



# Just culture: what next?

Alison Slater

Head of Investigations & Enforcement Team, CAA



Schweizerische Eidgenossenschaft  
Confédération suisse  
Confederazione Svizzera  
Confederaziun svizra

Swiss Confederation

Schweizerische Unfalluntersuchungsstelle SUST  
Service d'enquête suisse sur les accidents SEASA  
Servizio d'inchiesta svizzero sugli infortuni SISI  
Swiss Accident Investigation Board SAIB

Aviation Division

## **Final Report no. 2211 of the Swiss Accident Investigation Board SAIB**

concerning the serious incident (Airprox)

involving the Boeing B737-800 aircraft, EI-ENK  
operated by Ryanair  
under flight number RYR 3595

and the Airbus A319-111 aircraft, CS-TT  
operated by Air Portugal  
under flight number TAP 706

The appeal must be dismissed. The costs of the federal proceedings must be ordered on the subject-based appellant (Art. 66 sec. 1 sentence 1 BGG).

FRANK MULHOLLAND QC, THE LORD ADVOCATE Petitioner for An order in terms of regulation 18 of The Civil Aviation (Investigation of Air Accidents and Incidents) Regulations 1996



**Rogers v Hoyle**

[2014] EWCA Civ 257, [2015] QB 265, [2014] 3 All ER 550, [2014] 3 WLR 148, [2014] All ER (D) 131 (Mar)

Court: CACivD

Judgment Date: 13/03/2014

Catchwords & Digest

PRACTICE AND PROCEDURE - EVIDENCE – EXPERT EVIDENCE – CLAIMANTS ISSUING NEGLIGENCE PROCEEDINGS AGAINST DEFENDANT PILOT AFTER CRASH – JUDGE ADMITTING INVESTIGATION REPORT OF AIR ACCIDENT INVESTIGATION BRANCH AS EVIDENCE – DEFENDANT APPEALING – WHETHER REPORT ADMISSIBLE – WHETHER REPORT COMPLYING WITH RULES – WHETHER JUDGE ERRING IN FAILING TO EXERCISE DISCRETION TO EXCLUDE REPORT – CIVIL EVIDENCE ACT 1972, S 3 – CIVIL EVIDENCE ACT 1995 – CPR PTS 32, 35

Royal Courts of Justice  
Strand, London, WC2A 2LL

Date: 28/09/2016

IN THE HIGH COURT OF JUSTICE  
DIVISIONAL COURT

Date: 28/09/2016

Before :

THE LORD CHIEF JUSTICE OF ENGLAND AND WALES  
MR JUSTICE SINGH

Between :

Chief Constable of Sussex Police Claimant

- and -

Secretary of State for Transport First Defendant

-and-

British Airline Pilots Association Second Defendant

THE LORD CHIEF JUSTICE OF ENGLAND AND WALES  
MR JUSTICE SINGH

Between :

The Queen Claimant  
(on the application of the Secretary of State)

- and -

Her Majesty's Senior Coroner for Norfolk Defendant

-and-

British Airline Pilots Association Intervener

Before :

Aviation is subject to the same legal processes as any other activity. And when an accident happens, the public demands that those responsible for the safety of air operations are accountable for their actions. However, it is also in the public's interest that the actions of those who may have contributed to an accident are fully understood; especially in the context of their own organisational and social culture. These two conditions will help providing true lessons that will allow a real reduction of the potential risks of future accidents.

And here lies the root of the issue: who will determine whether an honest mistake was made by a qualified professional acting in a responsible manner or whether this was a clear case of gross negligence, wilful misconduct, or criminal intent—to use just a few of many legal terms for criminally reproachable behavior. The person making that decision cannot be a chief pilot or a control room supervisor. That call can only be made by a judicial professional: a prosecutor and ultimately a court of law.

# Freedom to speak up

An independent review into creating an open and honest reporting culture in the NHS

## Case study: Promoting a safety culture

NATS is responsible for air traffic control in the UK. Safety is a key priority and over the last 10 years their commitment to a culture of safety has resulted in a significant improvement in safety performance and a significant reduction in the number of safety incidents.

