

Cap 10B,  
G-BXB

Lower Colley Farm,  
Buckland St. Mary,  
Somerset

12 August 2021

Accident

## Investigation Synopsis

The pilot found himself stuck above cloud during a cross-country flight under Visual Flight Rules. After contacting the Distress & Diversion Cell for assistance he was transferred to the radar frequency of a nearby airport, at which the cloud base was below the minimum required for the approach offered. The pilot, who was not qualified to fly in cloud, lost control of the aircraft during the subsequent descent and the aircraft was destroyed when it hit a tree. Both occupants were fatally injured.

The investigation found that air traffic service providers did not obtain or exchange sufficient information about the aircraft and its pilot to enable adequate assistance to be provided. There was an absence of active decision making by those providers, and uncertainty between units about their respective roles and responsibilities.

Seven Safety Recommendations are made to address shortcomings identified in the provision of air traffic services in an emergency.

## Safety Recommendation 2023-011

### Justification

Planning the response to an abnormal or emergency situation in advance increases the chance of success, saving time and mental capacity when dealing with the emergency in flight.

Therefore, the following safety recommendation was made:

### Safety Recommendation 2023-011

It is recommended that the Civil Aviation Authority publish guidance for general aviation pilots on responding to unexpected weather deterioration, highlighting the factors affecting their performance and the benefits of planning before the flight how they will respond.

**Date Safety Recommendation made:** 24 April 2023

### LATEST RESPONSE

**Response received:** 31 May 2024

The previous CAA update for this safety recommendation indicated that a new Safety Sense Leaflet (SSL) was being developed to provide GA pilots with guidance on inadvertent entry into Instrument Meteorological Conditions (IMC) to mitigate the risk of loss of control or flight into terrain occurrences.

The CAA published the 'VFR Flight into IMC' SSL on May 7th 2024. The SSL offers guidance on how to avoid a 'VFR into IMC' scenario via effective pre-flight planning and what actions to take if confronted with deteriorating weather conditions when not qualified to fly in IMC.

The CAA considers the above action satisfies the intent of the safety recommendation.

**Safety Recommendation Status**

**Closed**

**AAIB Assessment**

**Adequate**

**Action Status**

**Planned Action Completed**

## **RESPONSE HISTORY**

Response received: 28 February 2024

In addition to the guidance highlighted in the CAA's initial response to this safety recommendation, the CAA is also developing a new Safety Sense Leaflet (SSL) dedicated to inadvertent entry into Instrument Meteorological Conditions (IMC) when operating under Visual Flight Rules (VFR). The SSL will include guidance on planning to avoid a 'VFR into IMC' scenario and what actions to take if a pilot is confronted with deteriorating weather conditions and ends up in IMC when not appropriately qualified.

The SSL has been developed with input from internal and external subject matter experts and is scheduled to be published by March 31st 2024.

The CAA considers the above actions satisfy the intent of the safety recommendation.

AAIB Assessment – Partially Adequate Open

Response received: 21 July 2023

The CAA accepts this safety recommendation and has identified several publications, listed below, that cover handling unexpected weather deterioration including the factors affecting pilot performance, and the benefits of pre-flight planning. The General Aviation Unit (GAU) team has created a webpage dedicated to weather in GA operations, which will be populated with useful guidance for pilots, including flying in cloud.

The following publications provide useful guidance for pilots with regards to the topics highlighted in the safety recommendation.

- Inadvertent IMC Workshop replay — Astral Aviation Consulting
- Inadvertent IMC Workshop replay — Astral Aviation Consulting
- CAA8230\_SafetySense\_05-VFR\_V5.pdf
- Weather guide to day trip planning — Astral Aviation Consulting
- Weather Forecast Decision Making — Astral Aviation Consulting
- Pre-flight planning - Airspace Safety

The GAU will continue to identify the best ways to draw pilot's attention to this guidance and will also assess the need for additional material.

