

RA 1420 - Service Inquiries and Non-Statutory Inquiries

Rationale

There is a necessity to investigate aviation Occurrences^{1, 2} to enhance the delivery of operational capability through continuous improvement to Defence Air Safety. Defence Safety Authority Director General (DSA-DG) is appointed by the Defence Council as the primary Convening Authority (CA) for Service Inquiries (SI) into Safety related 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)³) will make recommendations to prevent reoccurrence and improve Air Safety.

Contents

1420(1): Service Inquiries and Non-Statutory Inquiries

Regulation 1420(1)

Service Inquiries and Non-Statutory Inquiries

1420(1) The independent, full time, SI / NSI Panel **shall** fully investigate all aspects of an Occurrence and provide the CA with a comprehensive written report, with relevant recommendations. ADHs, AM(MF)s, AMs⁴ and AA-Facing Organizations^{5, 6, 7} **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. As per Joint Service Publication (JSP) 375 Chapter 16, all serious Occurrences **should** be reported to the Defence Accident Investigation Branch (DAIB), the MOD Deputy Chief of Defence Staff Duty Officer and the Permanent Joint Headquarters (for organizations under operational command of Commander Joint Operations). Head DAIB **should** inform DSA-DG, Operating Duty Holders (ODH) and AM(MF)s of Occurrences and near misses⁸. 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 Occurrence, Head DAIB **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, Occurrences **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 Services **should** provide appropriate candidates for SI or NSI panels as requested by DSA-DG. This **should** include the appropriate Front Line Command

¹ For the purpose of this RA an Occurrence involves 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, Incident and an Occurrence lies only in the severity of the outcome.

² Refer to MAA02 – Military Aviation Authority Master Glossary.

³ Refer to RA 1032 – Aviation Duty Holder-Facing ► **Organizations** ◀ and Accountable Manager (Military Flying)-Facing Organizations - Roles and Responsibilities.

⁴ Those AMs within: AA-Facing Organizations; Contractor Flying Approved Organizations; Maintenance Approved Organizations; Air Traffic Management Equipment Approved Organizations; or Design Approved Organizations.

⁵ '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).

⁶ Refer to RA 1205 – Air System Safety Cases.

⁷ 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.

⁸ Refer to RA 1410 – Occurrence Reporting ► **and Management** ◀

Acceptable Means of Compliance 1420(1)

(FLC) provision of assistance to DSA-DG in respect of requirements arising from Occurrences involving non-FLC Defence ► Air Environment ◀ Contractors.

6. The SI or NSI panel **should** conduct the investigation and complete the report iaw JSP 832⁹.

Final Report

7. Prior to final publication the primary stakeholders **should** be given the opportunity to check the provisional report for errors of fact.

8. 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.

Guidance Material 1420(1)

Service Inquiries and Non-Statutory Inquiries

9. 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 Occurrence and to make recommendations to prevent reoccurrence. On a case-by-case basis, DSA-DG may elect to direct the DAIB to carry out an NSI in place of a full SI.

10. If an Occurrence merits deployment of the DAIB, 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 Occurrence and highlight any immediate Safety concerns to DSA-DG. DSA-DG will determine the appropriate level of investigation.

11. For Safety Occurrences, 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 or DAIB-led NSI, they may suggest an ADH or AM(MF) undertakes an NSI and give guidance on its conduct.

SI or NSI Convening Process

12. Where a DSA SI or NSI is ► ◀ 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 Occurrence.

13. 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 Occurrences involving non-FLC Defence ► Air Environment ◀ 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.

14. 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 Occurrence and personnel concerned and, usually, the SI or NSI President will be sought from outside the Service concerned.

15. Having already deployed a team of investigators to gather and secure evidence, once the SI is convened, Head DAIB will nominate a trained Accident investigator as a member to the SI panel. For non-DSA 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.

⁹ Refer to JSP 832 – Guide to Service Inquiries.

**Guidance
Material
1420(1)**

Liaison between stakeholders and the CA

16. Urgent Safety information arising from an investigation 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.

17. To ensure that urgent Flight Safety information has been adequately communicated and understood, the CA may require confirmation of what steps have been taken to notify interested parties of the Safety information and what steps have been taken to implement any advice.

