FEEDBACK

Issue No: 70 Spring 2004

EDITORIAL

LEVEL BUSTS

As some of you will be aware National Air Traffic Services (NATS) has been running an awareness campaign on the subject of level busts. Up to now, this has been principally in the form of presentations.

In February 2004 NATS issued copies of a video (and CD) containing a number of simulated level bust incidents to airlines and other interested parties to permit the important messages contained in the video (CD) to be disseminated more widely.

If you are a pilot or an ATCO, the video is well worth around 25 minutes of your time. If you have not had the opportunity to review the information, check with your company how you might be able to do so.

Further information on this safety initiative may be obtained from NATS at the following e-mail address: levelbust@nats.co.uk

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RTF COMMUNICATIONS

Failure to adhere to standard phraseology and practice can seriously degrade flight safety and poor RT is frequently cited as a contributory factor in aircraft accident and incident reports. These problems are also reflected in the significant number of CHIRP reports on RTF communication-related issues that we continue to receive from both controllers and pilots. This issue contains three such reports on Pages 2- 3.

In an initiative to address these problems, a working group involving NATS, CAA(SRG) Flight Operations Department, CAA(SRG) Air Traffic Services Standards Department and several airlines has been established to review all communication error issues.

The objectives of the group are:

- Improve RTF standards across the aviation community
- Reduce the level of RTF usage in the UK and the number of 'checking' calls
- Reduce the number of incidents where communication played a role

Issues to be considered include; incorrect readback, radio failures, incomplete calls, misheard clearances, and extraneous RTF.

If you have any ideas or suggestions the Working Group would be pleased to hear from you. Please contact paul.jones@nats.co.uk with your thoughts.

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SECURE E-MAIL

A secure e-mail facility is now available to reporters who might wish to submit confidential reports by e-mail. This facility provides a secure encrypted link for the transfer of information between you and us, but please remember that it does not ensure the security of messages typed on the computer that you use.

To obtain a security certificate send an e-mail to confidential@chirp.co.uk with "Certificate" in the subject line only; submit no confidential information until the security certificate and instructions are received.

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E-MAIL COPIES OF FEEDBACK

Our website at www.chirp.co.uk was updated in January and now contains a subscription area for organisations and individuals who would prefer to receive an electronic copy of FEEDBACK as an alternative to hard copy.

Any suggestions or comments regarding the CHIRP web operation or content are welcome and should be sent to tomf@chirp.co.uk

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CHANGE OF ADDRESS?

If you receive FEEDBACK as a licensed pilot/ATCO/maintenance engineer you will need to notify the department that issues your licence of your change of address and not CHIRP, please write to (including your licence number) to Personnel Licensing, CAA (SRG), Aviation House, Gatwick Airport South, West Sussex RH6 0YR:

Flight Crew..... Post - as above
Fax: + 44 (0) 1293 573996
E-mail: fclweb@srg.caa.co.uk

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REPRODUCTION OF FEEDBACK

FEEDBACK is published quarterly and is circulated to UK licensed pilots, air traffic control officers and maintenance engineers, if you are not already on our circulation, and would like to be, please send your application in writing to Kirsty at the above address.

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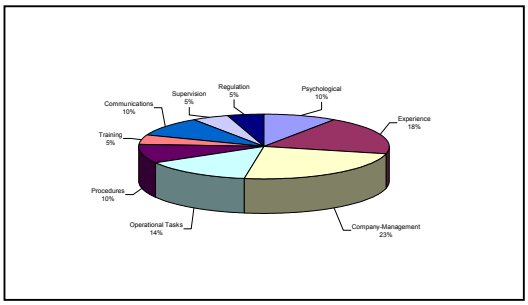
ATC REPORTS

ATC Reports received in Period: 5

Key Areas:



CALL SIGN CONFUSION AND LEVEL BUSTS

On the matter of callsign confusion, (which obviously can cause level-busts) why do we not still use the old tried and tested method of dealing with this? I remember that when Trip Numbers started to be used as callsigns, if we had two similar trip numbers on frequency together, we just asked one crew to use their aircraft registration as a callsign for the rest of the flight, or at least for the rest of their time on the same sectors. It worked a treat. It was, of course, easier back then to just amend the paper strips, but I think even our modern electronic processing of strips will allow this change to be made relatively easily

On another cause of level busts, why does the international community not do something to deal with the American misuse of the word "Maintain"? In every other country, I believe, "Maintain" is used to mean "stay at the level you are at." It never means climb, or descend. Americans however use "Maintain" to mean "climb, or descend to the level mentioned and then maintain it." This is an incorrect use of the word "Maintain" and a definite source of level-busts. Can ICAO not issue an instruction to all States, that crews must not change level without the specific instruction to climb, or descend?

If, as does happen, a crew receives a "Maintain" instruction from a controller that contains a level which is not their current level, they must query the instruction, as all non-US crews naturally do.

In spite of the obvious safety implications of confusion between similar callsigns, this problem continues to exist with some operators. NATS advise that although the option to switch to an aircraft registration remains available to controllers, the integrated nature of the ATM system, the short distances within some ATC sectors and the processes by which information is passed between sectors and Area Control Centres do not easily accommodate a callsign change.