AAIB Assessment – Partially Adequate Open

## Safety Recommendation 2023-012

### Justification

The Manual of Air Traffic Services Part 1 does not specifically address pilot stress reactions and the assistance which might be provided to account for it

Therefore, the following safety recommendation was made:

### Safety Recommendation 2023-012

It is recommended that the Civil Aviation Authority require air traffic controllers to receive training regarding the human performance characteristics and limitations associated with stress. This should include the verbal cues that may indicate that a pilot is operating under high stress, and mitigation strategies to help controllers deal with such events.

**Date Safety Recommendation made:** 24 April 2023

### LATEST RESPONSE

**Response received:** 06 January 2025

The CAA continues to work with the UK Flight Safety Committee (FSC) to develop a significant update to 'Aircraft Emergencies: Considerations for air traffic controllers' (CAP 745). The intent is to broaden the scope of the document to include scenarios affecting general aviation activities and flight information service officers alongside air traffic controllers.

The CAA is reliant upon the expertise being volunteered by the members of the UK FSC and regrettably, the document has not yet been published but we are expecting to receive a mature draft from the drafting group in March 2025. It will then be reviewed by the CAA prior to publication.

The text of Assimilated regulation 2015/340 (Air Traffic Controllers Certificates and Licences) describing the function of the Distress & Diversion Cell is currently being amended to align with CAP 493 (MATS Pt 1) with a view to publishing in 2025 or early 2026, being subject to the rulemaking process and parliamentary time.

The ATM Inspectorate has seen evidence that this incident has been used by a number of ANSPs as material for ATCO refresher training for revalidation (e.g. NERL and NSL). The CAA will issue a Safety notice in the new year asking ANSPs to include this incident in refresher training if they have not already done so.

**Safety Recommendation Status** Open

**AAIB Assessment** Adequate

**Action Status** Planned Action Ongoing Update Due 06 July 2025

### Feedback rationale

The AAIB acknowledges the CAA's response and requests an update by 06 July 2025. (EU Regulation 996/2010 article 18 refers).

## RESPONSE HISTORY

Response received: 28 February 2024

The CAA is working in collaboration with the UK Flight Safety Committee (FSC) to develop a significant update to 'Aircraft Emergencies: Considerations for air traffic controllers' (CAP 745). This work includes broadening the scope of the document to include scenarios affecting general aviation activities and flight information service officers alongside air traffic controllers. Our aspiration is for the revised document to be published in Q4 2024, though we are reliant upon the expertise being volunteered by the members of the UK FSC.

The syllabus, which forms Acceptable Means of Compliance (AMC) for Assimilated Regulation (EU) 2015/340 (the ATCO licensing regulation) which provides the learning objectives for trainee ATCOs for the issue and revalidation of unit endorsements, is being reviewed and will include consideration of the intent of this Safety Recommendation. Amendment of AMC will be made in conjunction with the legislation changes being worked on for UK Reg (EU) 2015/340 and in accordance with the CAA Rulemaking Programme/Schedule.

AAIB Assessment – Partially Adequate Open

Response received: 21 July 2023

The power to amend the legal requirements for the training of air traffic controllers rests with the Department for Transport (DfT).

The current, initial training syllabus for civilian air traffic controllers already includes recognition of stress and its symptoms, in self and in others (UK Regulation (EU) 2015/340). Equivalent training for military air traffic controllers, which would apply to any Distress and Diversion ("D&D") cell controller, is outside the scope of the CAA's oversight.

In addition to the existing material for civil air traffic controllers, the CAA recognises that additional educational material to highlight the verbal cues that might indicate stress could be beneficial, and will consider such material in the context of acceptable means of compliance to UK Regulation (EU) 2015/340 and our nascent work with the UK Flight Safety Committee to update CAP 745 - Aircraft Emergencies: Considerations for air traffic controllers.

AAIB Assessment – Partially Adequate Open

## Safety Recommendation 2023-013

### Justification

The ATC units involved do not appear to have considered what options were available to the pilot, to have communicated them effectively to each other, or to have gathered sufficient information to inform this process

Therefore, the following safety recommendation was made:

### Safety Recommendation 2023-013

It is recommended that the Civil Aviation Authority specify the types of information that air traffic controllers will obtain and record when responding to aircraft in an emergency to ensure that pilots' needs are met and reported correctly if communicated to other air traffic control units.

