

A large, semi-transparent image of an airplane's front section, including the cockpit windows, nose, and engines, serves as the background for the slide. A white outline of a smaller airplane is also visible on the left side of the slide.

# “Usage” of the Investigation Report Outside Safety Management Systems

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Barcelona 2017

# Investigation of Aircraft Accidents and Incidents

## Convention on International Civil Aviation

- Annex 13 – Aircraft Accident and Incident Investigation
- The sole objective of the investigation of an accident or incident shall be the prevention of accidents and incidents. It is not the purpose of this activity to apportion blame or liability

# Occurrence Investigation

The purpose of an accident or incident investigation

- Better understand the events leading up to the occurrence
- Identify hazards and conduct risk assessments
- Make recommendations to reduce or eliminate unacceptable risks and
- Communicate the safety messages to appropriate stakeholders

## Official State Investigations

Annex 13 requires an investigation be conducted by agencies wholly independent of the regulation entities and aviation service providers so as to be able to examine the possibilities of shortcomings in Safety Regulations or State Safety Programmes

# Manual of Aircraft Accident and Incident Investigations ICAO Doc 9756-

## AN/965

### Presentation of findings

- Accident reports should be provided in the format identified in ICAO Annex 13 for inclusion in the Accident / Incident Data Reporting (ADREP) system data base
- Often the investigation and presentation of information from incidents can be more useful and provide greater safety benefits than accident investigations
- Investigators receive no training in how to write reports for a criminal investigation

# EU Council Directive 94/56/EC

## Aviation Safety: Civil Aviation Accidents and Incidents

- The extent of investigation and procedures to be followed in carrying out such investigations shall be determined by the investigation body, taking into account the principles and the objectives of this Directive and depending on the lessons it expects to draw from the accident or serious incident for the improvement of safety
- The way the investigation is conducted influences the overall safety culture in the aviation service provider organisation
- The investigation “shall in no case be concerned with apportioning blame or liability”

# Just Culture is NOT a no prosecution policy

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

EUROCONTROL Just Culture Policy

# The Public Interest Test

“It has never been the rule in this country and I hope that it never will be, that any suspected criminal offences must automatically be the subject of criminal prosecution.”

Lord Shawcross, UK Attorney-General, 1951

# Aircraft Accident Hawker Hunter

## Shoreham 22<sup>nd</sup> August 2015

- After a low level (200ft), high speed run along the display axis, the aircraft pulled up into a manoeuvre with both a vertical and rolling component peaking at 2600ft. Minimum airspeed at the top of the manoeuvre was 100 mph. During subsequent descent, the aircraft did not achieve level flight before striking a major public road. The pilot survived, 11 members of the public perished.
- Pilot's display authorisation required a minimum height of 100ft. during fly pasts and 500ft. minimum for aerobatic manoeuvres.

# Aircraft Accident G-BXFI Hawker Hunter Shoreham Airport 22<sup>nd</sup> August 2015

- Pilot: 51 year old male, current ATPL
- Aircraft: no reported defects
- Weather: 120/12, no cloud, temp. +24C, dew point +17
- 11 fatalities; 13 people including pilot injured

# Aircraft Accident – Hawker Hunter

## 22<sup>nd</sup> August 2015 – AAIB Causal Factors

- Aircraft did not achieve sufficient height at apex of the manoeuvre before impacting the ground due to low entry speed and low engine thrust
- An escape manoeuvre was not carried out despite the aircraft not achieving the required minimum apex height

([www.aaib.gov.uk](http://www.aaib.gov.uk) aircraft accident G-BXFI)

# AAIB Contributory Factors

- The pilot either did not perceive that an escape manoeuvre was necessary or did not realise one was possible at the speed at the apex
- The pilot had not received formal training to escape from the accident manoeuvre in a Hunter and had not had his competence to do so assessed
- The pilot had not practised the technique for escaping from the manoeuvre in a Hunter and did not know the minimum speed from which such a manoeuvre could be carried out

## AAIB Contributory Factors ( continued )

- A change of ground track during the manoeuvre positioned the aircraft further east than planned producing an exit track along a major dual carriageway
- The manoeuvre took place above an area occupied by the public over which the organisers of the display had no control
- The severity of the outcome was due to the absence of provisions to mitigate the effects of an aircraft crashing in an area outside the control of the organisers of the display

# Police Investigation

- Sussex Police is conducting a criminal investigation into the accident and the deaths of the eleven victims and injuries suffered by other bystanders.
- As part of their investigation the police requested from the High Court:-
  - a. Statements made to the AAIB by the accident pilot
  - b. Film footage made by cameras installed on the aircraft on a voluntary basis
  - c. Material produced by various people such as experiments conducted and tests done on various aspects of the accident

# High Court judgement on disclosure of records

- On the 28<sup>th</sup> September 2016 the High Court handed down its judgement in the case between the Chief Constable of Sussex Police and the Secretary of State for Transport.
- The judgement refused the application for disclosure in the case except in relation to the film footage within the aircraft.
- Lord Chief Justice Lord Thomas and Mr. Justice Singh said that releasing the refused items could have “a serious and obvious chilling effect” on future AAIB investigations

# To prosecute or not to prosecute?

## That is the question!

(with apologies to William Shakespeare)