As regards use of the word "MAINTAIN", ICAO specifies the correct use of the word in PANS-ATM. This is as the reporter states above and, interestingly,

includes a note which states 'The term "MAINTAIN" is not to be used in lieu of "DESCEND" or "CLIMB" when instructing an aircraft to change level'. Notwithstanding that individual States may elect to file differences to ICAO Standards and Recommended Practices, it is difficult to understand why this particular standard should not be complied with universally.

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RUNWAY INCURSION - TO FILE OR NOT?

"ABC123 taxy to Holding Point Delta, RWY##". '` G-AB Clear to land RWY##"

ABC123 is a twin turboprop on a scheduled departure to Europe: G-AB is a GA aircraft making a full-stop landing: Holding Point "D" is our holding point for RWY## on an intermediate intersecting taxiway from which a backtrack to either end of the RWY is required.

ABC123 taxies from the apron to HP "D" but crosses it whilst I am engaged in taking down his airways joining clearance. (We are single Approach/Tower operation on many occasions.)

The landing GA aircraft has passed the intersection during his landing roll.

I look up and see that ABC123 is about to enter the RWY. I immediately advise him that this is a runway incursion and I will be taking reporting action. I then instruct him to enter RWY##, backtrack, line-up and wait. No further comment on the incident is made on the RTF and he departs as normal.

Within a short while I complete the MOR but as time passes I start to consider whether or not to file it. It is a home-based Scheduled Carrier: we are all friends and I know the Captain socially. I find the situation a little awkward to say the least. I decide to await his return and talk to him.

We meet and he is undoubtedly at least a little embarrassed. He gives no explanation for his mistake. He agrees that he saw the GA aircraft pass the intersection. When I suggest there may have been another aircraft on final approach he said he had had a good look.

I then had no difficulty in advising him that I was going ahead with reporting action. I felt we both had something to learn from the incident, especially as runway incursions appeared to be "flavour of the month". (I had recently received and read the leaflet enclosed in my last copy of `FEEDBACK'.) I asked him whether he had seen it. He couldn't say that he had!

The reporter's subsequent uncertainty whether to file a report is understandable, particularly in circumstances similar to those described, however, both ATCOs and pilots are required by the MOR scheme to report a runway incursion incident. It is important that information on incidents such as this is available to permit the causes of errors of this type to be investigated so that, where necessary, action may be taken to avoid a more serious incident.

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RULE 5 & SVFR CLEARANCES

Whilst air traffic controllers are, quite rightly, concerned about intrusion into controlled airspace, I find it regrettable that their safety concerns do not extend to breaches within their zones of CAP 393 - Air Navigation: The Order and the Regulations; SECTION II - The Rules of the Air Regulations 1996; Rule 5.

There are pilots who continually put their lives and the lives of others at risk by ignoring this regulation. A further aspect is that were an accident to occur involving an aircraft being flown under such conditions, the reputation of all GA activities would suffer. Nevertheless, it is commonplace for some commanders of single-engined aircraft to request and receive SVFR clearance into ### Controlled Airspace stating their intentions to overfly the city and its surrounding built up environs.

It may be that there is widespread misunderstanding of the rules and that it is believed that an SVFR flight provides exemption from Rule 5(1)(a)(i), the glide clear requirement, which surely it does not.

It would seem to me that the standard response to requests under these circumstances would be for ATCs to point out that the requested flight would be in breach of the rules and that the aircraft commander, if he/she were to proceed, would be reported.

I have witnessed several recent instances of such breaches; these include single-engined aircraft routing directly over or close to the centre of the city on a Special VFR clearance not above 1,500 feet on the QNH. A further example was a photographic flight over the city centre not above 1500 feet.

I believe that ATCs other than this Unit have similar experience.

I should be grateful if my concern and my suggestion might be given consideration and might perhaps be mentioned in FEEDBACK/GASIL.

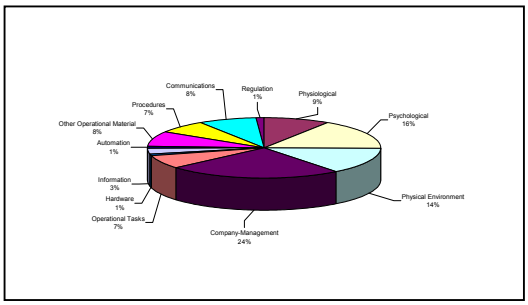
As the reporter notes, whereas a fixed wing aircraft operating under a Special VFR clearance or on a notified route such as a low level corridor is exempted from being required to fly at 1,500ft above the highest fixed object within 600metres of the aircraft (Rule 5 (2)(a)(i, ii), it must be at a height that would enable the aircraft to alight clear of the area without danger to persons or property on the surface, in the event of failure of a power unit (Rule 5 (1)(a)(i).

As to ATC's responsibility to warn pilots requesting a SVFR clearance, it remains the responsibility of pilots of single-engine fixed wing aircraft to ensure that the route over large, congested areas is planned so as to permit the aircraft to be able to glide clear and land in a safe area following an engine failure.

FLIGHT CREW REPORTS

Flight Crew Reports received in Period: 31

Key Areas:



MISHEARD CLEARANCE - LEVEL BUST

On arrival at AAA (*a major UK airport*), we entered a hold at ### at FL150 with approx 30mins delay due to strong winds. Stepped down in the holding pattern 1000' each hold (approx) i.e., 150, 140, 130, 120, 110, 100, 90.