**Date Safety Recommendation made:** 24 April 2023

### LATEST RESPONSE

**Response received:** 06 January 2025

The CAA has reviewed the content of CAP 493 MATS Pt 1, CAP 797, Flight Information Service Officer (FISO) Manual and CAP 413 Radiotelephony manual and have determined that they provide sufficient and appropriate content relating to the information that should be exchanged in an emergency situation.

In addition, the CAA will issue a Safety Notice in the new year to highlight the content of CAP 413 to flight schools and training organisations.

The syllabus for AGCS training as per CAP 452 has also been reviewed and the CAA is content that it is adequate to ensure appropriate response to aircraft emergencies within their remit.

**Safety Recommendation Status** Open

**AAIB Assessment** Partially Adequate

**Action Status** Planned Action Ongoing Update Due 06 July 2025

### Feedback rationale

The response does not fully address the intent of the Safety Recommendation.

Safety Recommendation 2023-013 seeks to improve the gathering and exchange of information between ATC units responding to aircraft in an emergency so that those units can consider the practical options available to the pilot. The AAIB requests that the CAA provide an update on its intended response by the 06 July 2025. (EU Regulation 996/2010 article 18 refers).

### RESPONSE HISTORY

Response received: 28 February 2024

The CAA is in the process of modifying the way in which information from a pilot on initial contact, in an emergency situation, can be obtained and recorded. It is our intention to release this in a format that is easily accessible / digestible to not only ATC but also to FIS, AGCS (which is not an air traffic service) and Pilots.

The clarification provided by the AAIB in response to the CAA's original reply brings in a new dimension ('This may include information, for example about ground facilities and weather conditions, that are not known to the pilot') i.e. the presentation of information by ATC to pilots to assist with decision making. Whilst this is outside the scope of the original recommendation, the CAA will give this due consideration.

It should be noted that in the course of an emergency ATS will only deliver information essential for ensuring the best possible outcome.

AAIB Assessment – Partially Adequate Open

Response received: 21 July 2023

The types of information that shall be contained in the emergency message passed by pilots are described in the Radiotelephony Manual (CAP 413) (Chapter 8 Paragraph 8.13). This information is reiterated in the Manual of Air Traffic Services (MATS) Part 1 (CAP 493), which is the manual used by civil air traffic controllers. Civil air traffic controllers (being those over which the CAA has oversight) are therefore advised through MATS of the pertinent information and are instructed through courses of basic and initial training to recognise pertinent data and to record it appropriately; this is a basic competency for air traffic controllers. This provides sufficient flexibility for an air traffic controller to consider what information they require from the pilot in an emergency and, importantly, when it is appropriate to obtain that information taking into account the human factors involved in such a situation.

However, a Distress and Diversion (D&D) cell will often, as in this case, be the first point of contact in an emergency and the Military Aviation Authority (MAA) is responsible for their oversight. The CAA is aware that Acceptable Means of Compliance 3201(1) to MAA Regulatory Article (RA) 3201(1) states that air traffic services provided by the Ministry of Defence should be provided in accordance with the Radiotelephony Manual (CAP 413) and the RA 3000 series: Air Traffic Management Regulations; these latter Regulations being broadly analogous to the CAA's MATS Part 1. As such, any military air traffic controller (including any D&D Cell controller) should be aware of the required content of a pilot's emergency message.

AAIB Assessment – Not Adequate Open

## Safety Recommendation 2023-014

### Justification

More formal use of checklists may assist the conduct of routine and emergency ATC procedures

Therefore, the following safety recommendation was made:

### Safety Recommendation 2023-014

It is recommended that the Civil Aviation Authority encourage the use of checklists in air traffic management operations when dealing with abnormal and emergency situations.