### Strategic Priorities:

People create safety  
(personal capability  
and responsibility for  
safety)

Safety intelligence  
(data and information)

### Raising concerns

- There are a number of ways staff can raise concerns:
  - internally and confidentially through the Safety Tracking and Reporting platform (STAR)
  - directly with line manager, the safety director or the chief legal advisor
  - externally and anonymously through the CHIRP reporting system
  - directly to the regulator (CAA).

# Freedom to speak up

An independent review into creating an open and honest reporting culture in the NHS

*“It has been a long hard slog in the aviation industry, taking over 10 years to get to the position we are in today. This success is down to trust and trust alone.”*

## Case study: Promoting a safety culture

NATS is responsible for air traffic control in the UK. Safety is a commitment to a culture of safety has resulted in a significant reduction in the number of safety incidents.

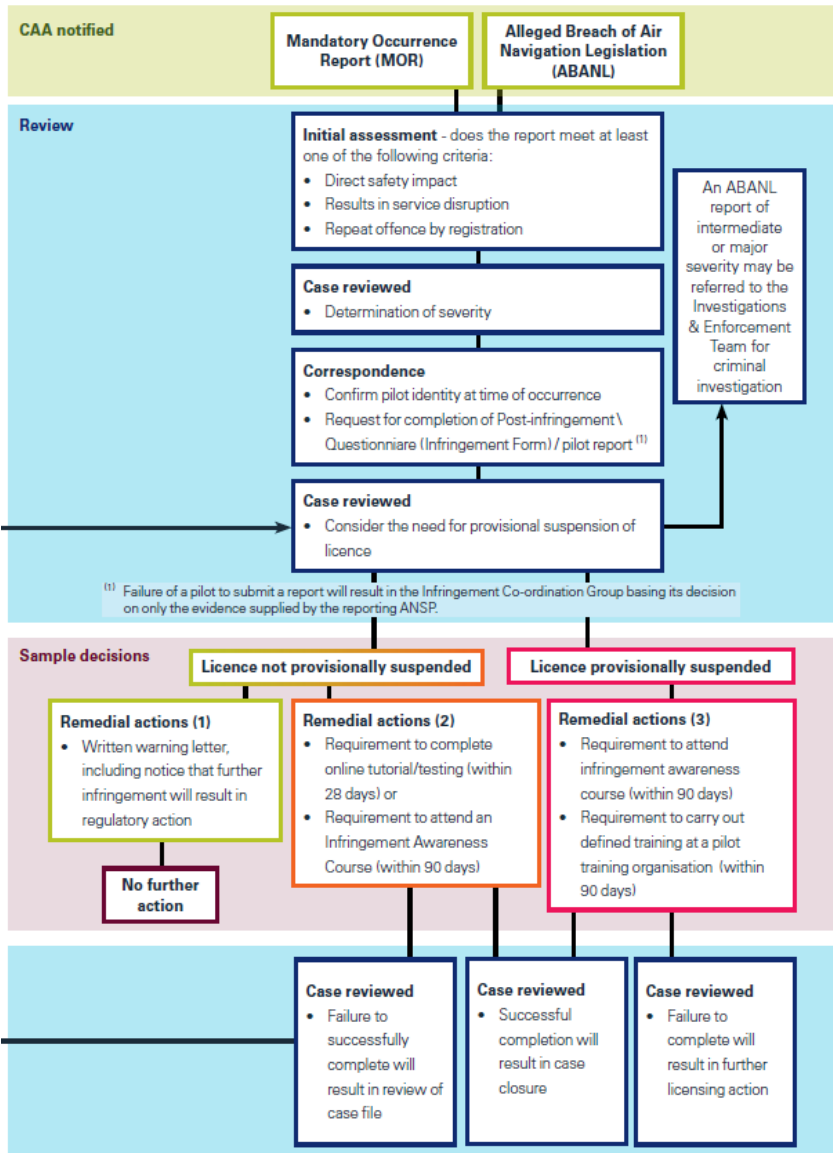
### Strategic Priorities

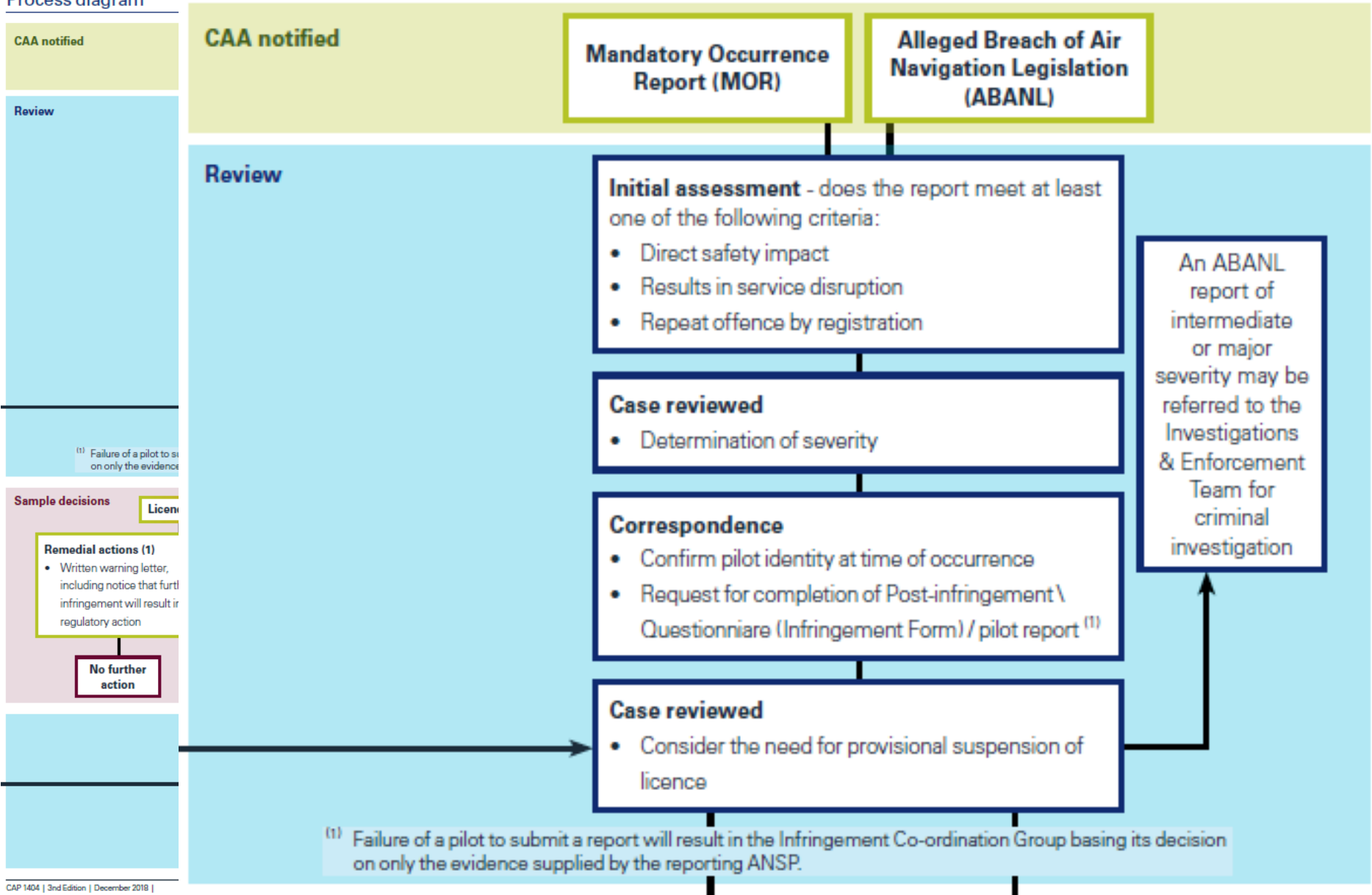
People create safety  
(personal capability  
and responsibility for  
safety)

Safety intelligence  
(data and information)

*“We have a just culture, which is different to a no blame culture. Things beyond a certain point cannot be ignored and people understand this.”*

