



**GENERAL**

**ADVISORY**

**CIRCULAR**

CIVIL AVIATION AUTHORITY OF BOTSWANA

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CAAB Document GAC-005

# **VOLUNTARY DISCLOSURE REPORTING SYSTEM**

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## TABLE OF CONTENTS

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	<b>Page number</b>
1. Purpose	5
2. Status of this advisory circular	5
3. Effective Date	5
4. Applicability	5
5. Related Regulations	5
6. Related Publications	5
7. Definitions & Acronyms	6
8. Background	7
9. Just Culture	7
10. Confidentiality of Reports	7
11. Voluntary Disclosure Policy	7
12. Notification to the CAAB of an Apparent Violation	8
13. Notification By The Certificate Holder	8
14. CAAB's Response to Certificate Holder Notification	9
15. Written Report of the Certificate Holder	9
16. Review By The CAAB	10
17. Implementation of a Comprehensive Corrective Action	10
18. Dispute Resolution	10
19. Separate Actions Against Individuals, Airmen or Agents	11
20. Repeated Violations	11
21. Conclusion	11
APPENDIX 1 - Sample Format to be Followed When Submitting The Written Voluntary Disclosure Report	12

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## 1. PURPOSE

This General Advisory Circular (GAC 005) provides information and guidance that may be used by an Air Operator Certificate (AOC) holder, an Approved Maintenance Organization (AMO) or any other licence or certificate holder when voluntarily disclosing to the Civil Aviation Authority of Botswana (CAAB), apparent violations of Civil Aviation Regulations (CARs). The procedures and practices outlined in this GAC can be applied to the maintenance, flight operations, security functions or any other area of civil aviation.

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

## 2. STATUS OF THIS ADVISORY CIRCULAR

This General Advisory Circular is an original issuance.

## 3. EFFECTIVE DATE

This GAC becomes effective immediately.

## 4. APPLICABILITY

This AC is for entities licensed or certificated or otherwise regulated by the CAAB. The procedures and practices outlined in this AC can be applied to the maintenance, flight operations, anti-drug and alcohol misuse prevention programmes, and other functions of the regulated entity's organization.

The procedures and practices outlined in this AC **cannot** be applied to those persons who are required to report mechanical failures, malfunctions and defects under the CARs and do not make the reports in the time frame required by the regulations.

## 5. RELATED REGULATIONS

Copies may be obtained from the Government Printer.

None

## 6. RELATED PUBLICATIONS

For further information on this subject, operators are advised to review the following publications -

Copies may be obtained from Document Sales Unit, ICAO, 999 University Street, Montreal, Quebec, Canada H3C 5H7.

- Doc 9859 – Safety Management Manual
- Annex 13 – Aircraft Accident and Incident Investigation

**Note:** Further information is available on CAAB General Advisory Circular (GAC)-007: Guidance on the Development of Safety Management System.

Advisory Circulars (ACs) are intended to provide advice and guidance to illustrate an acceptable means, but not necessarily the only means, of complying with the regulations, or to explain certain regulatory requirements by providing informative, interpretative and explanatory material. Where a regulation contains the words "prescribed by the Authority," the AC may be considered to prescribe a viable method of compliance, but status of that "prescription" is always "guidance" (never regulation).

## 7. DEFINITIONS AND ACRONYMS

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

- (a) **Evidence.** For the purpose of voluntary disclosure, evidence should be in the form of written documentation that supports analysis of the disclosed apparent violation and the resulting elements of the proposed comprehensive corrective action. Evidence generally comes from the following four elements:
  - (1) Documents or manuals reviewed;
  - (2) Equipment examined;
  - (3) Activities observed;
  - (4) Interview data.
- (b) **Comprehensive Corrective Action.** Comprehensive corrective action is an action, or actions, proposed by the certificate holder and accepted by the CAAB to preclude recurrence of the apparent violation that has been voluntarily disclosed under this programme. It should include a schedule of the dates and events proposed by the comprehensive corrective action;
- (c) **Satisfactory Corrective Action.** Satisfactory corrective action is a comprehensive corrective action, in which all corrective measures have been completed on schedule and are satisfactory to the CAAB;
- (d) **Inspector.** Under the voluntary disclosure programme, inspector refers to the appropriate security, maintenance, avionics, operations inspector, or other designated official of the CAAB responsible for oversight of the area of non-compliance involved in the disclosure.
- (e) **Certificate holder.** Under the voluntary disclosure programme, certificate holder refers to an AOC holder, AMO or any other certificate holder e.g. an Aircraft Maintenance Technician (AMT).

