Feedback from Just Culture measurements

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Overview

» Legal basis for JC measurement
» Role of EASA in the measurement of JC
» Verification exercise for JC SKPI (2012)
» Feedback - lessons learnt
Overview

- Legal basis for JC measurement
  - Performance Scheme Regulation
  - JC as a Safety Key Performance Indicator
- Role of EASA in the measurement of JC
- Verification exercise for JC SKPI (2012)
- Feedback - lessons learnt
Legal basis for JC measurement

- Performance Scheme
  - SES 2: introduction of ANS performance targets
  - IRs: Regulation (EU) 691/2010
  - Regulation (EU) 390/2013

- Performance measurement:
  - 4 Key Performance Areas, each with KP indicators
  - over set Reference Periods (RP1: 2012-2014,...)

- Just Culture
  - Safety KPI – level of Just Culture
  - Definition of Just Culture
Legal basis for JC measurement

» Performance Scheme
  » SES 2: introduction of ANS performance targets
  » IRs: Regulation (EU) 691/2010

Performance measurement:
4 Key Performance Areas, each with KP indicators over set Reference Periods (RP1: 2012-2014,…)

Just Culture
Safety KPI – level of Just Culture
Definition of Just Culture

‘Just culture’ means a culture in which front line operators or others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, wilful violations and destructive acts are not tolerated.

» KPI 1 – level of Just Culture
» Definition of Just Culture
Safety KPI – Just Culture

Just Culture as a Safety KPI

- no European Union-wide targets: RP1 data used to validate the key performance indicators

- National/FAB Safety KPI: “(...)the reporting by the Member States and their air navigation service providers through a questionnaire (...), which measures the level of presence and (...) absence of just culture.”
Overview

- Legal basis for JC measurement
- Role of EASA in the measurement of JC
  - Development of AMC/GM
  - Structure of AMC/GM
- Verification exercise for JC SKPI (2012)
- Feedback - lessons learnt
Role of EASA in JC measurement

Key Performance Area: Safety
- Develop and adopt AMC/GM ("Questionnaires") in consultation with PRB
- Monitoring of implementation/measurement – using Standardisation inspection working methods

AMC/GM
- AMC/GM: non-binding standards; guidance material
- Article 52 BR - EASA rulemaking procedure

Agency Decision Nº 2011/017/R (16.12.11)
- Implementation and measurement of safety KPIs
- JC safety KPI: reporting and verification at State level and at ANSP level
Structure of the AMC/GM

AMC/GM + appendices (Questionnaires)

Questionnaires divided into three sections:
- Policy and its implementation
- Legal & Judiciary
- Occurrence reporting and investigation

State and ANSP level:
- State level focus: primary legislation, distribution of responsibilities, agreement with judicial/police authorities,…
- ANSP level focus: internal procedures, support to staff, investigation procedure, training, handling of occurrence reports,…
Appendices to AMC (Questionnaires)

Appendix 1 to AMC 9 SKPI — Just Culture Questionnaire — State level

<table>
<thead>
<tr>
<th>Name</th>
<th></th>
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<tbody>
<tr>
<td>Organization</td>
<td></td>
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<tr>
<td>State</td>
<td></td>
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<tr>
<td>Job Title</td>
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### Just Culture Questionnaire

**Policy and its implementation**

**Policy elements related questions**

<table>
<thead>
<tr>
<th>ST.P.1</th>
<th>Is there an explicit Just Culture policy, which is endorsed at appropriate State level and made public?</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>☐ Y ☐ N</td>
</tr>
<tr>
<td></td>
<td><strong>Justification and remarks for selected answer</strong></td>
</tr>
</tbody>
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<table>
<thead>
<tr>
<th>ST.P.2</th>
<th>Does it contain a description of what is considered to be unacceptable behaviour?</th>
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<tbody>
<tr>
<td></td>
<td>☐ Y ☐ N</td>
</tr>
<tr>
<td></td>
<td><strong>Justification and remarks for selected answer</strong></td>
</tr>
</tbody>
</table>
### Appendix 1 to GM 12 SKPI — Just Culture — State level — possible justification