**Date Safety Recommendation made:** 24 April 2023

### LATEST RESPONSE

**Response received:** 06 January 2025

As advised in our last update, whilst the provision of checklists for an infinite set of circumstances/variables is not practicable, the CAA will continue to encourage use of checklists when it is appropriate and will consider this during its routine oversight of ANSPs. In particular we will encourage the use of a checklist based on information to be provided by pilots which will be supported with additional text and examples of checklists within CAP 745.

**Safety Recommendation Status** Open

**AAIB Assessment** Partially Adequate

**Action Status** Planned Action Ongoing Update Due 06 July 2025

### Feedback rationale

The AAIB acknowledges the CAA's response, the update to CAP745 and requests an update by 06 July 2025. (EU Regulation 996/2010 article 18 refers).

### RESPONSE HISTORY

Response received: 28 February 2024

The CAA will consider how to provide the information described in SR 2023-013 in a format that is easily accessible / digestible.

However, it should be recognised that provision of checklists for an infinite set of circumstances/variables is not practicable in terms of production, or use. It is noted that in the 94 seconds that Exeter ATC were in contact with the pilot there would have been insufficient time to locate and utilise checklists relevant to the specific circumstances presented. Nevertheless, the CAA will include a review of scope and content of existing checklists during its routine oversight of ANSPs.

AAIB Assessment – Partially Adequate Open

Response received: 21 July 2023

The CAA acknowledges the potential safety benefits from the use of checklists in many (comparatively predictable) circumstances. Such checklists are already widely used by civil air traffic services providers.

The CAA expects civil Air Navigation Service Providers (ANSPs) to review the use of checklists (if used) during their internal investigation of accidents and incidents and requires civil air traffic controllers to undertake training in Abnormal and Emergency Situations (ABES). The CAA will consider whether to highlight the benefits of checklists in the context of our nascent work with the UK Flight Safety Committee to update CAP 745 - Aircraft Emergencies: Considerations for air traffic controllers.

The use of checklists within Distress and Diversion (D&D) by military air traffic controllers / assistants is a matter for the Military Aviation Authority (MAA).

AAIB Assessment – Partially Adequate Open



## Safety Recommendation 2023-015

### Justification

The current arrangements for interaction between civil and military units in the provision of ATC services to civil aircraft in an emergency may be reducing its effectiveness

Therefore, the following safety recommendation was made:

### Safety Recommendation 2023-015

It is recommended that the Civil Aviation Authority determine the effect the D&D Cell's executive control has on civil ATCOs and inform civil ATCOs of any differences in their responsibilities whilst executive control is exercised.

**Date Safety Recommendation made:** 24 April 2023

### LATEST RESPONSE

**Response received:** 06 January 2025

Following discussions, the CAA and the MAA have agreed an amendment to terminology to remove possible confusion. The term 'Executive control' will be removed from both the MATS Part 1, when the next edition is published early next year, and the FISO manual and the MAA is in the process of amending its own regulatory documents to reflect the same.

**Safety Recommendation Status** Open

**AAIB Assessment** Adequate

**Action Status** Planned Action Ongoing Update Due 06 July 2025

### Feedback rationale

The AAIB acknowledges the CAA's response and requests an update by 06 July 2025. (EU Regulation 996/2010 article 18 refers).

### RESPONSE HISTORY

Response received: 28 February 2024

The CAA has had multiple discussions with the MAA and the D&D Cell. The anomalies in terminology are now well understood and the relevant military authorities are taking action to amend the terminology used to avoid confusion. The CAA will ensure that this is reflected in the Manual of Air Traffic Services (Part 1) and other relevant material published by the CAA.

AAIB Assessment – Partially Adequate Open

Response received: 21 July 2023

Executive control is an aspect of the Distress and Diversion (D&D) Cell's services which are provided as a State obligation under agreement between the Department for Transport (DfT) and Ministry of Defence (MOD), not the CAA, and for which the primary delivery is through the D&D cell. Executive control is exclusively a function of the D&D cell, and the CAA does not believe that this concept has a material impact on the operational control of an aircraft, which rests with the unit (whether civilian or military) in contact with the pilot. Where operational control is passed from one unit (whether civilian or military) to another, a full handover should take place.