We transferred to AAA Director at around FL100. Next clearance understood as descend FL80 (next lower level). At or near FL80 ATC ask if we have TURNED onto heading 080!

Need I describe that dreadful feeling? Mortified! I apologised on the R/T, ATC responded, "No problem", gave updated heading and further descent. However, AAA is not the place to be at the wrong level and heading on a busy, rough Sunday night!

Having given the incident much thought in the days following the incident, I believe that a major contributing factor was the expectation, quite reasonably, of further descent to FL80 and hearing what we thought we should hear, thus confusing heading and cleared level.

As vulnerable as one can be on a new type, it could have happened on my previous type (23 years 13,000hrs).

Also, I had a good First Officer.

This is a good example of how easily an ATC instruction can be misinterpreted, when it sounds similar to one that you are expecting.

In an attempt to reduce errors of this type, NATS has mandated that when an ATC heading instruction ending in a zero is given the word "DEGREES" is to be added. Interestingly, current evidence is that many pilots do not include this term in their readback; it is recommended that this be done.

In a situation like that reported, the importance of both pilots listening to ATC, and also the clearance being read back to the ATCO to close the information loop is obvious.

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MISHEARD CLEARANCES

I understand the CAA Flight Operations Department Communication to operators still applies where pilots were discouraged from making Company calls, PA announcements, monitoring ATIS etc during climbs and descents and other periods of high workload.

In other words both pilots were to monitor ATC in order that instructions were not mistaken. If I remember correctly this precaution is to avoid level busts and avoid potential incidents including Airprox and terrain related incidents. I am very concerned that operators are not enforcing this wise counsel from the CAA.

Also the standard of R/T seems to vary significantly throughout the UK; this also has safety-related implications.

FODCOM No 2/97 was issued following a review of aircraft separation procedures in UK airspace in the wake of the mid-air collision between two transport aircraft over India in November 1996; The FODCOM remains extant and includes recommended procedures for maintaining RT vigilance on the ATC frequency during climbs/descents in order to reduce Altitude Violation incidents.

Lessons learned from major accidents tend to be forgotten over time as the risk of a recurrence is perceived to reduce. Regrettably, sometimes this can contribute to the same type of accident being repeated only with different individuals involved.

As noted on Page 1, a CAA/NATS/Industry working group is studying the issue of RT vigilance. Pending the outcome of this study, do your company procedures accord with the recommendations of FODCOM No. 2/97 and are they strictly observed?

The FODCOM is available on the CAA website at: www.caa.co.uk/publications/publications.asp?cattype=sercat&id=4

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AUTOPILOT 'GOTCHA'

After a continuous series of 1,000' descents FL70>60>5000' we didn't notice the autopilot had not captured 5000'. We descended to 4650' before recovering our assigned altitude of 5000'. ASR filed by the Captain and ATC.

The ### has a unique autopilot (so I'm told!) in as far as the ALT CAPTURE function requires an input of the assigned level and ALSO a push of the "ALT SEL" button. During a descent in VS mode (eg 1,000fpm), the autopilot will happily descend through the level dialled in unless the ALT SEL mode has also been manually armed. In the last 1000', any adjustments to the vertical speed or pitch modes can cause the ALT SEL to disarm, with results as described above.

A continuous series of 1,000' descents with this system leads to a lot of button pushing to set the correct modes to continue the descent without levelling off. At the last stage, after setting QNH, neither pilot noticed that ALT SEL had not armed. Perhaps I double pushed ALT SEL (it was a little bumpy up there), perhaps I didn't push it at all. Either way, PNF was distracted by starting the approach checks. I called for these too soon really, we had plenty of time to carry these out after the level-off at 5000'. As PF, I accept responsibility for the incident. The moral of the story is with 1,000' to go, don't do anything except fly the aircraft! In a series of 1,000' descents with the last minute clearance for a further 1,000' descent I was continually in the "1,000' to go" regime and my inexperience led me to call for the approach checks at a time when my priorities should have been elsewhere.

Lesson learned!

p.s. Thanks to the ATC Unit for attracting our attention to the deviation I can't help wondering when we would have noticed the continued uncleared descent into busy TMA airspace.

A number of Automatic Flight Guidance Systems introduced in the 1970s/80s had similar design features, although the version of the twin turboprop featured in this report was certificated more recently.

The type of crew error described in this report was identified by the Level Bust Working Group as the cause of a significant number of level bust incidents in the UK. The Group recommended that AFGSs with this feature be modified, however, this was not possible.

This AFGS design feature renders crews vulnerable to errors similar to that reported, particularly when performing a sequence of step-down descents in a busy Terminal Control Area environment. Thus, it is particularly important to monitor closely the aircraft's actual flight path in relation to that intended.

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ELECTRONIC STANDBY INSTRUMENTS

At the beginning of this season my company received three brand new ### which were immediately put to work servicing our summer schedules. My concern over these aircraft is that the manufacturer have seen fit to remove the analogue standby instrument suite and replace these conventional instruments with a single, small Integrated Electronic Standby Instrument (IESI). This clever little device is an LCD display which combines altitude indication, speed tape, altitude tape, heading tape and ILS and it is no doubt very reliable, light-weight and relatively inexpensive to maintain. However, my major concern is that I don't know how to use it since the use of speed and altitude tape is beyond my experience level and, I suspect, that of the majority of my colleagues. There is currently no simulator training available in order to gain the necessary skills such that the aircraft could be operated safely with sole reference to the IESI and I am surprised that the CAA certified the use of this instrument prior to pilot training being undertaken. Evidently the aircraft manufacturer considers the new instrument to be completely "intuitive" but as one who has spent his total flying career using round "clockwork" ASI's and altimeters I can testify that most certainly it is not.

