

3.3 Periodic assessment of the product or service provider's SMS

- 3.3.1 In January 2014 ASSI conducted an informal assessment of Falkland Islands Government's Aviation Services' (FIGAS and Stanley Airport) SMS and ASSI conducted a QMS review in March 2016. FICAD continues to focus on its direct oversight services providers' QMS practices as an initial SMS priority with the belief that full technical compliance supported by a sound QMS is the foundation stone on which to build an effective SMS.
- 3.3.2 As elements are introduced ASSI will establish assessment criteria on these elements to be measured through continued oversight. FICAD will adopt all of ASSI's evaluation tools but currently just assesses industry SMS as part of its routine regulatory oversight programme.



Image 3 - British Antarctic Survey DHC 7 landing on ice runway in Antarctica. Sky Blu is a summer field camp at the base of the Antarctic Peninsula used to support deep field science campaigns.

Chapter 4 UK OT State safety assurance

4.1 Safety oversight

Certification approval and licensing system

4.1.1 There are a number of processes employed to issue certificates, approvals, permissions and licences. These are either issued by ASSI or FICAD or validated by ASSI or FICAD based on the issue of such documents by another competent National Aviation Authority. These processes may include inspections and examinations. A number include time based re-certification and re-licensing criteria.

4.1.2 The following regulations cover certification approval and licensing:

- OTAR 21 Certification of Aircraft
 - OTAR 36 Aircraft Environmental Standards
 - OTAR 39 Continued Airworthiness Requirements
 - OTAR 61 Pilot Licences and Ratings
 - OTAR 63 Flight Engineer Licences and Ratings
 - OTAR 65 Air Traffic Service Personnel Licences, Ratings and Training Organisations
 - OTAR 66 Aircraft Maintenance Personnel Licensing
 - OTAR 67 Medical Standards and Recognition of Medical Examiners
 - OTAR 92 Carriage of Dangerous Goods
 - OTAR 119 Air Operator Certification
 - OTAR 121 Commercial Air Transport Operations – Large Aeroplanes
 - OTAR 135 Commercial Air Transport Operations – Helicopters and Small Aeroplanes
 - OTAR 139 Certification of Aerodromes
 - OTAR 140 Rescue and Fire Fighting Services (linked to aerodrome certificate)
 - OTAR 145 Aircraft Maintenance Organisation Approval
 - OTAR 171 Aeronautical Telecommunication Services
 - OTAR 172 Air Traffic Service Organisation Requirements
 - OTAR 173 Flight Checking Organisation Approval
 - OTAR 174 Meteorological Services
 - OTAR 175 Aeronautical Information Services
 - OTAR 176 Instrument Flight Procedures Approval
 - OTAR 178 Aviation Security (linked to aerodrome certificate or AOC)*
 - OTAR 179 Aviation Security Training*
- * via aerodrome certificate (139), AOC (119), CNS (171) or ATS (172) approval

4.1.3 The respective OTACs provide guidance, application information and examples for service providers.

4.2 Safety oversight of product and service providers

4.2.1 Regulatory oversight is conducted through inspections and audits, together with provision of advice and guidance, to ensure that industry meets the appropriate standards. Staff members are specialists in the functional area which they regulate and

regulatory competencies are defined for each role within ASSI. FICAD use ASSI's regulatory competencies as guidance to determine its own staff competences.

