



House of Commons
Transport Committee

**Offshore helicopter
safety: Government,
CAA and Oil & Gas UK
Responses to the
Committee's Second
Report of Session
2014–15**

**Sixth Special Report of Session 2014–
15**

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The Transport Committee

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Committee staff

The current staff of the Committee are Gordon Clarke (Clerk), Nick Beech (Second Clerk), Alexandra Meakin (Committee Specialist), Adrian Hitchins (Senior Committee Assistant), Stewart McIlvenna (Committee Assistant), and Hannah Pearce (Media Officer)

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Sixth Special Report

On 8 September 2014 we received a response from the Department for Transport to the Transport Committee's Second Report of 2014–15, Offshore helicopter safety, which we publish with this Special Report.¹

We also publish responses we have received from the Civil Aviation Authority and Oil & Gas UK.

Government Response

Introduction

The Government welcomes this opportunity to respond to the Transport Select Committee's recommendations on offshore helicopter safety.

We are pleased to note that the Committee has found no evidence that the Super Puma helicopter is any less safe than other helicopters used in the UK offshore sector and that there is also no evidence to suggest that UK operations are any less safe than operations conducted by other states, particularly Norway, who operate under a similar safety regime in the same hostile North Sea environment.

We welcome the Committee's acknowledgement of the wide-ranging and comprehensive review into offshore helicopter safety and strong recommendations on safety governance, airworthiness and equipment. These recommendations will take time to implement and the Government is committed to ensuring that these are addressed and followed through. The UK Safety Strategy Board, which includes representatives from the Department for Transport, Civil Aviation Authority and Air Accidents Investigation Branch will be responsible for tracking AAIB recommendations through to their conclusion.

Air Accident Investigation

Recommendation 2: "AAIB findings have a significant impact on survivors and their families, who deserve to be briefed on upcoming announcements. The AAIB must keep crash survivors informed on the progress of investigations." (Paragraph 19).

The Government and AAIB agrees that clear communications on the progress of an investigation through to its conclusion can have a significant impact on bereaved families and survivors of aircraft accidents.

Article 21 of Regulation (EU) No 996/2010 of the European Parliament and the Council of 20 October 2010, on the investigation and prevention of accidents and incidents in civil aviation, refers to the 'Assistance to the victims of air accidents and their relatives'.

¹ HC 289, published on 8 July 2014.

It states that each EU Member State shall establish a civil aviation accident emergency plan at national level and that such a plan shall also cover assistance to the victims of civil aviation accidents and their relatives. Additionally, Member States shall ensure that all airlines, established in their territory, have a plan for the assistance to the victims of civil aviation accidents and their relatives and when an accident occurs, the Member State in charge of the investigation, shall provide for the appointment of a reference person as a point of contact and information for the victims and their relatives.

The AAIB always appoints an Investigator-in-Charge (IiC) for each investigation it undertakes. The IiC is designated as the reference person as the point of contact for victims and their relatives. Additionally, in the case of fatalities, the Police assign 'Family Liaison Officers' (FLOs) to act as a point of contact to provide for liaison between the AAIB IiC and the families concerned. For each major investigation, the AAIB publish a 'Special Bulletin' (Initial Report), normally with 14 days of the accident and, as appropriate, 'Interim Reports' throughout an investigation. An investigation culminates with the publication of a 'Final Report'. Accident survivors and relatives of those fatally injured, are informed prior to publication in each case.

In the most recent North Sea helicopter accident, Inspectors from the AAIB had face-to-face meetings with the majority of the survivors who were given the necessary contact details for up-to-date feedback. They were also advised when the Special Bulletin was to be released. Additionally, in accordance with normal AAIB practice, as the anniversary of the accident approaches, survivors and the bereaved will be given an update on the investigation progress and informed that a presentation of the AAIB's findings will be given at the appropriate time.

EASA

Recommendation 7: "We note that the offshore industry has little appetite for transferring more responsibility for helicopter operations to a European level. As EASA accumulates more power over helicopter operations, the Government must uphold and entrench the CAA's ability to act quickly and unilaterally." (Paragraph 42).

The scope of EASA's responsibilities in respect of helicopter operations is unlikely to increase in the foreseeable future. The CAA is already empowered through EU law and the Air Navigation Order to take unilateral action to address urgent safety concerns as demonstrated by the issue of the Operational Directive. There are no proposals to change this.