To be fair, our aircraft which utilise the IESI are all fitted with hydraulic motor generators (HMGs) so that a reversion to standby instruments is a very remote possibility. However, there is no guarantee that the new aircraft that we receive in the future will be HMG equipped in which case a double AC BUS failure (we had one in the fleet last year) would certainly degrade the flight instrumentation to a small glowing LCD display. I for one do not wish to attempt flight in this manner even in VMC until I have gained the necessary skills in the simulator any more than I would wish to experience an engine failure having never been trained in asymmetric flight!

The aircraft type in this report is not fitted with full EFIS primary flight displays and thus, for pilots such as the reporter with no previous experience of tape speed/height displays, it is questionable whether the use of an IESI could be described as 'intuitive'. Use of the standby instruments is often included in type conversion training; in the case of aircraft types without EFIS, it could be argued that the simulator should be configured with an IESI, or equivalent training in its use should be scheduled.

Notwithstanding the above, it is generally accepted that the IESI display represents an improvement over earlier electro-mechanical standby flight instruments, which were often scattered around the instrument panel.

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MORE ON RAMP DAMAGE

Your item on ramp damage reminds me of an incident at AAA *(a major UK airport)* ten years ago. We were ferrying an empty twin turboprop from AAA to BBB and noticed a curious speed-related vibration in flight. On arrival at

BBB we had a good look around the outside, and it didn't take long to find that the left nosewheel door operating strut was broken so that the door had blown upward causing quite major damage to a skin panel.

It was plain to see what had caused the trouble. There were rubber marks across the door and elsewhere, which showed that a GPU positioned on the opposite side of the nose to the power socket had been towed away with the lead still attached. This must have happened after the aircraft had arrived at AAA the previous day, the aircraft having been parked for about 24 hours.

It was clear that the guilty party had been aware of the damage, and had put the broken door strut back in place so that it appeared normal unless you gave it a very hard tug. The rubber marks were not likely to have been spotted on a pre-flight as the aircraft was a rather dirty one with a lot of marks and bashes on it.

The handling agency stoutly denied any fault (they would say that, wouldn't they?) and there was no CCTV record of the event. However , soon after that all tugs and GPU sets owned by ### *(the handling agent)* began to feature large notices saying it was vital to check that the GPU was disconnected before towing it away.

Perhaps it could be argued that we should have done a more careful pre-flight, although a pre-flight however careful will not pick up every possible fault. However, the fact remains that someone did the damage, they knew about it, and definitely succeeded in covering it up. Finally, the lessons from the incident seem to have been forgotten, since not all their tugs and GPUs now have the warning notice any more.

Another good example of the potentially serious and costly consequences of unreported ramp damage. Also, has the lesson of this incident been forgotten?

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LACK OF CO-ORDINATION

Being under Advisory from ### Military initially we were informed of traffic to our west which was apparently co-ordinated. Suddenly the controller said ABC123 (us) turn hard left onto 090° (east). As soon as we established on 090° he said, turn hard right onto 180° (south) when established on that heading I saw a military fast jet very close to us on a heading of about 150° slightly lower than us. It was so close that I could see the pilot's helmet in the canopy. The aircraft was identified as "XYZ1".

I have flown this area for four years and these situations occur on a regular basis. I find that it is usually the commercial traffic that has to get out of the way which in my opinion is wrong.

The reason we had to "zig-zag" as I found out later was that there was no communication between the controller and the aircraft in question which is unacceptable as the controller was a Military Unit!

The circumstances of this incident, as reported, warranted the submission of an Airprox Report. The filing of an Airprox Report permits the cause of close encounters to be established and also provides information on the frequency of such occurrences, which in turn enables appropriate action to be taken.

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FLIGHT CREW ORDERS/BULLETINS

In the last few months a large number of Bulletins have been produced by members of management varying our Operations Manual Part 1, which is the CAA Approved document to which we operate. I do not necessarily disagree with the contents of these Bulletins, but they do not have an expiry date or even a statement that the CAA approves these variations. I have been told that another Bulletin has been issued varying our low visibility procedures and yet another Bulletin will be published on the (Company) internet site, on RNAV approaches, (this, of course, disenfranchises all those, like me, without a computer). I am not the only individual who has heard multiple complaints about the confusion this is causing. I recently queried this confusion with a senior colleague and he told me that the CAA Inspectors had stated that "they were very relaxed about all the different Bulletins".

Well I am not, neither are my colleagues, and confusion is dangerous. Please get something done!

The reporter's concerns were discussed with CAA (SRG). The following is a summary of their response:

First it is relevant to note that CAA (SRG) does not approve Operations Manuals in their entirety, but only approves some parts; other entries and amendments are accepted.

As regards the dissemination and availability of Flight Crew Orders/Bulletins, in the event that an operator does not provide computers to crewmembers, FCOs/Bs must be made available in hard copy.

