

Aviation Related Concern (ARC) Procedure

1. Purpose

The purpose of this procedure is to guide and direct the Authority on how it triages and investigates Aviation Related Concerns (ARC).

2. Scope

The procedure applies to ARCs received by the Inward Safety Information team that have been determined that an investigation is required. It excludes non-aviation related concerns and other general complaints.

3. Definitions

Aviation Related Concern (ARC): Information provided to the Authority by a submitter that believes an issue they have witnessed or ascertained is a concern relating to aviation safety, aviation security, Healthy and Safety at Work Act 2015 (HSWA) or Hazardous Substances and New Organisms Act 1992 (HSNO) practices. Does not include occurrences captured by the mandatory reporting requirements set out in Civil Aviation Rule Part 12 or as required by section 56 of the HSWA.

Submitter: Person or organisation that raises the ARC to the Authority. The submitter can be a member of the public, an aviation participant, Authority staff or other government organisations.

Subject: Individuals, organisations or aircrafts focus of the concern.

Occurrence Database: Module of the ASMS business system where occurrences (including concerns) are recorded.

Investigation Memo: An internal document used to summarise an ARC investigation; its contents should not be disclosed to parties outside of the organisation.

4. Key responsibilities

Manager Investigation and Response: Overall responsibility for the ARC process. Maintain oversight of the process to ensure performance and quality standards are met.

Team Leader Occurrence Team Investigation and Response / Manager Aeronautical Services / Manager Security Regulatory: Assign resources to and coordinate the investigation related to their area of responsibility (described below). Maintain oversight throughout the investigation to ensure it is carried out according to good practice and based on the principles outlined in the policy. Provide advice and support during the investigation.

Inward Safety Information Team (ISI): Responsible for receiving, triaging, classifying, and documenting all concerns and related information which may result in an ARC Investigation.

5. Process

The process map that outlines this process can be found in Annex 1.

Information about each step of the process is outlined below.

5.1 Receipt and recording of concerns

Concerns can be raised via email, internet form, phone, face to face or mail. Regardless of how an ARC is received the ISI team will:

- Collect and record information and details of the concern by logging an ARC type occurrence in the occurrence database.
- Classify the ARC Occurrence using the ARC Descriptor (see [ARC Descriptors – Descriptions and use guidelines](#))
- Contact the submitter of the information to get all required details if incomplete.

Where possible, the following information for an ARC should be gathered:

- Name and contact information of the submitter (unless they wish to remain anonymous). When there is more than one submitter, information of all submitters should be included in the occurrence. When Authority staff forward concerns to Inward Safety Information, the original submitter should be recorded, not just the staff member.
- Location of the concern where applicable (note some concerns do not have a specific single location).
- Identification of the organisation, person, or system about which there is a concern (where available). This may be a company, a person's name, or a participant ID.
- Date and time of any specific matter of concern where applicable.
- Description of the event that gave rise to the concern.
- What is the safety concern?
- Whether the submitter wishes to be notified of the outcome.

All steps undertaken by the Inward Information to gain further information regarding the ARC, including phone calls to and from the submitter, should be outlined as log entries in the occurrence database.

5.2 Triage of concern

Once the ARC has been loaded into the occurrence database the Inward Information then complete a triage of the ARC by reviewing the information and deciding on how to proceed based on the following:

Does the ARC fall within the Authority's jurisdiction?

Should the matter be referred to another agency to take primacy?

Is it possible to identify the individual/aircraft or company subject of the concern?

Inward Information will assess the safety risk to decide if an investigation is required and identify the appropriate unit to carry out the investigation. They will seek advice from other units where necessary.

Possible outcomes of the triage are:

- **No further action:** If an investigation is not considered appropriate, then the decision taken and reason as well as any information and documentation relating to the concern shall be saved in the occurrence database (through an occurrence log entry). Where possible, the submitter should be notified.
Examples of decisions recorded are: No further action – breach of privacy by drone operator does not fall within the Authority's jurisdiction; No further action – not enough information

to proceed with investigation; No further action - referred to NZQA as the matter relates to welfare of students.

- **ARC Investigation required:** If the decision is to trigger an investigation, then Inward Information will raise a Work Request (WR) in the business system after attempting to capture all information as outlined above (in some cases not all information will be able to be gathered prior to a WR being raised).

