

## RA 1020 - ►◀ Aviation Duty Holder and Aviation Duty ► Holder-Facing Organizations - Roles and Responsibilities ◀

### Rationale

► Aviation Duty Holders (ADH) are responsible for Air Safety and ensuring that associated Risk to Life (RtL) for the Air Systems within their Area of Responsibility (AoR) is As Low As Reasonably Practicable (ALARP) and Tolerable. ADH-facing organizations are responsible for supporting the ADH in the execution of his responsibility. A compromised level of accountability for operations may result from not having ADH or ADH-facing organizations in place. ◀ Clearly defined roles and responsibilities are required so that legally accountable individuals can effectively carry out their duties in mitigating and making judgements on Air Safety risk.

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### Regulation 1020(1)

#### Role and Responsibilities of the Aviation Duty Holder

1020(1) ADHs **shall** actively manage Air Safety via an effective Air Safety Management System (ASMS) to mitigate associated RtL ► so that they are ALARP and Tolerable ◀ within their defined AoR.

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#### Role and Responsibilities of the Aviation Duty Holder

1. ADHs are legally accountable for the safe operation, continuing Airworthiness and maintenance of systems in their AoR and for ensuring that RtL is ► ALARP and Tolerable ◀; they **should**:
  - a. Cease routine aviation operations if RtL are identified that are not demonstrably ► ALARP and Tolerable. ◀
  - b. Establish and maintain an effective ASMS that, wherever possible, exploits the MOD's existing aviation regulatory structures, publications and management practices, in order to demonstrate an acceptable means of compliance with the requirements in RA 1200<sup>2</sup>.
  - c. Promote and lead by example ► an Engaged ◀ Air Safety culture.
  - d. If necessary, challenge formally any option or action that is proposed or implemented by ADH-Facing Organizations that ► can ◀ result in the activities for which they are responsible not being ► ALARP and Tolerable.
2. ADHs **should** also:
  - a. Appoint a Senior Operator (SO) Crown Servant, which is a Suitably Qualified and Experienced Person (SQEP), to provide them with specialist operator support in delivering their Air Safety responsibilities.
  - b. Issue their SOs with personal Letters of Authority detailing their responsibilities.
  - c. Ensure that the SO meets the minimum SQEP criteria in RA 1022<sup>3</sup>.

<sup>1</sup> ►◀ The term ADH encompasses Senior Duty Holder (SDH), Operating Duty Holder (ODH) and Delivery Duty Holder (DDH) and ► is to ◀ be interpreted accordingly; the different levels are referred to separately where specifically required. The definition of ADH can be found in ► MAA02. ◀

<sup>2</sup> ► Refer to ◀ RA 1200 – Defence Air Safety Management.

<sup>3</sup> ► Refer to RA 1022 – Senior Operator - Roles and Responsibilities. ◀

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- d. **Appoint a Chief Air Engineer (CAE) Crown Servant, which is SQEP, to provide them with specialist technical support in delivering their Air Safety responsibilities.**
- e. **Issue their CAEs with personal Letters of Authority detailing their responsibilities.**
- f. **Ensure that the CAE meets the minimum SQEP criteria in RA 1023<sup>4</sup>. ◀**

3. In order to ensure access to all the levers necessary to manage RtL effectively an ODH **should** also be the Aircraft Operating Authority (AOA) for all Air Systems in their AoR<sup>5</sup>.

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**Role and Responsibilities of the Aviation Duty Holder**

4. ADHs have a personal level duty of care for the personnel under their command; those who, by virtue of their temporary involvement in aviation activities, come within an ADH's AoR; and the wider public who may be affected by their operations. By design, the Air Safety DH chain sits in parallel with the Full Command chain, but does not mirror it. In doing so, it minimizes delegations and provides necessary separation, coupled with a degree of beneficial tension between Air Safety and delivery. Nonetheless, the Air Safety ADH governance model does not absolve commanders at any level of their broader, enduring duty of care responsibilities under Common Law and the Health and Safety at Work Act (1974). The key ADH level is the 2\* ODH, by virtue of the unique combination of: their competencies, training and experience; "their relevant knowledge of operational requirements; their immediate and daily access to the views and expertise of Front-line air and engineering crews; and the most direct interest in ensuring the safety and airworthiness of their aircraft"<sup>6</sup>.