- 4.2.2 Within some areas, expertise is pooled across the UK OTs via the Pool of Experts (PoE) mechanism. The PoE can be used to provide additional resources and oversight where required. Each expert is sponsored by an OT Regulator with specified functions, records of competency, scope of expertise and any records of work.
- 4.2.3 Ramp checks of foreign aircraft are conducted by airworthiness and flight operations staff. Although not part of the programme, the ramp checks are based upon the Safety Assessment of Foreign Aircraft (SAFA) process established by the European Civil Aviation Conference (ECAC). In some Territories, the Governor has delegated limited functions to local officials to enable ramp checking of documentation carried on board by foreign operators. SAFA/ Ramp checks conducted on our service providers by other authorities and ramp checks conducted by ASSI are integrated into the ASSI electronic management system. This provides improved data analysis to identify any trends and issues.
- 4.2.3 Most regulatory shortcomings are generally dealt with by the low end of the enforcement procedure that includes audit processes, but not necessarily exclusively through audit. To facilitate advice, best practice and guidance, an audit may include observations where something may have the potential to develop into a non-compliance or issue. An audit level 2 finding is any non-conformity which requires satisfactory correction within 90 days. An audit level 1 non-conformity identifies a hazard to flight safety and requires urgent attention with satisfactory corrective action within 7 days.
- 4.2.4 The enforcement process provides a structured escalation that includes the following:
- prevention of flight
 - formal meetings
 - warning letters
 - increased oversight
 - 'on notice' status
 - suspension or revocation of any approvals or certificates

In extreme circumstances, prosecution may be appropriate. See the enforcement guide graphic appendix F.

4.3 Internal SSP review/ quality assurance

- 4.3.1 The implementation plan derived from Annex 19 and the ICAO Doc 9859 Safety Management Manual gap analysis conducted in 2013 is reviewed annually by OTSPC.
- 4.3.2 ASSI is continuously evolving its electronic management system to improve its Quality Management System(QMS)and SSP capabilities. In the SSP context this impacts on oversight audits/ findings, safety reporting, safety risk, oversight meetings and general Service Provider data. FICAD has an effective QMS that assists the office to undertake all of its aviation regulatory designation work effectively.

- 4.3.3 Performance indicators for both ASSI's and FICAD's activities and service providers' activities are still in development. This development step is captured in the SSP implementation plan.

4.4 External SSP review/ audit

- 4.4.1 ASSI is subject to an annual UK CAA audit to assure that ASSI is adequately fulfilling its role. This examines many areas of the ASSI operation. At times during the course of these audits it will examine the SSP and components of the SSP. FICAD are subject to a biennial ASSI assessment to assure that FICAD is adequately fulfilling its role. This assessment has the scope to examine any area of the FICAD operation.
- 4.4.2 As previously mentioned, performance indicators that may provide a benchmark for SSP measurement are still in development. Data measuring service providers' levels of operation are collected and reviewed against the UK CAA data. Occurrence reports are low in volume and effort is being expended to promote 'just culture' and encourage open reporting. It is hoped, in time, that these sources of data will develop to provide the basis of a set of useful performance indicators. In November 2017 a simplified one stop, European Coordination Centre for Accident and Incident Reporting System (ECCAIRS) compatible online reporting system was introduced and promoted.

4.5 Safety data collection, analysis and exchange

Occurrence reporting system

- 4.5.1 AN(OT)O article 174 establishes the requirement for mandatory occurrence reporting (MOR) and OTAR 13 and its OTAC provides further detail. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute liability or blame.
- 4.5.2 Mandatory occurrence reports (MORs) are reported to ASSI and are copied to the UK CAA to be stored in the European Coordination Centre for Accident and Incident Reporting System (ECCAIRS). This software, provided by the European Commission Joint Research Centre, facilitates the pan-State collection, sharing and analysis of safety data. The UK Air Accident Investigation Branch (AAIB) has full access to this UK data.
- 4.5.3 ECCAIRS will soon allow service providers to access data to conduct their own safety analysis. The relatively small number of MORs contributed from the UK OTs still provide potentially valuable data to the overall UK dataset and will allow the UK OT service providers access to a larger dataset. This provides many benefits for smaller scale service providers both within the UK OTs and UK. For example, both have small lifeline island service provider operations with similar aircraft types and challenges. These operations will be able to share safety data across their operations from all around the world.
- 4.5.4 The UK CAA analyses and classifies MORs based on the associated risks. Top level risk events are further analysed by the UK CAA Accident Analysis Group (AAG). ASSI reviews all MORs submitted where it has designated regulatory responsibilities. All relevant Inspectors and Policy staff are alerted to each MOR for review.

