



# **State Safety Programme for the Turks and Caicos Islands**

**January 2017**

Produced by the Turks and Caicos Islands Civil Aviation Authority in conjunction with Air Safety Support International.

## AMENDMENT RECORD

Changes to this document will be achieved by a re-issue of the entire document rather than by the amendment of individual pages.

<b>Issue No</b>	<b>Date</b>	<b>Description</b>
Issue 1	December 2014	Original document
Issue 2	September 2015	Updated document
Issue 3	December 2015	Updated document
Issue 4	January 2017	Updated document

## FOREWARD

Annex 19 to the Chicago Convention (effective November 2013) sets the standards for a State Safety Programme (SSP), placing the responsibility on all contracting States to implement such a programme. For the purposes of the Convention, the Overseas Territories (OTs) are an integral part of the United Kingdom. The United Kingdom has established legislation dealing with civil aviation in the Overseas Territory (OTs). The Governor as the appointed representative of the United Kingdom in the Turks and Caicos Islands has specific responsibilities for fulfilling the obligations of the United Kingdom as defined in the Convention on International Civil Aviation. In this regard the Air Navigation (Overseas Territory) Order 2013 has been promulgated and sets out the provisions to enable the United Kingdom to comply with the Convention on International Civil Aviation and in particular the Annexes to that Convention in the OTs.

The Governor discharges his responsibilities either through the Managing Director of the Turks and Caicos Islands Civil Aviation Authority (TCICAA), or through ASSI. The TCICAA has been designated for implementation of all Annexes with the exception of Annex 9 – Facilitation, Annex 10 – Aeronautical Communications, Annex 13 – Aircraft Accident and Incident Investigation and Annex 17 – Security.

The nature of the civil aviation across the UK OTs varies in the type and scale of operations. Due to the differences geographically, there are many regional influences and relationships that differ from the UK and Europe. Notably, the UK OTs are not part of the European Union and so do not adopt European Aviation Safety Agency (EASA) regulations. Therefore, although part of the overall UK SSP, it is more practicable for each Territory to devise an SSP to address the safety needs of their own civil aviation.

This document therefore describes the Turks and Caicos Islands State<sup>1</sup> Safety Programme (SSP) for the implementation of Annex 19 SARPs.

Thomas Swann  
Managing Director  
Turks and Caicos Islands Civil Aviation Authority

<sup>1</sup> - Though the Turks and Caicos Islands, as an Overseas Territory of the United Kingdom, is not an ICAO Contracting State by itself, the term “State Safety Programme” has been used throughout this document, so as to align it with the associated ICAO terminology.

# CONTENTS

<b>AMENDMENT RECORD .....</b>	<b>2</b>
<b>FOREWARD.....</b>	<b>3</b>
<b>CONTENTS .....</b>	<b>3</b>
<b>OVERVIEW .....</b>	<b>6</b>
<b>GLOSSARY.....</b>	<b>7</b>
<b>CHAPTER 1 – Turks and Caicos Islands Aviation Safety Oversight Arrangements .....</b>	<b>8</b>
1.1 Introduction.....	8
1.2 The UK Overseas Territories .....	8
<b>CHAPTER 2 – Turks and Caicos Islands Aviation Safety Policy and Objectives .....</b>	<b>11</b>
2.1 Primary legislation - Civil Aviation Act 1949 (Overseas Territories) Order 1969 .....	12
2.2 Subsidiary legislation – Air Navigation (Overseas Territories) Order 2013 .....	12
2.3 Operating regulation/ requirements – Overseas Territories Aviation Requirements (OTARs).....	13
2.4 Industry guidance material – Overseas Territories Aviation Circulars (OTACs) .....	13
2.5 UK OT civil aviation framework and accountabilities .....	14
3.1 TCICAA Safety Policies .....	16
3.2 Accident and Incident Investigation.....	18
3.3 Enforcement Policy.....	19
<b>CHAPTER 4 – Safety Risk Management .....</b>	<b>21</b>
4.1 Introduction.....	21
4.2 Application of Risk Management .....	21
4.3 Roles and Responsibilities.....	21
4.4 TCICAA Safety Plan .....	22
4.5 State Safety Programme Coordination Committee .....	22
4.6 Overseas Territories Safety and Performance Council (OTSPC).....	22
4.7 Agreement on service provider's acceptable levels of safety .....	23

<b>CHAPTER 5 – TCICAA Safety Assurance</b> .....	<b>24</b>
5.1 Safety oversight.....	24
5.2 Safety oversight of product and service providers.....	24
5.3 Internal SSP review/ quality assurance.....	25
5.4 Occurrence reporting system.....	25
5.5 Safety data collection, analysis and exchange.....	26
5.6 Safety data driven risk based targeting of oversight.....	27
5.7 TCICAA Safety Indicators.....	27
5.8 Quality assurance audits .....	27
6.1 Internal training, communication and dissemination of safety information.....	29
6.2. External training, communication and dissemination of safety information.....	29
<b>Chapter 7 Summary</b> .....	<b>31</b>
7.1 Summary.....	31
<b>APPENDIX A</b> .....	<b>32</b>
Reference documents .....	32
<b>APPENDIX B</b> .....	<b>33</b>
Turks and Caicos Islands State Safety Policy Statement.....	33
<b>APPENDIX C</b> .....	<b>34</b>
<b>APPENDIX D</b> .....	<b>37</b>
<b>APPENDIX E - TCICAA State Safety Programme Aims and Objectives</b> .....	<b>49</b>
<b>APPENDIX F</b> .....	<b>50</b>

## OVERVIEW

1. ICAO describes a State Safety Programme (SSP) as “*an integrated set of regulations and activities aimed at improving safety*”. The SSP exists to ensure the State achieves an Acceptable Level of Safety Performance (ALoSP). The level of the ALoSP and the means by which it is expressed remains at the discretion of the State. Safety Performance Indicators/Targets are currently evolving alongside service provider’s safety management systems.
2. The requirement for an SSP recognises that States as well as service providers have safety responsibilities and provides a framework within which service providers are required to establish safety management systems (SMS).
3. Currently, ICAO standards for an SSP are contained in Annex 19 which became applicable on 14 November 2013.
4. ICAO standards also require that the ALoSP to be achieved is established by the State(s) concerned. The concept of establishing an ALoSP attempts to complement the current regulatory compliance approach to safety management with a performance based approach. Some guidance on what constitutes an ALoSP is provided by ICAO. In summary the ALoSP consists of 4 components, a start point, safety performance indicator (SPI), an in year safety performance target (SPT) and the safety requirements to achieve the target.
5. The Turks and Caicos Islands SSP has been developed using the material within ICAO Document 9859 i.e. the SSP framework and guidance material, including the SSP gap analysis. Where possible, the headings proposed by ICAO in its framework SSP document have been adopted in this document.
6. Following of the ICAO framework SSP document structure chapter 1 and the early sections of chapter 2 describe the State high level overview looking at the underpinning legal structures. Whereas, the latter sections of chapter 2, the following chapters 3, 4, 5 and 6 focus more on the aviation regulatory work of the Turks and Caicos Islands Civil Aviation Authority.

## GLOSSARY

AAIB	UK DfT Air Accidents Investigation Branch
ADREP	ICAO Accident/Incident Data Report
AIC	Aeronautical Information Circular
AIP	Aeronautical Information Publication
ALARP	As Low As Reasonably Practicable
ALoSP	Acceptable Level of Safety
UKANO	United Kingdom Air Navigation Order
AN(OT)O	Air Navigation (Overseas Territories) Order
ASSI	Air Safety Support International
ATM	Air Traffic Management
TCICAA	Turks and Caicos Islands Civil Aviation Authority
UKCAA	UK Civil Aviation Authority
CFIT	Controlled Flight into Terrain
UKDfT	United Kingdom Department for Transport
FCO	Foreign and Commonwealth Office
ICAO	International Civil Aviation Organisation
MOR	Mandatory Occurrence Report
MoU	Memoranda of Understanding
OTs	Overseas Territories
OTAA	Overseas Territories Aviation Authorities
OTACs	Overseas Territories Aviation Circulars
OTARs	Overseas Territories Aviation Requirements
SAFA	Safety Assessment of Foreign Aircraft
SAR	Search and Rescue
SARPs	ICAO Standards and Recommended Practices
SMS	Safety Management System
SPI	Safety Performance Indicator
SPT	Safety Performance Target
SSP	State's Safety Programme
USOAP	ICAO Universal Safety Oversight Audit Programme

# CHAPTER 1 – Turks and Caicos Islands Aviation Safety Oversight Arrangements

## 1.1 Introduction

1.1.1 This chapter and document sets out the legislative structure which applies to the UK Overseas Territories (OT).

## 1.2 The UK Overseas Territories

1.2.1 When the UK ratified the Convention on International Civil Aviation (signed at Chicago on 7th December 1944), it did so on behalf of the various colonies, protectorates and dependencies that existed at the time. Today, the UK’s adherence to the Chicago Convention covers the United Kingdom of Great Britain and Northern Ireland (UK ‘Main’), the UK’s Overseas Territories (OT) and the Crown Dependencies (CD).

