



## Department of Civil Aviation – Sri Lanka

# AVIATION SAFETY NOTICE

1. **Subject** : **Voluntary Disclosure Reporting Procedures**
2. **Nature** : Advisory
3. **Status** : New
4. **Issue No** : 01
5. **Date of Issue** : 02 September 2002
6. **Objective** :
  1. To promote aviation safety through voluntary compliance with the applicable rules, standards and procedures.
  2. To facilitate easy identification of system deficiencies or potential risks both latent and patent for flight safety, for early rectification.
  3. To emphasize that safety is the responsibility of all sections of the industry and give equal recognition to every body's role and attempt to maintain high level of safety.
  4. To establish and foster a good safety culture.
7. **Background** : It is observed that persons and/or organizations are reluctant to come forward to report to the Government Aviation Authorities about any inadvertent infringement of safety requirements lest they would be punished or dealt with a process of litigation, whereby the individual or the organization would suffer seriously.

Consequently vital information that led to the occurrence of events critical to safety are lost and the system would continue to function with imbedded root causes of such events both latent or patent, without any identification and rectification.

ICAO has recently introduced Standards a many to its technical Annexes requiring implementation of safety management and promotion programmes by the parties concerned. Accordingly aircraft operators and/or aeronautical service providers need to develop safety management programmes encouraging voluntary disclosure of any inadvertent infringement of safety requirements, for early rectification.



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In the main, the effectiveness of such programmes would depend on the regulatory environment and arrangements under which they would be operating. In this context there is a need to create a regulatory environment where persons/organizations would be encouraged to disclose confidently inadvertent infringement of safety requirements devoid of any fear of victimization by the Authorities.

- 8. Recipients** :
- a. Aerodrome Operators
  - b. Airline Operators
  - c. Flying Schools
  - d. Aircraft Maintenance Organizations
  - e. Persons holding Licences/Certificates issued by DGCA
  - f. Subscribers
- 9. Effective Date** : With immediate effect
- 10. Validity** : Until Further Notice
- 11. Contact Person** : Any Head of Division in charge of Airworthiness, Personnel Licensing, Aircraft Operations or Air Traffic Services
- 12. Availability** : A copy of this document and the Attachments are available for reference at the Communication Centre, Department of Civil Aviation, 64, Galle Road, Colombo 3. (e-mail : [sldgca@slt.lk](mailto:sldgca@slt.lk)). A copy of this document may be purchased from the Department of Civil Aviation at a price of Rs.500/=.
- 13. Checklist** : Not Applicable
- 14. Concept** : As given in the accompanying document (Attachment) titled "Voluntary Disclosure Reporting Procedures"

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## Department of Civil Aviation – Sri Lanka

### VOLUNTARY DISCLOSURE REPORTING PROCEDURES

#### Table of Contents

1. OBJECTIVE.....	2
2. BACKGROUND.....	2
3. KEY TERMS.....	2
4. VOLUNTARY DISCLOSURE POLICY.....	3
5. NOTIFICATION BY THE LICENCE/CERTIFICATE HOLDER.....	4
6. DCA RESPONSE TO LICENCE/CERTIFICATE HOLDER NOTIFICATION.....	4
7. LICENCE/CERTIFICATE HOLDER'S WRITTEN REPORT.....	5
8. REVIEW BY DCA.....	5
9. IMPLEMENTATION OF A COMPREHENSIVE FIX.....	6
10. INFORMAL APPEALS PROCESS.....	6
11. SEPARATE DOCUMENTATIONS AGAINST PERSONS HOLDING LICENCES.....	6
12. FREEDOM OF INFORMATION.....	7
13. SUBSEQUENT VIOLATIONS.....	7
14. CONCLUSION.....	7
APPENDIX 1.....	8





## 1. OBJECTIVE

- a. The procedures and practices outlined in this document is applicable to the following holders of Licences/Certificates issued or rendered valid by Director-General of Civil Aviation - Sri Lanka:
1. Pilot, Air Traffic Controller, Aircraft Maintenance Engineer, Flight Dispatcher, Ground Instructor, Flight Instructor or Cabin Crewmember
  2. Private Operators, Aerial Work Operators, Charter or Airline
  3. Airport Operator
  4. Flying School
  5. Aircraft Maintenance Organization
- b. Aircraft Operators/Airport Operators/Aircraft Maintenance Organizations/Flying Schools are required, to develop Internal Evaluation Programs that continually monitor their policies and procedures and ensure that the highest level of safety compliance is maintained. They may voluntarily disclose apparent violations in accordance with the procedures set forth in this Document.

