

Appendix 1 to GM 14 SKPI — Just Culture — ANSP level — possible evidence

ID	Area	Question	Possible evidence
Policy and its implementation			
ANSP.P.1	Policy elements related questions	Is there an explicit Just Culture policy, which is formally endorsed by management and staff representatives and made public.	<p>Written and published policy signed by management and staff representatives.</p> <p>The intent of the question is to establish that a Just Culture policy exists and is jointly owned by the staff and management. The Just Culture policy may be a separate stand-alone document or elements of such policy may be defined in various internal procedures/documents, which deal with different aspects of Just Culture and should necessarily be endorsed by the staff representatives to strengthen the principle of mutual trust.</p> <p>A ‘Yes’ answer is understood as a positive response to <u>all three</u> elements of the question, namely:</p> <ul style="list-style-type: none"> • There is a written policy, • which is endorsed by management and staff representatives, and • that is published.
ANSP.P.2	Policy elements related questions	Does the Just Culture policy contain a description of what is considered to be unacceptable behaviour?	<p>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.</p> <p>Possible evidence: written statement in policy</p>

ANSP.P.3	Policy elements related questions	In the case of self-reported occurrences, does the Just Culture policy treat the reporter fairly and in accordance with the principles of the Just Culture definition?	Written statement in policy.
ANSP.P.4	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?	Communications to staff advising that legal support is available and indicating the procedure how to access such support.
ANSP.P.5	Policy elements related questions	Is there an established and well-known stress management system in place such as Critical Incident Stress Management programme?	<p>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 indicates 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).</p> <p>Possible evidence: details of the CISM programme, communications to staff indicating that CISM is available, reference to procedures that explain how to access support. It should be noted that nothing prevents the CISM programme being subcontracted out to an independent organisation.</p>

<p>ANSP.P.6</p>	<p>Policy elements related questions</p>	<p>Does the ANSP ensure that actions taken in respect to staff after an occurrence preserve in full the pay and benefits of the staff member concerned until the end of the investigation?</p>	<p>No financial penalties on pay until the occurrence investigation has been completed. In some cases, safety actions may be taken with regard to the persons involved in an incident, (additional training, mandatory rest periods, psychological/medical check-ups, etc.) which could have an impact on hours and wages. Such a 'training', for example, 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 published. It may, as a side effect, encourage those carrying out the investigation to complete the report in a timely fashion.</p> <p>Possible evidence: an overview of safety actions taken after an occurrence and their implications to the pay of the persons involved in the occurrence.</p>
<p>ANSP.P.7</p>	<p>Roles and Responsibilities clearly defined and implemented</p>	<p>Are the service provider safety investigators completely separate from any line, competency or ops management?</p>	<p>Organisational structure indicating reporting lines, procedures for investigation of occurrences.</p> <p>It is acknowledged that in the case of small providers or small units, there are fewer staff and the provider/unit cannot afford to have independent staff to deal exclusively with safety management tasks. However, when people perform several jobs with different reporting lines e.g. in the case of safety investigations, today's best practice may be summed up as follows: experts in charge of investigations will report to the accountable post holder for safety; if they perform other operational tasks part-time, they will report on the latter to their operational line manager.</p> <p>Please ensure that when providing answers to the questionnaire, the relevant details (e.g. why complete independence cannot be ensured) are provided when completing the 'Justification and remarks' section, in addition to indicating the 'Yes/No' answer.</p>

ANSP.P.8	Roles and Responsibilities clearly defined and implemented	Do the service provider's safety investigators have full, unimpeded access to all relevant data for investigations?	Rules and procedures at ANSP level for occurrence investigation.
ANSP.P.9	Roles and Responsibilities clearly defined and implemented	Is access to safety data clearly defined and confidentiality ensured?	Rules and procedures at ANSP level for occurrences investigation
ANSP.P.10	Roles and Responsibilities clearly defined and implemented	Does the ANSP ensure that the persons involved in stress management systems, such as Critical Incident Stress Management, are clearly nominated and adequately trained?	Nomination and training requirements for persons providing CISM, including recurrent training.
ANSP.P.11	Training	Is there regular training and/or briefings on relevant legislation for safety in the context of Just Culture?	Training schedule, planning for briefings, evidence that training and/or briefings on Just Culture have taken place. Training may include statistics supporting the increase in safety as consequence of an efficient reporting system.
ANSP.P.12	Training	Are the principles of Just Culture included in all relevant training curricula e.g. initial and continuation training?	Training syllabus for personnel involved in safety-related activities includes a module addressing the principles of Just Culture. Evidence that training courses are being delivered to the appropriate personnel. Knowledge and understanding of Just Culture should be satisfactory and it has to be built through training courses of an appropriate and proportioned duration. It is essential that Just Culture details are included in the training of all relevant personnel from the very beginning (i.e. initial training) and that it continues to be updated constantly in order to maintain it fresh in people's minds as well as to bring in new elements, developments and/or principles. In fact, training of operators or personnel is fundamental to the performance and organisation of any system.
ANSP.P.13	Training	Are qualifications and training requirements as regards Just Culture for the ANSP's safety investigators clearly defined?	Professional qualification requirements for ANSP safety investigators. The role of ANSPs safety investigators is essential in developing a Just Culture within the organisation. The way

