

NPA/24/24

Title of Proposal: RA 1420 – Service Inquiries and Non-Statutory Inquiries

RA(s) or Manual Chapter(s): Whole Document

Organizations and / or business sectors affected: Whole Regulated Community

RFC Serial No: MAA/RFC/2023/001 and 2023/169

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N/A	N/A	N/A	N/A

Cross-references to Other Documents or Relevant Sources

Other MRP Amendments: N/A

Service Inquiry Recommendations: N/A

AAIB Recommendations: N/A

Other Investigation Recommendations: N/A

Any Other Document: N/A

Feedback Notes for the Regulated Community

The Regulated Community are invited to offer feedback about the proposed amendment in the following areas:

- Air or Flight Safety impact
- Operational impact
- Errors or omissions
- Timescale for implementation
- Cost of implementation
- Amendment to internal processes/orders
- Resourcing the outcome of change
- (Contract amendments because of the change)

The format for feedback is available within a single Excel Template file on both internal and external MAA websites; it is important to use this format to ensure that your responses are considered and answered correctly.

Summary of Proposed Amendment

Objective: To ensure RA 1420 remains up-to-date with current MoD aviation terminology and policy.

Changes made: RA 1420 has been amended to incorporate RFC's and the change to Quinquennial reviews.

Impact Assessment: Minimal.

Consultation Period Ends: 6 June 2024

The consultation period for this proposed amendment ends on the stated date. Please send your feedback, using the Response Form, via email to DSA-MAA-MRPEnquiries@mod.gov.uk

MAA Approval

Post	Name	Rank	Signature
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RA 1420 - Service Inquiries and Non-Statutory Inquiries

Rationale

There is a necessity to investigate aviation Accidents and Significant Occurrences¹ to enhance the delivery of operational capability through continuous improvement to Defence Air Safety. Director General Defence Safety Agency (DSA-DG) is appointed by the Defence Council as the primary Convening Authority (CA) for Service Inquiries (SI) into Safety related Accidents and Significant Occurrences, which include those occurring in the aviation domain. The SI (whether required by law or policy or convened at the discretion of DSA-DG) and Non-Statutory Inquiries (NSI) (which may be convened at the discretion of DSA-DG or by Aviation Duty Holders (ADH), Accountable Managers (Military Flying) (AM(MF)), Accountable Managers (AM), or Heads of ADH-Facing Organizations ► and Heads of AM(MF)-Facing Organizations (AA-Facing Organizations)² ◀) will make recommendations to prevent recurrence and improve Air Safety.

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Regulation 1420(1)

Service Inquiries and Non-Statutory Inquiries

1420(1) The independent, full time, SI / NSI Panel ► ◀ shall fully investigate all aspects of the Accident, ► Incident ◀ or Significant Occurrence and provide the CA with a ► ◀ comprehensive written report, with relevant recommendations. ADHs, AM(MF)s, AMs³ and ► AA ◀-Facing Organizations^{4, 5, 6} shall support ► ◀ all aspects of the investigation and act upon SI / NSI recommendations.

Acceptable Means of Compliance 1420(1)

Service Inquiries and Non-Statutory Inquiries

1. The MOD Deputy Chief of Defence Staff Duty Officer and / or Permanent Joint Headquarters duty staff **should** inform DSA-DG, the Defence Accident Investigation Branch (DAIB), Operating Duty Holders (ODH) and AM(MF)s of Accidents and Significant Occurrences⁷. The ODH or AM(MF) **should** inform all other relevant stakeholders.
2. ► Where more than one ADH, AM(MF) or AA-Facing Organization has an interest in an SI or NSI, DSA-DG through their office or Head DAIB **should** inform all relevant stakeholders. ◀
3. Following notification of an Accident or Significant Occurrence, Head DAIB, once directed by DSA-DG, **should** deploy an appropriately constituted team to gather and secure vulnerable and perishable evidence as soon as possible.
4. ► For the purpose of ◀ this RA ► Accidents and Significant Occurrences⁸ ◀ **should** include those where serious injuries or fatalities occur during parachuting, fast roping or abseiling where a UK military registered Air System is deemed to have had a direct bearing on the Occurrence.
5. ► ◀ Single Service Chiefs of Staff ► ◀ **should** provide appropriate candidates for SI or NSI panels as specified by DSA-DG ► ◀. This ► **should** ◀ include the

¹ A "Significant Occurrence" is an Occurrence involving circumstances indicating that there was a high probability of an Accident and associated with the operation of an Air System. The difference between an Accident and a Significant Occurrence lies only in the severity of the outcome.