Notwithstanding the above, the CAA will engage with the Military Aviation Authority (MAA) to undertake a review of the applicability of the D&D term executive control and to clarify any effect that the D&D controllers believe the use of this term may have on civil air traffic controllers' responsibilities. This activity will be commenced once the DfT has concluded its review/activity in relation to SRs 2023-16 and 2023-017.

AAIB Assessment – Not Adequate Open

## Safety Recommendation 2023-016

### Justification

The investigation indicates that the need to review the effectiveness of arrangements for the provision of ATC service to civil aircraft in an emergency.

Therefore, the following safety recommendation was made:

### Safety Recommendation 2023-016

It is recommended that the Department for Transport review the current provision of emergency communications in the UK to determine if the involvement of a dedicated emergency air traffic service unit is the most effective way to assist civil aircraft in an emergency, and publish its findings.

**Date Safety Recommendation made:** 24 April 2023

### LATEST RESPONSE

**Response received:** 03 December 2024

DfT accepts this recommendation, and will consider how best to undertake this review.

The Department for Transport undertook internal discussions within the Department as well as discussions with the Civil Aviation Authority (CAA) to better understand the work of the Distress & Diversion Cell (D&D Cell), its background, the role it plays in UK's civil aviation sector, how it deals with calls from General Aviation (GA), its importance and effectiveness as a dedicated emergency air traffic service unit, and its management.

This review resulted in a Section 16 grant to the CAA to investigate the issue of lost communications in UK and to provide recommendations on the way forward. As part of this grant funding, the CAA has been examining the role of the UK's distress and diversion cell. The final report should be provided to the DfT in April 2025. This should include recommendations on how to improve communications in UK airspace and reduce lost communication incidents. The Department will provide a further update on further work subject to the outcome of the final report.

**Safety Recommendation Status** Open

**AAIB Assessment** Adequate

**Action Status** Planned Action Ongoing Update Due 06 July 2025

### Feedback rationale

The AAIB acknowledges the DfT's response and requests an update by 06 July 2025. (EU Regulation 996/2010 article 18 refers).

### RESPONSE HISTORY

N/A

## Safety Recommendation 2023-017

### Justification

There is no formal agreement between the Department for Transport and the Ministry of Defence defining the responsibilities of the D&D Cell in providing services to civil aviation

Therefore, the following safety recommendation was made:

### Safety Recommendation 2023-017

It is recommended that the Department for Transport specify and publish details of the emergency air traffic service it requires the D&D Cell to provide.

**Date Safety Recommendation made:** 24 April 2023

### LATEST RESPONSE

**Response received:** 03 December 2024

DfT accepts this recommendation. The function of the Distress and Diversion Cell is noted in the Strategic Overview of Search and Rescue in the United Kingdom of Great Britain and Northern Ireland, published January 2017. This sets out the role of D&D insofar as it is relevant to the fulfilment of the UK's SAR responsibilities; however, it does not represent a formal agreement between DfT and MOD. This deficit will be addressed subject to the outcomes of the review recommended at recommendation 2023-016.

**Safety Recommendation Status** Open

**AAIB Assessment** Adequate

**Action Status** Planned Action Ongoing Update Due 06 July 2025

### Feedback rationale

The AAIB acknowledges the DfT's response and requests an update by 06 July 2025. (EU Regulation 996/2010 article 18 refers).

### RESPONSE HISTORY

Response received: 25 July 2023

The Department for Transport (DfT) accepts this recommendation. The function of the Distress and Diversion (D&D) Cell is noted in the Strategic Overview of Search and Rescue in the United Kingdom of Great Britain and Northern Ireland, published January 2017. This sets out the role of D&D insofar as it is relevant to the fulfilment of the UK's SAR responsibilities; however, it does not represent a formal agreement between DfT and Ministry of Defence (MOD). This deficit will be addressed subject to the outcomes of the review recommended at recommendation 2023-016.

AAIB Assessment – Adequate Open