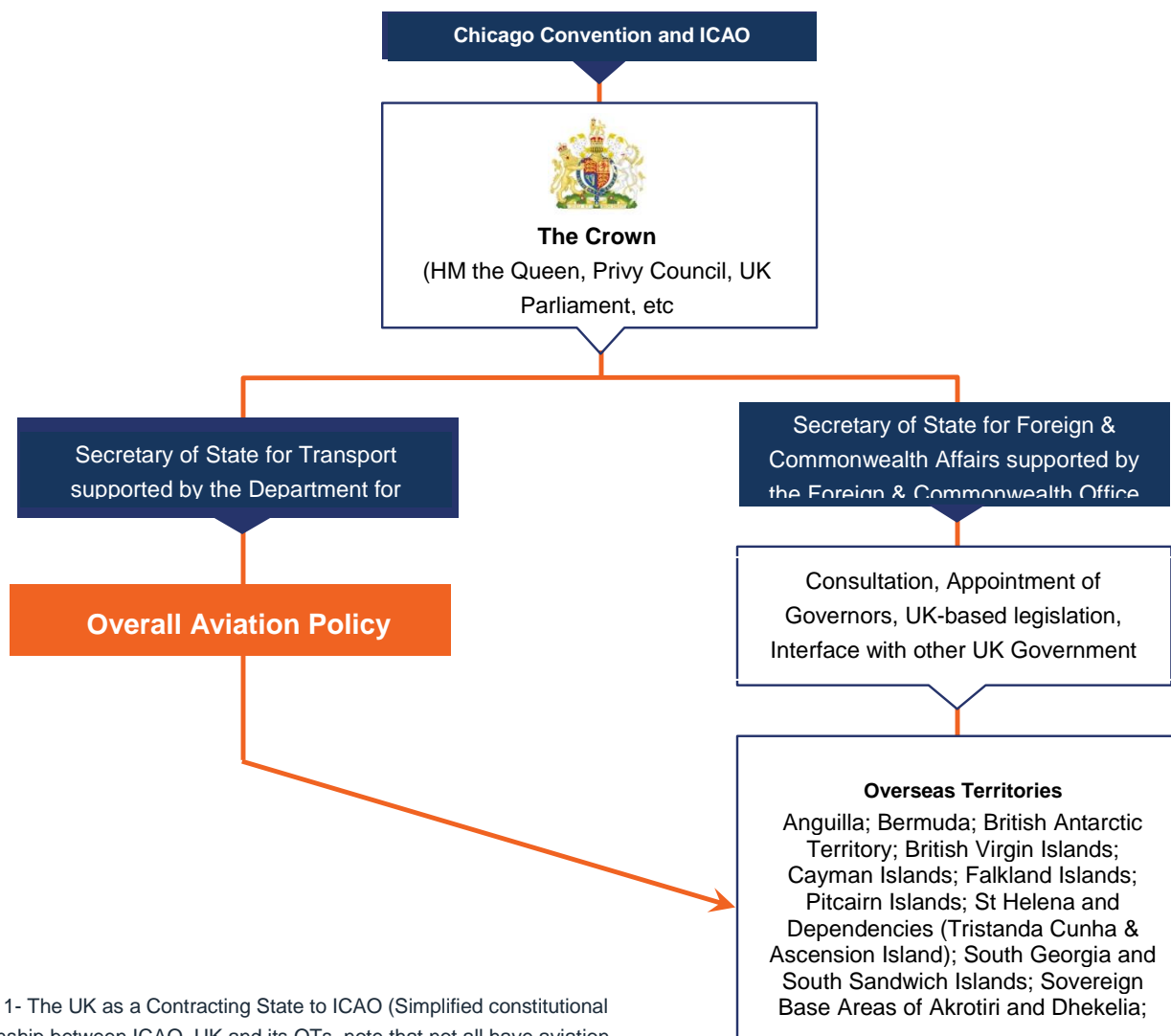


Figure 1- The UK as a Contracting State to ICAO (Simplified constitutional relationship between ICAO, UK and its OTs, note that not all have aviation activity)



- 1.2.2 The Privy Council, that meets approximately monthly, consists of all the members of the British Cabinet, former Cabinet ministers, and other distinguished persons appointed by the Sovereign including past and present leaders of the British opposition parties. Its functions include advising the Queen on Orders in Council, granting Royal Charters and, through its Judicial Committee, acting as the final court of appeal from courts in the OT. The British Cabinet remains formally a committee of the Privy Council.
- 1.2.3 Orders in Council are approved by the Queen at meetings of a small number of Privy Counsellors. Orders in Council establishing legal requirements are Statutory Instruments and are normally subject to UK Parliamentary scrutiny. The Order in Council is an important method of giving force of law to the more significant executive orders. Orders in Council are also used to extend civil aviation legislation to the OTs. The Office of Public Sector Information provides access to legislation of the UK; this is available online.
- 1.2.4 The UK DfT is the primary governmental body responsible for civil aviation in the UK and for upholding the UK's compliance with the Chicago Convention. As such, the DfT establishes overall aviation policy in cooperation with the FCO for the UK OTs. The UK CAA has no direct regulatory responsibility for safety oversight of aviation in the UK OTs.
- 1.2.5 There are fourteen UK territories, which are constitutionally separate from the UK. All have separate constitutions made by a UK Order in Council. The UK remains responsible, however, for discharging its obligations under the Chicago Convention in respect of civil aviation in the OTs.
- 1.2.6 Parts of the 1949 and elements of the 1971 and 1982 Civil Aviation Acts have been extended to the OTs by Orders in Council. The 1949 Act provides for a State to make an Air Navigation Order (ANO) to implement the Annexes to the Chicago Convention and to regulate air navigation generally. The Air Navigation (Overseas Territories) Order (AN(OT)O) gives the Governor of each of the OT powers and responsibilities in respect of aviation safety oversight.
- 1.2.7 The AN(OT)O 2013 requires the Governor to designate the majority of his powers to a person; in practice this is either a local Managing Director, Civil Aviation Authority (MDCAA) who is usually an employee of the OT's Government, or to Air Safety Support International (ASSI), a wholly owned subsidiary of the UK CAA. The Governor is required to consult ASSI before making (or revoking) any such designation. ASSI conducts routine assessment visits to the OT where a person has been designated by the Governor other than ASSI itself.
- 1.2.8 In the Civil Aviation Authority (Overseas Territories) Directions 2003, the Secretary of State directed the CAA to establish ASSI as a subsidiary company to oversee aviation safety regulation in the OTs and to ensure compliance with the requirements of the Convention. The current Directions are the Civil Aviation Authority (Overseas Territories) Directions 2014 (as amended by the Civil Aviation Authority (Overseas Territories) (Variation) Directions 2015, a consolidated copy of which is available on the ASSI website. These Directions extended ASSI's responsibilities to include aviation security oversight and regulation but exclude Annex 9 from ASSI's responsibilities. ASSI has been charged with developing and maintaining the AN(OT)O and producing Overseas Territories Aviation Requirements (OTARs) to support it.

- 1.2.9 The AN(OT)O also requires the Governor to publish the detailed requirements which applicants for certificates and licences will have to meet. Such requirements are primarily the OTARs developed by ASSI in conjunction with the OT MDCAAs.

# CHAPTER 2 – Turks and Caicos Islands Aviation Safety Policy and Objectives

## State safety legislative framework

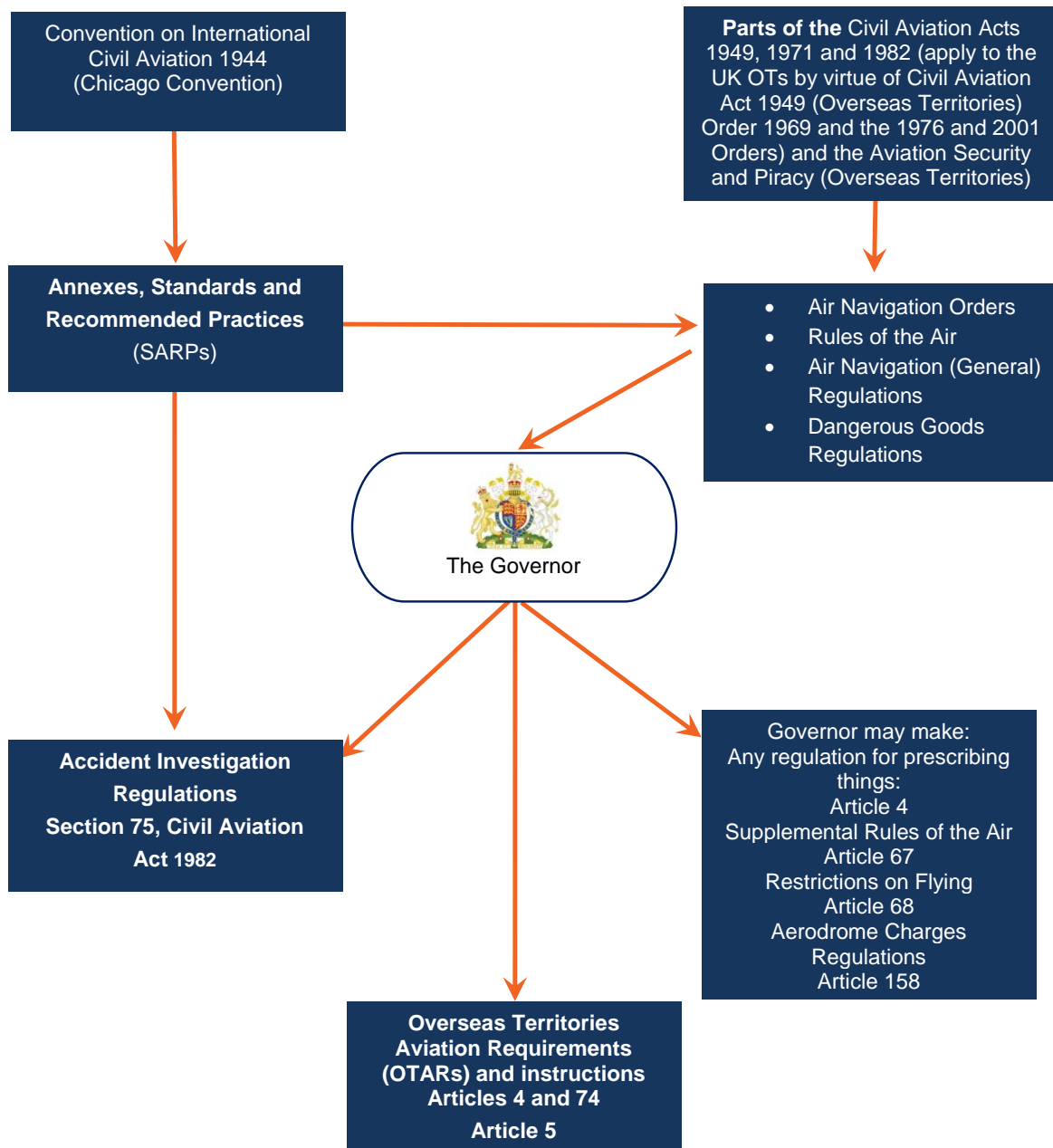


Figure 2 - UK Overseas Territories regulatory framework, note article refers to the provisions of the AN(OT)O 2013.

