

OCCURRENCE REPORTING



Issue No: 03/20

The sole objective of occurrence reporting is the prevention of accidents and incidents, without the apportionment of blame or liability

With effect from 1 December 2020, new Occurrence Reporting legislation comes into force.

This issue of Safety Matters focuses on the new occurrence reporting requirements for aircraft registered in the Isle of Man, and gives guidance on how to comply.

The Civil Aviation (Occurrence Reporting) Order 2020 (which was open to public consultation during 2019) meets the latest requirements of ICAO Annex 19. It also incorporates the current investigation processes which have been previously specified in [Registry Publication 5 \(RP5\)](#) and includes the following key amended/new requirements:

- **'Safety Data and Information Protection' is now enacted in law.**
More details on this is provided in this issue of Safety Matters.
- **Mandatory Occurrence Reports (MOR) must now be submitted within 72 hours of the person becoming aware of the occurrence.**

[RP5](#) has been updated to incorporate the new occurrence reporting requirements.

Safety Data and Information Protection

Why Protect Safety Information and data?

The objective of legally protecting safety data and information obtained from occurrence reporting is to encourage individuals and organisations to openly report so that the safety data and information can be used to maintain or improve aviation safety. In accordance with 'Just Culture' principles, these legal protections are not intended to relieve sources of their safety related obligations or interfere with the proper administration of justice.



How does the Occurrence Reporting Order protect safety information and data?

- Except where a 'principle of exception' applies (see next page), safety data or safety information obtained under the Occurrence Reporting Order must not be disclosed for use in civil or criminal proceedings.
- Safety data and information held by the IOMAR is 'absolutely exempt' information for the purposes of access to information under the Freedom of Information Act 2015.
- You must not use safety data or information obtained under the Occurrence Reporting Order for any purpose other than for maintaining or improving safety and to take any 'preventative, corrective or remedial action' that is necessary (see next page). Everybody must take necessary reasonable measures to protect safety data and information from being used for any other purposes.
- You must not disclose any safety data or safety information other than for promoting or improving aviation safety and such disclosure must not identify any individual. Persons requiring to disclose safety data or information for any other purpose must only do so in accordance with an approval granted by the IOMAR. Approvals will only be granted by the IOMAR where a 'principle of exception' applies (see next page).

Safety Data and Information Protection

What is 'preventative, corrective or remedial action'?

Preventative, corrective or remedial action, may necessarily be taken by the aircraft operator and/or the IOMAR for the purposes of maintaining or improving safety.

- Preventive action is an action taken to prevent the occurrence or recurrence of an event or a hazard that poses a risk to safety.
- Corrective action is an action taken to address particular safety-related shortcomings or deficiencies, such as an authorisation holder who is unable to demonstrate compliance with applicable safety or competency standards. Corrective action may be necessary to bring an authorisation holder back into compliance.
- Remedial action is an action taken to address the underlying causes of particular safety-related shortcomings or deficiencies, such as training. Remedial action might also involve restricting, limiting, suspending or revoking the privileges of an authorisation, certificate or licence holder who fails to continue to meet the necessary qualifications to exercise those privileges.

These actions are **not** to be regarded as punitive or disciplinary but are necessary to prevent or minimise the exposure to an unmitigated safety risk; therefore, they are not subject to the 'principles of exception' (see below):

Principles of exception

The IOMAR must be satisfied that the 'principles of exception' are met before any safety data or information is approved for disclosure for any purposes other than maintaining or improving safety.

A 'principle of exception' may only be used when one of the following applies:

- (1) there is evidence that an occurrence reported under the Occurrence Reporting Order was likely to have been caused by gross negligence, wilful misconduct or criminal activity;
- (2) disclosure of safety data or safety information is necessary for the proper administration of justice; or
- (3) release is necessary for the wider purpose of maintaining or improving aviation safety in general beyond any immediate preventative, corrective or remedial action.

In order to apply principles (2) or (3) above, the benefits of releasing the safety data or safety information must outweigh the potential adverse impact (both domestic and international) it would likely have on the future collection and availability of such data and information.

