

**Appendix 1 to GM 13 – Just Culture – ANSP level - possible justifications**

<i>ID</i>	<i>Area</i>	<i>Question</i>	<i>Possible justifications</i>
<b>Policy and its implementation</b>			
<b>ANSP.P.1</b>	Policy elements related questions	Is there an explicit Just Culture policy, which is formally endorsed by management and staff representatives and made public?	<b>Written and published policy signed by management and staff representatives.</b>
<b>ANSP.P.2</b>	Policy elements related questions	Does the Just Culture policy contain a description of what is considered to be unacceptable behaviour?	In accordance with the definition in Article 2, (k) of Commission Regulation (EU) No 691/2010 “unacceptable behaviour” should be considered as gross negligence, wilful violations and destructive acts. Besides this definition, it is realised that it is difficult to implement a hard line between acceptable and unacceptable behaviour. Therefore, there is a link between this question and question ANSP.O.8. Possible evidences: written statement in policy.
<b>ANSP.P.3</b>	Policy elements related questions	Does the Just Culture policy guarantee that no disciplinary action will be taken regarding the reporter by the service provider for self-reported occurrences (except for the cases defined above in question ANSP.P.2)?	<b>Written statement in policy.</b>
<b>ANSP.P.4</b>	Policy elements related questions	Does the ANSP provide legal support for its own staff in case of prosecution / legal action related to a safety occurrence?	<b>Communications to staff advising that legal support is available and indicating the procedure how to access such support.</b>
<b>ANSP.P.5</b>	Policy elements related questions	Is there an established and well known Critical Incident Stress Management programme?	<b>Critical Incident Stress Management (CISM) is the structured assistance for a normal reaction to an abnormal event. A CISM programme can help the controllers see that incidents are “normal”, that they can help the organisation improve and that they can happen to everybody. Use of CISM is considered as an indication that the organisation is not intending to “punish” staff but to provide support to those involved in occurrences and thus is aiming to implement a “just culture”. More information can for example be found in the “Critical incident Stress Management: User Implementation Guide” published by EUROCONTROL in 2008 (Ref. nr. 08/11/03-27). Possible justifications: details of a CISM programme, communications to staff advising that CISM is available and indicating procedure how to access such support, procedures indicating when CISM is provided.</b>

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<b>ANSP.P.6</b>	Policy elements related questions	Are safety actions taken in respect to staff after an occurrence without impact on pay of the staff member concerned until the end of the investigation?	<p>No financial penalties on pay until the occurrence investigation has been completed.</p> <p>In some cases the persons involved in an incident could need some additional training which could have an impact on hours and wages. Such a “training” would be the result of the investigation and would not be required or mandated before the investigation is completed. Typically, the investigation should be considered completed once the report has been finalized. It may, as a side effect, encourage those carrying out the investigation to complete the report in a timely fashion.</p> <p>Possible justifications: an overview of safety actions taken after an occurrence and their implications to the pay of the persons involved in the occurrence.</p>
<b>ANSP.P.7</b>	Roles and Responsibilities clearly defined and implemented	Are the service provider's safety investigators completely independent and separate from any line, competency or ops management?	<b>Organisational structure indicating reporting lines, procedures for investigation of occurrences.</b>
<b>ANSP.P.8</b>	Roles and Responsibilities clearly defined and implemented	Do the service provider's safety investigators have full, unimpeded access to all relevant data for investigations?	<b>Rules and procedures at ANSP level for occurrences investigation.</b>
<b>ANSP.P.9</b>	Roles and Responsibilities clearly defined and implemented	Is access to safety data clearly defined and confidentiality ensured?	<b>Rules and procedures at ANSP level for occurrences investigation.</b>
<b>ANSP.P.10</b>	Roles and Responsibilities clearly defined and implemented	Are the staff providing Critical Incident Stress Management clearly nominated and adequately trained?	<b>Nomination of staff, training requirements for staff providing CISM including recurrent training.</b>
<b>ANSP.P.11</b>	Training	Is there regular training and/or briefings on relevant legislation for safety in the context of Just Culture?	<b>Training schedule, planning for briefings, evidence that training and/or briefings on Just Culture have taken place.</b>
<b>ANSP.P.12</b>	Training	Are the principles of Just Culture included in all training curricula (ab-initio and recurrent training)?	<ul style="list-style-type: none"> <li>• training syllabus for personnel involved in safety related activities includes a module addressing the principles of Just Culture</li> <li>• evidences that training courses are being delivered to the appropriate personnel</li> </ul>
<b>ANSP.P.13</b>	Training	Are qualifications and training requirements as regards Just Culture for the ANSP's safety investigators clearly defined?	<b>Professional qualification requirements for ANSP safety investigators.</b>