# Process diagram







CAA notified

Review

<sup>(1)</sup> Failure of a pilot to sign on only the evidence

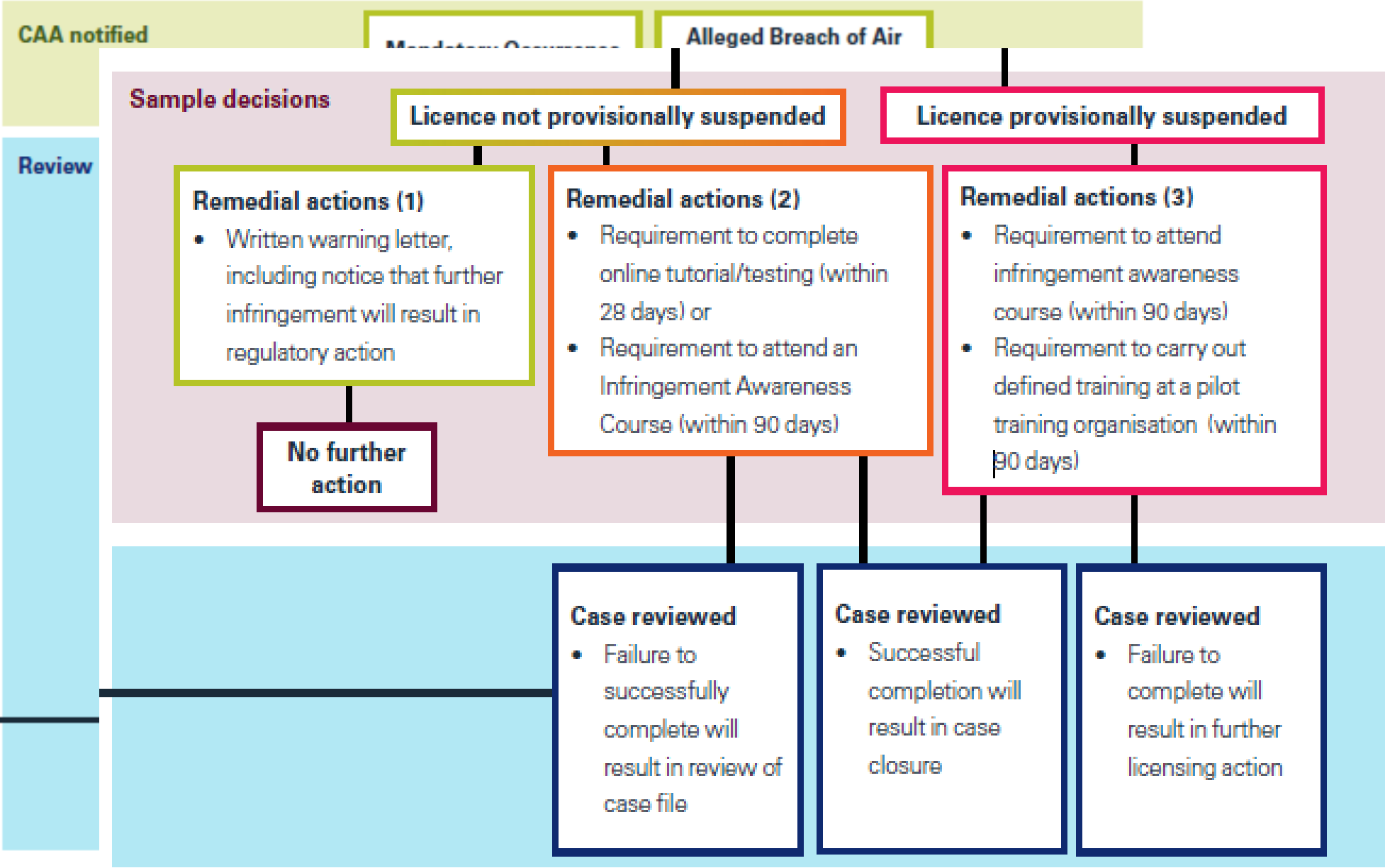
Sample decisions

Licence

Remedial actions (1)

- Written warning letter, including notice that further infringement will result in regulatory action

No further action



QUESTIONS?