## **2.1 Primary legislation - Civil Aviation Act 1949 (Overseas Territories) Order 1969**

- 2.1.1 The Civil Aviation Act 1949, as extended to the Overseas Territories by the Civil Aviation Act 1949 (Overseas Territories) Order 1969 is the primary legislation that provides the authority to apply the provisions of the Convention and annexes by Order in Council and implement other statutory instruments in the area of civil aviation in the Overseas Territories.
- 2.1.2 This Act has been supplemented by the extension of section 62 of the Civil Aviation Act 1971 to the OTs:
- (by the Civil Aviation Act 1971 (Overseas Territories) Order 1976 - section 62 increased the penalties for breaches of an Air Navigation (Overseas Territories) Order) and by the extension of sections 61, 75 and 76(4) of the Civil Aviation Act 1982 to the Overseas Territories (by the Civil Aviation Act 1982 (Overseas Territories) Order and No.2 Order 2001.
  - Section 61 increased the penalties for breach of an AN(OT)O.
  - Section 75 enables the Governors to make air accident and investigation regulations.
  - Section 76(4) amends section 40(2) of the 1949 Civil Aviation Act, so that where an aircraft is chartered or demised for more than 14 days, the lessee rather than the owner (lessor) is liable for any damage or injury caused to any property or person on the ground by the chartered or demised aircraft).
- 2.1.3 Certain parts of the Aviation Security Act 1982 (Parts 1 (offences against the security of aircraft etcetera) and 2 (protection of aircraft, aerodromes and air navigation installations against acts of violence) and Schedule 1 of the Act (provisions relating to compensation), along with sections 1 and 50 of the Aviation and Maritime Security Act 1990 (endangering safety at aerodromes and offences by bodies corporate), were extended to the Overseas Territories by the Aviation Security and Piracy (Overseas Territories) Order 2000.
- 2.1.4 Part 2, section 8 of the Civil Aviation Act 1949 (Overseas Territories) Order 1969, as amended by the Civil Aviation Act 1982 (Overseas Territories) Order 2001, makes provision for the creation and maintenance of the Air Navigation (Overseas Territories) Order to implement the Annexes of the Chicago Convention. Certain provisions of the 1971 and 1982 Civil Aviation Acts have also been extended to the Overseas Territories (see below).

## **2.2 Subsidiary legislation – Air Navigation (Overseas Territories) Order 2013**

- 2.2.1 The AN(OT)O is secondary (i.e. subordinate) legislation to provide a sound legal framework for enabling the adoption of the Overseas Territories Aviation Requirements (OTARs) as a common cohesive package of requirements. The AN(OT)O enables, or gives power to, the requirements contained in the OTARs.
- 2.2.2 The latest revision is a complete re-write, simplifying and modernising the AN(OT)O to form a coherent unit with the OTARs - the OTARs being the principal regulatory instruments and the AN(OT)O providing mainly the necessary legal basis. The rebalanced and consolidated version, AN(OT)O 2013, became effective in January 2014 and reflects changes required as a result of the

safety oversight audit carried out by ICAO in 2009. Three amendments have been made to date to the AN(OT)O 2013 – see the 2014 and 2015 amendment Orders .

2.2.3 The AN(OT)O gives the Governors a wide variety of discretionary powers which are exercised by the designated regulator to grant certificates, licences and approvals. An individual or organisation affected by certain decisions made by the regulator on behalf of a Governor is entitled to seek a review by the Governor of such decision in accordance with Article 13 of the AN(OT)O.

### **2.3 Operating regulation/ requirements – Overseas Territories Aviation Requirements (OTARs)**

2.3.1 The OTARs comprise a package of requirements that forms a means of compliance with the ICAO SARPs and that is consistent with the legislation in force.

2.3.2 ASSI is required, under the directions from the Secretary of State, to produce the means of compliance to enable the Governors to be satisfied that applicants for, or holders of, licences, certificates and approvals meet their legal obligations. Governors are required under Article 5 of the AN(OT)O to publish these requirements. The OTARs do not constitute ‘regulations’ in legal terms. They do, however, conform to the wider ICAO definition of regulations used in ICAO Doc 9734 Safety Oversight Manual in relation to Critical Element 2 and were recognised as such by ICAO during the 2009 USOAP audit of the UK.

2.3.3 The OTARs set out, for the benefit of those regulated:

- the requirements for obtaining and holding a licence, certificate, authority or approval;
- the way in which the rights and privileges of licences, certificates, authorities or approvals are exercised;
- the way obligations which come with the privileges are to be discharged; and
- general instructions regarding the operation and equipment of aircraft.

### **2.4 Industry guidance material – Overseas Territories Aviation Circulars (OTACs)**

2.4.1 There is also a need to promulgate additional information which is not appropriate for inclusion in the OTARs themselves. Such information and guidance is included in Overseas Territories Aviation Circulars (OTACs).

2.4.2 These include the following information:

- practical, detailed guidance on meeting the requirements;
- information of a temporary nature;
- administrative material;
- information published in advance of a formal amendment to OTARs;
- the means of ensuring that aspects of the State civil aviation system comply with ICAO SARPs where this is a State responsibility, e.g. SAR.

2.5 UK OT civil aviation framework and accountabilities

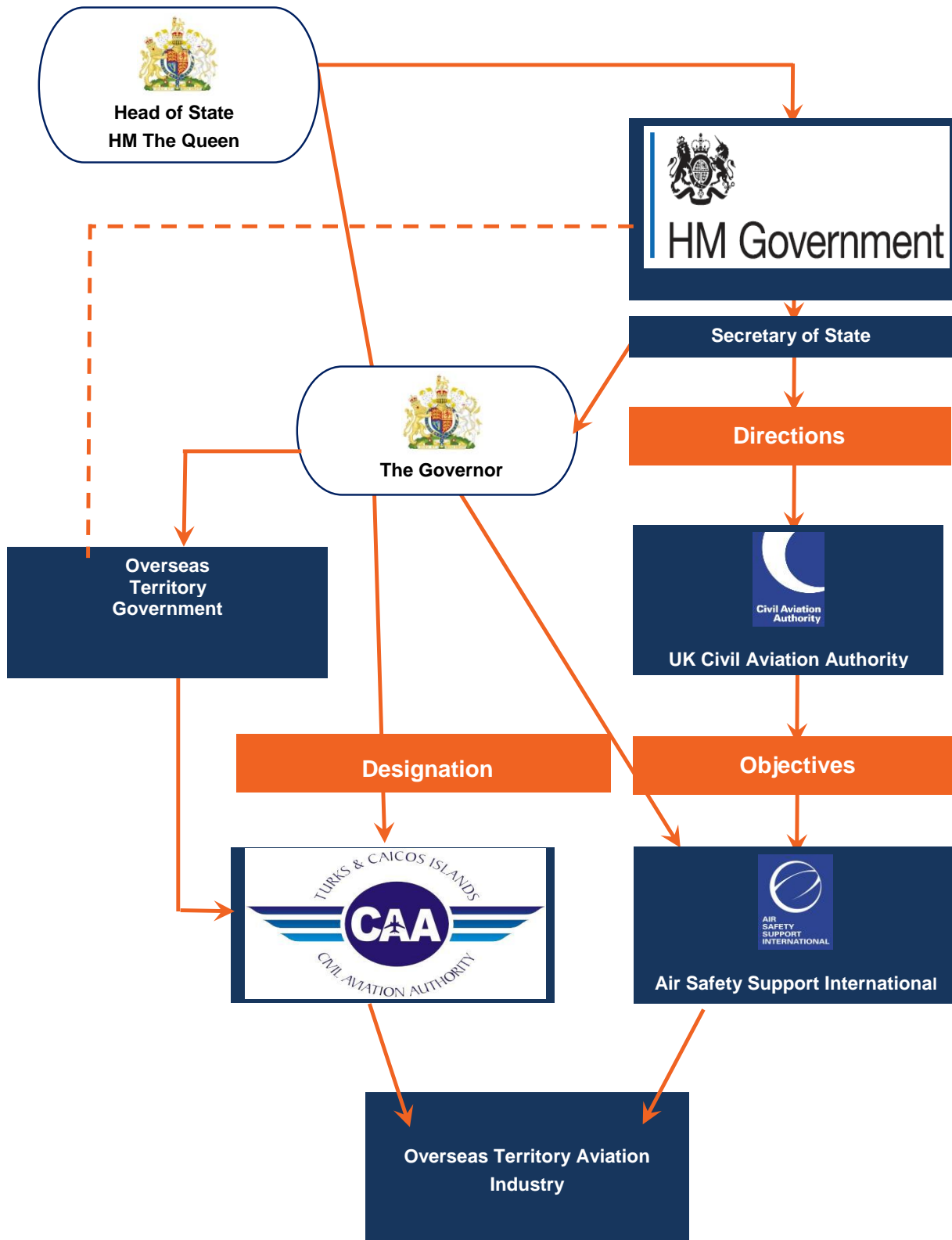


Figure 3 -UK Overseas Territories flow of authority

**The UK Department for Transport responsibilities**

2.5.1 The Department for Transport (DfT) is responsible for setting overall policy for the standards of safety and security in transport in the UK, including civil aviation. It is also responsible for the management of international affairs in the civil aviation context, which are reserved to the UK under the OTs' Constitutions. The Secretary of State has issued directions for the UK CAA to establish ASSI and which set out ASSI's responsibilities. The Secretary of State's Directions require the UK CAA to set objectives for ASSI which the Secretary of State approves.

**The UK OT's Governor's responsibilities**

2.5.2 The Governor is the Queen's representative and acts on behalf of the UK Government in relation to the general governance of a Territory, within the scope of the respective Constitution, and in relation to international affairs which are reserved to the UK under the Constitution. Governors are accountable to the Foreign and Commonwealth Office (FCO).

2.5.3 As the Queen's representative the Governor is responsible for ensuring the adequacy of the civil aviation safety regulation within a UK OT. Within each OT the Governor appoints a Regulator to carry out most of the Governor's functions under the AN(OT)O.

**The UK Civil Aviation Authority responsibilities**

2.5.4 The UK CAA appoints the Board of ASSI, a wholly owned UK CAA subsidiary, along with enacting the Directions to establish ASSI and setting objectives for ASSI subject to the Secretary of State's approval. The CAA is also required to audit annually the activities of ASSI. The UK CAA does not have any responsibility for aviation regulatory oversight of the UK OTs.

**Air Safety Support International responsibilities**

2.5.5 ASSI is responsible for the drafting of the AN(OT)O, OTARs and OTACs in order to implement the SARPs. ASSI is also responsible for undertaking regular assessments of OT Aviation Authorities on the standards of civil aviation safety regulation and the adequacy of the resources employed, to advise to the Secretary of State and the Governor on whether the Territory is complying with the UK's obligations under the Chicago Convention and on whether any remedial measures may be necessary. These include advice and recommendations to the Governor on the designation of a regulator in the Territory.

2.5.6 ASSI is the designated regulator responsible for Annex 17 within all the UK OTs. ASSI is designated for certain functions in the Falkland Islands and Turks and Caicos Islands.