## 2. BACKGROUND

There is a necessity to implement an effective enforcement program to achieve the highest degrees of compliance with the ANR through remedial and punitive measures. However, the negative incentive of deterrence, as served by civil penalties or litigation, is observed to be not always effective and productive.

The public interest is served also by positive incentives to promote and achieve compliance. The DCA-Sri Lanka believes that aviation safety is well served by incentives to Licence/Certificate Holders to identify and correct their own instances of non-compliance by investing more resources in efforts to preclude their recurrence, as law-abiding citizens with self-motivation.

**The DCA's newly adopted policy of foregoing litigation or civil penalty actions when a Licence/Certificate Holder detects violations, promptly discloses violations to the DCA, and takes prompt corrective action to ensure that the same or similar violations do not recur, is designed to promote better compliance with the ANR, foster safe operating practices, and encourage the development of Internal Evaluation Programs.**

## 3. KEY TERMS

The following key terms and phrases are defined to ensure a standard interpretation and understanding of the DCA's voluntary disclosure policy.

- a. **Evidence.** For the purpose of voluntary disclosure, evidence should generally be in the form of written documentation or reports that support the Licence/Certificate Holder's

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analysis of the disclosed apparent violation and the resulting elements of the proposed comprehensive fix. Evidence generally comes from the following four elements:

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

- b. **Comprehensive Fix.** A comprehensive fix is an action, or actions, proposed by the Licence/Certificate Holder, acceptable to the DCA, to preclude recurrence of the apparent violation that has been voluntarily disclosed under this program. A schedule of the dates and events encompassed by the comprehensive fix must be established and included in the letter of correction.
- c. **Satisfactory Fix.** A satisfactory fix is a comprehensive fix in which all corrective measures recommended by the Licence/Certificate Holder have been completed in a predetermined period of time and to the satisfaction of the DCA.

#### 4. VOLUNTARY DISCLOSURE POLICY.

The DCA believes that the open sharing of apparent unintentional violations and a cooperative as well as an advisory approach to solving situations under which such violations occur, will enhance and promote aviation safety. Licence/Certificate Holders will receive a letter of correction in lieu of civil penalty action for instances of non-compliance that are voluntarily disclosed to the DCA in accordance with the procedures set forth in this document.

Once the letter of correction is issued, the case will be considered closed unless the agreed upon comprehensive fix is not satisfactorily completed by the Licence/Certificate Holder.

In evaluating enforcement action for a Licence/Certificate Holder's actual or apparent failure to comply with ANR or any directive issued by DGCA, the DCA will ensure that the following five conditions are met:

- a. The Licence/Certificate Holder immediately notified the DCA of the apparent violation after detecting it and before the DCA learned of it.
- b. The apparent violation must have been inadvertent.
- c. The apparent violation does not indicate a lack, or reasonable question, of basic qualification of the Licence/Certificate Holder.
- d. Immediate action must have been taken, or begun to have been taken, upon discovery to terminate the conduct that resulted in the apparent violation.
- e. The Licence/Certificate Holder must develop and implement a comprehensive fix satisfactory to the DCA.







Ordinarily, the DCA will not forego legal enforcement action if the Licence/Certificate Holder informs the DCA of the apparent violation during routine DCA investigations/inspections, or in association with accidents and incidents.

The procedures to be followed when applying the voluntary disclosure policy are further described in the following paragraphs.

## 5. NOTIFICATION BY THE LICENCE/CERTIFICATE HOLDER

When a Licence/Certificate Holder notifies the DCA of an apparent violation, contact shall be made with, or directed to, the respective Head of Division of the DCA who is in charge of that subject. This contact must be made immediately after the apparent violation was discovered. The form of notification may be verbal, written hard copy, or written electronic copy. The DCA believes that it is more important for the initial notification to be immediate than for all the information to be complete. Therefore, the Licence/Certificate Holder should not delay notification and should cover, only to the extent possible, the following items with the respective Head of Division of the DCA.