Mandatory Occurrence Reporting: Who, what, when, how?

Who must report?

With regard to aircraft registered in the Isle of Man:

- **The pilot in command (PIC)**, or in cases where the PIC is unable to report the occurrence, any other crew member next in the chain of command;
- **A person who signs a certificate of release to service;**
- **A person who is involved with the transport of dangerous goods by air.**

Other persons **may** submit **voluntary reports** using exactly the same process

What must be reported to the IOMAR?

Occurrences which **may represent a significant risk to aviation safety** and which fall into the following categories:

- Occurrences related to the **operation of aircraft;**
- Occurrences related to **technical conditions, maintenance** and **repair of aircraft;**
- Occurrences related to **air traffic services** and **facilities;**
- Occurrences related to **aerodromes** and **ground services;**
- **Dangerous goods** incidents.

When must I report by?

Within 72 hours of the person who must report becoming aware of the occurrence.

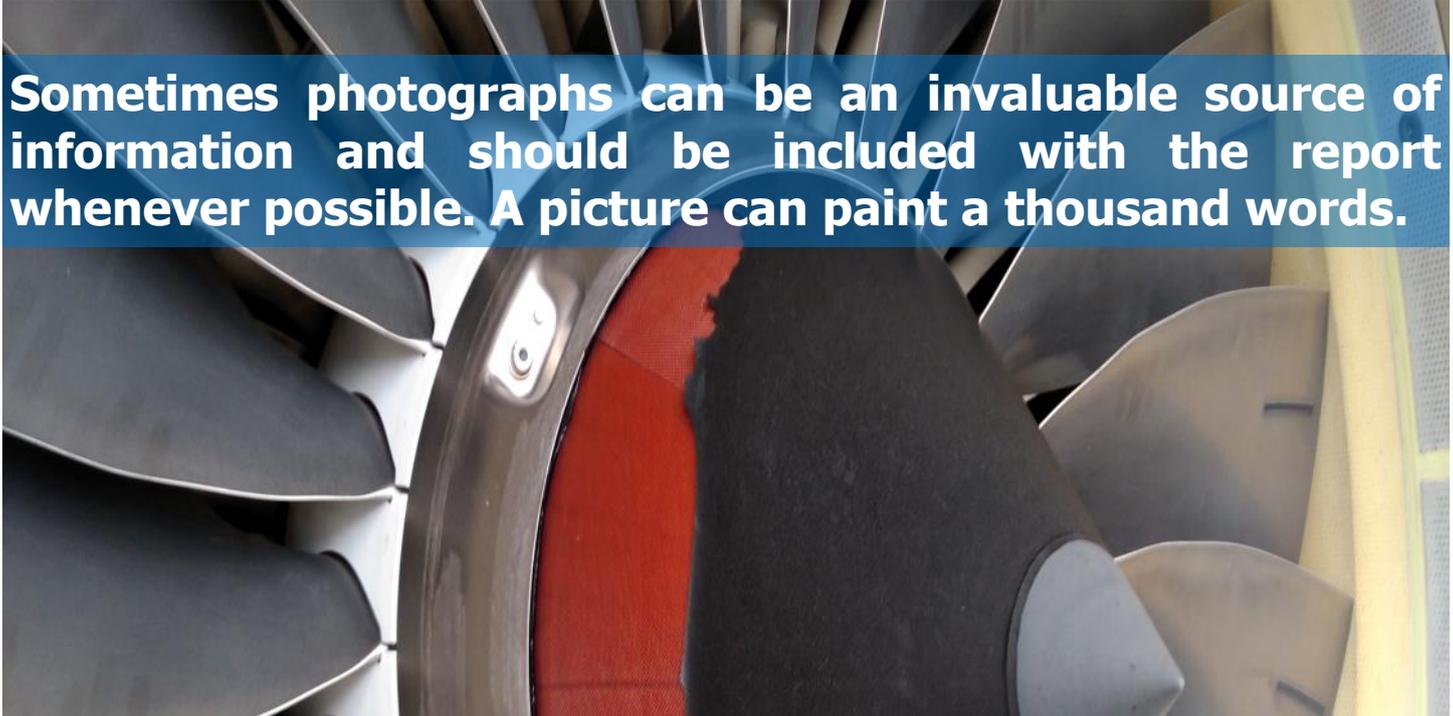
How? - Form 30 Part 1

Mandatory Occurrence Reports must be submitted to the IOMAR by filing in and submitting Part 1 of Form 30 (or another format approved by the IOMAR). We will acknowledge receipt of the report and will issue a unique occurrence reference number.