---

**CHAPTER 3 – Turks and Caicos Islands Safety Responsibilities and Accountabilities****3.1 TCICAA Safety Policies****3.1.1 Accountable Manager**

The Accountable Manager – the highest-ranking officer in the organization – has the authority to ensure that the SSP is implemented. The Managing Director (MD) is the Accountable Manager of the Turks and Caicos Islands Civil Aviation Authority (TCICAA). The MD ensures that objectives are met through the provision of resources and adequate oversight of subordinates to improve the performance of the organization. The MD may delegate some of his duties to a qualified official when appropriate and is responsible for:

- Implementation of the SSP
- Approving changes to controlled documents
- Administering the audit program
- Overseeing the implementation of corrective and preventive actions
- Chairing Management Review Committee meetings
- Leading the development and implementation of improvement plans

**3.1.2 TCICAA Mandate**

To establish and administer sound aviation regulations, procedures and standards to achieve and maintain the safe and efficient conduct of the Turks and Caicos Islands Civil Aviation Authority.

To provide guidance to the Turks and Caicos Islands Government in the development of policy related to aviation safety, security and economic regulation.

**3.1.3 Strategic Safety Goal**

It is TCICAA's goal that the safety-risks within the Turks and Caicos Islands' civil aviation industry be managed to a level as low as reasonably practicable.

**3.1.4 Policies**

Policies define how the TCICAA undertakes its business management and regulatory activities. Specific procedures document how each policy is achieved so that consistency is maintained.

**3.1.5 Regulatory and Safety Oversight Programmes**

TCICAA core activities include:

- The delivery of a sound regulatory programme that meets the Turks and Caicos Islands' obligations to international safety standards and recommended practices; and,
- The implementation of an effective, forward-looking safety oversight programme that addresses the diverse needs of the Turks and Caicos Islands' aviation industry.

When brought to fruition hopefully in the near future, the establishment and management of a sustainable aircraft register will be included in this list.



- The Authority is committed to non-punitive reporting.

### **3.1.6 Performance Measurement**

TCICAA proactively measures the effectiveness of its regulatory programme and of the aviation industry's safety-risk management, so it can systematically implement priorities to sustain or improve the Authority's and industry's performance.

### **3.1.7 People**

The TCICAA fulfils its mandate by employing a sufficient number of qualified staff who work in an environment that is conducive to their personal and professional development. The Authority is structured to consistently and efficiently achieve its objectives. Performance standards, responsibilities, and accountabilities are clearly defined and adhered to. Managers and staff are skilled, competent, equipped and supported in the fulfilment of their responsibilities. Succession planning aims to sustain performance. Changing priorities are anticipated so that staffing requirements can be addressed efficiently.

### **3.1.8 Finance**

TCICAA's financial requirements are tied to the Authority's priorities for delivering the regulatory and safety oversight programmes. Business priorities are determined by the risk profile, and guide the Safety Plan and the implementation of the regulatory programme. Business planning looks out five years, and changing priorities are examined for their implications on long term financial requirements.

TCICAA adheres to the financial policies and processes of the Government of the Turks and Caicos Islands, in accordance with procedures established by the Ministry of Finance.

### **3.1.9 Safety Planning**

Safety planning enables long-term improvements in safety management and safety performance. Planning and reporting is proactive, transparent, risk-based and data driven, and is a key mechanism by which TCICAA manages, measures and is held accountable for its performance.

TCICAA has published a two year Safety Plan that contains formal performance goals and objectives. The Safety Plan highlights the areas it has determined need improving, so that initiatives by the TCICAA, ASSI and the aviation industry can be coordinated. The Safety Plan enables the necessary resources to be budgeted, and for responsibilities to be assigned, and activities coordinated. In this way, the Authority's safety management is integrated with business planning. Achievements and improvements in TCICAA's performance will be measured and reported every year as part of the published Safety Plan.

### 3.1.10 Risk Management

The Authority proactively identifies systemic safety management and performance issues pertaining to the aviation industry, and to the manner in which the Authority fulfils its mandate. This enables resources to be appropriately allocated so that risks in the Turks and Caicos Islands Civil Aviation system can be mitigated to a level as low as reasonably practicable.

Performance data are analysed to identify and prioritize information related to hazards, system safety deficiencies and other forms of performance deficiencies. This information is used to update the TCICAA risk profile – a documented, high-level overview of the management challenges that TCICAA faces in the fulfilment of its mandate. The profile is used to populate the hazard log; to assist managers to set priorities in their day-to-day activities; and to help determine longer-term goals and objectives to improve the performance of the Authority and the aviation industry.

### 3.1.11 Change Management

TCICAA proactively manages aviation safety hazards resulting from changes to its processes or services. In this way, the Authority optimises its performance during periods of change and sustains Fit-for-Purpose. TCICAA systematically manages the risks associated with change, by planning thoroughly, mitigating the associated hazards and risks, and anticipating potential system safety deficiencies.

## 3.2 Accident and Incident Investigation

- 3.2.1 In the OTs, the conduct of air accidents and serious incidents investigation is provided for through a Memoranda of Understanding between the UKAIB and the OTs, by which responsibility and authority for the investigation lies with the UKAIB. In the Turks and Caicos Islands, the Governor has made accident investigation regulations under Section 75 of the Civil Aviation Act 1982, as extended to the OTs by Order in Council, which empowers him to appoint investigators to investigate accidents and serious incidents.
- 3.2.2 A letter of Appointment has been signed by the Governor of the Turks and Caicos Islands, pursuant to the MoU, appointing the Chief Inspector of the AAIB as the Chief Inspector of Air Accidents for the Turks and Caicos Islands. The Letter of Appointment empowers the Chief Inspector to appoint individual Inspectors from within the AAIB for the purposes of undertaking any investigation required under the Regulations and in accordance with such Regulations.
- 3.2.3 Under the Letter of Appointment arrangements, once the Governor has notified the AAIB of an accident or serious incident, an Inspector in Charge (IiC) will be appointed by the Chief Inspector of the AAIB. The IiC will be a member of the AAIB, irrespective of whether the AAIB attends the scene of the accident or whether the investigation is conducted remotely, from the UK.

### **3.3 Enforcement Policy**

#### **3.3.1 Introduction**

3.3.1.1 Under the Air Navigation (Overseas Territories) Order 2013 the TCICAA is responsible for applying and enforcing the legislation and for granting (or refusing to grant) licences, certificates, approvals, permits and other documents authorising a person to exercise the privileges associated with such a licence, certificate etc. TCICAA enforcement policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner.

3.3.1.2 The implementation of safety management systems (SMS) requires the TCICAA to have an equitable and discretionary enforcement approach in order to support the SSP-SMS framework. Our enforcement policies and procedures allow service providers to deal with, and resolve, certain events involving safety deviations, internally, within the context of the service provider's SMS, and to the satisfaction of the Authority. Intentional contraventions of the AN(OT)O and the OTARS will be investigated and may be subject to conventional enforcement action where appropriate.

#### **3.3.2 Policy**

3.3.2.1 The OTARs require service providers to establish, maintain and adhere to an SMS that is commensurate with the size, nature and complexity of the operations authorized to be conducted under its approval/certificate. To maintain this enforcement policy that supports the implementation of SMS, TCICAA Inspectors will maintain an open communication channel with service providers.

3.3.2.2 No information derived from safety data collection and processing systems (established under an SMS) relating to reports classified as confidential, voluntary or equivalent category shall be used as the basis for enforcement action.

3.3.2.3 When a service provider operating under an SMS unintentionally contravenes AN(OT)O and the OTARS, specific review procedures will be used. These procedures will allow the TCICAA Inspector responsible for the oversight of the service provider, the opportunity to engage in dialogue with the SMS-approved organization. The objective of this dialogue is to agree on proposed corrective measures and an action plan that adequately addresses the deficiencies that led to the contravention and to afford the service provider a reasonable time to implement them.

This approach aims to nurture and sustain effective safety reporting, whereby service providers' employees can report safety deficiencies and hazards without fear of punitive action. A service provider can therefore, without apportioning blame and without fear of enforcement action, analyse the event and the organizational or individual factors that may have led to it, in order to incorporate remedial measures that will best help prevent recurrence.

3.3.2.4 TCICAA through the Inspector responsible for the oversight of a service provider, will evaluate the corrective measures proposed by the service provider and/or the systems currently in place to

address the event underlying the contravention. If the corrective measures proposed (including any appropriate internal disciplinary actions) are considered satisfactory and likely to prevent recurrence and foster future compliance, the review of the violation should then be concluded with no further punitive enforcement action by the regulator. In cases where either the corrective measures or the systems in place are considered inappropriate, TCICAA will continue to interact with the service provider to find a satisfactory resolution that would prevent enforcement action. However, in cases where the service provider refuses to address the event and provide effective corrective measures, TCICAA will consider taking enforcement action or other administrative action deemed appropriate.

- 3.3.2.5 Breaches of aviation regulations may occur for many different reasons, from a genuine misunderstanding of the regulations, to disregard for aviation safety. TCICAA has a range of enforcement procedures in order to effectively address safety obligations under the AN(OT)O in light of different circumstances. These procedures may result in a variety of actions.
- 3.3.2.6 Enforcement decisions must not be influenced by:
- a) personal conflict;
  - b) personal gain;
  - c) considerations such as gender, race, religion, political views or affiliation; or
  - d) personal, political or financial power of those involved.
- 3.3.2.7 Enforcement decisions will be proportional to the identified breaches and the safety risks they underlie, based on three principles:
- a) TCICAA will take action against those who consistently and deliberately operate outside Civil Aviation Regulations;
  - b) TCICAA will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and
  - c) TCICAA will give due and equitable consideration to distinguish premeditated violations from unintentional errors or deviations.
- 3.3.2.8 This policy is not applicable if:
- a) there is evidence of a deliberate effort to conceal non-compliance.
  - b) the service provider fails to maintain an acceptable SMS or its agreed safety performance
  - c) the service provider is deemed by the Authority as a recurrent violator.
- 3.3.2.9 In the above circumstances, the Authority will deal with such non-compliance or violations according to established enforcement procedures.

## CHAPTER 4 – Safety Risk Management

### 4.1 Introduction

One of the TCICAA's strategic objectives is to enhance safety performance throughout the civil aviation system. TCICAA will therefore proactively identify systemic safety management and performance issues pertaining to the aviation industry, and the manner in which the Authority fulfils its mandate. This will enable resources to be appropriately allocated so that risks in the Turks and Caicos Islands civil aviation system can be mitigated to a level as low as reasonably practicable.

The Authority has established and maintains a risk register

### 4.2 Application of Risk Management

It is intended that risk management would influence all decisions and activities by TCICAA. Some processes are conducted periodically (e.g. by annual updates to the risk profile and risk register); others on an as-required basis (e.g. a hazard analysis); and others as part of the department's day-to-day activities (e.g. hazard reports, self-assessments, etc.).