The Operator in question uses FCOs/Bs and no other form of communication to issue all essential information. These are available both in crew rooms and in the aircraft library. Company information other than that contained in FCOs/Bs that is either of an administrative or advisory nature is disseminated electronically.

The statement attributed to CAA Inspectors is not correct. All new FCOs/Bs are reviewed by the Operator's designated Flight Operations Inspector.

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SYMPATHETIC ROSTERING?

Crewing at ### now seems to encourage working into discretion by making the alternative much more undesirable. The most common occurrence is on four sector days when delayed from the start, and the duty becomes unachievable. The following have all happened in the recent past:

1) Duty: Four Sectors: Following a delay, crewing advised that we would be unable to complete the planned duty prior to sector one, (plenty of time to replace us for sectors 3 & 4). They told us to complete 3 sectors and then position home. Meanwhile they would position another crew to AAA to operate our fourth sector (with us in the back) then they would have to TAXI home (5 hours+) in rush hour. Not surprisingly we continued the duty.

2) Similar four-sector day, told crewing early in the day it was not possible to complete the planned duty. We were told to operate 3 sectors and then have minimum rest, without night stop kit, before operating home. (Not just one sector back, but another long duty!) Again, we operated the rostered duty.

3) When we do not work into discretion we are placed on airport standby until the last minute of max FDP expires, despite the fact we are useless to them for hours before that.

4) Also, cabin crew who have completed a longer duty day than the flight crew, and are not considered fit to work into discretion are frequently told to operate 3 sectors and position home in the empty cabin. With all passengers waiting in the lounge, and the argument "well you're going anyway..." most do operate the flight. Even if they don't, they are still expected to execute all safety and security procedures!

I am fully aware that the decision on whether to work into discretion rests with the Captain, and in an ideal world the only consideration should be fitness of the crew to operate. In fact, we are constantly reminded from management that no "favours" can be requested for working into discretion, as this could be seen as enticement. Crewing are, in my opinion, coercing us to continue, by punishing us for refusing. The practices are so frequent that I also believe that they are encouraged, or at best accepted, by the Crewing/Rostering management.

Realistic scheduling should ensure that Discretion is a rare occurrence. When a delay is incurred at the start of a multi-sector flight duty period the practice described in this report of positioning both operating and non-operating crews is permitted provided that, when necessary, the length of the subsequent rest period is adjusted accordingly.

As the reporter notes, the sole determinant in an aircraft commander electing to exercise Discretion should be the fitness of the crew to undertake the flight. In exercising discretion and completing the necessary report forms what should be an exceptional and rare occurrence is highlighted to both management and CAA (SRG) through the Flight Operations Inspector assigned to the company.

Cabin crew who are required to carry out any operational duties on empty flights are considered to be undertaking part of an FDP and are still subject to FDP limitations. Hence any post-flight positioning duty must be as a passenger, with all safety and security duties being carried out by the flight crew.

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DISCRETION VS REST

This report concerns my F/O going into discretion and his subsequent rest.

On the day in question, the F/O checked in earlier than myself and had worked 2 sectors by the time we joined up. We flew a further 3 sectors together, bringing his total (sectors) for the duty to five. This gave him a max crew duty allowable of 11 hours.

Due to delays, we realised that in completing the last leg into AAA the F/O would go into discretion by 30 minutes, thereby completing a total duty period of 11 hrs and 30 mins. He was happy to accept this to complete the duty.

As we were staying in a company hotel at the airport, Crewing judged that the F/O's minimum rest was only 11 hours even though he had gone into discretion by 30 mins, and required us both to report for further duty after this reduced rest period. I was able to do this but I was not sure whether or not this was legal for the F/O.

I later checked the situation out with the CAA FTL Hotline who agreed that whilst the early report for the F/O seemed a bit daft, under the present rules it was all quite legal.

My question/plea is:

If it is important enough for me to formally assess the F/Os state of well being and fitness ref going into discretion and then important enough to fill in a detailed report about it, it is surely important enough for him to have this extra time off as rest. Please can the FTL rules be changed so that in circumstances like these (not uncommon these days) the act of going into discretion overrules the "11 hour reduced rest in the hotel" rule?

The First Officer's total duty period (11hrs.30mins including discretion) required a minimum rest period of 12 hours. In a case where the required rest period is 12 hours, CAP 371 Third Edition permits an operator

to reduce the rest period by one hour if the rest is taken at a hotel within 30 minutes of the airport. This alleviation is not applicable to rest periods greater than 12 hours, therefore when the preceding total duty period exceeds 12 hours, the operator's option to reduce rest is not available.

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DISCRETION, FROM ANOTHER VIEWPOINT

I am writing to you in the hope that you might provide a definitive answer to an ongoing operational query regarding the rights of a captain to refuse to exercise Discretion to extend a crew's duty period.

Recently I was asked to operate a straightforward two-sector day, from AAA to BBB and return. My report time was 06.00 local. The cabin crew, who reported 30 minutes earlier, were rostered to operate an additional two sectors, with fresh flight crew, on the completion of the first two sectors.

Based upon a simple interpretation of the Flight Time Limitations, the cabin crew were only legally able to operate the last two sectors as a result of a note, which permits the cabin crew to work to the flight time limitations of the flight deck if these are less limiting.

As I was only operating two sectors, the cabin crew, who might according to their four-sector day with an early report only have been able to operate a 10¾ hour day, (by merit of this technicality) they were now able to work to a 12 ¼ hour duty day (mine) - my duty period being less limiting than theirs.