If the assessment determines that the concern represents an immediate impact to safety, the issue should be raised with the appropriate Unit Manager as soon as practicable in addition to the creation of the ARC WR.

5.3 Raising a Work Request

The WR type will be determined based of the area of responsibility as outlined in the below table:

ARC WR type – Responsible unit	Area of responsibility
ARCA - Aeronautical Services Unit (ASU)	<p>Aeronautical Services investigates ARCs that relate to:</p> <ul style="list-style-type: none"> • Air traffic Service • Airspace Hazards • Aerodrome Operations • Airspace Designation • Aeronautical Information • Navigation Aids • Provision of Meteorological Services
ARCS – Security Regulatory Unit (SRU)	<p>Security Regulatory investigates ARCs that relate to:</p> <ul style="list-style-type: none"> • Aerodrome • Air operator • Air traffic service organisation • Regulated Air Cargo Agent (RACA) • Aviation security provider
ARCG – Occurrence Investigation Team (IRU)	<p>All other aviation safety and health and safety related concerns, including but not limited to:</p> <ul style="list-style-type: none"> • Remotely Piloted Aircraft (RPAS) • Agricultural operations • Pilots and licencing • Airworthiness and aircraft maintenance concerns • Aircraft operation concerns, etc.

Upon creation, WR will remain in state OPENED in the system.

When an ARC WR is created, any information and documentation relating to the occurrence shall be saved in the appropriate InfoHub folder as soon as possible after the ARC WR has been raised (InfoHub folder is automatically created when the WR is opened).

5.4 Manager/Team Leader Review (WR in state OPENED)

The relevant Manager/Team Leader (based on the WR type created) will receive an email notifying them that ARC WR has been raised (in addition, the list of open WR can be obtained directly from the business system).

At this stage, the relevant Manager/Team Leader will conduct an initial review of the information provided in the concern to assess the risk presented, determine the risk priority rating and assign appropriate resources to carry out the investigation.

5.4.1 Determine risk priority

Questions to consider during review:

Are there risks or practices that require immediate intervention?

The initial review should establish the nature of the risk presented, which guides the urgency and scope of the Authority's response. Where required, the concern can be escalated, and other regulatory action may be initiated.

Does the concern fall within their unit regulatory oversight responsibilities?

If the concern falls outside of the Authority's jurisdiction but may be of interest to another agency, the Manager/Team Leader will ensure the information is referred to the appropriate agency identified, and then cancel the WR noting the actions taken. If the submitter has provided contact details, they must be notified of the decision.

If the concern is more applicable to another unit within the Authority, the Manager/Team Leader will engage with the Inward Information to ensure the appropriate WR is created before cancelling WR.

The risk priority rating determined in the review should be recorded in the appropriate field in the business system. The initial review activity, communications, and any decisions made should be recorded in the ARC WR through the log notes.

5.4.2 Allocation of resources and scoping of ARC

Based on the above, the Manager/Team Leader will assign staff members to the following roles in the ARC WR:

- Investigator: person in charge of carrying out the investigation and make recommendations on further steps to be taken.
- Peer Review: person in charge of reviewing the investigation, reviewing appropriateness of the recommendations made, and close the WR once the actions have been taken.

The Managers/Team Leader can assign themselves as Investigator or Peer Review, but cannot have both roles in the same investigation.

The staff members assigned must be informed that they have been added to the WR and provide guidance as to the scope of the investigation (this can be done using the "Send Mail" function in the business system).

At this point the WR will automatically change to state ASSIGNED.

5.5 **ARC Investigation (WR in state ASSIGNED)**

The staff member assigned as investigator is responsible for investigating the concern in accordance with best practice. This involves reviewing all the information regarding the ARC from the occurrence database, the ARC WR, the InfoHub folder, and where practicable gathering any other relevant information. The investigator can seek guidance or advice from the Manager/Team Leader if necessary.

During the investigation all investigation steps, progress made, enquiries undertaken, and other relevant information should be recorded in the system through log notes, as they occur. All evidence and relevant material to support the decisions should be appropriately saved in the relevant ARC InfoHub folder (see section 6)

When waiting for information, it is expected that the investigator will follow up progress at least every 30 days and reflect this into the log notes.

