



# OPERATIONS ADVISORY CIRCULAR

Barbados Civil Aviation  
Department

**BCAD Document OAC-007**

## VOLUNTARY DISCLOSURE REPORTING PROGRAMME

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## PASSENGER SAFETY INFORMATION AND BRIEFING CARDS

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# **PASSENGER SAFETY INFORMATION AND BRIEFING CARDS**

## **1. PURPOSE.**

a. This Operations Advisory Circular (OAC) provides information and guidance material that may be used by an Air Operator Certificate (AOC) holder or an Approved Maintenance Organisation (AMO) when voluntarily disclosing to the Barbados Civil Aviation Department (BCAD) apparent violations of those civil aviation regulations (BCARs) listed in paragraph 2. The procedures and practices outlined in this OAC can be applied to the maintenance, flight operations and security functions of the certificate holder's organization.

b. AOC holders and AMOs certificated under the BCARs have Quality Systems that continually monitor company policies and procedures and ensure that the highest level of safety and security compliance is maintained. They may voluntarily disclose apparent violations of the BCARs covered by this programme in accordance with the procedures in this OAC.

## **2. RELATED BCARs.**

3. **BACKGROUND.** Civil penalties under the enforcement programme are considered a means to promote compliance with the BCARs. In addition to the deterrence achieved by the use of civil penalties, the public interest is also served by this incentive to promote and achieve operator compliance. Indeed, the BCAD believes that aviation safety is well served by other incentives for AOC holders and AMOs to identify and correct their own instances of non-compliance and to invest more resources in efforts to preclude their recurrence. The BCAD's policy of forgoing civil penalty actions when one of these entities detects violations, promptly discloses the violations to the BCAD and, takes prompt corrective action to ensure that the same or similar violations do not recur, is intended to encourage compliance with the regulations, foster safe operating practices and promote the development and implementation of internal quality management systems.

**3. KEY TERMS.** The following key terms and phrases are defined to ensure a standard interpretation and understanding of the BCAD's voluntary disclosure policy.

a. **Evidence.** For the purpose of voluntary disclosure, evidence should be in the form of written documentation that supports a certificate holder's analysis of the disclosed apparent violation and the resulting elements of the proposed comprehensive corrective action. Evidence generally comes from the following four elements:

- (1) Documents or manuals reviewed.
- (2) Equipment examined.
- (3) Activities observed.
- (4) Interview data.

b. Comprehensive Corrective Action.

(1) Comprehensive corrective action is an action, or actions, proposed by the certificate holder and accepted by the principal inspector to preclude recurrence of the apparent violation that has been voluntarily disclosed under this programme.

(2) A schedule of the dates and events encompassed by the comprehensive corrective action must be established and included in a letter of corrective action.

c. Satisfactory Corrective Action. Satisfactory corrective action is a comprehensive corrective action, in which all corrective measures have been completed on schedule and are satisfactory to the BCAD.

d. Principal Inspector. Under the voluntary disclosure programme, principal inspector refers to the appropriate security, maintenance, avionics, operations inspector, or other designated BCAD official of the BCAD responsible for oversight of the area of non compliance involved in the disclosure.

e. Operator: Under the voluntary disclosure programme, operator refers to an AOC or an AMO.

**4. VOLUNTARY DISCLOSURE POLICY.** The BCAD believes that the open sharing of apparent violations and a cooperative as well as an advisory approach to solving problems will enhance and promote aviation safety. Certificate holders may receive a letter of correction from the BCAD, in lieu of civil penalty action for covered instances of non-compliance, that are voluntarily disclosed to the BCAD in accordance with the procedures set forth in this OAC. Once the letter of correction is issued, the case will be considered closed unless the agreed-upon comprehensive corrective action is not satisfactorily completed by the appropriate operator.

a. In evaluating whether an apparent violation is covered by this policy, the BCAD will ensure that the following five conditions are met:

(1) The certificate holder has notified the BCAD of the apparent violation immediately after detecting it and before the BCAD has learned of it by other means.

(2) The apparent violation was unintentional.