5. In the execution of their specific ADH responsibilities, ADHs will be accountable and answerable to the Secretary of State (SofS), via their superior DH chain. The conventional chain of command will continue to command and control the delivery of capability outputs, but will not direct, nor attempt to influence, nominated ADHs within that chain in the execution of their accountable Air Safety responsibilities.

6. Whilst ADHs are personally accountable for their responsibilities and must, therefore, ultimately determine for themselves the level of Air Safety risk they are willing to accept, they nevertheless will be supported by expert advisers. By virtue of their qualifications, training and experience, ADHs will be senior operators, well equipped to assess and rule on levels of operating risk. However, in the areas of continuing Airworthiness and maintenance, they will have recourse to a **▶ Military Continuing Airworthiness Manager (Mil CAM) (see RA 1016<sup>7</sup>) who is responsible for the Continuing Airworthiness Management of an Air System and a CAE who is responsible for ensuring standards and practices throughout the DDH AoR and providing advice on strategic cross platform engineering and support issues (see RA 1023<sup>8</sup>). ◀** The ADH will also be supported by a Type Airworthiness Authority (TAA) (see RA 1015<sup>9</sup>), who is personally accountable for the Type Airworthiness of the Air System and being ADH-Facing will also comply with the responsibilities set down in RA 1020(4) and RA 1205<sup>10</sup>.

7. ADHs will also appoint a Senior Operator (SO) to support them and be responsible for self-regulation and providing internal assurance of operating procedures, standards and Flight Safety. ADHs may or may not appoint an ODH as their SO, depending on circumstances and their preference (see RA 1022<sup>▶4◀</sup>).

<sup>4</sup> **▶ Refer to RA 1023 – Chief Air Engineer – Air Safety Responsibilities. ◀**

<sup>5</sup> An ODH's responsibilities (minimizing RtL) are complementary to his responsibilities as an AOA, which is a command function (delivering operational outputs). See also MAA 01 **▶ Chapter 3. ◀**

<sup>6</sup> The Nimrod Review, Ch 19, para 19.22.1.

<sup>7</sup> **▶ Refer to ◀ RA 1016 – ▶ Military ◀ Continuing Airworthiness ▶ Management. ◀**

<sup>8</sup> **▶ Refer to ◀ RA 1023 – Chief Air Engineer - Air Safety Responsibilities. ◀**

<sup>9</sup> **▶ Refer to ◀ RA 1015 – Type Airworthiness Authority - ▶ Roles and ◀ Responsibilities. ◀**

<sup>10</sup> **▶ Refer to ◀ RA 1205 – Air System Safety Cases. ◀**

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**ADH Responsibilities**

8. The first line of defence in Air Safety is the establishment of ► **an Engaged Air Safety Culture**, ◀ underpinned by the application of common sense. The ADH has a key role to play in establishing and sustaining such a culture. During the life cycle of an Air System, ADH's responsibilities apply when Service personnel, or other Crown Servants for whom an ADH is made explicitly responsible (whether permanently or temporarily assigned), are involved in the operation of the Air System. They also have a personal level duty of care to the wider public who may be affected by their operation. ► ◀ Arrangements for ADH succession, or when a system gains Release To Service (RTS), will include a formal hand-over/take-over of the relevant Air System's SC including Risk Register (see RA 1205 ►<sup>10</sup> ◀).