² ► Refer to RA 1032 – Aviation Duty Holder-Facing and Accountable Manager (Military Flying)-Facing Organizations Roles and Responsibilities. ◀

³ Those AMs within: ► AA ◀-Facing Organizations; Contractor Flying Approved Organizations; Maintenance Approved Organizations; Air Traffic Management Equipment Approved Organizations; or Design Approved Organizations.

⁴ ► 'AA ◀-Facing Organizations' includes but is not limited to: Aviation Delivery Team Leaders, Commodity Delivery Team Leaders, Heads of Establishment (HoE), Military Continuing Airworthiness Managers (Mil CAMs).

⁵ Refer to RA 1205 – Air System Safety Cases.

⁶ Where the Air System is ► not-UK MOD-owned, Type Airworthiness (TAW) management ◀ regulatory responsibility by either the Type Airworthiness Authority (TAA) or Type Airworthiness Manager (TAM) needs to be agreed within the Sponsor's approved model ► ◀; refer to RA 1162 – Air Safety Governance Arrangements for Civilian Operated (Development) and (In-Service) Air Systems, or refer to RA 1163 – Air Safety Governance Arrangements for Special Case Flying Air Systems. Dependant on the agreed delegation of TAW responsibilities TAM may be read in place of TAA as appropriate throughout this RA.

⁷ Refer to RA 1410 – Occurrence Reporting.

⁸ ► Refer to MAA02 – MAA Master Glossary ◀

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appropriate Front Line Command (FLC) provision of assistance to DSA-DG in respect of requirements arising from Accidents ► or Significant Occurrences ◀ involving non-FLC Defence aviation contractors.

6. The SI or NSI panel **should** conduct the investigation iaw Joint Service Publication (JSP) 832⁹.
7. The SI or NSI panel **should** avoid the explicit attribution of blame⁹.
8. The SI ► ◀ **should** aim to complete ► reports in approximately 6 months and an NSI in approximately 6 to 9 months¹⁰. ◀ Investigations exceeding this timeframe **should** have progress reports submitted to the CA¹¹. These reports **should** be further distributed as directed by the CA; and all SI and NSI reports are to be provided to Head DAIB.

Final Report

9. The report **should** be written iaw JSP 832 guidance. Prior to final publication the ODH or AM(MF)¹² **should** be given the opportunity to check the provisional report for errors of fact and to make contextual or wider comment. To protect the independence of the SI and NSI process, the comments **should** be retained as part of the Record of Proceedings but ► **should** ◀ only be incorporated in the main report if they are accepted by the SI or NSI president.
10. ADHs, AM(MF)s, AMs and ► AA ◀-Facing Organizations identified by the CA to enact SI or NSI recommendations **should** do so and subsequently report progress to Head DAIB. ► ◀

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Service Inquiries and Non-Statutory Inquiries