(3) The apparent violation does not indicate a lack, or reasonable question of the continued qualification of the certificate holder.

(4) Immediate action, satisfactory to the BCAD, was taken by the operator upon discovery to investigate the relevant air operator system and terminate the conduct that caused in the apparent violation.

(5) The certificate holder has developed or is developing a comprehensive corrective action and schedule of implementation satisfactory to the BCAD. The comprehensive corrective action includes an air operator system review and a follow-up self-audit to ensure that the action taken corrects the non-compliance. This self-audit is in addition to any additional audits that may be conducted by the BCAD.

- b. The BCAD will not forgo legal enforcement action if the certificate holder informs the BCAD of the apparent violation during, or in anticipation of, an BCAD investigation/inspection or in association with an accident or incident.
- c. The procedures to be followed when applying the voluntary disclosure policy are further described in the following paragraphs.

**5. NOTIFICATION TO THE BCAD OF AN APPARENT VIOLATION.** The Voluntary Disclosure policy applies only when the certificate holder makes notification of an apparent violation to the BCAD immediately after the operator has discovered the apparent violation and before the BCAD learns of the apparent violation by some other means. The form of notification may be accomplished by oral, written, or electronic means. The BCAD believes that it is important for the initial notification to be within 24 hours of the discovery of the apparent violation.

a. Notification by the certificate holder. When a certificate holder notifies the BCAD of an apparent violation, contact must be made with, or directed to, the appropriate principal inspector. The certificate holder should not delay notification for any reason, and should address, to the maximum extent possible, the following items with the principal inspector:

- (1) A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered.
- (2) Verification that non-compliance ceased after it was identified.
- (3) A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation and the person responsible for taking the immediate action.
- (4) Verification that an evaluation is underway to determine the root-cause of the apparent violation, if there are any systemic problems and a description of the corrective steps necessary to prevent the apparent violation from recurring.
- (5) Identification of the relevant manager or person responsible for accomplishing the comprehensive corrective action.
- (6) Acknowledgment that a detailed written report will be provided to the principal inspector within 10 working days after the initial notification was made.

**6. BCAD RESPONSE TO CERTIFICATE HOLDER NOTIFICATION.** The principal inspector responds with a written acknowledgment of the operator's initial notification. This acknowledgment includes the request for a written report that is completed in accordance with the voluntary disclosure reporting procedures set forth in this OAC and Appendix 1. The principal inspector will open an enforcement investigative report that will be closed out with a letter of correction, following satisfactory development by the certificate holder of comprehensive corrective action and a schedule of implementation agreed upon by the BCAD and the certificate holder.

**7. WRITTEN REPORT OF THE CERTIFICATE HOLDER.** The certificate holder should provide the written report to the principal inspector within 10 working days after the initial notification was made. A sample format for this report is provided as appendix 1. In summary, the written report should include the following information:

- a. A list of the specific BCAD regulations that may have been violated.
- b. A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected.
- c. A description of the immediate action taken to terminate the conduct that resulted in the apparent violation, including when it was taken and who was responsible for taking the action
- d. An explanation that shows the apparent violation was unintentional.
- e. Evidence that demonstrates the seriousness of the apparent violation and the operator's analysis of that evidence.
- f. A detailed description of the proposed comprehensive corrective action, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the corrective action. If a proposed comprehensive corrective action is not fully developed within 10 working days, the operator should provide at least an overview of its comprehensive corrective action plans. In any event, a detailed description of the comprehensive corrective action should be provided to the principal inspector within 30 calendar days after the certificate holder initially notified the principal inspector of the apparent violation.
- g. Identification of the company official (the quality manager in the case of certificate holders having a quality system as outlined in the Barbados Civil Aviation (Air Operator Certification and Administration) Regulations 2007 responsible for monitoring the implementation and completion of the comprehensive corrective action.

**8. REVIEW BY THE BCAD.** The BCAD works with the certificate holder to ensure that the comprehensive corrective action is acceptable to the BCAD.