18. General liaison between the CA and the relevant Chain of Command will be directly with the ADH chain or AM(MF). Routine FLC internal communication within the Chain of Command, SWA, legal and secretariat will be facilitated via the respective Flight Safety organizations and / or secretariat.

19. Any ADH or AM(MF) with a specific concern in relation to mitigating continuing Hazards may directly approach the CA to discuss any aspect of an Occurrence that presents them with such a Cause for concern.

20. At the discretion of the CA, the Occurrence owning ODH or AM(MF) may be provided with a personal update brief from the SI or NSI President on a privilege basis and in the presence of the CA (or their representative).

Observers

21. The criteria for observers is covered in JSP 832¹⁰.

Return to Flying

22. 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. The CA and Head DAIB will assist where deemed appropriate 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

23. ADHs, AM(MF)s or AA-Facing Organizations will provide 'kin-forming', Aircraft Post Crash and Incident Management¹¹ and media handling. Reasonable costs for the SI or NSI will be borne by the DSA (in the case of a DSA convened SI / NSI), 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

24. Once the SI or NSI President has submitted the provisional Report, the senior stakeholders will have the opportunity to make formal comment on factual content only. The internal publication of an NSI report to MOD stakeholders by email from the CA's office constitutes the formal sign off of the report. In the case of a DSA SI, the report is deemed final when the formal review by DSA-DG has been completed. The DSA secretariat will redact the report to Freedom Of Information standards and publish on the internet (Gov.uk) as soon as practicable following internal distribution.

25. 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 their proceedings.

¹⁰ Refer to JSP 832, Para 2.26, Observers.

¹¹ Refer to RA 1430 – Aircraft Post Crash ► and Incident ◀ Management and Significant Occurrence Management; and the Manual of Post Crash ► and Incident ◀ Management.

Guidance Material 1420(1)

Recommendations

26. Recommendations are designed to reduce the potential for reoccurrence and to improve Safety across Defence. Urgent Safety recommendations can be made at any stage during the inquiry. Once the final report is completed, however, the inquiry President will circulate a consolidated list of recommendations to the appropriate Safety centre(s) for confirmation of recommendation owners and as an opportunity to make formal comment on the recommendations themselves. Recommendations will aim to articulate an effect to be achieved, as opposed to a solution. They will be Specific, Measurable, Achievable, Relevant and Time-bound (SMART) where possible, noting that definitive timeframes cannot be dictated.

27. The DAIB will monitor the implementation of the recommendations on behalf of the DSA-DG and will ensure that recommendations are initiated and tracked. The designated implementation manager will be asked to contact the DAIB to provide a plan of action and a potential 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 DSA-DG's expectations for closure. The DAIB will request updates on progress on a rolling basis throughout the year and will report progress to DSA-DG monthly. Recommendations require the Approval of the CA before they can be closed. In the case of recommendations from a DSA SI, DSA-DG is the sole closure authority. Recommendations from a DAIB-led NSI with an Accountable owner below 2*, have been delegated by DSA-DG to Head DAIB.

Criminal and Disciplinary Investigations

28. 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 continues in parallel wherever possible. This ►◄ ensures that critical Safety information is uncovered, captured and acted upon as soon as possible. Early liaison with other investigative bodies 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 Occurrences involving military Air Systems and Weapons of foreign nations

29. The procedures for the Safety investigation of Occurrences involving military Air Systems and Weapons which involve the equipment, facilities and / or personnel of multiple nations (eg North Atlantic Treaty Organization (NATO) / Partnership For Peace (PfP) nations, Five Eyes Air Force Interoperability Council (Five Eyes AFIC) nations, etc) are detailed in Standardization Agreement (STANAG) 3531^{12, 13}. Where an Occurrence has occurred to which the STANAG is not applicable or appropriate (for example Signatory countries to the European Air Accident Investigation Group, the relevant Memorandum of Understanding between the UK and the country / countries of the military Air Systems involved in the Occurrence ►needs◄ to be checked for any special provision.

Investigation Policy

30. 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 any formal agreement, 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 on the conclusion of the inquiry. If the UK is denied adequate access to observe the inquiry or the DSA-DG considers there are additional lessons to be learned, a separate UK inquiry may be convened.

¹² Refer to STANAG 3531 - Safety Investigation of Accidents / Serious Incidents involving Military Aircraft, Missiles, and / or UASs.

¹³ 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.