

Dear Sirs,

Thank you for the opportunity to comment on the Proposal to modify Condition 2 of NATS (En Route) plc licence.

The Guild of Air Traffic Control Officers (GATCO) is a UK-wide professional organisation which promotes the highest standards in all aspects of air traffic management and is dedicated to the safety of all who travel or gain their livelihood in the air, with membership drawn from both civilian and military controllers. We are heavily involved in the work of the International Federation of Air Traffic Controllers' Associations (IFATCA), which includes representations to ICAO and SES, amongst others.

This letter constitutes our formal response to the consultation.

GATCO welcomes proposals to modify NATS (En Route) plc's licence to have a robust and regularly reviewed resilience plan. Any additional oversight, when it comes to resilience is desirable from our point of view. The concern is whether processes will be in place to monitor the situation and whether the required oversight can be achieved.

Furthermore, the content of this plan must ensure that no pressure is placed directly on the operation to handle a potentially unsafe level of traffic, in order to prevent penalties being imposed by the CAA. There is a danger that the resilience plan could result in more pressure to recover quickly rather than safely to remain inside the laid down criteria. The safest approach after a major system failure is to impose a 'zero rate', stopping departures and handling the airborne aircraft appropriately and that may require diversions or rerouting from the affected airspace.

Additionally, in scenarios where delays are created due to a degraded or failed system, it is imperative that any back-up system is adequate and training on this system is regular. Resilience should focus on providing an adequate back-up system that functions in a similar manner to the primary system and has some system assistance. Controllers do not want to be in a situation where they are handling a level of traffic that might be unsafe in order to satisfy the requirements of NATS licence. The emphasis must be on suitable back-up systems and primary system resilience.

GATCO also suggest that staffing resilience is a key element of the resilience plan; and suggest that the document is contradictory when referring to the subject of staffing delays. While it talks about "a requirement for NERL to submit a resilience plan to the CAA to ensure it is consistent with its obligation to develop and maintain its assets, personnel and systems to meet its requirement" it also states; "The methodology does not include disruption to service for non-engineering aspects of its system such as personnel and other non-engineering assets". We are concerned by the statement "we would be unlikely to be concerned by individual (minor or low-moderate) incidents, as the financial incentives in the performance regime provide adequate incentive for NERL to address these lower levels of delay". These statements suggest that NERL should be concerned about staffing resilience, but as staffing delays are liable to fall within minor or low-moderate levels of delay, the CAA are happy to manage those within the existing penalty scheme, or to escalate them should they become a recurring theme. Both current and forecast staffing levels are a major concern for GATCO, and as such believe that the CAA should closely monitor the situation.

Appendix B of the document (Draft resilience plan guidance) states that the any resilience plan should include the following element: "Staff planning to ensure as far as practicable that adequate numbers of qualified staff are available to fulfil the service performance regime established for the relevant reference period". GATCO strongly supports this element.

In conclusion, GATCO welcomes proposals to modify NATS licence to provide a robust and regularly reviewed resilience plan. Processes should be in place to monitor the ongoing situation and ensure the required oversight is achieved. The resilience plan must not result in more pressure on NATS to recover quickly rather than safely. Additionally staff planning and resilience should form a key element of any resilience plan.

Thank you for allowing us the time to respond to your change proposal.

Yours Sincerely,

Vice President Policy
GATCO