7.2 The following acronyms are used in this advisory circular:

<b>AC</b>	Advisory Circular
<b>AMO</b>	Approved Maintenance Organisation
<b>AOC</b>	Air Operator's Certificate
<b>CAAB</b>	Civil Aviation Authority of Botswana
<b>CARs</b>	(Botswana) Civil Aviation Regulations
<b>FSD</b>	Flight Safety Directorate
<b>ICAO</b>	International Civil Aviation Organization

## 8. BACKGROUND

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

## 9. JUST CULTURE

The CAAB espouses a 'Just Culture' in the interests of the on-going development of flight safety. This means the Authority supports the development, within all areas of the aviation community, of a culture in which:

- individuals are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training but which result in a reportable event; but
- where gross negligence, wilful violations and destructive acts are not tolerated.

## 10. CONFIDENTIALITY OF REPORTS

Without prejudice to the proper discharge of its responsibilities, the CAAB will not disclose the name of the person submitting the report or of a person to whom it relates unless required to do so by law; or the person concerned authorises disclosure. Should any safety follow-up action arising from a report be necessary, the Authority will take all reasonable steps to avoid disclosing the identity of the reporter or of those individuals involved in any reportable occurrence. The aim is to promote reporting of violations, incidents and accidents so that knowledge learned from their investigation may be disseminated to promote safety.

## 11. VOLUNTARY DISCLOSURE POLICY

- 11.1 The CAAB believes that the open sharing of apparent violations and a cooperative as well as an advisory approach to solving problems will enhance and promote aviation safety.
- 11.2 Certificate holders may receive a letter of correction from the CAAB, in lieu of civil penalty action for covered instances of non-compliance, that are voluntarily disclosed to the CAAB in accordance with the procedures set forth in this GAC.

*Once the letter of correction is issued, the case will be considered closed unless the agreed-upon comprehensive corrective action is not satisfactorily completed by the certificate holder.*

- 11.3 In evaluating whether an apparent violation is covered by this policy, the CAAB will ensure that the following five conditions are met:

- (1) The certificate holder has notified the CAAB of the apparent violation immediately after detecting it and before the CAAB has learned of it by other means;
- (2) The apparent violation was unintentional;
- (3) The apparent violation does not indicate a lack, or reasonable question of the continued qualification of the certificate holder;
- (4) Immediate action, satisfactory to the CAAB, was taken by the certificate holder, upon discovery, to investigate the relevant non-compliance and terminate the conduct that caused the apparent violation;
- (5) The certificate holder has developed or is developing a comprehensive corrective action and schedule of implementation satisfactory to the CAAB. The comprehensive corrective action may include a review and a follow-up self-audit to ensure that the action taken corrects the non-compliance. This self-audit is in addition to any additional audits that may be conducted by the CAAB.

11.4 The CAAB will not forgo legal enforcement action if:

- (1) The certificate holder informs the CAAB of the apparent violation during, or in anticipation of, a CAAB investigation/inspection; or
- (2) In association with an accident or incident.

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

## 12. NOTIFICATION TO THE CAAB OF AN APPARENT VIOLATION

12.1 The Voluntary Disclosure policy applies only when the certificate holder makes notification of an apparent violation to the CAAB immediately after the operator has discovered the apparent violation and before the CAAB learns of the apparent violation by some other means.