If corrections or updates to the occurrence need to be made (e.g. participant name/number, aircraft registration etc.), the investigator should arrange the amendment of the occurrence by notifying Inward Information by email (isi@caa.govt.nz).

If during the investigation the information reveals that the depth of investigation required is beyond the scope of the ARC process (including information indicating an immediate, major, or critical threat to aviation safety or security), the investigator shall escalate the case by promptly notifying the Manager/Team Leader, who will decide on what action or intervention to take. The decision must be documented and saved to the work request log and any associated information saved in InfoHub.

If assistance or input from a subject matter expert (SME) is required, the investigator should bring it to the attention of the Manager/Team Leader. They will request resources to the appropriate unit and assign the designated staff to the WR under the role of Technical Specialist. The level of involvement of the SME can vary from providing advice to the investigator, analysing evidence to conducting interviews or part of the investigation, however, the investigator is still responsible for carrying out the investigation.

5.5.1 Investigation findings and recommended outcome

Once the investigation is completed, the investigator should record their findings and make a recommendation on the actions to take using the [Investigation Memo](#). If the investigation reveals that it is a low risk event and is unlikely to result in an enforcement administrative outcome, findings and recommendation can be recorded in a log entry note in the system instead of in an Investigation Memo.

The recommendation should be in line with the principles included in the Authority's regulatory practice guidance documents. The potential recommended outcomes of an investigation are:

- **No further action (NFA)**: The investigation cannot be completed due to lack of enough information or evidence; therefore, no further action can be taken by the Authority.
- **No offence disclosed (NOD)**: Investigation has been completed and no offence has been disclosed. No further action will be taken by the Authority.
- **Educational material/advice (EA)**: Educational letter, material or advice to be provided to the subject.
- **Warning letter (WW)**: Issue a formal warning letter. This situation requires an ENI WR type to be created prior to the closure of the ARC WR.
- **Enforcement action (IN)**: infringement notice or prosecution action. This situation requires an ENI WR type to be created prior to the closure of the ARC WR.
- **Refer to another unit or agency (ROA)**: Refer to another unit for further work (e.g. special purpose audit, spot check, etc.). If further work from the Authority is recommended, the appropriate WR should be created prior to the closure of the ARC WR.

Once the investigation is completed, and findings and recommendations recorded, the WR should be referred to the staff assigned as Peer Review for review and approval. At this point the investigator should change the state of the WR to ASSESSMENT and notify the peer reviewer (this can be done using the "Send Mail" function in the business system).

5.6 **Review and approval of investigation (WR in state ASSESSMENT)**

The staff assigned as Peer Review will review the Investigation Memo (where applicable), the log notes and any supporting evidence to assess if the investigation was completed to the required standard and using appropriate judgement, and confirm that they agree with the recommendation.

The depth of the review will depend on the level of risk identified and complexity of the investigation.

If the peer reviewer believes further enquiries are needed or disagrees with the recommendation, they will feed back on the outcome of the review and refer the case back to the investigator. In this case the state of the WR should be changed back to ASSIGNED.

If the peer reviewer agrees with the recommendation and is satisfied the investigation has been completed to the required standard, the peer reviewer will record the confirmation and reasons in the WR log notes, change the WR state to ASSESSED and instruct the investigator to complete recommended actions and closure tasks (this can be done using the "Send Mail" function in the business system).

If the recommendation involves further actions (e.g. warning letter, infringement notice, audit spot checks etc.) the way forward should be decided in consultation with the appropriate Unit Manager. If a regulatory enforcement investigation is necessary, a referral shall also be made in consultation with the Manager Investigation and Response Unit (IRU). An appropriate WR should be raised before the closure of the ARC WR.

5.7 Complete closure tasks and update submitter (WR in state ASSESSED)

Where practical the investigator must update the submitter (and where appropriate, the subject) as to the outcome of the investigation keeping in mind any potential breach of The Privacy Act 2020. The submitter should be advised of the outcome even when the decision is not to take further actions. This should be recorded in the ARC WR log notes with a brief explanation of what the submitter was told and/or reference to the correspondence saved in InfoHub.