#### **There are four key risk management processes:**

1. Hazard reporting – a programme to manage information about perceived hazards and system safety deficiencies provided voluntarily by TCICAA staff and the aviation industry;
2. Hazard analysis - proactive, formal process to identify potential system safety deficiencies, hazards and risks associated with a change being considered by TCICAA;
3. Risk assessments – formal and informal processes to determine the appropriateness and effectiveness of planned or existing mitigation; and
4. Risk profile - a documented, high-level overview of the risk management challenges that TCICAA faces in the fulfilment of its mandate. One of the outputs of the risk profile is the Hazard Register.

### 4.3 Roles and Responsibilities

#### 4.3.1 The Managing Director

- Is responsible and accountable for the risk management of TCICAA;
- Appoints a project manager to change initiatives that involve more than one Branch;
- Approves changes to the risk profile and hazard register.

#### 4.3.2 Managers

- Conduct hazard analyses;
- Ensure mitigating strategies are coordinated and implemented;
- Recommend changes to the risk profile or hazard register; and
- Ensure staff is qualified to evaluate hazard analyses, risk assessments and risk mitigation strategies conducted by the aviation industry.

#### **4.3.3 Safety Oversight Manager (SOM):**

- Provides assistance to the Managing Director and support to Managers on the planning and conduct of hazard analyses;
- Recommends to the Managing Director the conduct of formal risk assessments;
- Conducts formal and informal risk assessments;
- Recommends changes to the risk profile or hazard register.

#### **4.3.4 Staff:**

- Report hazards or indications of system safety deficiencies within TCICAA;
- Evaluate industry hazard analyses and risk assessments;
- Conduct risk assessments of existing or planned mitigation by industry; and upon request
- Participate in hazard analyses or risk assessments as subject matter experts.

### **4.4 TCICAA Safety Plan**

4.4.1 Safety improvements cannot be delivered without the TCICAA's engagement with all stakeholders. TCICAA has developed and published a two year Safety Plan as a public document. By outlining the priorities for the Authority's and for the Turks and Caicos Islands' aviation industry, and by highlighting the Authority's accomplishments, the Safety Plan will achieve two important results.

First, it will provide information that will allow the various organizations that make up the Turks and Caicos Islands' aviation industry to align their activities with each other and with their regulator. In this way, the effectiveness and efficiency of the civil aviation system will be improved.

Second, it will hold the Authority accountable to the Governor, to the Government of the Turks and Caicos Islands, to Air Safety Support International (ASSI) and to the industry for achieving its objectives. Each will contribute to the continued strengthening of the Turks and Caicos Islands' aviation system, and to ongoing improvements in the systematic and proactive management of safety.

4.4.2 This report consists of a summary of the Authority's accomplishments in the previous year, a presentation of the selected safety objectives for the current year and the identification of objectives that are being considered for future years.

### **4.5 State Safety Programme Coordination Committee**

4.5.1 The TCICAA management team is responsible for the coordination of the State Safety Programme.

### **4.6 Overseas Territories Safety and Performance Council (OTSPC)**

4.6.1 The OT Safety and Performance Council (OTSPC) is the mechanism by which advice from ASSI and the OTAAAs will be provided on aviation safety performance within the OTs to UK

Government. Furthermore, the OTSPC will assume increased responsibility and accountability for guiding all OTs in the direction of sustained self-regulation.

The objectives of the OTSPC are:

- To identify clear desired safety outcomes, action plans to deliver those outcomes and measures to determine success.
- To make recommendations to the ASSI Board on priorities in the implementation of regulatory procedures and practices and thus enable ASSI Board to make informed judgements on risk and liabilities arising from aviation activity across all the OTs.
- To guide the best and most efficient use of the available safety resources in the OTs, focussing on the safety issues that are most important and locally relevant.
- Establish common specific goals with regards aviation regulations.
- Recommend amendments to the OTARs based upon international standards and recommended practices.
- Act as liaison and/or conduit for operators/industry and other stakeholders in the OTs.
- To develop the principles of SMS in the OTs to promote a positive safety culture in all areas of aviation activity.
- To develop fully functioning Safety Oversight Management Systems (SOMS) in the OTs ensuring that OTAAs are both fit for purpose and efficient.
- To develop direction or guidance to OTs that will further their success in obtaining or sustaining autonomous self-regulation.

#### **4.7 Agreement on service provider's acceptable levels of safety**

- 4.7.1 TCICAA is establishing a policy for assessing the safety risk and determining an acceptable level of safety performance for the Turks and Caicos Islands. TCICAA has not, at this time, established an acceptable level of safety that is applicable to service providers in the operation of their SMS. The ongoing SMS evaluation by TCICAA allows assessment of service providers' management of risk to ensure it is effective.



## CHAPTER 5 – TCICAA Safety Assurance

### 5.1 Safety oversight

#### 5.1.1 Certification approval and licensing system

There are a number of processes employed to issue certificates, approvals, permissions and licences. These are either issued by the TCICAA or validated by the TCICAA, based on the issue of such documents by another competent National Aviation Authority. These processes may include inspections and examinations. A number include time based re-certification and re-licensing criteria.

5.1.2 The following regulations cover certification approval and licensing:

- OTAR 21 Certification of Aircraft
- OTAR 36 Aircraft Environmental Standards
- OTAR 61 Pilot Licences and Ratings
- OTAR 63 Flight Engineer Licences and Ratings
- OTAR 65 Air Traffic Service Personnel Licences, Ratings and Training Organisations
- OTAR 66 Aircraft Maintenance Personnel Licensing
- OTAR 67 Medical Standards and Recognition of Medical Examiners
- OTAR 92 Carriage of Dangerous Goods
- OTAR 119 Air Operator Certificate
- OTAR 121 Commercial Air Transport Operations – Large Aeroplanes
- OTAR 135 Commercial Air Transport Operations – Helicopters and Small Aeroplanes
- OTAR 139 Certification of Aerodromes
- OTAR 140 Rescue and Fire Fighting Services(linked to aerodrome certificate)
- OTAR 145 Aircraft Maintenance Organisation Approval
- OTAR 171 Aeronautical Telecommunication Services
- OTAR 172 Air Traffic Service Organisation Requirements
- OTAR 173 Flight Checking Organisation Approval
- OTAR 174 Meteorological Services
- OTAR 175 Aeronautical Information Services
- OTAR 176 Instrument Flight Procedures Approval
- OTAR 178 Aviation Security (linked to aerodrome certificate or AOC)

5.1.3 The respective OTACs provide guidance, application information and examples for service providers.

### 5.2 Safety oversight of product and service providers

5.2.1 Regulatory oversight is conducted through inspections and audits, together with provision of advice and guidance, to ensure that industry meets the appropriate standards. Staff are



specialists in the functional area which they regulate and regulatory competencies are defined for each role within the TCICAA

- 5.2.2 Within some areas, expertise is pooled across the UK OTs via the Pool of Experts (PoE) mechanism. The PoE can be used to provide additional resources and oversight where required. Each expert is sponsored by an OT Regulator with specified functions, records of competency, scope of expertise and any records of work.
- 5.2.3 Ramp checks of foreign aircraft are conducted by airworthiness and flight operations. Although not part of the process, the ramp checks are based upon the Safety Assessment of Foreign Aircraft (SAFA) process established by the European Civil Aviation Conference (ECAC). In some Territories, the Governor has delegated limited functions to local officials to enable ramp checking of documentation carried on board by foreign operators.
- 5.2.4 Any regulatory shortcomings are generally dealt with by the low end of the enforcement procedure that includes audit processes, but not necessarily exclusively through audit. To facilitate advice, best practice and guidance, an audit may include observations where something may have the potential to develop into a non compliance or issue. An audit level 2 finding is any non-conformity which requires satisfactory correction within 90 days. An audit level 1 non-conformity identifies a hazard to flight safety and requires urgent attention with satisfactory corrective action within 7 days.
- 5.2.5 The enforcement process provides a structured escalation that includes the following:
- prevention of flight
  - formal meetings
  - warning letters
  - 'on notice' status
  - suspension or revocation of any approvals or certificates

In extreme circumstances, prosecution may be appropriate.

### **5.3 Internal SSP review/ quality assurance**

- 5.3.1 Whilst the focus is currently on developing the SSP based on Annex 19 and the ICAO Doc 9859 Safety Management Manual, the gap analysis conducted to create the implementation plan will be the basis for our initial focus and will be periodically reviewed. This analysis, based on work conducted at the OTSPC, is shared with other members of the OTSPC. The aims and objectives derived from the plan are under regular review.

### **5.4 Occurrence reporting system**

- 5.4.1 AN(OT)O article 175 establishes the requirement for mandatory occurrence reporting (MOR) and OTAR 13 and its OTAC provides further detail. The sole objective of occurrence reporting is the prevention of accidents and incidents and not to attribute liability or blame.

- 5.4.2 Submitted Mandatory Occurrence Reports (MORs) are entered alongside the UK's State data and stored in the European Coordination Centre for Accident and Incident Reporting System (ECCAIRS). This software, provided by the European Commission Joint Research Centre, facilitates the cross State collection, sharing and analysis of safety data. The UK Air Accident Investigation Branch (AAIB) has full access to this UK data.
- 5.4.3 ECCAIRS will soon allow service providers to access data to conduct their own safety analysis. The relatively small number of MORs contributed from the UK OTs still provide potentially valuable data to the overall UK dataset and will allow the UK OT service providers access to a larger dataset. This provides many benefits for smaller scale service providers both within the UK OTs and UK. For example, both have small lifeline island service provider operations with similar aircraft types and challenges. These operations will be able to share safety data across their operations from all around the world.
- 5.4.4 TCICAA regulatory Inspectors have established their own oversight procedures, reflecting the oversight requirements of the relevant OTARs, and these are described in detail in the various CAA internal Technical Procedures Manuals.

The CAA has a system for addressing identified safety-related short comings through audit/inspection findings. These are recorded in order of priority with the most severe Level 1 finding being made where the CAA determines that the nature of the deficiency or non-compliance is to the extent that there is a significant risk to aviation safety.

Such a finding will result in some form of immediate regulatory action, usually a requirement for rectification within a very limited timeframe. But may also require such action as the suspension of an approval or the prevention of an aircraft from flying or, other form of restriction.

A finding with a less severe level e.g., Level 2 allows for a more extended timeframe.