**ADH Engagement**

9. It is imperative that ADHs at all levels lead by example in nurturing and developing ► **an Engaged Air Safety Culture**. ◀ The detailed governance mechanisms employed by ADHs can be tailored to the scale and nature of the aviation activity being supervised, but the following elements will be considered as the minimum requirement:

- a. **Air Safety Steering Gp (ASSG)**. A not less than annual forum, chaired by the ODH, to evaluate Air Safety risk across his AoR and to prioritize available resources and requirements. To be supported by a unified ODH Risk Register and subject matter experts (SME) from ADH-Facing Organizations, when required.
- b. **Air System Safety Working Gp (ASSWG)**. A regular, Type-specific forum, chaired by the ODH or his nominated representative, to evaluate the Airworthiness, operation and maintenance of a specified Air System, across the Defence Lines of Development (DLod). In doing so it will underpin the associated Air System Safety Case (ASSC) ►<sup>10</sup> ◀.
- c. **Programme Boards**. ODHs will be appropriately represented at Programme Boards by senior, informed and empowered representatives. However, ODH objections, on Air Safety grounds, to any actual or proposed course of action will be submitted formally by the ODH, in person or in writing, and the objection(s) minuted accordingly.
- d. **Budgetary Planning**. During routine budgetary planning, ADHs will be afforded the opportunity to seek additional resources to mitigate all RtL ► **so that they are ALARP and Tolerable**. ◀ In addition, they will be given full and timely visibility of any measures that have the potential to affect Air Safety adversely, to ensure authoritative and appropriate impact statements inform auditable planning process decision making.

**ADH Responsibilities in Operations**

10. **Operating Envelope**. When appointed as an ADH, an air commander and delegated AOA is personally and legally responsible for ensuring that RtL emanating from the activities associated with his generation and sustainment of Force Elements (FEs)<sup>11</sup> is ► **ALARP and Tolerable**. ◀ Such activities will occur within an 'envelope', which may be considered to be bounded by, *inter alia*: declared role(s); competency, currency and readiness of personnel; RTS; defined Tactics, Techniques and Procedures (TTP); and applicable regulations. The boundaries of such 'envelopes' will be defined, as required, by ADHs and are fixed; however, the ADH may adjust and redefine the boundary as changes in capability occur. For example, an envelope may be expanded leading up to deployment on, or during, an operation to accommodate capability increments, such as Urgent Capability Requirements (UCR), once the necessary lines of development are all in place (eg training, supervision etc).

11. **Operational Employment and Limit of ADH Responsibility**. When air FEs are allocated to an operational commander (authorized under a Chief of Defence Staff's (CDS) directive to employ subordinate FEs in pursuit of operational objectives),

<sup>11</sup> Components of capability comprising, *inter alia*; personnel, training, platforms, their serviceability and sustainment.

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the ADH is responsible to the operational commander for their operational readiness in accordance with ►(iaw)◄ their declared role(s) and for the continuing management ►of all operating RtL so that they remain ALARP and Tolerable,◄ within the defined operating envelope, ie those other than arising from survivability in a hostile environment<sup>12</sup>. An operational commander enjoys the authority and freedom to employ allocated FEs in operational tasks at his discretion, bounded by the Laws of Armed Conflict, CDS' Directive, the accompanying Rules Of Engagement (ROE), superior command direction, the FEs' defined operating envelopes and due regard to RtL of the forces under his command. The limit of an ADH's responsibility and accountability for managing operating RtL in the operational domain is therefore defined as the point at which an operational commander unilaterally directs any relevant activity (operating and/or support) that transcends the operating boundary set by the ADH. Operational Command (OPCOM) of FEs being retained outside of an Operation's command chain (eg Strat Air Transport, requires careful handling; designated commanders must avoid 'competing' to manage operational risk and the deployed operational command chain ought to routinely take precedence within the Joint Operations Area).