- 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.
- b. Verification that no additional violations occurred after the initial one was identified.
- c. 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 such action.
- d. Verification that an evaluation is underway to determine if there are any systemic problems and a description of the corrective action necessary to prevent the apparent violation from recurring.
- e. Identification of the person responsible for preparing the comprehensive fix.
- f. Acknowledgment that a detailed written report will be provided to the respective Head of Division of the DCA within 10 calendar days.

## 6. DCA RESPONSE TO LICENCE/CERTIFICATE HOLDER NOTIFICATION.

The respective Head of Division of the DCA responds with a written acknowledgment of the Licence/Certificate Holder's initial notification. This acknowledgment includes the request for a written report and serves in lieu of a letter of investigation, provided the written report is completed in accordance with the voluntary disclosure reporting procedures set forth in this document and appendix 1.





## 7. LICENCE/CERTIFICATE HOLDER'S WRITTEN REPORT.

The Licence/Certificate Holder should provide the written report to the respective Head of Division of the DCA within 10 calendar days after the initial notification was made. A sample format to be followed when completing this report is provided as Appendix 1. In summary, written report should include the following information:

- a. A list of the specific ANR or any directive made by DGCA 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 inadvertent.
- e. Evidence that demonstrates the seriousness of the apparent violation and the Licence/Certificate Holder's analysis of that evidence.
- f. A detailed description of the proposed comprehensive fix, outlining the planned corrective action, the responsibilities for implementing that corrective action, and a time schedule for completion of the fix.
- g. Identification of the company official responsible for monitoring the implementation and completion of the comprehensive fix.

## 8. REVIEW BY DCA.

The DCA works with the Licence/Certificate Holder in order to ensure that the Licence/Certificate Holder's fix is acceptable to the DCA.

If a proposed comprehensive fix is not fully developed within 10 calendar days, the Licence/Certificate Holder should provide at least an overview of its comprehensive fix plans. In any event, a detailed description of the comprehensive fix should be provided to the respective Head of Division of the DCA within 30 calendar days after the Licence/Certificate Holder initially notified the respective Head of Division of the DCA of the apparent violation.

If the respective Head of Division of the DCA determines that the proposed fix is acceptable, he will prepare a letter of correction that includes the date at which the comprehensive fix will be implemented and completed.

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 fix are not completed to the satisfaction of the DCA. The respective Head of Division of the DCA has the authority to close the case.



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## 9. IMPLEMENTATION OF A COMPREHENSIVE FIX.

During the implementation period, the DCA and the Licence/Certificate Holder should continue to work together. The DCA has the latitude to advise and assist the Licence/Certificate Holder in correcting any identified systemic problems. Changes can be made to the corrective action plan outlined in the comprehensive fix when the need is identified and the DCA concurs with the change. When a change to a comprehensive fix has been agreed upon, the respective Head of Division of the DCA, or the inspector assigned to the case at the direction of the respective Head of Division of the DCA, will prepare an amended letter of correction that reflects this change.

The DCA monitors the implementation of the corrective action. Throughout the implementation period, the DCA assesses the Licence/Certificate Holder's corrective efforts and top management's awareness of these efforts. If, during this period, the DCA determines that the actual corrective action accomplished are contrary to those documented in the comprehensive fix, the letter of correction may be rescinded and the investigative report reopened and appropriate legal enforcement action initiated.

At the conclusion of the implementation period, the respective Head of Division of the DCA makes a final assessment. If all elements of the comprehensive fix have been adequately accomplished, the respective Head of Division of the DCA deems the fix satisfactory. A statement of follow up investigation, confirming that the comprehensive fix was satisfactorily implemented and completed, shall be prepared to complete the DCA's investigative package.

If the same or similar violations are discovered subsequent to the DCA's completion of an investigative package, the DCA does not reopen the case unless it determines that the Licence/Certificate Holder failed to comply with all the elements of the comprehensive fix. Additionally, if a Licence/Certificate Holder decides to make further changes to programs or systems identified in a comprehensive fix once it becomes classified as satisfactory, these changes are not required to receive separate DCA approval under the terms of this disclosure policy.

## 10. INFORMAL APPEALS PROCESS

When disagreements occur regarding the acceptance of a proposed comprehensive fix, or changes to a comprehensive fix prior to its classification as satisfactory, the respective Head of Division of the DCA and Licence/Certificate Holder may request that the issue be resolved at the next level of management within the DCA. This procedure will provide for an independent assessment of the areas in disagreement.