			<p>they conduct day-to-day investigations, collect data, undertake analyses and identify contributing factors, or write conclusions and recommendations, can influence or are influenced by the Just Culture Policies of the ANSP.</p> <p>Furthermore, Just Culture is much more than what is written down as policies and principles. It extends into the beliefs and behaviours of people, including the investigators. Thus, in order to properly apply these principles, experts becoming safety investigators need appropriate qualifications and training to ensure they adequately perform the sensitive role of safety investigation.</p> <p>Formalisation of the qualifications and training as regards Just Culture is needed for safety investigators to avoid that their knowledge and expertise in the subject is left to chance, therefore applying the Just Culture principles in a suboptimal way.</p>
ANSP.L.1	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 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 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"> • proceedings should not be instituted because the Organisation (in the case of the Directive, the State) only becomes aware of an occurrence through reporting; • the procedures should ensure that employees who report are not subject to any prejudice by their employer. <p>Both aspects should be relevant to ANSP's as well as the State.</p>

			Possible evidence: internal rules and procedures.
ANSP.L.2	Formal agreement	Notwithstanding judicial independence, 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 paragraph 3 of Article 12 of Regulation (EU) No 996/2010. 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 evidence: agreement, working arrangement, procedure.</p>
ANSP.L.3	Formal agreement	Is there an agreed process to deal with incident matters between the ANSP and its national aviation authorities?	<p>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 (AIB), 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.</p> <p>In addition, the aim of the question is to establish whether the conditions under which the exchange of sensitive information is ensured between the holder of the information/data (ANSP) and the requester of that information/data are in line with the provisions for protection of data and/or individuals as laid out in the Annex 13, the EU Directive 2003/42 and/or the Regulation (EU) 996/2010. The term 'agreement' should be read as encompassing different types of arrangement or process that may be in place at national level.</p> <p>Possible evidence: agreement, working arrangement, procedure.</p> <p>If such agreement or working arrangements or procedures cannot be concluded, then the answer 'No' should be selected and the reasons why should be described.</p>

ANSP.O.1	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 individuals involved. Possible evidence: statements in the staff regulations.
ANSP.O.2	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.
ANSP.O.3	Occurrence reporting and investigation	Is there a procedure in place to ensure that the staff subject to investigation can record his/her comments as regards the findings of investigations?	Internal rules and processes. If the selected answer is 'No', a rationale why such a procedure is not available or possible should be provided.
ANSP.O.4	Occurrence reporting and investigation	Is there a formal process in place to inform staff who have reported an occurrence of the progress of the investigation?	Internal rules and procedures.
ANSP.O.5	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.
ANSP.O.6	Occurrence reporting and investigation	Does the public annual report of the service provider provide statistical feedback on occurrence reports in particular reports received internally?	Annual report made publicly available indicating feedback on occurrence reports. The public annual report is formally defined in point 9 of Annex I to Commission implementing Regulation (EU) No1035/2011, entitled 'Reporting requirements'. It states that the results of the ANSPs activities (including safety) shall be included in the annual report that they have to provide to the public under the conditions set by the competent authority. The question refers to the Annual Report (i.e. the report defined above, if applicable), but if the ANSP provides safety statistics in any other public report, that would include safety information (e.g. bulletins, safety newsletters, etc.), it is also a valid and acceptable way of making safety performance public and in line with the spirit of this question.

ANSP.O.7	Occurrence reporting and investigation	Has automated reporting been accepted by staff and implemented by the service provider?	<p>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).</p> <p>Possible evidence: written statements, provisions in staff regulations, or contractual elements, agreed by staff or staff representatives.</p>
ANSP.O.8	Occurrence reporting and investigation	Are Subject Matter Experts involved in 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, or the undesirable outcome inadvertently caused during a conduct respecting the applicable rules, or an event caused not having awareness of taking a substantial and unjustifiable risk, 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 ensure the involvement of Subject Matter Experts within the provider that get to draw the line between honest mistakes and unacceptable behaviour. The function is performed by more than one person and deals primarily with the internal disciplinary actions. Whether the action may be considered a crime under criminal law is entirely up to the judicial authorities.</p> <p>Possible evidence: Terms of references, working arrangements, staff nominations.</p>