**12. Premeditated Change to Operating Envelope.** Notwithstanding paras ►10 and 11◄ above, pursuit of an operational commander's objectives could require the employment of allocated FEs outside of their defined operating envelope (see RA 1210<sup>13</sup>). Where such employment of air FEs is premeditated<sup>14</sup> (other than with regard to survivability in a hostile environment):

a. The responsible operational commander must seek formally the advice of the relevant ADH, or his designated senior representative<sup>15</sup> in Theatre, on the level of risk, potential mitigations and, if appropriate, alternative courses of action<sup>16</sup>. Though the senior representatives provide advice on behalf of the relevant ADH, this need not necessarily be exclusive to their assuming roles in the operational command chain. If direct consultation with the ADH is not achieved, the designated representative(s) in Theatre will make the ADH aware at the earliest practical opportunity. Where extant regulations are likely to be infringed, the MAA must be informed.

b. When, following due consideration and the application of any caveats or controls, an ADH actively endorses such an excursion, which may be time limited, the operating envelope is to be considered re-defined and the ADH thereby accepts and owns the associated risk. Notwithstanding, the freedom and authority to employ the allocated FEs in a manner of his choosing is ultimately retained by the operational commander. Where a substantive and significant difference of opinion between an ADH and an operational commander arises, the ADH has the option to elevate his concerns to the National Contingent Commander, Chief of Joint Operations (CJO), or his SDH, all of whom have the option to refer the issue to CDS.

**13. Operational Imperative to Exceed Operating Envelope.** Where operational imperatives demand urgent employment of air FEs outside of their defined operating envelope and prior consultation with the relevant ADH, or his senior representative, is impractical, an operational commander retains the freedom and authority to employ the allocated FEs in a manner of his choosing. Clearly, in doing so, he must be prepared to justify his actions in retrospect, preferably via a context based and suitably tailored auditable risk analysis and decision making process. It is acknowledged that the urgency of a particular situation may preclude some or all of such a process being

<sup>12</sup> Survivability in a hostile environment and associated balance of risk will be addressed by the operational command chain when considering the deployment of Air Systems on operations, in consultation with the AOA ►and ADH chain (as appropriate).◄

<sup>13</sup> ►Refer to◄ RA 1210 – Ownership and Management of Operating Risk (Risk to Life).

<sup>14</sup> For practical purposes, consideration of a course of action more than 24 hours in advance must be considered premeditated.

<sup>15</sup> The nomination of a deployed senior representative is in the context of managing RtL and at the discretion of the ADH, and is not necessarily the same individual as the Deployed SO (see paragraph ►14◄), which is a different and specifically defined role.

<sup>16</sup> For practical purposes any requirement(s) to operate outside an existing RTS that becomes apparent more than 48 hours in advance is routinely to be the subject of a request to the Release To Service Authority (RTSA) for RTS amendment action. If required (eg timelines are such that decisions must be made within that 48-hour window), an ODH may authorize excursions from the RTS, based on his own auditable risk analysis, informed by relevant technical and operational advice from eg the TAA, his CAE and/or SO as well as the RTSA. Such excursions must be kept to a minimum and will only be required when time has precluded his requesting an amendment to the RTS. In any event, such excursions will be notified to the RTSA.

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carried out formally. Nevertheless, the principles of such a process must inform operational commanders' judgements and be seen to have done so.

14. **Deployed SO and CAE.** To assist in developing and implementing the associated processes, ADHs are at liberty, and may find it useful, to appoint deployed SO and CAE who are responsible respectively to their parent ADHs for providing internal assurance of deployed operating procedures, standards and Flight Safety, and Engineering standards and practices. The responsibilities of a deployed SO or CAE are directly to the relevant ADH, but need not necessarily be exclusive to their assuming roles in the operational command chain.

15. **Support Structures and Processes.** The implementation of the above principles will require exploitation of existing structures and processes, some of which may need to be adapted, and probably development of additional supporting mechanisms that will need to integrate and be coherent with extant arrangements. The ADH's ASSC, including Risk Register, ASSG and ASSWG processes are likely to fall in the former category, whilst the means by which operational commanders assess Rtl in the air domain and, when required, consult with ADHs will benefit from further development by CJO and stakeholders. While mechanisms have now evolved for enduring operations, foundations will need to be laid to accommodate contingent operations. Acknowledging the constraints that might be imposed by the tempo of operations, the keys to success will be a thorough understanding of respective responsibilities, supported by early consultation and an established working dialogue between the operational command and ADH chains.