- 5.4.5 The TCICAA has required Operators, Continuing Airworthiness and Maintenance Organisations, Air Navigation Service Providers (ANSPs), and Aerodrome Operators, to establish a SMS. TCICAA has focused substantial resources on ensuring service providers implement an effective SMS. This is in the form of guidance material and SMS assessments. TCICAA is now reviewing the relevance of all guidance material and the assessment tool to ensure that these are all aligned with ICAO Annex 19 and related guidance material. However, it is important to note that this SMS oversight is in addition to elements of compliance and safety performance monitoring.

## **5.5 Safety data collection, analysis and exchange.**

- 5.5.1 The aviation safety occurrence reporting process in the Turks and Caicos Islands is the Mandatory Occurrence Reporting Scheme (MORS). In addition to MORS, there are individual reporting arrangements for aircraft accidents and serious incidents. The TCICAA complies with ICAO Annex 13. MORs data is entered into the ECCAIRs system. MORs report may be closed or if of a serious or unusual nature will be investigated and outcomes discussed at SOMSCOM.

5.5.2 ASSI/TCICAA functional specialist has established oversight procedures which are described in detail in the various TCICAA technical oversight manuals. TCICAA staff follow up to ensure that any findings are rectified and to determine root cause to ensure that any system deficiencies are also resolved. TCICAA has established a number of initiatives to enable it to determine trends and manage safety performance.

## **5.6 Safety data driven risk based targeting of oversight**

5.6.1 In order to achieve even greater improvements in safety, TCICAA is introducing a risk-based approach to oversight. This approach has already been established to some degree for aircraft operations and will eventually be established for all of TCICAA's oversight programme. All inspection outputs will be assessed and safety risk determined for all operators. The safety oversight programme will then be developed based on the safety risk. Prior to implementing these changes a hazard analysis and risk assessment will be completed.

## **5.7 TCICAA Safety Indicators**

5.7.1 The establishment of performance indicators that would provide a reference point for SSP measurement is ongoing. As SMS reporting improves and continues, over time, it should accumulate enough data for reliable performance indicators to be produced.

## **5.8 Quality assurance audits**

5.8.1 TCICAA has established a Quality Management System Manual which defines how TCICAA intends to ensure quality objectives through internal quality audits. The internal audit process is an important part of TCICAA's commitment to the quality and integrity of its operating practices and procedures and shall be afforded the highest priority by all staff members.

There are two types of internal audits performed within TCICAA, namely, departmental quality audits and internal technical audits. Departmental quality audits are carried out for local management to assess compliance with published procedures and processes. The internal technical audits are carried out to assess the regulatory oversight within each functional discipline within TCICAA and are conducted in accordance with the terms of reference produced for each individual internal technical audit.

These audits are conducted in accordance with the annual audit plan which is produced by the Quality Manager through liaison and coordination with staff members and promulgated in April each year.

Company Operating Procedure (COP) 07 "Internal Auditing" specifies that "Internal audits shall be carried out at the discretion of the QMS Manager on a routine basis but not less than once per year to establish continued compliance with the Quality Management System."

A full report is produced for each audit conducted, including any CPARs raised, and submitted to the MD within one month of the audit. These reports are likewise distributed to Senior

Management in accordance with COP 12. Audit findings are recorded and tracked according to COPs 07 and 08.

- 5.8.2 ASSI conducts assessments of each OTAA as part of programme which covers approximately a two-year period. The scope and areas assessed depends to a large extent on the scale of the responsibilities of the individual OTAA and the scale and complexity of the industry that it regulates. The objective of the audit is to determine whether that Territory is complying with the United Kingdom's obligations under the Chicago Convention; on the standard of aviation safety regulation; on the adequacy of the resources employed; and on any remedial measures that may be necessary.

---

**CHAPTER 6 – TCICAA Aviation Safety Promotion****6.1 Internal training, communication and dissemination of safety information****6.1.1 Internal training**

6.1.1. TCICAA has developed a training policy to ensure that it supports its staff in achieving and maintaining competency levels as prescribed by local, regional and international aviation authorities. The purpose of this policy is to provide guidelines in the management and administration of training opportunities for TCICAA staff. The starting point for any such training shall be the TCICAA Regulatory Competency Profiles. These profiles provide the basis on which performance is assessed and training needs identified and implemented.

An employee's development and training needs are considered during the annual performance management review.

ASSI also provides a portion of the OT technical training.

**6.1.2 Internal communication and dissemination of safety information**

6.1.2. Concerning the internal communication of safety related information, a key element of this process is the SOMSCOM that is being established. All significant safety reports and issues are to be reviewed by SOMSCOM such as hazard reports, risk assessments and MORs requiring follow-up

**6.2 External training, communication and dissemination of safety information**

6.2.1 ASSI provides training throughout the year for OT staff. The TCICAA regularly passes on invitations to industry to attend and participate.

6.2.2 The TCICAA communicates with stakeholders in a number of ways. The TCICAA Safety Plan describes in more detail the Turks and Caicos Islands safety objectives and outlines the MDCAA's programme of work to achieve continuous safety improvement over the years to come.

6.2.3 The CAA participates in consultative committees that involve representatives of various sectors of the aviation industry. Examples of these committees include, the Aerodrome Meeting, the Air Operators' Committee, the Airside Safety Committee and the Airport Emergency Services Committee.

6.2.4 The CAA also publishes guidance material to support regulatory action. Under Annex 15 to the Chicago Convention and as required by the AN(OT)O, the TCI through delegation and designation has provided for the publication of the TCI AIP. The AIP is part of an Integrated Aeronautical Information Package which consists of the AIP, AIP Supplements, AIC, NOTAMs, Pre-flight Information Bulletins and Checklists.

- 6.2.5 In addition, the TCICAA aims to publish on its website documents such as Letters to Operators and Airworthiness Information to convey safety information to stakeholders. Individual operators will also be contacted directly.
- 6.2.6 ASSI issues an Overseas Territories Safety Bulletin on-line. It aims to provide topics, along with sources of information, for safety meetings, safety development and safety training discussions. It further aims to provide practical guidance on elements of safety management, current safety issues that may affect the aviation community within the UK Overseas Territories (OTs) and information on ASSI and the Overseas Territories Aviation Authorities.

## Chapter 7 Summary

### 7.1 Summary

- 7.1.1 The TCICAA is committed to continuously improving the State Safety Programme. This document is a live document and will be periodically updated as this evolves. Many of the gaps identified within the ICAO SSP analysis conducted in 2013 have already been addressed (see appendix A), others are either underway, or are planned for the future.
- 7.1.2 As service providers may have to revise and adapt their SMS processes to make them more efficient there may be times where this may occur with this SSP. Where this is the case ASSI will look to do this.
- 7.1.3 The TCI SSP is by nature a living document which remains under continuous improvement, and thus will be subject to amendments and updates as warranted and appropriate. TCICAA therefore welcomes questions, comments, contributions and suggestions from industry or other regulatory bodies. These should be address to <http://www.tcicaa.org>

# APPENDIX A

## Reference documents

1. The Air Navigation (Overseas Territories) Order 2013
2. The Air Navigation (Overseas Territories) (Amendment) Order 2014
3. The Air Navigation (Overseas Territories) (Amendment) Order 2015
4. The Air Navigation (Overseas Territories) (Amendment) (No. 2) Order 2014
5. Overseas Territories Safety Bulletin, Issues 1-13
6. ASSI POLICY STATEMENT 47 | Enforcement
7. ICAO Annex 19
8. ICAO State Letter Ref. AN 12/51 - 07/74 dated 7 December 2007, Subject: Proposal for the amendment of Annex 1, Annex 6, Parts I and III, Annex 8, Annex 11, Annex 13 and Annex 14, Volume I, to harmonize and extend provisions relating to safety management.
9. ICAO Doc. 9859, AN/460 Safety Management Manual, First Edition 2006.
10. ICAO Guidance on the Development of a State's Safety Programme Gap Analysis.
11. ICAO Doc 9734, AN/959 Safety Oversight Manual, Part A – The Establishment and Management of a State's Safety Oversight System, Second Edition – 2006.
12. State Safety Programme for the UK Overseas Territories, Air Safety Support International Limited, First Published – 2007.



## APPENDIX B

### **Turks and Caicos Islands State Safety Policy Statement**

The Turks and Caicos Islands Civil Aviation Authority is committed to developing and implementing effective strategies, frameworks and processes to ensure that civil aviation activities under its responsibility achieve the highest practicable level of safety.

Accordingly, the TCICAA will

1. adopt policies and standards that are consistent with the Standards, Recommended Practices and Procedures of the International Civil Aviation Organisation;
2. implement a data-driven and performance-based process of regulatory oversight activities, analyzing safety data to identify trends, and adopt a risk-based strategy to address areas of greater safety concern accordingly;
3. monitor and assess the safety performance of the aviation system to identify, address and mitigate aviation safety risks;
4. collaborate and consult with industry to address safety matters, promote good safety practices and build a strong and proactive safety culture based on safety management principles;
5. encourage the reporting, collection, analysis and exchange of safety data and information;
6. secure adequate financial, human and corporate support for safety oversight; and
7. empower staff with the requisite skills and competencies to discharge their safety oversight and managerial/administrative responsibilities efficiently.
8. as the regulator, be an enabler to industry as appropriate, in the effort of achieving mutual safety objectives.

Thomas Swann  
Managing Director

## APPENDIX C

### **POLICY STATEMENT 47 | Enforcement**

UNCONTROLLED DOCUMENT WHEN PRINTED

**Effective date of Implementation:** 06/07/2015

**ASSI File Reference:**UK/X/J/86/02 – Policy Statements

#### **Rationale:**

Basic legislative enforcement provisions have in some cases been concerned with imposing penalties for violations within the service provider or by the regulator. In an SSP-SMS environment, it is intended that enforcement policies and procedures, of both the individual service provider and regulator, take account of the actual conditions and circumstances surrounding a violation or act of non-conformance. The intent is to ensure that a distinction is made between an unintentional error or mistake and a deliberate or gross violation.

Service providers are expected to have an acceptable process in place to manage their own routine safety and quality non-conformances. Regulatory intervention can be expected under certain conditions and circumstances in which the designated regulator will actively investigate a particular violation or non-conformance.

This enforcement policy is aimed at promoting compliance with aviation safety regulations and requirements through enforcement functions in an equitable manner designed to support the implementation of SMS. The policy and related procedures allow service providers to deal with, and resolve, certain events internally to the satisfaction of the regulator, within the context of a service provider's SMS. This approach aims to nurture and sustain effective safety reporting, whereby service providers' employees can report safety deficiencies and hazards without fear of punitive action. A service provider can therefore, without apportioning blame and without fear of enforcement action, analyse the event and the organisational or individual factors that may have led to it, in order to incorporate remedial measures that will best help prevent recurrence. Intentional contraventions of legislation and related Overseas Territories Aviation Requirements (OTARs) will be investigated and may be subject to conventional enforcement action where appropriate, with due consideration to distinguishing between unintentional errors or non-compliances and premeditated violations.