You should also comply with the requirements of your organisation's safety management system.

The narrative should be concise, clearly describing what happened or was found and immediate actions taken to address the situation.

For guidance on submitting a mandatory occurrence report see [RP5](#).



Sometimes photographs can be an invaluable source of information and should be included with the report whenever possible. A picture can paint a thousand words.

Investigation by the reporter/operator

Requirement

Employers must establish procedures for the investigation of occurrences.

An occurrence must be investigated and the results submitted to the IOMAR within 30 days from the date of the occurrence being reported or such longer period that has been agreed by the IOMAR. This is achieved by submitting the Part 2 of the [Form 30](#).

Guidance

Identifying the lessons to be learned from a safety occurrence requires an understanding of not just what happened, but why it happened.

The investigation should be conducted in accordance with any requirements specified in the organisation's safety management system (if applicable). Where possible an independent investigation should be completed. The investigation should establish:

- (a) the root causes that led to the occurrence;
- (b) corrective measures that will be put in place to avoid similar events in future.

Therefore, the investigation should look beyond the obvious causes and aim to identify the contributory factors, some of which may be related to weaknesses in the system's defences or other organisational issues.

The outcome of the investigation should focus on determining hazards and risks and not on identifying individuals to blame. The way the investigation is conducted significantly influences the overall safety culture in the aviation organisation.

Investigations into occurrences should be proportionate to the complexity of the event. It is also recognised that investigations may be conducted by lone individuals or by organisations with formal safety management systems. Therefore it is inappropriate to specify exact methodologies or detail to be applied in each case.

For guidance on the conduct of an investigation see [RP5](#).

A Summary from the Registry

The purpose of occurrence reporting is to improve aviation safety by ensuring that civil aviation safety hazards are reported, collected, analysed, and acted upon. It plays an essential role in accident prevention by enabling the identification and implementation of appropriate remedial actions. Consequently, the proactive safety reporting of hazards by operational personnel is a vital foundation for the management of aviation safety.

Effective safety reporting systems ensure that people are willing to openly report occurrences and create an environment in which people can be confident that their report will be used exclusively for improving safety. We have put in place the legal framework for this by implementing the ICAO Safety Information Protection provisions in our new Occurrence Reporting Order (supported by guidance in [RP5](#)).

The legal framework is just the start point. Organisations must drive forwards their commitment to a positive safety culture so that employees have trust in their occurrence reporting system. The workplace culture must be error-tolerant and 'just'. The reporting system needs to be perceived as being fair in the way unintentional errors and mistakes are treated. Actions are more important than words – it is what is done and said that counts most. Building an effective safety culture takes time, but it can be destroyed in an instant through inappropriate words or behaviour.

Employees also have a key role to play and must recognise that as part of working in a safety critical environment, preventative, corrective or remedial actions may sometimes need to be taken by their employer or the safety regulator. These steps are not punitive but may be needed in order to maintain or improve safety.

You can be assured of the IOMAR's commitment to a just safety culture and our overriding aim to maintain and wherever possible to improve aviation safety through working in partnership with those that we regulate.



For further information on safety culture:

- [Skybrary](#) — provides a host of resources and links
- [EUROCONTROL Safety Culture Discussion Cards](#) — a practical resource to aid discussion about safety culture by any person or team within any organisation
- [ICAO Safety Management Manual \(Chapter 3\)](#) provides: an overview of safety culture; development and monitoring; how it influences safety reporting