- a. If the principal inspector determines that the proposed corrective action is acceptable, he/she will prepare a letter of correction that includes the date by which the comprehensive corrective action shall be implemented and completed.
- b. Following issuance of the letter of correction, the case is closed but remains subject to reopening in the event that the agreed-upon actions covered in the comprehensive corrective action are not completed to the satisfaction of the BCAD.
- c. The principal inspector has the authority to close the case. Consultation with legal counsel, or other BCAD personnel may be accomplished when deemed appropriate by the principal inspector.

**9. IMPLEMENTATION OF A COMPREHENSIVE CORRECTIVE ACTION.**

- a. During the implementation period, the BCAD and the operator should continue to work together. The BCAD may advise and assist the operator in correcting any identified systemic



problems. Changes can be made to the corrective action(s) outlined in the comprehensive corrective action when the need is identified and when the BCAD concurs with the change. When a change to a comprehensive corrective action has been agreed upon, the principal inspector, or the inspector assigned to the case at the direction of the principal inspector, will prepare an amended letter of correction that reflects this change.

b. The BCAD monitors the implementation of the corrective steps. Throughout the implementation period, the BCAD assesses the operator's corrective efforts and top management's awareness of these efforts. If, during this period, the BCAD determines that the steps taken by the operator are not those documented in the comprehensive corrective action the letter of correction may be rescinded, the investigative report may be reopened and appropriate legal enforcement action may be initiated.

c. Following completion of the agreed-upon corrective action/s, the certificate holder conducts a self-audit to ensure that the corrective action taken remedies the problem that gave rise to the apparent violation.

d. At the conclusion of the implementation period, the principal inspector makes a final assessment. If all elements of the comprehensive corrective action have been adequately accomplished, the principal inspector finds the corrective action satisfactory. A statement of follow-up investigation, confirming that the comprehensive corrective action was satisfactorily implemented and completed, shall be prepared to complete the BCAD's investigative package.

e. If the same or similar violations are discovered after the BCAD's completion of an investigative package, the BCAD does not reopen the case unless it determines that the operator failed to comply with all the elements of the comprehensive corrective action agreed upon by the BCAD and the certificate holder.

**10. DISPUTE RESOLUTION.** When disputes occur regarding the acceptance of a proposed comprehensive corrective action, or a modification thereto before the corrective action is considered satisfactory, the principal inspector and the operator may request that the issue be resolved at the next level of management within the BCAD. This procedure will provide for an independent assessment of the areas in disagreement.

## **11. SEPARATE ACTIONS AGAINST AIRMEN OR OTHER INDIVIDUAL AGENTS.**

a. The voluntary disclosure policy applies to individual airmen or other agents of an employing operator when:

(1) The apparent violation involves a deficiency of the employing operator's practices or procedures that cause the employing certificate holder to be in violation of a covered violation of a regulation;

(2) The airman or other agent of the employing operator, while acting on behalf of the employing operator, unintentionally violates the BCARs as a direct result of a deficiency of the employing operator that causes the employing operator to be in violation of the regulations. (The voluntary disclosure policy does not apply to the airman or other agent

when his/her apparent violation is the result of actions unrelated to the employing operator's deficiency);

(3) The airman or other agent immediately makes the report of his/her apparent violation to the employing operator; and

(4) The employing certificate holder, indirect air carrier, or foreign air carrier, immediately notifies the BCAD of both the airman or other agent's apparent violation and the apparent deficiency in its practice or procedures.

b. When all the above conditions are met, a separate enforcement investigative report is opened for the individual and closed with an administrative action.

c. If all the above conditions are not met, the principal inspector will review all facts associated with the case and determine what action is appropriate for individual airmen or other agents of the employing operator.

d. This provision does not apply to matters concerning qualifications to hold an airman certificate.

**12. REPEATED VIOLATIONS.** If a repeated violation occurs, regardless of the fact that a comprehensive corrective action was satisfactorily completed and followed, the procedures outlined in this OAC may apply to the disclosure of the repeated violation. The determination of whether a repeated violation will be covered under this policy will be made by the BCAD on a case-by-case basis, upon consideration of the facts and circumstances surrounding the repeated violation.