*The CAAB believes that it is important for the initial notification to be within 24 hours of the discovery of the apparent violation.*

12.2 The form of notification may be accomplished by oral, written, or electronic means.

## 13. NOTIFICATION BY THE CERTIFICATE HOLDER

13.1 When a certificate holder notifies the CAAB of an apparent violation, contact must be made with, or directed to, the Flight Safety Directorate following which an inspector will be assigned. The certificate holder should not delay notification for any reason, and should address, to the maximum extent possible, the following items with the inspector:

- (1) A brief description of the apparent violation, including an estimate of the duration of time that it remained undetected, as well as how and when it was discovered;
- (2) Verification that non-compliance ceased after it was identified;
- (3) A brief description of the immediate action taken after the apparent violation was identified, the immediate action taken to terminate the conduct that resulted in the apparent violation and the person responsible for taking the immediate action;



- (4) Verification that an evaluation is underway to determine the root-cause of the apparent violation, if there are any systemic problems and a description of the corrective steps necessary to prevent the apparent violation from recurring;
- (5) Identification of the relevant manager or person responsible for accomplishing the comprehensive corrective action;
- (6) Acknowledgment that a detailed written report will be provided to the inspector within 10 working days after the initial notification was made.

#### **14. CAAB's RESPONSE TO CERTIFICATE HOLDER NOTIFICATION**

- 14.1 The inspector will respond with a written acknowledgment of the certificate holder's initial notification.
- 14.2 This acknowledgment includes the request for a written report that is completed in accordance with the voluntary disclosure reporting procedures set forth in this GAC and Appendix 1 to this GAC.
- 14.3 The inspector will open an enforcement investigative report, which will be closed out following satisfactory development by the certificate holder of comprehensive corrective action, and a schedule of implementation agreed upon by the CAAB and the certificate holder.

#### **15. WRITTEN REPORT OF THE CERTIFICATE HOLDER**

- 15.1 The certificate holder should provide the written report to the inspector within ten (10) working days after the initial notification was made. A sample format for this report is provided as appendix 1 to this GAC.
- 15.2 In summary, the written report should include the following information:
  - (1) A list of the specific CAAB regulations that may have been violated;
  - (2) A description of the apparent violation, including the duration of time it remained undetected, as well as how and when it was detected;
  - (3) 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;
  - (4) An explanation that shows the apparent violation was unintentional;
  - (5) Evidence that demonstrates the seriousness of the apparent violation and the certificate holder's analysis of that evidence;
  - (6) A detailed description of the proposed comprehensive corrective action, outlining the planned corrective steps, the responsibilities for implementing those corrective steps, and a time schedule for completion of the corrective action. If a proposed comprehensive corrective action is not fully developed within 10 working days, the certificate holder should provide at least an overview of its comprehensive corrective action plans. In any event, a detailed description of the comprehensive corrective action should be provided to the inspector within 30 calendar days after the certificate holder initially notified the inspector of the apparent violation;

- (7) Identification of the official (the quality manager in the case of certificate holders having a quality system as outlined in the CARs) responsible for monitoring the implementation and completion of the comprehensive corrective action. In the case of an individual, this may be the individual himself.

## **16. REVIEW BY THE CAAB**

- 16.1 The CAAB will work with the certificate holder to ensure that the comprehensive corrective action is acceptable to the CAAB.
- 16.2 If the inspector determines that the proposed corrective action is acceptable, he/she will prepare a letter of correction that includes the date by which the comprehensive corrective action shall be implemented and completed.
- 16.3 Following issuance of the letter of correction, the case is closed but remains subject to reopening in the event that the agreed-upon actions covered in the comprehensive corrective action are not completed to the satisfaction of the CAAB.

## **17. IMPLEMENTATION OF A COMPREHENSIVE CORRECTIVE ACTION**

- 17.1 During the implementation period, the CAAB and the certificate holder should continue to work together. Changes can be made to the corrective action(s) outlined in the comprehensive corrective action when the need is identified and when the CAAB concurs with the change. When a change to a comprehensive corrective action has been agreed upon, the inspector will prepare an amended letter of correction that reflects this change;
- 17.2 The CAAB will monitor the implementation of the corrective steps. Throughout the implementation period, the CAAB will assess the certificate holder's corrective efforts and management's awareness of these efforts where applicable. If, during this period, the CAAB determines that the steps taken by the certificate holder are not those documented in the comprehensive corrective action, the letter of correction may be rescinded, the investigative report may be reopened and appropriate legal enforcement action may be initiated;
- 17.3 Following completion of the agreed-upon corrective action(s), the certificate holder will conduct a self-audit to ensure that the corrective action taken remedies the problem that gave rise to the apparent violation;
- 17.4 At the conclusion of the implementation period, the inspector will make a final assessment to determine if all elements of the comprehensive corrective action have been adequately accomplished. A statement of follow-up investigation, confirming that the comprehensive corrective action was satisfactorily implemented and completed, will be prepared to complete the CAAB's investigative package;
- 17.5 If the same or similar violations are discovered after the CAAB's completion of an investigative package, the CAAB may re-open the case if it is determined that the certificate holder failed to comply with all the elements of the comprehensive corrective action agreed upon with the CAAB.