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**Aviation Duty Holder Nomination**

1020(2) Each Service chief **shall** be an SDH by virtue of position, and **▶◀** personally appoint by name ODHs and DDHs within their AoRs.

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**Aviation Duty Holder Nomination**

16. SDHs **should** ensure that the ODHs and DDHs that they appoint are SQEP operators (see paragraph **▶19 and 22◀**).

17. Names of ODH and DDH nominees **should** be submitted for endorsement by **▶the MAA Director (MAA-D) iaw◀ MAA 03 Annex G▶<sup>17</sup>◀**.

18. **▶ODHs, DDHs, SOs and CAEs should attend the Duty Holder Air Safety Course (DHASC)<sup>18</sup>. ODHs and DDHs should complete the DHASC prior to assuming their appointments. Bespoke training will be provided for SDHs on appointment.◀**

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**Aviation Duty Holder Nomination**

19. **ADH Levels.** The SDH will appoint by name ADHs who are SQEP and appointees will be required to acknowledge and accept formally their ADH responsibilities. In the execution of their specific ADH responsibilities, ADHs will be accountable and answerable to the SofS, via their superior ADH chain. ADHs will be nominated at the following 3 levels in each Service:

a. **Senior.** SDHs will be personally legally responsible and accountable for ensuring that: an effective, end-to-end **▶ASMS◀** is resourced, implemented and appropriately managed in their AoRs; and that those personnel under their command who are engaged directly in aviation activities are suitably qualified, trained, experienced and equipped.

b. **Operating.** ODHs, who are 2\* operators, will be personally legally responsible and accountable for the safe operation, continuing Airworthiness

<sup>17</sup> **▶MAA03: Military Aviation Authority Regulatory Processes.**

<sup>18</sup> **For further training details see RA 1440 – Air Safety Training.◀**

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and maintenance<sup>19</sup> of the Air Systems in their defined AoR. On matters of Air Safety, ODHs are accountable to their respective SDH, will provide him with relevant subject matter advice and have right of direct access.

c. **Delivery**<sup>20</sup>. SQEP operator DDHs who will be personally legally responsible and accountable for the safe operation, continuing Airworthiness and maintenance<sup>20</sup> of the Air Systems in their defined AoR. On matters of Air Safety, DDHs are accountable to their designated ODH, will provide him with relevant subject matter advice and have right of direct access. Where units of one ►DDH◀ operate from the estate, or are supported by the resources of another, suitable arrangements must be in place to delineate clearly Air Safety responsibilities – in this respect, the ADH providing support is acting in his capacity as an ADH-Facing Commanding Officer.

20. **Joint Organizations.** In the case of Joint organizations, an ODH may be accountable to multiple SDHs. This will not conflict with an ODH's ability to discharge his responsibilities. The lead Front Line Command's ASMS will take primacy.

21. **Endorsement.** ODH and DDH appointments will be endorsed by the MAA on the basis of evidence provided demonstrating their being suitably qualified, experienced and trained for the role.

22. **SQEP.** Utilising the ODH and DDH submission template contained within MAA 03 Annex G ►17◀, service manning agencies will provide detailed Terms of Reference for the nominated ADH and an evidence based argument as to why the nominee is deemed SQEP.

23. ►◀

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**Aviation Duty Holder Qualifications**

1020(3) Withdrawn content subsumed into RA 1020(2)

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**Aviation Duty Holder Qualifications**

24. Withdrawn content subsumed into RA 1020(2)

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**Aviation Duty Holder Qualifications**

25. Withdrawn content subsumed into RA 1020(2)

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**Responsibilities of Aviation Duty Holder-Facing Organizations**

1020(4) ADH-Facing Organizations **shall** actively support ADHs in their management of Air Safety and identify to ADHs any decision, activity or change in circumstances that has the potential to introduce new or increased RtL in a ADH's operations, or which challenges the achievement of ►ALARP and Tolerable◀ status.