- 4.5.5 The enforcement policy provides assurance that it is ASSI's and FICAD's intention to nurture and sustain effective safety reporting, allowing service providers and their employees to report safety deficiencies and hazards without the fear of punitive action in the cases of unintentional errors and mistakes.
- 4.5.6 ASSI and FICAD encourage voluntary reporting of incidents through the occurrence reporting process. ASSI's and FICAD's systems align with the UK CAA's for the processing, recording and disclosing of reports. It does not differentiate between mandatory and voluntary reports and meets the requirements of Annex 19, paragraph 5.1.2 (edition 1). paragraph 5.1.3 (edition 2).
- 4.5.7 Periodically ASSI collates and disseminates a selection of UK occurrences to Service Providers split into flight operations and aerodromes related occurrences. Each occurrence is carefully selected to raise awareness of a range of hazards relevant to the UK OTs, provide feedback, lessons learnt and provide examples of reports made.
- 4.5.8 ASSI continues to work to improve reporting through the revised reporting process, promotion of just culture, human factors and a positive safety culture (see Appendix D).
- 4.5.9 In accordance with AN(OT)O Article 175 any pilot-in-command of an aircraft in a UK OT who believes that their aircraft has been in collision with a bird must report it. This may be achieved by submitting a MOR or through the UK CAA bird strike reporting system. This data is notified to FICAD and the relevant reports are forwarded ASSI who also forward to ICAO annually for inclusion in the ICAO Bird Strike Information System (IBIS).
- 4.5.10 ASSI staff are invited to attend the UK Birdstrike Committee (UKBSC) meetings.

4.6 Voluntary/ confidential reporting system

UK Confidential Human-Factors Incident Reporting Programme (CHIRP)

- 4.6.1 CHIRP provides a further route for voluntary reporting. The aim of CHIRP is to contribute to the enhancement of aviation safety, by providing a totally independent, confidential (not anonymous) reporting system for all individuals employed in or associated with the aviation industry. The programme accepts reports from pilots, cabin crew, ATCOs, maintenance engineers and those involved in general aviation. This programme is open to the UK OT service providers.
- 4.6.2 CHIRP supplements other reporting systems. The submission of a CHIRP report does not fulfil the statutory obligations under the AN(OT)O for mandatory reporting.

4.7 Safety data-driven targeting of oversight areas of greater concern or need

- 4.7.1 To form a risk profile ASSI collates annually:
- service provider operational information
 - general UK OT data
 - foreign national aviation authority reports
 - public media sourced information to add to a risk profile.

- 4.7.2 Additionally, audit reports, occurrence reports, audit visit intelligence feedback, service provider hazard log information and any general day to day oversight data is shared between ASSI and FICAD where relevant to both organisations. This information is used to target oversight across all regulatory disciplines.
- 4.7.3 It is intended that this area of work will continue to develop and evolve over time. A current objective is to update and create processes to collect, share, analyse and monitor information that influences aviation safety to work towards developing a performance/ risk based approach (see appendix D).
- 4.7.4 ASSI reviews ICAO (iStars), IATA and UK safety data publications along with industry publications and FICAD is a member of the OTSPC and works with ASSI, industry and the OTSPC to ensure it adopts fit for purpose practices in its regulatory oversight obligations.



Image 4 – Stanley Airport passenger terminal and Flight Information Service Office.

Chapter 5 UK OT State safety promotion

5.1 Internal training, communication and dissemination of safety information

Internal SSP, SMS and safety training

- 5.1.1 ASSI staff positions are assessed for required levels of competency and knowledge. For new people joining ASSI any gaps are identified on induction and then addressed via bespoke training plans. These are then regularly reassessed and addressed through staff development goals as part of the performance management process. The staff induction process covers an overview of all areas. Many aspects of the SSP are covered in this training. ASSI Inspection and Policy staff attend the UK CAA SMS phase one and phase two courses, or equivalent. Current projects continue to improve staff coaching skills, update human factors awareness and safety hazard/ risk management.