11. An aviation Safety investigation below SI is a non-statutory and flexible investigation that may be used to investigate any matter (with the exception of those matters for which an SI is mandated by law or policy) in order to establish the cause of the Accident or Significant Occurrence and to make recommendations to prevent ► reoccurrence. ◀ On a case-by-case basis, DSA-DG may elect to employ an NSI in place of a full SI. In such cases, DSA-DG may provide specialist assistance to an NSI and may also require visibility of the NSI proceedings and findings.
12. Where the Accident or Significant Occurrence requires immediate investigation, or further information is required, DSA-DG will task the DAIB to deploy an appropriately constituted investigation team. This action may precede DSA-DG decision to convene an SI or NSI.
13. The DAIB team will commence an investigation as soon as possible in order to secure vulnerable and perishable evidence. As part of this process they ► will need ◀ unrestricted access to the crash site, Air System and any evidence. This may include, but is not limited to, witnesses, documentation, Air Traffic Control and Air System data recording equipment. They will report on the broad circumstances of the Accident or Significant Occurrence and highlight any immediate Flight Safety concerns to DSA-DG. DSA-DG may use this report, in addition to other information, to determine the appropriate type of investigation into the Accident or Significant Occurrence.
14. ADHs, AM(MF)s, AMs and ► AA ◀-Facing Organizations will confirm to DSA-DG via the Military Assistant (DSA-DGMA) or Assistant Military Assistant (DSA-DG-AMA) (contact details at Table 1) that their internal Chains of Command have been made aware. This will trigger an initial discussion between DSA-DG and the ADHs, AM(MF)s, AMs and ► AA ◀-Facing Organizations to assess the options for further investigation. SIs or NSIs may be mandated by statute or policy¹³. For other eventualities, the final decision on whether or not to initiate an SI or NSI lies solely with DSA-DG. If DSA-DG determines that there is no requirement to convene an SI, DSA-DG may direct an ADH or AM(MF) to undertake a Non-Statutory Inquiry and give

⁹ Refer to JSP 832 – Guide to Service Inquiries.

¹⁰ ► DSA 01.4 Investigations. ◀

¹¹ Refer to JSP 832, Chapter 2 Appendix 2, p50 – progress report requirements (every 30 days).

¹² Where, due to the content of the report, it would be inappropriate for the relevant 2* ODH / AM(MF) to make comment, 3* or above (or equivalent) comment will be requested.

¹³ Refer to JSP 832, Para 1.14.

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guidance on its conduct. The decision to convene an SI or NSI will normally be made within 48 hours of the Accident or Significant Occurrence.

Table 1. Contact numbers

Post	Office (working hours)	Mobile (OOH)
DSA-DGMA	020 7218 2724 or 9621 82724	07825 674645
DSA-DG-AMA	020 7218 0199 or 9621 80199	07917 627162

SI or NSI Convening Process

15. Where an SI or NSI is to be initiated, DSA-DG will exercise responsibility as CA and will seek appropriate candidates in rank, qualification and experience for the SI or NSI panel posts, as required by the circumstances of the Accident or Significant Occurrence.

16. Single Service ► **Workforce** ◄ Authority (SWA) support will be necessary to identify suitable candidates promptly, including the appropriate FLC provision of assistance over the requirements arising from Accidents or Significant Occurrences involving non-FLC Defence Aviation contractors. To allow the CA to balance the experience of the panel, SWA are, wherever possible, to nominate 2 candidates. Panel members will be assigned to the inquiry until the final report has been completed to the satisfaction of the CA.

17. Panels will be populated to achieve a balance of subject matter expertise and demonstrable independence. Candidates will be sought from outside the Chain of Command of the Air System involved in the Accident or Significant Occurrence and personnel concerned and, usually, the SI or NSI President will be sought from outside the Service concerned.

18. Having already initiated an investigation to gather and secure evidence, once the SI is convened, Head DAIB will augment the SI panel with trained Accident investigators. For NSI investigations, the DAIB can provide advice and assistance upon request but will not augment the NSI panel. The DAIB will provide guidance relating to: the technical (including a technical report), operating and organizational elements of the investigation; investigative techniques and procedures; the procedural and regulatory aspects of aviation related SI or NSI; and access to specialist support and capabilities.

Liaison between stakeholders and the CA

19. During the investigation, urgent Flight Safety information arising from SI or NSI will be distributed to the relevant ODH or AM(MF) and lead Flight Safety organization by the CA (or SI or NSI President) for action and onward dissemination to any organization that may benefit from the information. Lead Flight Safety organizations will ensure that the relevant point of contact within MOD with responsibility for notifying industry and other nations of Safety critical information receives the information immediately.