Flying inbound from BBB, my homeward sector, (but the cabin crew's second of four) the company contacted me and asked if the cabin crew would accept an extension of duty of approximately one hour, as the next outbound flight was delayed.

I consulted with the crew in an open, sympathetic and constructive fashion and heard their viewpoints.

Based upon:

The fact that at least two of the crew were in the middle of seven-day duty periods.

The cabin crew's early start time.

The crew had only been able to operate the four sectors by merit of being able to extend their maximum FDP to that of the original flight deck crew.

The extension that had been requested was based on an estimated time of departure for the cabin crew's next sector.

A new captain was due to operate the two additional sectors giving rise to some ambiguity as to which captain should be making the decision to go into discretion.

My own view, supported by CAA guidance, is that discretion should be used only in exceptional cases and not as a matter of routine. I also understood that discretion was intended as a means to "get you home" when things had gone awry with schedules, due to unforeseen circumstances. It should not be used routinely to cushion impractical and unrealistic scheduling.

My decision was to decline the discretion and the company were informed of this decision. This was the first time I have taken a decision not to permit the extension of duty and for the reasons given I feel that the decision was balanced, fair and considered. I was deeply disappointed and disturbed to learn that the In Charge, almost immediately on return to base, had been taken into a private office by a cabin crew manager for an "interview", giving the opportunity to explain their actions. By the In Charge's account, the meeting was little more than a hectoring "b******ing". Quite clearly there is a culture whereby the use of the Captain's discretion not to extend a duty may be treated as a failure on the part of the crew to stand by their employer.... an act of disloyalty.

I had considered that terms such as "adequately rested" are open to various interpretations. If a crew is not "adequately rested" it could be argued that they should not have reported for duty at all. De facto, if they do report for duty they can be considered fit for any variation that might arise? This would be the company's viewpoint.

In this case, I do wonder under what circumstances the company might see it reasonable for a crew to decline to work into discretion? This case, as described, was the most glaringly obvious example of such a situation in my entire flying career, when the rights and decision of the captain, on behalf of his crew, should have been seen to be upheld by the company, and not diminished.

I would be very interested to hear of the CAA's/CHIRP's interpretation of the rules based upon this example.

This matter was raised with CAA (SRG) who provided the following response:

In the circumstances described by this reporter, the decision on whether or not to use discretion to extend the cabin crew flying duty period (FDP) could only have been made by the commander who would be operating with the cabin crew when the extended FDP needed to be applied.

If an operator wishes to question a commander's justification for using or for not using discretion, then it is this person who should be accountable after the event. (Whenever discretion is used, the commander must always submit a written report anyway, recording reasons why the planned FDP was insufficient.)

The flight time limitations rules published in CAP 371 allow for the cabin crew FDP to be based upon the FDP applicable to the flight crew with whom they will start operating: this ensures that an FDP based upon the cabin crew Standard Report Time is not the limiting factor. CAP 371 also specifies that a cabin crew FDP can be up to one hour longer than the flight crew FDP. As a result, cabin crew and flight crew can then work together throughout the flight crew FDP, facilitating good crew resource management (CRM).

In the situation described above, an acclimatised flight crew report time of 0600hrs local would allow them 12¼ hrs FDP in which to operate two sectors. As the cabin crew had been rostered to operate four sectors, their FDP would have been 11¾ hrs: this is based upon their first flight crew's start time of 0600hrs (10¾ hrs), plus the one hour allowed by CAP 371.

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POSITIONING - YES, DUTY - NO!

Pilots and cabin crew of a European non-scheduled operator that flies relatively frequently into/out of UK airfields were told by management that when leaving their home base and positioning by air to operate an aircraft that the time spent positioning is not Duty and Duty only begins when they arrive at the aircraft. The result is the crew can then do up to a 14-hour duty day on an aircraft, plus up to 4-6 hours of positioning.

I know the aircraft are ### (non-UK registered) but they operate in UK airspace! The crews are told if they do not comply with this they will be fired and if they don't like it leave, which some are doing. But I do not want these pilots coming in the opposite direction.

This matter has been referred to the Department for Transport, with a view to bringing this report to the attention of the National Regulatory Agency.

The report underlines the importance of a common comprehensive European Flight Time Limitations scheme that addresses issues such as the positioning of crews prior to a Flight Duty Period.

FLIGHT CREW COMMENTS

MORE ON REPORT TIMES

Your Feedback No. 67 contains a report about a company that's "making cabin crew report for duty before their official report time", and the implications for exercising discretion. My own company is doing exactly the same with Flight Crew.

Ex-main base, our Management Pilots have told us repeatedly that they want Captains and First Officers to report to the CSD (the senior cabin crew member) 10 minutes before our official, and recorded, report time. The Captain is then supposed to brief the cabin crew on flight time, weather, etc.

One immediate problem is that getting the information you need for the briefing can be difficult - it's not normally presented by the planners until our report time. So you need to start work 20 or 30 minutes before report in order to be able to conduct the cabin crew briefing.

Management haven't ordered us to brief the cabin crew, but Route Checkers are commenting adversely about Flight Crew who don't do so when on their annual check. In fact, recently this was the lead item in the Route Checkers' feedback we're given, well above operational matters like "lack of airspeed/altitude 'gates' being agreed before descent".