FICAD staff undertake training and hold qualifications commensurate with the technical disciplines they are responsible for. FICAD technical staff have had SMS training and the DCA has undertaken the UK CAA phase one evaluation course.

5.2 Internal communication and dissemination of safety information

- 5.2.1 Internal safety/ Service Provider information can be communicated via many forums amongst the ASSI team. The Regulatory Team Meetings provide an opportunity to exchange such information; these are held weekly to review forthcoming and recent regulatory visits, Safety Action Group (SAG) Meetings are held monthly that review aviation safety risks. Opportunities for dissemination of safety information also exist each month at the Functional Managers' Meeting, Safety Promotion Meetings and Staff meetings. Any member of staff can report to, or convene an additional SAG Meeting if they think that there is a safety issue that needs to be discussed. ASSI is made up of a small team who work within a small open plan office which aids internal cross-discipline communications.
- 5.2.2 The monthly Staff Meetings provide opportunities to train all staff with regards to SSP, SMS and safety promotion. The SSP implementation plan exploits such promotional activities, for example, Safety Policy, Enforcement, QMS/ SMS and Error Management. Regular training events and webinars hosted by ASSI in conjunction with other UK OTAAAs also provide promotional opportunities.
- 5.2.3 FICAD hold informal and formal meetings to discuss all aspects of regulatory work based on designations. Pre-audit meetings/ discussion are held to help us better understand and plan for expectations. Post audit meetings/ discussions are also held to agree post audit actions.
- 5.2.5 In 2015 FICAD commenced a programme of in-house training that is hoped to achieve two things: 1) supplement/ complement external training; and 2) provide more focus specifically on FICAD and the Falklands, expanding on FICAD's own policies, procedures and management systems. The first in-house training was aviation safety auditing and that will be followed in 2017 with QMS and SSP training. This training was also offered to industry. In 2019 FICAD provided Internal and External audit training to its staff and industry.

5.3 External training, communication and dissemination of safety information

External SMS and SSP training/ education facilitation

ASSI facilitates regular targeted training events and webinars for both UK OTAA staff and UK OT service providers. Many components of this training are SMS and SSP related. UK OTAAAs provide some input to both the content and provision of this training. Again, the SSP implementation plan exploits such promotional activities. Where relevant, ASSI participates in regional training and conference events. Where ASSI cannot attend such events and other UK OTAAAs can, reports and feedback are shared. Training sessions are also conducted with OTAA DCA staff at the OTSPC meeting. ASSI and FICAD continues to focus on Service Provider's QMS and SMS development.

5.4 External communication and dissemination of safety information

- 5.4.1 UK OT service providers have access to the UK CAA MOR summaries. A quarterly ASSI Safety Bulletin is published with information on SSP/ SMS and safety related topics. The ASSI website also provides information on safety related matters, SMS and the SSP. ASSI operates an e-mail alert system to which both OTAAAs and service providers can sign up to be advised of the availability of new or updated material.
- 5.4.2 FICAD maintains strong links with the MoD aviation units at Mt Pleasant and in particular with 905 Expeditionary Air Wing (905 EAW). The DCA sits on the MoD's Safety Steering Group that meets twice per annum and co-chairs with the MoD the Falklands Air Users Group which also meets twice per year. Aviation safety information is exchanged between both organisations on a very regular basis and any operations being conducted by either side with potential safety implications are always discussed and agreement found before proceeding.