**13. CONCLUSION.** A certificate holder's development of a quality system as outlined under Part 9 of the BCARs help to ensure that any apparent violations are promptly identified, corrected, and reported to the BCAD. An operator's quality system should be an integral part of its everyday management process so that the full benefits of voluntary disclosure can be realised. Programmes that allow certificate holders to identify and correct their own instances of non-compliance and invest more resources in efforts to preclude their recurrence serve aviation safety.

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## **APPENDIX 1.**

### **SAMPLE FORMAT TO BE FOLLOWED WHEN SUBMITTING THE WRITTEN REPORT**

The following sample is only a suggested format to be followed when preparing the written report that will be submitted to the BCAD. While a certificate holder should include at least all the elements specified below, the structure of the written report could be modified by the operator to fit its particular needs.

#### **I. GENERAL.**

- A. Date.
  - B. Certificate type or equivalent.
  - C. Pertinent certificate number or equivalent.
  - D. Company name.
  - E. Company address.
  - F. Company official filing the report.
- 1. Name.
  - 2. Position/post.
  - 3. Telephone number.

#### **II. DESCRIPTION OF APPARENT VIOLATION.**

- A. Applicable CAR.
- B. Date apparent violation was discovered.
- C. Location of discovery.
- D. Company official who discovered the apparent violation.
  - 1. Name.
  - 2. Position/post.
  - 3. Telephone number.
- E. Date and time of initial notification to the BCAD.
- F. Name of BCAD official notified (principal inspector).
- G. Company official making notification.
  - 1. Name.
  - 2. Position/post.
  - 3. Telephone number.
- H. Duration of time apparent violation remained undetected.

1. Hours.
2. Cycles.
3. Days.

**III. SUMMARY OF APPARENT VIOLATION.** The summary should be a brief statement that describes the nature of the apparent violation and identifies the specific aircraft, engines, appliances, facilities, checkpoint, gate, cargo and/or individuals associated with the apparent violation.

**IV. IMMEDIATE ACTION.**

- A. When immediate action was taken.
- B. Description of immediate action. (This description should outline the immediate steps that were taken to cease the non-compliance.)
- C. Company official responsible for immediate action.

1. Name.
2. Position/post.
3. Telephone number.

**V. ANALYSIS.**

A. Summary of evidence. (This summary should describe the scope of the apparent violation and explain how it was detected. In addition, conclusions reached regarding possible or probable systemic deficiencies, i.e., who, what, when, why and how the non compliance occurred, should be described.)

B. Reasons why the apparent violation was inadvertent.

C. Supporting documentation. (The evidence associated with the apparent violation should be attached. This evidence should include a statement explaining how the operator determined the extent of the apparent violation.)

**VI. COMPREHENSIVE CORRECTIVE ACTION PROPOSAL.** The proposed long-term corrective steps to be taken by the operator to preclude recurrence of the apparent violation should be listed in this section. Each corrective step should identify the individual or department responsible for implementing and completing the corrective step, as well as the time allotted for completion of each corrective step. Examples of types of questions or issues that a comprehensive corrective action proposal should address are as follows:

- A. Whether the apparent violation involves equipment, facilities, or individuals beyond those addressed in the initial notification and for which immediate action was taken.
- B. Whether procedural or organizational changes are necessary.
- C. How it will be determined whether any procedural or organizational changes are effective.

D. What procedures will be developed to ensure that the affected area is periodically reviewed in the future so that concerns can be identified before a violation occurs?

E. Who will be responsible for performing periodic reviews?

F. To whom in the certificate holder's organization will the results of those periodic reviews be reported, and how will they be documented?

**VII. RESPONSIBILITY FOR MONITORING THE IMPLEMENTATION OF THE COMPREHENSIVE CORRECTIVE ACTION.**

A. Name.

B. Position/post.

C. Telephone number.

D. Signature.

**VIII. BCAD ACCEPTANCE (TO BE COMPLETED BY THE BCAD).**

A. Name.

B. Position/post (principal inspector).

C. Date.

D. Office.

E. Signature.