<table>
<thead>
<tr>
<th>ID</th>
<th>Area</th>
<th>Question</th>
<th>Possible evidences</th>
</tr>
</thead>
<tbody>
<tr>
<td></td>
<td>Policy and its implementation</td>
<td></td>
<td></td>
</tr>
<tr>
<td>ST.P.1</td>
<td>Policy elements related questions</td>
<td>Is there an explicit Just Culture policy, which is endorsed at appropriate State level and made public?</td>
<td>a law which regulates the treatment of aviation safety related incidents as well as related regulations. Written statement in policy at State level.</td>
</tr>
<tr>
<td>ST.P.2</td>
<td>Policy elements related questions</td>
<td>Does it contain a description of what is considered to be unacceptable behaviour?</td>
<td>In accordance with the definition in Article 2, (k) of Commission Regulation (EU) No 691/2010 “unacceptable behaviour” should be considered as gross negligence, wilful violations and destructive acts. Besides this definition, it is realised that it is difficult to implement a hard line between acceptable and unacceptable behaviour. Therefore, there is a link between this question and question ST.P.4.</td>
</tr>
<tr>
<td>ST.P.3</td>
<td>Policy elements related questions</td>
<td>Does it refer to legal provisions which guarantee no punishment for self-reported occurrences (except for the cases defined above in question ST.P.2)?</td>
<td>legal provisions.</td>
</tr>
<tr>
<td>ST.P.4</td>
<td>Policy elements related questions</td>
<td>Does it provide for legal support (e.g. counselling, court expertise etc.) for its own staff in case of prosecution / legal action related to a reported safety event?</td>
<td>communications to staff advising that legal support is available and indicating the procedure how to access such support</td>
</tr>
<tr>
<td>ST.P.5</td>
<td>Policy elements related questions</td>
<td>Does the State require a Just Culture policy in Air Navigation Service Providers?</td>
<td>legal provisions</td>
</tr>
<tr>
<td>ST.P.6</td>
<td>Roles and Responsibilities clearly defined and implemented</td>
<td>Is the role of different State authorities and Air Navigation Service Providers in handling safety reports and the flow of information clearly defined in the State?</td>
<td>description of a reporting system which would include the rights of access / limitation of the rights of access by the stakeholders as well as obligations to safeguard the information</td>
</tr>
</tbody>
</table>
Overview

» Legal basis for JC measurement

» Role of EASA in the measurement of JC

» Verification exercise for JC SKPI (2012)
  » Timeline, objective and methodology
  » Outcome of verification exercise

» Feedback - lessons learnt
Just Culture verification by NSAs

- **2012**: ANSPs fill in the JC questionnaire
- **15 Sep 2012**: ANSPs submit to their NSA answers to JC questionnaire
- **31 Oct 2012**: NSA verifies the answers
- **1 Feb 2013**: Deadline to submit the verified answers to EASA
- **2013**: ANSPs fill in the JC questionnaire

Note: The timeline indicates the sequence of events leading to the verification of Just Culture by NSAs.
Just Culture verification by EASA

- **2013**
  - EASA/PRB preparation of safety performance Factsheets and final review of PRB 2012 report
  - EASA light verification of Safety KPIs

- **2014**
  - Deadline to submit the verified answers to EASA
  - EASA continues on site verification of Safety KPIs (standardisation inspections)
JC verification for RP1 - Y1 (2012)

- Review: 29 States and 36 ANSPs
- No sampling but a complete review of information provided

Aim:
- Identify tendencies, ‘best practices’, common approaches to JC
- Identify effective measures (or possible obstacles) to the application of JC at State and ANSP level
Methodology

» Analytical approach
  » Review of the legislative and document reference
  » Assessment of level of implementation
  » Summary

» Numerical approach
  » Yes/No responses for each question
  » Yes/No responses for each section
  » % of YES responses for each question

(e.g. “x % of States have indicated that there is an explicit Just Culture policy, which is endorsed at appropriate State level and made public.”)
Reporting of the verification

PRB monitoring report (4 volumes)

- EU overview & PRB recommendations
- National overview
- Capital expenditure
- Safety
Overview

➢ Legal basis for JC measurement

➢ Role of EASA in the measurement of JC

➢ Verification exercise for JC SKPI (2012)

➢ Feedback - lessons learnt
  ➢ Feedback from 2012 monitoring
  ➢ Next steps
State level

- Policy and its implementation
  - Policy elements
  - Definition of roles and responsibilities
  - Training

- Legal & judiciary
  - Primary legislation
  - Judicial procedure and specific aviation legislation
  - Formal agreements

- Occurrence reporting and investigation
Feedback from RP1 year 1

**ANSP level**

- Policy and its implementation
  - Policy elements
  - Definition of roles and responsibilities
  - Training

- Legal & judiciary
  (Primary legislation)
  - Judicial procedure and specific aviation legislation
  - Formal agreements

- Occurrence reporting and investigation
Current situation

RP1 feedback

» Revision of the AMC/GM for JC
  » Rulemaking task: publication of NPA 2013-14
  » RMG: 5 NSAs, 4 ANSPs, 1 ETF & 1 ATCEUC

» Outcome:
  » improvement of JC questions based on experience of 1st verification
  » additional guidance to States/ANSPs

» Agency decision to be published by year end
Current situation

RP2 preparation

- **NPA 2013-xx: Development of AMC/GM for RP2**
  - Rulemaking task: NPA to be published next few months
  - RMG: same group
  - Following NPA publication: 3 months consultation (stakeholder comments)
  - Publication of the Agency Decision by Q.2 2014

- **JC: target at local level only, not EU-wide target**
Thank you!

Questions?

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