20. To ensure that urgent Flight Safety information has been adequately communicated and understood, the CA may require confirmation from the ODH / AM(MF) / Flight Safety / Lead Flight Safety organization as to what steps have been taken to notify interested parties of the Safety information.

21. General liaison between the CA and the relevant Chain of Command will be directly with the ADH chain or AM(MF), copying in their Senior Operators / Flight Operations post-holders and the respective Flight Safety staff where appropriate. Routine FLC internal communication within the Chain of Command, SWA, legal and secretariat as an SI or NSI is conducted will be facilitated via the respective Flight Safety organizations and / or secretariat.

22. Any ADH or AM(MF) with a specific concern in relation to mitigating continuing Hazards may avail themselves of direct access to the CA to discuss any aspect of an Accident or Significant Occurrence that presents them with such a cause for concern.

23. At the discretion of the CA, the Accident or Significant Occurrence owning ODH or AM(MF) may be provided with a personal update brief from the SI or NSI President

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on a privilege basis and in the presence of the CA. This will only occur after completion of interviews and collection of evidence.

▶◀

24. ▶◀

Observers

25. One SI or NSI panel member will have appropriate knowledge and experience of the Air System type involved in the Accident or Significant Occurrence. However, in circumstances where the nature of the Accident or Significant Occurrence or the makeup and competencies of the SI or NSI Panel warrant it, and at the discretion of the CA, ADH or AM(MF)¹⁴ may be invited to nominate an SI or NSI Panel Observer. Such a nominated individual will be granted visibility of the SI or NSI proceedings solely to highlight any critical Flight Safety issues to the SI or NSI President for onward distribution to the relevant ODH or AM(MF) and lead Flight Safety organization by the CA. SI or NSI Panel Observers will be required to act under rules of confidentiality. Explicitly, they will not be authorized to provide their parent organization with a running commentary on the independent SI's or NSI's proceedings or emerging findings. They may, however, assist their parent organization in the interpretation and response following the formal release of continuing Hazards and / or other critical Flight Safety information.

Return to Flying

26. Decisions on whether or not to cease and resume flying operations remain the responsibility of the ADH or AM(MF) who will, where appropriate, seek and expect specialist advice from their TAA or Mil CAM and exercise their professional judgement on the evidence available to them. However, to assist, factual technical reports attained by ▶the◀ SI or NSI will be provided freely to the ADH chain or AM(MF) to inform the decision. In addition, the CA and Head DAIB will assist where possible by providing feedback where clear evidence raises cause for concern with regard to continued flying operations or where possible causes have been eliminated.

General Support from stakeholders

27. ADHs, AM(MF)s or ▶AA◀-Facing Organizations will provide 'kin-forming', Aircraft Post Crash Management¹⁵ and media handling. Reasonable costs for the SI or NSI will be borne by the DSA, but other stakeholders may be called upon to provide office accommodation, administrative and domestic support to the panel for the duration of the inquiry.

Final Report

28. Once the SI or NSI President has submitted the provisional SI or NSI Report, the ODH or AM(MF) will have the opportunity to make formal comment, which will be recorded in the Record of Proceedings. Finally, the CA comments will be added and the Report released for publication. The internal publication of the report to MOD stakeholders by email from DSA-DG's office constitutes the formal sign off of the report. The DSA secretariat will redact the report to Freedom Of Information standards and publish on the internet as soon as practicable following internal distribution.

29. Disclosure of the final report is effected iaw JSP 832 chapter 7 which reflects agreements between the DSA and Defence Inquest Unit (where there has been a fatality and resultant Coroner's inquest (or Fatal Accident Inquiry in Scotland)). There are specific requirements with regard to disclosing the report to the next of kin and to the Coroner (or Procurator Fiscal in Scotland) who will often use the content of the final report to inform the Inquest or Fatal Accident Inquiry process.

Recommendations

30. Recommendations are designed to reduce the potential for ▶reoccurrence◀ and to improve Safety in aviation operations. Urgent Safety recommendations can be made at any stage during the inquiry; however, once the final report is completed DSA-DG will distribute a consolidated and complete list of recommendations with

¹⁴ Refer to JSP 832, Para 2.26, Observers.

