

Safety Feature

The Danish Non - Punitive Reporting System

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During the year 2000, the stakeholders in Danish aviation - ANSPs, Regulator and Professional Organisations - began raising concerns over flight safety in Danish airspace. Their anxiety was that losses of separation between aircraft were not being reported owing to reporters' fears of sanctions, particularly if they were partly or fully responsible for the incident. Controllers' fears were very real, as they had previously been prosecuted in similar situations. Also, at that time, the Danish Press was reacting very aggressively to apparent breaches of flight safety within certain airlines.

The effect of these two factors combined to create a reduction in incident reports, with the Danish aviation system as loser, as lessons were not being learnt from likely mistakes.

Concern spread to the Danish Parliamentary Transport Sub Committee, which in turn called upon stakeholder organisation representatives to explain their case. The Committee then invested considerable time examining international legislation on the reporting & investigation of

aviation incidents and accidents. As a result of their investigations and research, a law that facilitated non-punitive, strictly confidential reporting possible was drafted and eventually unanimously passed by the Danish Parliament in 2002.

The law grants freedom from prosecution for those filing the reports, even though the reporter may have committed an erroneous act or omission that would normally be punishable. Reports are also granted exemption from the provisions of the Danish Freedom of Information Act. Investigators are obliged to keep information from the reports undisclosed. However, the Regulatory Authority is obliged to publish a bi-annual statistical overview based on the reports. It is also punishable by fine not to report an incident. Immunity from prosecution does not extend to reports of gross negligence or substance abuse.

Naviair actively supported the implementation process of the new reporting system as it foresaw huge benefit for the company's main product - flight safety. Care was taken to



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emphasise to employees that flight safety simply could not be enhanced if knowledge of the hazards was not gathered and disseminated, and how the reporting system would eventually be able to expound and hopefully eliminate the flaws that everybody recognised in day-to-operation.

Two years after the implementation of the new system, the number of separation losses reported had increased by over 300%. That said, it is vital that increases in the reporting of safety breaches are not seen as a sign that safety is declining. Quite the opposite. Correction of a situation which has been prevalent for years but until recently had gone unreported has enabled learning to take place from errors made and thereby add to increased safety.

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The effective introduction of a non-punitive reporting system relies on a number of pre-requisites. It is of paramount that the management of any company that implements non-punitive reporting systems fully buys into the idea. Secondly, reports must be handled in a strictly confidential and trustworthy manner. For the media to gain access to the reports, for example, would be totally counterproductive. It is also imperative for the quality of flight safety reporting systems that individuals, within certain well-defined limits, are granted immunity. Immunity can never and should never be total, although research does show that gross negligence and substance abuse are extremely rare factors in aviation incidents and accidents.

To prevent controllers from seeing reporting as a burden, the form of reporting has to be uncomplicated and straightforward. Feedback is also another vital element as it enables those who submit reports to see results from their efforts. The Naviair system feeds back to the reporter both when the report is received and again when analysis of the incident in question is concluded. So as to maximise learning from the reports and investigations, Naviair conducts group briefings at least twice a year, in which controllers discuss the reported incidents and analysis.

On and off record feedback from controllers and support staff suggests that the new system, established two years ago, is now solidly founded within the

wider Danish ATC system. Fears that the new reporting system might be seen as a general amnesty for every mistake made have all but disappeared as those involved take ownership of the scheme and see the improved flight safety which is resulting from their endeavours.

As Ralph Waldo Emerson aptly commented:

“Learn from the mistakes of others and you won’t live long enough to make them all yourself”

(A full Paper on the Danish system by Peter Majgård Nørbjerg is available at www.naviair.dk/ref.aspx?id=815)