Chapter 6 Summary

6.1 Summary

- 6.1.1 ASSI and FICAD are committed to continuously improving the State Safety Programme. This document is a live document and will be periodically updated as this evolves. Many of the gaps identified within the ICAO SSP analysis conducted in 2013 have already been addressed (<https://portal.icao.int/space/Pages/SSP-Gap-Analysis.aspx> select OTHER/NONE - OTHER - UK OVERSEAS TERRITORIES FALKLAND ISLANDS (by Wilks Bruce), others are either underway, or are planned for the future.
- 6.1.2 As service providers may have to revise and adapt their SMS processes to make them more efficient there may be times where this may occur with this SSP. Where this is the case ASSI and FICAD will look to do this.
- 6.1.3 ASSI and FICAD welcome any questions, contributions or comments at: enquiries@airsafety.aero or civilaviation@sec.gov.fk
- 6.1.4 For any further information on ASSI please visit the ASSI website at: www.airsafety.aero

6.1.5 For further information on FICAD please visit the FICAD website at:
www.fig.gov.fk/aviation

Appendix A Air Safety Support International (ASSI) Safety Policy



ASSI promotes the safety of aviation in the UK Overseas Territories and, where designated by H. E. the Governor of the Territory, regulates aviation safety. Where not designated, ASSI conducts assessments of the Overseas Territories Aviation Authority (OTAA). In consultation with the OTAAs, ASSI produces requirements and guidance for service providers⁶ to meet the International Civil Aviation Organisation (ICAO) Standards and Recommended Practices.

Policy

ASSI is committed to further developing and implementing an appropriate regulatory framework, strategies and processes to ensure that aviation within the the UK Overseas Territories is able to achieve the highest practicable level of safety performance.

To this end, in cooperation with the OTAAs, ASSI will work towards:

- 1) setting and maintaining standards that are in line with the ICAO's Standards, Recommended Practices and Procedures;
- 2) adopting a data-driven and performance-based approach to safety regulation service provider oversight and, where appropriate, OTAA assessments;
- 3) fostering safety reporting and promoting just culture;
- 4) encouraging safety information collection, analysis and exchange amongst all relevant industry organisations and service providers, with the intent that such information is to be used for safety management improvement purposes only;
- 5) collaborating and consulting with relevant aviation stakeholders to address safety and regulatory matters to enhance aviation safety;
- 6) allocating sufficient financial and human resources for safety management and oversight;
- 7) equipping ASSI and OTAA staff with the skills and expertise to discharge their safety oversight and management responsibilities.

Specifically, where ASSI is designated ASSI will work towards:

- 8) identifying safety trends within the aviation industry and adopting a risk-based approach to address areas of greater safety concern or need;
- 9) the development of safety performance indicators as well as service providers' safety performance indicators to continuously monitor and measure the safety performance of our aviation system;
- 10) promoting good safety practices and positive safety culture within the service providers based on sound safety management principles.

M P Boyle

CEO Air Safety Support International

⁶ Service Provider as defined ICAO Annex 19 Chapter 3 para 3.1.3 a) - f)

Appendix A cont'd

Falkland Islands Civil Aviation Department (FICAD) Safety Policy

The Falkland Islands Civil Aviation Department, in collaboration with ASSI, promotes the safety of aviation in the Falkland Islands and, where designated by H. E. the Governor of the Territory, FICAD regulates aviation safety.

Policy

The Civil Aviation Department will implement regulatory strategies and processes aimed at ensuring the parts of civil aviation it regulates achieve the highest practicable level of safety.

To this end, in cooperation with ASSI, FICAD will work towards:

- 1) fostering safety reporting and promoting just culture;
- 2) encouraging safety information collection and exchange amongst all relevant industry organisations and service providers, including the MoD, with the intent that such information is to be used for safety management improvement purposes only;
- 3) collaborating and consulting with relevant aviation stakeholders to address safety and regulatory matters to enhance aviation safety;
- 4) allocating sufficient financial and human resources for safety management oversight;
- 5) equipping FICAD staff with the skills and expertise to discharge their safety oversight responsibilities.