¹⁵ Refer to RA 1430 – Aircraft Post Crash Management and Significant Occurrence Management; and the Manual of Post Crash Management.

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action responsibilities directed at an individual in an accountable post with a single responsible officer rather than an organization. Recommendations will aim to articulate an effect to be achieved, as opposed to a solution.

31. The DAIB will monitor the implementation of the recommendations on behalf of the CA and will ensure that recommendations are initiated and tracked⁹. Those with action responsibilities for recommendations will be contacted by the DAIB to provide a plan of action and a timeframe for completion. The DAIB will advise on the background to the recommendation to assist the accountable owner (of the recommendation) in determining a suitable solution that will meet the CA expectations for closure. The DAIB will request updates on progress quarterly and will report progress to DSA-DG as at Q2 and Q4. Recommendations require the approval of the CA before they can be closed.

Criminal and Disciplinary Investigations

32. In addition to SI and NSI, the police or other investigative bodies may also investigate an Occurrence, with a view to deciding whether a criminal prosecution or disciplinary action may result. Where there is an investigation into potential criminal or disciplinary activity, it is vital that the Safety investigation (such as an SI) continues in parallel wherever possible. This is to ensure that critical Safety information (which is not the purpose of the criminal investigation) is uncovered, captured and acted upon by the panel as soon as possible. Careful liaison with the criminal investigators will be essential to ensure de-confliction and continued effective assurance of the independent and no blame nature of the SI or NSI.

Investigation of Accidents or Significant Occurrences involving military Air Systems and Weapons of foreign nations

33. The procedures for the Safety investigation and reporting of Accidents or Significant Occurrences involving military Air Systems and Weapons which involve the equipment, facilities and / or personnel of multiple nations (eg NATO / Partnership For Peace (PfP) nations, Five Eyes Air Force Interoperability Council (Five Eyes AFIC) nations, etc) are detailed in Standardization Agreement (STANAG) 3531^{16, 17}. Where an Accident or Significant Occurrence has occurred to which the STANAG is not applicable, the relevant Memorandum of Understanding between the UK and the country / countries of the military Air Systems involved in the Accident or Significant Occurrence is to be checked to ascertain if any special provision has been made for military Air System Accident or Significant Occurrence investigation.

Investigation Policy

34. When a member of the UK Armed Forces or an MOD contracted civilian organization is fatally or seriously injured in an air Accident abroad, which is not covered by the NATO / PfP STANAG or the Air Standard, the UK MOD will always provide at least an Observer to the Accident inquiry and will participate in any Safety Investigation Committee. The Observer will be required to furnish a detailed report (to DSA-DG and the Joint Casualty and Compassionate Centre) on the conclusion of the inquiry (this report may be the full report of the Safety Investigation Committee). If the UK is denied adequate access to observe the inquiry or the DSA-DG considers there are additional lessons to be learned then a separate UK SI into the Accident will be convened.

Investigations by the Health and Safety Executive

35. The MOD, under the Reporting of Injuries, Diseases and Dangerous Occurrences Regulations will notify certain Accidents, Incidents and injuries to the Health and Safety Executive (HSE). The detail of this obligation may be found in JSP 375 Vol 1 Leaflet 16 and DSA 01.2 Chapter 10¹⁸.

¹⁶ Refer to STANAG 3531 - SAFETY INVESTIGATION OF ACCIDENTS / SERIOUS INCIDENTS INVOLVING MILITARY AIRCRAFT, MISSILES, AND / OR UASs.

¹⁷ Historically Australia, Canada, New Zealand, the UK and the United States of America complied with the procedures in Air Standard 85/2A (which was authored by the Air Standardization Coordinating Committee (ASCC)). In 2005 the ASCC changed to the Air and Space Interoperability Council (ASIC), and then in 2017 the ASIC changed to the Five Eyes AFIC. The Five Eyes AFIC replaced Air Standard 85/2A with Air Standard ACS 4086 which is a part of STANAG 3531.

¹⁸ DSA 01.2 Chapter 10 – Service Inquiries.

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