Our duty day is extended in other ways, too. After night-stopping away from main base, we're supposed to be picked up from the crew hotel at a time that will get us to the airport one hour before departure, and that's the time recorded as our on-duty time. However, a number of station managers can see the benefits of getting us to the airport early, so they arrange transport so that we get to the airport 1.20 or 1.30 hours before departure.

In this situation, it's not just about duty hours. Very often, it's in the hour before call that you have the best chance of getting a cat-nap, and that can make all the difference when you're coming back from the east coast of the US on a 2-man operation.

It doesn't affect flight time limitations, but our duty day is growing steadily at the other end, too. We're recorded as being off duty 30 minutes after chocks. However, at many airports down route it now takes up to an hour to clear customs, immigration and quarantine. At our main base, transport arrangements have (not unreasonably) been changed to save money; but that means it now takes an average of 50 minutes from chocks to off-duty.

We already do some long duty days, but these are now stretching at both ends. Unless we formally report the duty extensions, they go unrecorded.

This is one of a number of reports/comments received on this topic. CAA (SRG) has provided the following comment on reporting times:

It is the operator's responsibility to ensure that, under normal circumstances, the standard reporting time stated in the approved FTL Scheme is sufficient for the completion of all required pre-flight activities.

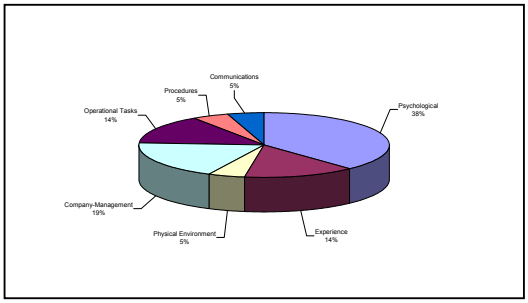
It is not considered acceptable for an operator to put pressure on his crews to report in advance of the stated report time, unless that additional time is counted as part of the FDP.

Where a pilot, because of his professional attitude to his position, decides to report to work earlier than the stated report time, then this is considered to be a matter for the individual pilot.

ENGINEERING REPORTS

Engineering Reports received in Period: 6

Key Areas:



A VERY DEFERRED DEFECT

The process of deferring defects is a safe procedure when it is carried out properly and with due regard for an appropriate time for rectification. This non-UK registered aircraft had suffered a number of related defects over a period of some 18 months but sufficient downtime had not been scheduled to allow for proper defect investigation and rectification.

I am writing to inform you of an aircraft defect that has existed for an extended time period. The aircraft is currently operating with at best continuous and weak attempts at rectification, or at worst 'signing off' to make the paperwork appear good. I have approached my Quality Dept with this on numerous occasions to be met with a negative and unconcerned attitude.

Whilst I am fully aware of my remit in this instance as an engineer with no power to certify (a foreign) registered aircraft, I am fully aware that all maintenance undertaken and certified on the subject aircraft is carried out by UK CAA Licensed Engineers within UK CAA Licensed facilities.

I have therefore been left with no alternative but to inform an Authority with power to force the commercial muscle of the operator involved to allow appropriate maintenance to be carried out by the very capable engineers and mechanics of the sister Engineering company.

The principal defect in question is a known defect to the manufacturer and appropriate repair schemes ARE available in the current effective Approved Maintenance Manuals (AMM)/Structural Repair Manuals (SRM).

My concern is that it will exist and continue to exist on this aircraft should no authority intervene. All Technical Logs and entries are available from the QA Dept. Uncorrected, a hi-temperature/pressure leak in the engine pylon area could destroy wiring looms or weaken inter-costal sealing/protective sealing films. There is evidence of this at present. This defect needs actioning!

The aircraft in question is a high time/high cycle machine. I only have the safety of my friends, the flight crew that fly this aircraft, the airworthiness of the aircraft and the basis of an organisation's safety in mind.

The problem was referred to CAA (SRG) who investigated the history of the alleged defect. The correct ADD procedure had not been taken. The matter was raised with the relevant Airworthiness Authority, following which the defect was properly deferred to a scheduled major inspection for rectification.

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SIGN OR STAMP?

At the end of a particular working day we were all approaching the security gate to leave work. I found as I went to sign out that my signature was already there. The quality of this copy of my signature was very good and I was surprised as this was after all a security gate. Someone had clearly been practising my signature. Later on I became very concerned that they might use my signature on some documents.

This extract from a longer report highlights the reason for having stamps to certify work. Common policy is to both sign and stamp. The signature denotes presence and the stamp confirms the authority of the signatory

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BATTERY PROBLEMS

I work on a permanent night shift (4 on 4 off), and this was my third night.

I had been working on one of the company's aircraft and was in the office about l am when I became aware of a conversation between a colleague and our supervisor.

It transpired that the battery switches had been left switched 'on', on another aircraft after the crew had left. Consequently there was very little charge left on both the main and auxiliary batteries requiring them to be replaced. The IPC had been checked and the part numbers for replacements checked with our Stores computer system. The main batteries required were both 40ampere hour (amp hr) rated but unfortunately the stores computer showed no stock in the company. It did however indicate there was an alternative part number. When this was checked it indicated that we had stock but they were only 36amp hr rated.

The part number for the 36amp hr batteries was checked with the IPC and Tech Instructions and other sources, nothing was found to indicate that these alternatives could be fitted and a CRS signed.