<sup>19</sup> Where the maintenance of an Air System is in whole, or in part, conducted by a Mil Part 145 accredited organization, a DH's responsibilities in this regard will be limited to oversight activities via his CAE and TAA, including validation of output standards, and the meeting of any contractual obligations.

<sup>20</sup> DDHs will routinely be appointed at OF5/air station Command level, but their responsibilities may extend over several sites/sub-units. Lower levels of appointment may be appropriate in certain specialist areas, such as Test & Evaluation and certain categories of Remotely Piloted Air Systems.

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### Responsibilities of Aviation Duty Holder-Facing Organizations

26. ADH-Facing Organizations **should**:
- a. Support ADHs by establishing Air Safety Management arrangements that interface with the ADHs' ASMS (see RA 1200<sup>2</sup>).
  - b. In conjunction with ADHs, establish formal mechanisms to ensure robust communication of any potential RtL (see RA 1210<sup>14</sup>) and/or issues relevant to the ADH.
27. Any substantive objections ADHs personally raise over a potential, or actual, course of action by the ADH-Facing Organization that they deem will undermine their ability to deliver safe air operations **should** be:
- a. Recorded formally by the ADH within the planning process.
  - b. Elevated and explicitly highlighted within the planning process (including to the MAA) thereafter, for as long as the objection is extant.
28. Where such objections are overruled within the Annual Budget Cycle, the decision to do so **should** be owned by a named and authorized individual, at a minimum of OF7/SCS equivalent, and formally recorded as such. Notwithstanding, this cannot oblige an ADH to accept any associated RtL.

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### Responsibilities of Aviation Duty Holder-Facing Organizations

29. An ADH-Facing Organization is any whose activities and decisions could affect the ability of an ADH to mitigate associated RtL ►so that they are ALARP and Tolerable◀ (See RA 1020(1) and RA 1210<sup>14</sup>). This includes, but is not restricted to: providers of aviation support and facilities<sup>21</sup>; Fin/Mil Cap; DE&S<sup>22</sup>; single service manning agencies; and TLB Cap and planning staffs. Individuals who are ADHs may themselves be ADH-facing in discharging their command functions, whether in support of their own or other ADH AoRs. Commanders and accountable managers in ADH-Facing Organizations are not ultimately responsible for ensuring that RtL is ►ALARP and Tolerable◀, but are individually accountable to the ADH for the safety integrity of the information or services that they provide (see RA 1205<sup>11</sup>).
30. ADH-Facing Organizations will support ADH governance mechanisms, including attendance at ASSG and ASSWG forums as SMEs, when required. They share a responsibility to ensure that any planning or programming actions that have the potential to introduce new or increased RtL in an ADH's operations, or which challenge the achievement of ►ALARP and Tolerable◀ status, are identified to the relevant ADHs. This will include, but is not limited to, failure of relevant enhancement options and raising of savings options affecting support (including manpower), performance and time. Nonetheless, ADHs have no right of veto over Departmental programming and planning decisions *per se*, but are of course obliged to cease activity that is not ►ALARP and Tolerable◀.
31. In the latter stages of the Department's planning processes, the interests of subordinate ADHs will be represented by the SDH, or his authorized representatives, as they engage in strategic decision-making. In any case, all extant formal ADH objections will be brought to the attention of the Defence Safety Committee, the Defence Board and, ultimately, SofS. The MAA will maintain an audit trail of any formal ADH objections and subsequent decisions.
32. For organizations that are not part of the MOD or specifically MOD-related, such as civil aerodrome operators, ADHs must rely on formally promulgated capabilities and standards, and assurance provided by authoritative 3<sup>rd</sup> parties, for example the Civil Aviation Authority.

<sup>21</sup> Including those associated with aviation-capable MOD ships, and encompassing areas such as: aerodromes/airfields, flight deck, ATM and other Air Management Organizations, Aeronautical Information, Fire and Rescue, Air System storage and maintenance, landing aids, and Air System ground services.

<sup>22</sup> Covering ►Delivery◀ Teams that support aviation across all Operating Centres.

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