Once approved by the peer reviewer, the investigator should:

- complete the Investigation Memo (where applicable) including any corrections made in the review stage,
- ensure all relevant log notes are entered in the system and all evidence and relevant documents are appropriately stored in InfoHub,
- carry out the actions recommended in the Investigation Memo (e.g. provide educational material or advice to subject) if these haven't been done already,
- include reference in the WR log notes to any other WR created if further work is required,
- refer to the appropriate unit if any additional safety risk identified.

The [file completion checklist](#) can be used to reflect the completion of these actions. Once completed, the WR state should be changed to NOTIFIED for final check and closure.

5.8 Closure of work request (WR in state NOTIFIED)

Before closing the WR, the peer reviewer will do a final review to check that the actions have been taken, all relevant parties have been contacted, and documents and information has been appropriately recorded.

The peer reviewer will then proceed to close the WR using the appropriate closure code based on the outcome of the investigation (further guidance is available in [ARC investigation outcomes - Guidance](#)):

- **Closed-NFA:** Unable to complete investigation (e.g. due to lack of information)
- **Closed-NOD:** (no offence disclosed) investigation completed, no breach or safety risk was identified and no action was taken by the Authority.
- **Closed-EA:** educational material, advisory letter or advice was provided to subject.
- **Closed-WW:** Warning Letter issued. ENI work request created.

- **Closed-IN:** Enforcement action to be taken (e.g. infringement notice, prosecution, etc.). ENI / ENP work request created.
- **Closed-ROA:** referred to other unit for further work (special purpose audit, spot check, etc.). Appropriate work request created.

6. Recording of activity

Information recorded should ensure that:

- Decisions are informed, evidence-based and capable to withstand future scrutiny.
- The results of the investigation are available to the Authority for future considerations.
- Transparency, impartiality fairness and consistency of decisions can be demonstrated.

Due to the varied nature of ARCs and the associated investigation, the following repositories are used to record information:

- WR log notes: the business system is used to record all investigative steps taken throughout the investigation. All staff involved in the investigation should record their steps in the log notes.
- Investigation Memo: this document is used to record the findings of the investigation, recommendations and decisions as well as the rationale behind those.
- InfoHub folder created for the investigation: this folder is used to store evidence and other relevant information to support the decision.

The following information must be saved:

- Evidence of communication with the submitter (where appropriate).
- Documentation, information, letters, referrals, etc. and pieces of evidence that were made and part of the investigation or recommendation process (provided as part of the concern or collected throughout the process of the investigation).
- Investigation findings and recommended actions (Investigation Memo).
- Evidence of any correspondence generated throughout the process of the investigation or related to the concern (internal communications generated done using the "Send Mail" function in the business system are automatically included in the log notes in the system).

7. Related documents

- [Investigation Memo template](#)
- [ARC Descriptors – Descriptions and use guidelines](#)
- [ARC investigation outcomes - Guidelines](#)
- [Quality Attributes – ARC quality reviews](#)
- [Regulatory Operating Model \(ROM\)](#)
- [Aviation Related Concern Policy](#)

8. Relevant Legislation

- Civil Aviation Act 1990
- Civil Aviation (Offences) Regulations 2006
- Health and Safety at Work Act 2015
- Hazardous Substances and New Organisms Act 1996
- Regulatory Operating Model
- Use of Regulatory Tools

- Criminal Procedure Act 2011
- Summary Proceedings Act 1957.

9. Measure of effectiveness

The effectiveness of this procedure will be measured by:

- % ARC work requests closed within 180 days of raised
- % ARC work requests closed within one year of raised
- % of ARC work request that comply with the following quality attributes:
 - Timeliness
 - Appropriate judgement
 - Documents and evidence saved appropriately
 - Decision and reason appropriately recorded
 - Complainant notified of the outcome (where appropriate)

10. Document Control

Title	Aviation Related Concern (ARC) Procedure
Effective date	01/08/2021
Author	Christopher Gooch (Team Leader Occurrence Investigations) Jenny Harland (Technical Support Investigation and Response)
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Revision	Date	Description of change
2.0	July 2021	Process and procedure adapted to new operating environment.
3.0	11/11/2021	Typos corrected. Minor rewording for greater clarity. Reference to outcome classification guidance document added.