For the purposes of this policy, service providers are holders of certificates, approvals, permissions, authorisations or similar documents issued under the Order.

**Policy Statements:**

1. Information derived from safety data collection and processing systems established under an SMS relating to reports classified as confidential, voluntary or equivalent shall not normally be used as the basis for enforcement action.
2. When a service provider, operating under an SMS, unintentionally contravenes the requirements, the regulator will engage in dialogue with the organisation. The objective is to agree on proposed corrective measures and an action plan that adequately addresses the deficiencies that led to the contravention and to afford the service provider a reasonable time dependent on the risks to safety to implement them.
3. If the regulator considers the corrective measures proposed satisfactory, likely to prevent recurrence and foster future compliance, there will be no further enforcement action by the regulator. Where either the corrective measures or the systems in place are considered inappropriate, the regulator will continue to interact with the service provider to find a satisfactory resolution that would negate the need for enforcement action. However, in Air Safety Support International Issue 1.00 6 July 2015 Policy Statement 47 Page 2 of 2 cases where the service provider refuses or is unable to engage with the regulator, to address the event and to provide effective corrective measures, the regulator will consider taking enforcement action as deemed appropriate.
4. Breaches of requirements may occur for many different reasons, ranging from a genuine misunderstanding of the regulations to disregard for aviation safety.
5. Enforcement decisions must be proportional to the identified breaches and the underlying safety risks, based on the following principles:
  - a) action will be taken against those who deliberately or consistently operate outside the requirements;
  - b) the regulator will seek to educate and promote training or supervision of those who show commitment to resolving safety deficiencies; and
  - c) the regulator will give due and equitable consideration to distinguish unintentional errors or non-compliances from premeditated violations.

6. Enforcement actions may include:
  - a) counselling;
  - b) remedial training;
  - c) variation, suspension or revocation of a certificate, approval or authorisation; or
  - d) prosecution as provided for in the applicable legislation.
  
7. Enforcement decisions must not be influenced by:
  - a) personal conflict;
  - b) personal gain;
  - c) considerations such as gender, sexual orientation, race, religion, political views or affiliation; or
  - d) personal, political or financial power of those involved.
  
8. Enforcement decisions must:
  - a) be fair and follow due process;
  - b) be transparent to those involved;
  - c) take into account the circumstances of the case and the attitude and actions of the service provider or individual when considering action;
  - d) be consistent actions or decisions for like or similar circumstances; and
  - e) be subject to appropriate internal review.

## APPENDIX D

ICAO Document 9859 Edition 3 SSP gap analysis initially conducted November 2013 OTSPC, updated: September 2015

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
1.1-1	2	Has [State] promulgated a national safety legislative framework and specific regulations that define the management of safety in the State? [4.2.1, Element 1.1; 4.3.2; 4.4.4]		Y	Y	CAP1180 Notes OTs structure
			TCICAA	Y	Y	AN(OT)O 2013 SSP Document The Law & Regulation in the UK Overseas Territories Document (ASSI Website)
1.1-2	2	Are the legislative framework and specific regulations periodically reviewed to ensure that they remain relevant to the State? [4.2.1, Element 1.1; 4.4.4 b)]				
			TCICAA	Y	Y	These are reviewed via many trigger events such as when directed by the UK Department for Transport, on review of State letters, feedback from other UK Overseas Territory Aviation Authorities/ Service Provider staff and following training events.
1.2-1	1	Has [State] identified an SSP placeholder organization and an accountable executive for the implementation and coordination of the SSP? [4.2.1, Element 1.2; 4.4.3 a)]				
			TCICAA	Y	Y	Yes, the MD, TCICAA.
1.2-2	1	Has [State] established an SSP implementation team? [4.2.1, Element 1.2; 4.4.3 b)]				
			TCICAA	Y	Y	This is overseen by the D/MD TCICAA in consultation with the MD, alongside the organisation's function Managers.

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
1.2-3	1	Has [State] defined the State requirements, responsibilities and accountabilities regarding the establishment and maintenance of the SSP? [4.2.1, Element 1.2; 4.4.3]	TCICAA	Y	Y	Yes.
1.2-4	1	Does [State] have an SSP implementation plan in place, which includes a time frame for the implementation of actions and gaps as identified through the gap analysis? [4.3; 4.4.3 d]	TCICAA	Y	Y	There is an implementation plan in place. A gap analysis was conducted in November 2013 based on the then new ICAO 9859 document gap analysis here. This was used as the basis for the plan.
1.2-5	1	Is there a documented statement about the provision of the necessary resources for the implementation and maintenance of the SSP? [4.2.1, Element 1.2; Chapter 4, Appendix 1, Part 1, 1.1 d]	TCICAA	Y	Y	This implied in our commitment to the TCICAA Safety Policy signed by the MD/TCICAA
1.2-6	1	Does [State] SSP accountable executive have control of the necessary resources required for the implementation of the SSP? [4.4.3 a]	TCICAA	Y	Y	Yes, through our organisational set up and budgeting which is under the control of the MD/TCICAA
1.2-7	1	Has [State] defined the specific activities and accountabilities related to the management of safety in the State that each aviation regulatory organization under the SSP is accountable for? [4.4.5 a]	TCICAA	Y	Y	This is covered in the State Safety Programme for the TCI.
			TCICAA	Y	Y	As above
1.2-8	1	Does [State] have a mechanism or platform for the coordination of SSP implementation and subsequent SSP continuous monitoring activities involving all State regulatory organizations? [4.4.3 e]	TCICAA	Y	Y	The TCICAA is assessed by and works alongside ASSI. The SSP is under constant review by the D/MD. The implementation plan

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
						is peer reviewed at the Overseas Territories Safety Performance Council at each meeting.
1.2-9	1	Does [State] SSP accountable executive coordinate, as appropriate, the activities of the different State aviation organizations under the SSP? [4.2.1, Element 1.2; 4.4.3 a)]	UK	Y	Y	CAP1180
			ASSI	Y	Y	Yes, in conjunction with and on behalf of the Governors.
			ASSI D TCICAA	Y	Y	As above
1.2-10	1	Has [State] established a safety policy? [4.2.1, Element 1.2; 4.4.5 b)]				
			TCICAA	Y	Y	Yes, last updated September 2015, next review date September 2016.
			TCICAA	Y	Y	As above
1.2-11	1	Is [State] safety policy signed by the [State] SSP accountable executive or an appropriate authority within [State]? [Chapter 4, Appendix 1]	UK			
					Y	As above
			TCICAA		Y	As above
1.2-12	1	Is [State] safety policy reviewed periodically? [4.4.15]				
			TCICAA		Y	Yes
1.2-13	1	Is [State] safety policy communicated to the employees in all [State] aviation organizations with the intent that they are made aware of their individual safety responsibilities? [4.4.5 b)]				
			TCICAA		Y	Yes.
					Y	As above.
1.2-14	1	Has [State] initiated a unified SSP document as part of the SSP implementation plan to describe its SSP framework components and elements? [4.2.1, Element 1.2; 4.4.3 f); Appendix				
			TCICAA	P	Y	This is the State Safety Programme for the TCI. The All OT Safety Plan Parts 2 & 3 also

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
		8]				describes.
1.2-15	1	Has the SSP document been completed, approved and signed by the SSP accountable executive and the document communicated or made accessible to all stakeholders upon full implementation of the SSP? [4.4.3 f)]	UK			
			TCICAA	P	Y	Yes
1.2-16	1	Does [State] have a documentation system that ensures appropriate storage, archiving, protection and retrieval of all documents relating to SSP activities? [4.2.1, Element 1.2; 4.4.3 f)]	UK			
				P	P	To be improved following QMS review and new IT system introduction.
			TCICAA	P	P	As above
1.2-17	1	Does [State] have a periodic internal review mechanism for assurance of continuing improvement and effectiveness of its SSP? [4.2.1, Element 3.1; 4.4.15]				
			TCICAA	Y	Y	Each year TCICAA is assessed by ASSI. The Overseas Territories Safety Performance Council reviews the SSP implementation plan. In time the plan will evolve from implementation measurement to active measurement of the SSP.
1.3-1	2	Has [State] established an independent accident and incident investigation process the sole objective of which is the prevention of accidents and incidents and not the apportioning of blame or liability?	UK	Y	Y	UK DfT AAIB
						Each Overseas Territories Governor has created regulations under Section 75 of the Civil Aviation Act 1982 so they can appoint investigators. A memorandum of agreement/



No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/Justification
		[4.2.1, Element 1.3; 4.4.6]				understanding is in place with each Territory to appoint the UK Chief Inspector of the Air Accident Investigation Board. The UK AAIB then fulfils this function.
1.3-2	2	Is the organization/authority for accident investigation functionally independent (see the <i>Manual of Aircraft Accident and Incident Investigation</i> (Doc 9756, Part I, 2.1)? [4.4.6 b)]		Y	Y	UK DfT AAIB
						The UK AAIB are fully independent.
1.4-1	2	Has [State] promulgated an enforcement policy? [4.2.1, Element 1.4; 4.4.10; Appendices 10 and 11]	TCICAA		Y	Yes, this has been totally revised in line with Annex 19 and ICAO document 9859. Policy statement 47 adopted by TCICAA, available from ASSI website..
1.4-2	2	Does [State] primary aviation legislation provide for the enforcement of the applicable legislation and regulations? [4.4.7]	UK			
			TCICAA		Y	Yes, the Civil Aviation Act 1949 (Overseas Territories) Order 1969 Part 2 Section 8 makes provision for the creation and maintenance of the Air Navigation (Overseas Territories) Order.
1.4-3	3	Does the enforcement policy take into account that service providers are normally allowed to deal with, and resolve, routine safety or quality deviations internally within the scope of their approved SMS/QMS procedures? [4.4.10 a)]	TCICAA		Y	Yes, this is within the new enforcement policy 47, procedure and guidance papers 159/160, adopted by the TCICAA.
			TCICAA		Y	As above
1.4-4	3	Does the enforcement policy establish	UK			

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
		the conditions and circumstances under which the State may deal with safety deviations directly through its established investigation and enforcement procedures?  [4.2.1, Element 1.4; 4.4.10 b)]	TCICAA	Y	Y	This is within the new enforcement policy 47, procedure and guidance papers 159/ 160, adopted by the TCICAA.
			TCICAA	Y	Y	As above
1.4-5	3	Does the SSP enforcement policy include provisions to prevent the use or disclosure of safety data for purposes other than safety improvement?  [4.2.1, Element 1.4; 4.4.10 c)]			Y	Yes
			TCICAA		Y	As above
1.4-6	3	Does the SSP enforcement policy include provisions to protect the sources of information obtained from voluntary incident reporting systems?  [4.4.10 d); Appendices 2 and 10]			Y	Yes
			TCICAA		Y	As above
2.1-1	2	Has [State] promulgated harmonized regulations to require service providers to implement an SMS?  4.2.1, Element 2.1; 4.4.9; Appendix 9]	UK			
			TCICAA	P	P	Some OTARs co-align, but not all. A standardised text is being established based on Annex 19. The regulations (OTARs) will each contain a common text, when agreed.
2.1-2	3	Are these SMS requirements and related guidance material periodically reviewed to ensure they remain relevant and appropriate to the service providers?  [4.2.1, Element 2.1; 4.4.14 a)]	TCICAA	Y	Y	As part of usual OTAR/ OTAC reviews. These are currently under review against Annex 19 and 9859 Edition 3.