The shift supervisor called other personnel for advice because they had more experience on this aircraft type. They knew about the alternative part number and that it was rated differently and were quoted as saying they could be fitted.

Maintenance Control was also informed about the problem and said that if we could not get the right batteries then the aircraft would be 'Tech'. They urged the shift supervisor to advise fitment of the 36amp hr batteries and sort the paperwork out in the morning.

The shift supervisor asked my night shift colleague to fit the batteries, primarily because he held the Approval; he holds a section 'L' A&C licence not an electrical `X' nor is he B1 qualified. He thought, however, that he was authorised to fit the batteries under his 'black box' extension.

He was cajoled into fitting the 36amp batteries by the shift supervisor to meet the flying programme the next day. Both felt that they were doing the right thing by fitting the batteries and signing for them in the Tech Log, then leaving an open entry in the Tech Log for the part number to be checked with Technical Records & Quality Department to ensure the action was correct.

Later, no paperwork could be found to allow the 36amp hr batteries to be fitted legally. However, 40amp hr batteries were eventually found, fitted, and the aircraft dispatched.

Since this incident the manufactures have said the batteries should not be fitted to that particular aircraft type.

To conclude the LAE was pressurized into fitting the batteries by the supervisor and by implication Maintenance Control. It would have been better to wait for the response from the manufacturer. Also, this LAE along with other A&C/B1 LAE's are confused over the extent of their authorisations under the new and old licensing systems.

Every indication was that the 36amp/hr battery was not approved for fitment. In particular, the Stores record-keeping system was not an approved listing of alternative parts and thus should not have been used to over-ride the manufacturer's IPC. This was subsequently proved to be the case; the company system has now been corrected.

The licence issues referenced were not relevant to the principal issue.

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CABIN CREW REPORTS

VISIBILITY OF ID'S

I challenged an aircraft dispatcher to show me their ID as it was not visible as they entered the aircraft. They showed it to me but refused to keep it on display claiming they had been through several layers of security to get to the aircraft and "didn't need me to challenge them on security".

On another occasion a ground engineer walked past me two rows from the flight deck door. Again, they begrudgingly showed me their ID but refused to keep it on display.

I find it counter-productive to security that some ground crew take offence at being challenged regarding ID's.

Department for Transport Legislation requires all staff to display the Security Pass issued to them, or one recognised by the Aerodrome Manager at all times while in a Restricted Zone (RZ) of an airport. The RZ includes all aircraft aprons and areas of terminal buildings affording access to these aprons. The Aerodrome Manager must ensure that anyone failing to display a pass is disciplined under their terms of employment. DfT Inspectors will also take appropriate action where staff are discovered not displaying their pass.

This report was forwarded to both the cabin services and engineering departments of the Company for information. Subsequently, the Company issued a reminder to all Engineers that IDs should be clearly visible at all times, including when onboard the aircraft.

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HAVE YOU REMEMBERED TO SUBMIT THE CHIRP SURVEY FORM?

YOU CAN:

1. post it to us in the enclosed FREEPOST envelope
2. **FAXBACK** on 01252 394290
3. submit it via our website at www.chirp.co.uk

THANK YOU!

CAA (SRG) ATS INFORMATION NOTICES (ATSINS)

The following CAA (SRG) ATS Standards Department ATSINS have been issued since February 2004:

CAA (SRG) ATS Information Notices are published on the CAA (SRG) website -

www.caa.co.uk/publications/publications.asp?action=sercat&id=2

Number 41 - Issued 12 February 2004

Runway Incursions - Use of Conditional Clearances

CAA (SRG) FLIGHT OPERATIONS DEPARTMENT COMMUNICATIONS (FODCOMS)

The following CAA (SRG) FODCOMS have been issued since February 2004:

CAA (SRG) Flight Operations Department Communications are published on the CAA (SRG) website - www.srg.caa.co.uk

2/2004

1. Clarification of MMEL Definitions

3/2204

1. Flight Operations Department Communication (FODCOM) Distribution
2. MEL Items
3. Aircraft Fatigue Research Workshop
4. ICAO Rescue and Fire Fighting Service Category Remission Factor

4/2004

1. Second Letter of Consultation: Proposal to Amend the Air Navigation Order 2000

5/2004

1. Operations Manual Requirements for the British Formula 1 Grand Prix Event, Silverstone 11 July 2004

6/2004

1. Runway Capacity Enhancement Measures in the USA

CAP 455 AIRWORTHINESS NOTICES

These Airworthiness Notices have been amended as of 2 April 2004.

The following have Technical or important administrative amendments:-

Number	Issue	Replacing (Issue)
1	17	16
4, Appendix 1	3	2
6	52	51
6, Appendix 3	17	16
Insert new No. 7 and Appendices 1 to 5 (First Issue)		
10	24	23
12	54	53
12, Appendix 7	6	5
17	7	6
26, Appendix 1	13	12
Insert new No. 45 (First Issue)		
46	19	18
46, Appendix 1	10	9
58	7	6
61	4	3
62	4	3
75	11	10
75, Appendix 1	3	2
94, Appendix 1	2	1

The following Notices are cancelled

Appendices 17, 52, 53, 54, 55, 56, 58, 59, 60 to AN12

AN 68

You may register for e-mail notification of amendments at www.caa.co.uk