Specifically, where FICAD is designated by the Governor to regulate, FICAD will work towards:

- 6) identifying safety trends within the aviation industry and adopting a risk-based approach to address areas of greater safety concern or need;
- 7) the development of safety performance indicators as well as service providers' safety performance indicators to continuously monitor and measure the safety performance of our aviation system;
- 8) promoting good safety practices and positive safety culture within the service providers based on sound safety management principles.



Director of Civil Aviation, Falkland Islands Government

Appendix B

POLICY STATEMENT 47 | Enforcement

UNCONTROLLED DOCUMENT WHEN PRINTED

Effective date of Implementation: 06/07/2015

ASSI File Reference:UK/X/J/86/02 – Policy Statements

Rationale:

Basic legislative enforcement provisions have in some cases been concerned with imposing penalties for violations within the service provider or by the regulator. In an SSP-SMS environment, it is intended that enforcement policies and procedures, of both the individual service provider and regulator, take account of the actual conditions and circumstances surrounding a violation or act of non-conformance. The intent is to ensure that a distinction is made between an unintentional error or mistake and a deliberate or gross violation.

Service providers are expected to have an acceptable process in place to manage their own routine safety and quality non-conformances. Regulatory intervention can be expected under certain conditions and circumstances in which the designated regulator will actively investigate a particular violation or non-conformance.

This enforcement policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner designed to support the implementation of SMS. The policy and related procedures allow service providers to deal with, and resolve, certain events internally to the satisfaction of the regulator, within the context of a service provider's SMS. This approach aims to nurture and sustain effective safety reporting, whereby service providers' employees can report safety deficiencies and hazards without fear of punitive action. A service provider can therefore, without apportioning blame and without fear of enforcement action, analyse the event and the organisational or individual factors that may have led to it, in order to incorporate remedial measures that will best help prevent recurrence. Intentional contraventions of legislation and related Overseas Territories Aviation Requirements (OTARs) will be investigated and may be subject to conventional enforcement action where appropriate, with due consideration to distinguishing between unintentional errors or non-compliances and premeditated violations.

For the purposes of this policy, service providers are holders of certificates, approvals, permissions, authorisations or similar documents issued under the Order.

Policy Statements:

1. Information derived from safety data collection and processing systems established under an SMS relating to reports classified as confidential, voluntary or equivalent shall not normally be used as the basis for enforcement action.
2. When a service provider, operating under an SMS, unintentionally contravenes the requirements, the regulator will engage in dialogue with the organisation. The objective is to agree on proposed corrective measures and an action plan that adequately addresses

the deficiencies that led to the contravention and to afford the service provider a reasonable time dependent on the risks to safety to implement them.

3. If the regulator considers the corrective measures proposed satisfactory, likely to prevent recurrence and foster future compliance, there will be no further enforcement action by the regulator. Where either the corrective measures or the systems in place are considered inappropriate, the regulator will continue to interact with the service provider to find a satisfactory resolution that would negate the need for enforcement action. However, in cases where the service provider refuses or is unable to engage with the regulator, to address the event and to provide effective corrective measures, the regulator will consider taking enforcement action as deemed appropriate.
4. Breaches of requirements may occur for many different reasons, ranging from a genuine misunderstanding of the regulations to disregard for aviation safety. Enforcement decisions must be proportional to the identified breaches and the underlying safety risks, based on the following principles:
 - a) action will be taken against those who deliberately or consistently operate outside the requirements;
 - b) the regulator will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and
 - c) the regulator will give due and equitable consideration to distinguish unintentional errors or non-compliances from premeditated violations.
5. Enforcement actions may include:
 - a) counselling;
 - b) remedial training;
 - c) variation, suspension or revocation of a certificate, approval or authorisation; or
 - d) prosecution as provided for in the applicable legislation.
6. Enforcement decisions must not be influenced by:
 - a) personal conflict;
 - b) personal gain;
 - c) considerations such as gender, sexual orientation, race, religion, political views or affiliation; or
 - d) personal, political or financial power of those involved.
7. Enforcement decisions must:
 - a) be fair and follow due process;
 - b) be transparent to those involved;
 - c) take into account the circumstances of the case and the attitude and actions of the service provider or individual when considering action;

- d) be consistent actions or decisions for like or similar circumstances; and
- e) be subject to appropriate internal review.