## 11. SEPARATE DOCUMENTATIONS AGAINST PERSONS HOLDING LICENCES.

The voluntary disclosure policy applies to individual persons holding licenses issued by DGCA or other agents of a Certificate Holder makes a disclosure and is the focal point of a case, and the following conditions are met:





- a. The apparent violation occurred while the person holding the licence was acting on behalf of a Certificate Holder.
- b. The person holding the licence must immediately make the first report of the apparent violation to the employing Certificate Holder.
- c. The DCA is notified immediately. The employing Certificate Holder must notify the DCA of the apparent violation immediately after the person holding the licence reports it to the Certificate Holder.
- d. If all the above conditions are not met, the respective Head of Division of the DCA will review all facts associated with the case and determine what action is appropriate for individual person holding the licence or other agents of the Certificate Holder.

## 12. FREEDOM OF INFORMATION

Records submitted to the DCA for review pursuant to the voluntary disclosure policy are protected, to the extent allowed by law.

## 13. SUBSEQUENT VIOLATIONS.

If a subsequent violation occurs even though a comprehensive fix was satisfactorily completed and followed, the procedures outlined in this document will apply. If the Licence/Certificate Holder does not disclose the subsequent violation to the DCA and then it is discovered by the DCA, or if the DCA independently uncovers a subsequent violation during routine surveillance, enforcement action will be initiated.

## 14. CONCLUSION.

Development of Internal Evaluation Programs should help to ensure that any apparent violations are promptly identified, corrected, and reported to the DCA. The DCA strongly encourages Licence/Certificate Holders to make Internal Evaluation Programs an integral part of their every day management process so that the full benefits of voluntary disclosure can be realized.

Aviation safety is best served by programs that allow Licence/Certificate Holders to identify and correct their own instances of non-compliance and invest more resources in efforts to preclude their recurrence, rather than pay civil penalties.



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## APPENDIX 1.

### SAMPLE FORMAT TO BE FOLLOWED BY LICENCE/CERTIFICATE HOLDERS 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 DCA. While a Licence/Certificate Holder should include at least all the elements specified below, the structure of the written report can be modified by the Licence/Certificate Holder to fit the Licence/Certificate Holder's particular needs.

#### 1. General

Date

- a. Licence/Certificate type
- b. Licence/Certificate number
- c. Name of Company
- d. Address
- e. Person filing the report:
  1. Name
  2. Designation
  3. Contact Phone No:

#### 2. Description of Apparent Violation

- a. Applicable ANR or directive issued by DGCA
- b. Date apparent violation was discovered
- c. Location of discovery
- d. Person who discovered apparent violation:
  1. Name
  2. Designation
  3. Contact Phone No:
- e. Date and time of initial notification to DCA
- f. Name of DCA official notified
- g. Person making notification:
  1. Name
  2. Designation
  3. Contact Phone No:
- h. Duration of time apparent violation remained undetected
  1. Hours
  2. Cycles
  3. Days
- i. 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, and/or individuals associated with the apparent violation.)
- j. Immediate Action
  1. When immediate action was taken
  2. Description of immediate action  
(This description should outline the immediate action that were taken to prevent recurrence of violations)





## k. Person responsible for immediate action:

1. Name
2. Designation
3. Contact Phone No:

## l. Analysis

## m. 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 should be described.)

1. Reasons why the apparent violation was inadvertent
2. Supporting documentation

(The evidence associated with the apparent violation should be attached. This evidence should include a statement regarding how it determined the extent of the apparent violation.)

## n. Comprehensive Fix Proposal

3. **Preventive Measures:** The proposed long term corrective action to be taken by the Licence/Certificate Holder 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 fix proposal should address are as follows:

1. Whether the apparent violation includes equipment, facilities, or individuals beyond those addressed in the initial notification and immediate action taken.
2. Whether procedural or organizational changes are necessary.
3. How will it be determined whether any procedural or organizational changes are effective?
4. What procedures will be developed to ensure that the affected area periodically is reviewed in the future so that concerns can be identified before a violation occurs?
5. Who will be responsible for performing periodic reviews?
6. To whom should the results of these periodic reviews be reported in the Licence/Certificate Holder's organization and how will they be documented?

4. **Responsibility for Monitoring the Implementation of the Comprehensive Fix**

1. Name
2. Designation
3. Contact Phone Number
4. Signature

5. **DCA Acceptance (To be completed by the DCA)**

Name  
Designation  
Date  
Office  
Signature



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