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/Justification
2.2-1	4	Has [State] individually agreed/accepted the service provider's safety performance indicators and their respective alert/target levels? [4.2.1, Element 2.2; 4.4.13]	TCICAA			Not yet, to be developed within a more mature system*
2.2-2	4	Are the agreed/accepted safety performance indicators commensurate with the scope/complexity of the individual service provider's specific operational context? [4.4.13]	TCICAA			Not yet, to be developed within a more mature system*
2.2-3	4	Are the agreed safety performance indicators periodically reviewed by [State] to ensure they remain relevant and appropriate to the service provider? [4.4.14 b)]	TCICAA			Not yet, to be developed within a more mature system*
3.1-1	2	Has [State] established a formal surveillance programme to ensure satisfactory compliance by service providers with State safety regulations and requirements? [4.2.1, Element 3.1]	TCICAA	Y	Y	Yes, currently by an audit and approval process.
3.1-2	4	Has [State] established a process for the initial review and acceptance of an individual service provider's SMS? [4.2.1, Element 2.2; 4.4.11 b)]	TCICAA	P	P	Through audit process, most Service Providers have had a gap analysis conducted on SMS alongside QMS and HF.
3.1-3	4	Has [State] established procedures for				

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
		the review of individual service provider's safety performance indicators and their relevant alert/target levels? [4.2.1, Element 2.2; 4.4.13]	TCICAA			Not yet, to be developed within a more mature system. Implementation markers have been set with numbers of safety meetings, hazard log reviews and increased reporting for 2014.
3.1-4	4	Does [State] safety oversight programme include periodic assessment of an individual service provider's SMS? [4.2.1, Element 3.1; 4.4.14]	TCICAA	P		The current SMS implementation performance indicators involve a review of these as an integral part of each regulatory oversight visit. In time this will evolve into integrating SMS into the usual regulatory oversight tasks.
3.1-5	4	Does [State] periodic SMS surveillance programme include assessment of the service provider's hazard identification and safety risk management processes? [4.4.14 c)]	UK			
			ASSI			
			TCICAA		Y	Within current audit process, requires modifications, target for this year. Training carried out last year on this area. Each audit reviews a Service Provider's hazard log and processes. This is still evolving.
3.1-6	4	Does [State] periodic SMS surveillance programme include assessment of the service provider's safety performance indicators and their relevant alert/target levels? [4.4.14 b)]	TCICAA			Not yet, to be developed within a more mature system*  Currently oversight only reviews the implementation performance indicators.
3.1-7	4	Does [State] have a periodic internal				

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
		review mechanism for assurance of effective compliance of the SSP and its related safety oversight functions? [4.4.15]	ASSI D TCICAA			Not yet, to be developed within a more mature system*  This is to be via a review by the Overseas Territories Safety Performance Council review, staff performance and business plan reviews.
3.2-1	3	Has [State] established mechanisms to ensure the mandatory reporting, evaluation and processing of accidents and serious incident data at the aggregate State level? [4.2.1, Element 3.2; 4.4.12]	UK	Y	Y	Current UK ECCAIRs
						As above
			TCICAA	Y	Y	This is via UK ECCAIRS and it is part of the UK state data. ASSI also review UK Overseas Territories data.
3.2-2	3	Has [State] established a voluntary reporting system to facilitate the collection of data on hazards and associated safety risks that may not be captured by a mandatory incident reporting system? [4.4.16 a)]	TCICAA	Y	Y	Yes. Both mandatory and voluntary systems the same, UK ECCAIRS.
3.2-3	3	Has [State] established mechanisms to develop information from the stored data and to promote the exchange of safety information with service providers and/or other States as appropriate? [4.2.1, Element 3.2; 4.4.16]	UK			
			TCICAA		P	The information is shared throughout the UK State and elsewhere via ECCAIRS. Service Provider bulletin just commenced to share data. Service Provider ECCAIRS access to be developed with UK CAA.
3.2-4	4	Has [State] established an acceptable level of safety performance (ALoSP) as defined by selected safety indicators with corresponding target and alert levels as appropriate? [4.4.12 b); 4.4.16 b)]	UK			
			TCICAA			Not yet, to be developed within a more mature system*

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
3.2-5	4	Are the ALoSP safety indicators appropriate and relevant to the scope and complexity of the aviation activities? [4.4.12 b); 4.4.16 b)]	TCICAA			Not yet, to be developed within a more mature system*
3.2-6	4	Does [State] have a mechanism for periodic monitoring of the SSP safety indicators to assure that corrective or follow-up actions are taken for any undesirable trends, alert level breaches or non-achievement of improvement targets? [4.4.12 b); 4.4.16 b)]	TCICAA			Not yet, to be developed within a more mature system*
3.3-1	4	Has [State] developed procedures to prioritize inspections, audits and surveys towards those areas of greater safety concern or need? [4.2.1, Element 3.3; 4.4.17]	TCICAA	P	P	Not in the full SMS sense, risk pictures to be developed to enable this
3.3-2	4	Is the prioritization of inspections and audits associated with the analysis of relevant internal/external safety or quality data? [4.2.1, Element 3.3; 4.4.17]	TCICAA		P	Not yet, to be developed within a more mature system*  Data is now sourced and analysed prior to audit.

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/Justification
4.1-1	1 2 3 4	Is there a process to identify safety-management-related training requirements, including SSP and SMS training, for relevant personnel of the regulatory/administrative organizations? [4.4.18]	TCICAA	P	Y	The current staff competency and development process reviews this. Staff currently attend SMS training.
4.1-2	1 2 3 4	Are there records to show that personnel involved in SSP implementation and its operation have undergone appropriate SSP/SMS training or familiarization? [4.2.1, Element 4.1; 4.4.18]		P	Y	Requirements are within competencies and recorded in training records.
4.1-3	1 2 3 4	Does [State] maintain a mechanism for the consolidation, communication and sharing of safety information amongst its regulatory and administrative organizations involved in the SSP? [4.4.18 d)]	TCICAA	Y	Y	This is conducted through the Overseas Territories Safety Performance Council, its sub-committee, ASSI Board, Functional Managers meetings and Staff meetings. Plus regular conference call set up. There are also training sessions, webinars and a safety bulletin.
4.1-4	1 2 3 4	Does the internal safety information/data sharing include occurrence, investigation and hazard reports from all of the State's aviation sectors? [4.4.16 c)]	TCICAA	P	Y	Reporting data is shared among staff, hazard reports and safety information are also shared. This is still evolving.
			TCICAA	P	Y	As above.
4.2-1	1 2 3 4	Does [State] facilitate the continuing education, communication and sharing of safety information with and amongst its service providers? [4.2.1, Element 4.2; 4.4.19]	TCICAA	P	Y	Service Providers have access to UK CAA safety data reports through their contributions. Regular training is provided for Service Providers and through oversight visits. Service Providers have access to the ASSI

No.	Eg. ICAO Phase	Aspect to be analysed or question to be answered [ICAO 9859 Document ref]	Use of the term State (Context)	2013 Answer	2015 Answer	Status/ Justification
						Safety Development Manager and the Safety/MOR Bulletins both of which facilitates the exchange of safety data. The Safety Development Manager also sits on the high risk event analysis team in the UK CAA enabling any safety information exchange with Service Providers where applicable.
4.2-2	1 2 3 4	Do [State] regulatory organizations participate in regional and global aviation safety information sharing and exchange and facilitate the participation of their respective service providers in the same? [4.4.19 d)]	UK			
			ASSI	P	P	This is conducted in cooperation with ASSI through training events and with ICAO in any relevant regional activities local to the UK OTs and this extends to the OTs such as TCI. This certainly could be improved and coordinated..
			TCICAA			
4.2-3	1 2 3 4	Is there a formal process for the external dissemination of regulatory documents and information to service providers and a means of assuring the <u>effectiveness</u> of this process? [4.4.19 a)]				
			TCICAA	P	P	First part Yes, but the assurance of effectiveness No. There is a process to externally disseminate regulatory document and information. The new management system aims to improve the monitoring of effectiveness, although this will take time to establish.
4.2-4	1 2 3 4	Is [State] SSP document and its associated safety policy, enforcement policy and aggregate safety indicators included in the State's safety information communication and sharing process? [4.4.19 a)]				
			TCICAA		P	SSP document contains this information, although safety indicators are not yet developed.

Answer: **Y = Yes**      **N = No**      **P = Partial**

**UK** – UK State, answered where applicable

\*Not yet, to be developed within a more mature system\*, this refers to the outlined Annex 19 system.



## APPENDIX E - TCICAA State Safety Programme Aims and Objectives

The Turks and Caicos Islands Civil Aviation Authority aspires towards the highest level of safety that is practicable within the TCI civil aviation system. The TCICAA sees its role of regulatory oversight as critical to this achievement. To that end it has set a number of objectives, all of which have been progress to varying degrees.

The full list of objectives are as follows:

**Objective 1:** To enhance the managerial, technical and administrative capacity of the TCICAA

**Objective 2:** To improve the TCICAA management system

**Objective 3:** To Improve safety performance throughout the aviation system

**Objective 4:** Improve MOR reporting, investigation and administration

**Objective 5:** Implementation of the Port-of-Spain (POS) Declaration

**Objective 6:** To fully institutionalize the Turks and Caicos Islands SSP within the TCICAA management system.

**Objective 7:** To progress a risk based regulatory oversight system in the TCI

**Objective 8:** To foster a culture of risk based operation/management by industry

# APPENDIX F

## Turks and Caicos Islands Civil Aviation Authority Designation / Responsibility