## **18. DISPUTE RESOLUTION**

- 18.1 When disputes occur regarding the acceptance of a proposed comprehensive corrective action, or a modification thereto before the corrective action is considered satisfactory, the inspector and the certificate holder may request that the issue be resolved at the next level of management within the CAAB.

18.2 This procedure will provide for an independent assessment of the areas in disagreement.

## 19. SEPARATE ACTIONS AGAINST INDIVIDUALS, AIRMEN OR AGENTS

19.1 The voluntary disclosure policy applies to individuals, airmen or agents of a certificate holder;

19.2 This provision does not apply to matters concerning qualifications to hold an airman certificate;

19.3 This provision does not apply to matters which fall under the Mandatory Occurrence Reporting (MOR) scheme.

## 20. REPEATED VIOLATIONS

20.1 If a repeated violation occurs, regardless of the fact that a comprehensive corrective action was satisfactorily completed and followed, the procedures outlined in this GAC may apply to the disclosure of the repeated violation.

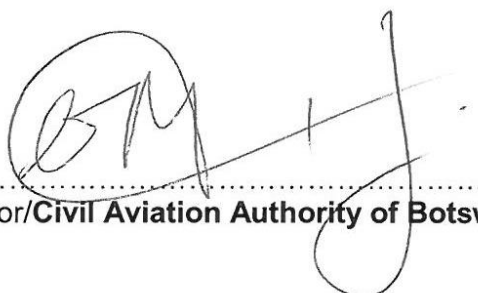
20.2 The determination of whether a repeated violation will be covered under this policy will be made by the CAAB on a case-by-case basis, upon consideration of the facts and circumstances surrounding the repeated violation.

## 21. CONCLUSION

21.1 A certificate holder's development of a quality system as outlined in the CARs helps to ensure that any apparent violations are promptly identified, corrected, and reported to the CAAB.

21.2 While not required, the CAAB strongly encourages that a certificate holder's quality system be an integral part of its everyday management process so that the full benefits of voluntary disclosure can be realized.

21.3 Programmes that allow certificate holders to identify and correct their own instances of noncompliance and invest more resources in efforts to preclude their recurrence, serve aviation safety.

  
.....  
For/Civil Aviation Authority of Botswana



*End of Advisory Circular – Appendix Follows*

## **APPENDIX 1:**

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

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

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

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

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

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

H. Duration of time apparent violation remained undetected.

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

### **III. SUMMARY OF APPARENT VIOLATION.**

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

### **IV. IMMEDIATE ACTION.**

- A. When immediate action was taken.
- B. Description of immediate action. (This description should outline the immediate steps that were taken to address the non-compliance.)
- C. Company official or individual responsible for immediate action.
  1. Name.
  2. Position/post.
  3. Telephone number.

### **V. ANALYSIS.**

- A. Summary of evidence.

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

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

### **VI. COMPREHENSIVE CORRECTIVE ACTION PROPOSAL.**

The proposed long-term corrective steps to be taken by the 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 action step. Examples of types of questions or issues that a comprehensive corrective action proposal should address are as follows:

- (a) Whether the apparent violation involves equipment, facilities, or individuals beyond those addressed in the initial notification and for which immediate action was taken;

- (b) Whether procedural or organizational changes are necessary;
- (c) How it will be determined whether any procedural or organizational changes are effective;
- (d) What procedures will be developed to ensure that the affected area is periodically reviewed in the future so that concerns can be identified before a violation occurs;
- (e) Who will be responsible for performing periodic reviews?
- (f) To whom in the certificate holder's organization will the results of those periodic reviews be reported, and how will they be documented.

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

- a. Name.
- b. Position.
- c. Telephone number.
- d. Signature.

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

- a. Name
- b. Position (Principal inspector)
- c. Date
- d. Office

**IX. SIGNATURE**

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