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<b>Legal/Judiciary</b>			
	Primary legislation	Not applicable	
<b>ANSP.L.1</b>	Judicial procedures and specific aviation legislation	Is the spirit of Directive 2003/42/EC on occurrence reporting in civil aviation and in particular the provisions of its Article 8 (Protection of information) fully transposed into internal procedures?	<p>The spirit of Directive 2003/42/EC on occurrence reporting in civil aviation can be found in its Article 1: “The objective of this Directive is to contribute to the improvement of air safety by ensuring that relevant information on safety is reported, collected, stored, protected and disseminated. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute blame or liability.”</p> <p>Article 8 of the same Directive contains several aspects:</p> <ul style="list-style-type: none"> <li>- proceedings should not be instituted because the Organisation (in case of the Directive – the State) only become aware of an occurrence through reporting;</li> <li>- the procedures should ensure that employees who report are not subject to any prejudice by their employer.</li> </ul> <p>Both aspects should be relevant to ANSP's as well as the State.</p> <p>Possible justifications: internal rules and procedures.</p>
<b>ANSP.L.2</b>	Formal agreement	Is there any agreement between ANSPs and judicial/police authorities to ensure protection of reported incident data and involved individuals?	<p>The question comes from the need to have arrangements in place before a major incident occurs and is in line with the approach outlined for accident investigations in Regulation 996/2010, Article 12, paragraph 3. In particular arrangements should be made beforehand on the exchange of information, the appropriate use as well as the resolution of conflicts between the stakeholders (3d, 3e 3f).</p> <p>Possible justifications: agreement, working arrangement, procedure.</p>

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<b>ANSP.L.3</b>	Formal agreement	Is there an agreed process to deal with incident matters between the ANSP and its national aviation authorities?	The question is intended to identify the existence of a process that sorts out what incidents are handled at the level of the service provider only and what incidents would be addressed by other aviation authorities (civil aviation safety investigation authorities (SIA), Competent Authorities/NSA). In this respect, there should be clarity about who'll do what, for how long and with what possible consequences. Otherwise the openness and trust (i.e. JC) could be influenced. Possible justifications: agreement, working arrangement, procedure.
<b>Occurrence reporting and investigation</b>			
<b>ANSP.O.1</b>	Occurrence reporting and investigation	Is the identity of personnel involved in occurrences protected by staff regulations?	The protection refers to all personal details pertaining to individual persons. Possible evidences: statements in the staff regulations.
<b>ANSP.O.2</b>	Occurrence reporting and investigation	Does staff subject to investigations based on occurrence reports have access to related information?	Written statements regarding data access, internal procedures, case examples.
<b>ANSP.O.3</b>	Occurrence reporting and investigation	Is there a requirement for staff subject to investigation to sign their agreement / disagreement with the findings of investigations?	Internal rules and procedures.
<b>ANSP.O.4</b>	Occurrence reporting and investigation	Is there a formal procedure to inform staff having reported an occurrence of the progress of the investigation?	Internal rules and procedures.
<b>ANSP.O.5</b>	Occurrence reporting and investigation	Does the ANSP provide regular feedback to staff based on occurrence reports?	Safety messages distributed to staff, newsletters or monthly/annual reports.
<b>ANSP.O.6</b>	Occurrence reporting and investigation	Does the public annual report of the service provider provide statistical feedback on occurrence reports?	Annual report made publicly available indicating feedback on occurrence reports.
<b>ANSP.O.7</b>	Occurrence reporting and investigation	Has automated reporting been accepted by staff and implemented by the service provider?	Automated reporting refers to the use of system information and operational data for detecting and reporting an occurrence. Examples are the use of ACAS or STCA data or the EUROCONTROL Automatic Safety Monitoring Tool (ASMT).  Possible justifications: written statements, provisions in staff regulations, or contractual elements, agreed by staff or staff representatives.

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<b>ANSP.O.8</b>	Occurrence reporting and investigation	Is there a separate body, involving nominated Subject Matter Experts, making the decision on whether a case is an “honest” mistake or it falls under the “unacceptable behaviour” category?	<p>An honest mistake can be considered as a mistake that is in line with people’s experience and training and, particularly in the case of Air Traffic Controllers (ATCOs), can stem from working under pressure or even from periods of under-stimulation when traffic is light. Gross negligence, wilful violations, or destructive acts are not honest mistakes.</p> <p>Clear arrangements are required to define a separate body that gets to draw the line between honest mistakes and unacceptable behaviour. This body is to consist of more than one person.</p> <p>Possible justifications: Terms of references, working arrangements, staff nominations.</p>