Appendix C

SSP Gap Analysis.

To see the current state of the Falkland Islands' SSP compliance visit the iStars on the ICAO Portal:

<https://portal.icao.int/space/Pages/SSP-Gap-Analysis.aspx>

Select: OTHER/NONE-OTHER-UK OVERSEAS TERRITORIES FALKLAND ISLANDS (Wilks Bruce),



Appendix D: ASSI State Safety Programme Aim and Objectives

Aim: *In support of our Safety Policy our aim to ensure that aviation activities within the UK Overseas Territories where ASSI is designated are able to achieve the highest practicable level of safety performance.*

Objective 1: Develop and maintain regulations, related guidance and associated training for both ASSI and service provider⁷ staff to **enable Safety Management improvement**.

- Safety policy, State Safety Programme (SSP) Aim and Objectives, Enforcement Policy and SSP Document review
- Safety Management System OTAR/ OTAC reviews and updates
- OTAR/ Information consultation and provision to Service Providers promotion

Objective 2: Improve occurrence reporting through revising reporting processes, promotion of both a Just Culture and a positive safety culture.

- Revised combined, robust and simple ASSI reporting process
- Improved quality of Service Provider reporting/ investigation processes and reports
- Human factors promotion within Safety Management Systems
- Promote Just culture within Service Provider organisations

Objective 3: Create processes to identify, collect, share, analyse, monitor and use information that influences aviation safety to **work towards a data driven risk based approach**.

- Hazard identification and hazard log improvement across Service Providers
- Improved Service Provider safety meetings
- Evolve data collection, analysis and risk processes within ASSI

Objective 4: Strengthen collaborative working relationships with the aviation industry, UK Overseas Territories Aviation Authorities and other States' National Aviation Authorities.

- Participation in the Overseas Territories Safety Performance Council (OTSPC)
- Participation in relevant regional safety working groups
- Providing advice to National Civil Aviation Security Committees
- Working to develop greater collaboration in the Eastern Caribbean aviation industry
- Supporting, where applicable, the achievement of the ICAO - no country left behind initiative
- Sharing training with OTAAs, NAAs and service providers
- Promote accountability and leadership Service Providers

⁷ Service Provider as defined ICAO Annex 19 Chapter 3 para 3.1.3 a) - f)



Appendix D continued

FICAD State Safety Programme Aim and Objectives Aim: *In support of our Safety Aim: To further develop and implement an appropriate regulatory framework with processes to ensure that aviation activities within the Falkland Islands are able to achieve the highest practicable level of safety performance.*

Objective 1: Update regulations with related guidance and associated training for both ASSI and service provider staff to **improve Safety Management**.

- Safety policy review, update and promotion
- Enforcement policy review, update and promotion
- Revise State Safety Programme documentation
- Safety and Quality Management training of FICAD staff and service providers where designated

Objective 2: Improve reporting through revising reporting processes, promotion of both a Just Culture and a positive safety culture.

- Reporting/ ECCAIRS review and promotion
- Safety Management and human factors training of FICAD staff and service providers

Objective 3: Update and create processes to collect, share, analyse and monitor information that influences aviation safety to **work towards developing a performance/ risk based approach**.

- Safety Performance review and promotion work streams
- Safety Management training of FICAD staff and service providers where designated

Objective 4: Further **develop collaborative working relationships with the aviation industry, UK Overseas Territories Aviation Authorities and other States National Aviation Authorities** to enhance aviation safety of the UK Overseas Territories.

- Participation in the Overseas Territories Safety Performance Council (OTSPC)
- Safety Performance review
- Participation in relevant safety working groups
- Sharing training with OTAAs, the UK military and service providers

Appendix E: Designated Authorities for ICAO Annexes in the Falkland Islands