Recommendation 8: "Regulatory inertia results in unnecessary risk for the offshore work force. At the moment, it is difficult to discern whether EASA is prioritising CAA recommendations. We note the Agency's assurance that it will swiftly implement commendations from national aviation authorities and investigation boards. In future, EASA must respond quickly and transparently to the CAA and the AAIB. The DfT must push EASA to improve its response and implementation times. We recommend that the DfT issues a formal response to the CAA review that addresses all 14 points relating to EASA. In addition, the DfT must ascertain what practical steps EASA is taking to speed up the implementation of recommendations derived from national aviation authorities and investigation boards." (Paragraph 44).

EASA's legal obligations in respect of responding to recommendations from the AAIB are set out in Article 18 of EU Regulation 996/2010. We expect EASA to comply with those obligations. If EASA determines that rulemaking is an appropriate response to an AAIB recommendation, there is a rulemaking process that has to be followed. Any rulemaking task will have to be prioritised within the overall rulemaking programme. The Government will seek to ensure that rulemaking tasks arising from recommendations from national aviation authorities and accident investigators are given appropriate priority.

EASA has formally responded to the CAA regarding the recommendations raised by the CAA review. In addition, it has an ongoing rulemaking task in respect of offshore helicopter safety with Notice of Proposed Amendment (NPA) being issued in 2013. The publication of Comment Response Document (CRD) for the NPA was delayed to allow any recommendations arising from the CAA review to be considered. The CRD, which was published on 14 August, contains a section explaining if and how these recommendations have been reflected in EASA's rulemaking proposal.

The recommendations made to EASA by the CAA review relate to areas for which EASA is responsible under EU legislation. It would therefore not be appropriate for the Government to formally respond to the CAA in respect of those recommendations even if EASA had not already responded. The CAA continues to discuss these recommendations with EASA and is aware of the progress being made.

Commercial Pressure/Public Inquiry

Paragraph 10: “The CAA Review did not consider the evidence that commercial pressure impacts on helicopter safety in sufficient depth. The Government must convene a full, independent public enquiry on investigate commercial pressures on helicopter safety in the North Sea operating environment. That inquiry must also examine the role and effectiveness of the CAA” (Paragraph 54).

The UK CAA is one of the most respected and highly regarded civil aviation authorities in the world. Authorities from across the globe often turn to the CAA for examples of best practice. The Committee itself has congratulated the CAA on its Offshore Helicopter Review and for quickly establishing a Helicopter Safety Action Group for overseeing and implementing the recommendations of its Review. The Government is committed to overseeing the implementation of the recommendations in the CAA Review.

With regards to commercial pressure, neither the CAA, Industry nor Government has seen any evidence to suggest that safety is being compromised as a result of commercial pressure from the industry. It is true that competition for contracts, particularly where contracts are offered at short notice or awarded at a lower price may impact on the ability of the operator to recruit and train for a new commitment, but there is no evidence to suggest this is the case. The Committee's report state that helicopter operators do not support the accusation that commercial pressure from their customers affects the safety of their operations and hotly dispute the suggestion made by BALPA.

It is important for the CAA and industry to be given time to implement the recommendations from the CAA's Offshore Review. In the circumstances the Government does not support the call for a public inquiry on this issue.

Response from Andrew Haines, Chief Executive, Civil Aviation Authority

Further to the publication of the report of Transport Select Committee (TSC) into the Safety of Offshore Helicopters, I am writing with an initial response from the CAA to those recommendations that were addressed to us.

The safety of those who rely on offshore helicopter flights is our absolute priority and the steps we announced in our February review will result in significant improvements in safety, some of which will be implemented quickly. They include: Prohibiting helicopter flights in the most severe sea conditions to improve the chances of rescue and survival; providing passengers with better emergency breathing systems; modifications to helicopters and survival equipment; and changes to the way pilots are trained. Taken together, we are confident that these will represent a real step forward in improving offshore helicopter safety and build on the many years of progress to date.

Our review actions and recommendations are now being progressed through the CAA's Offshore Helicopter Safety Action Group (OHSAG) that features pilot and workforce representatives, offshore operators and the offshore industry. Significant progress has already been made. For example, the new emergency breathing systems are a major improvement and are already being provided to offshore workers.

In terms of the specific recommendations from the Committee, we have reviewed these and offer the following response.

Recommendation 1. The CAA must ensure that helicopter operators regularly review all safety briefing material to ensure that it is up to date. In addition, the CAA must consult the offshore work force to ensure that safety briefing material is easily understood and fit for purpose. (Paragraph 16).

Helicopter operators are required to ensure that passengers are given briefings and demonstrations relating to safety in the event of an emergency. In offshore helicopter operations, a pre-flight video briefing package has been used, combining input from the helicopter operators (to meet their regulatory responsibility) and industry (to cover their additional, non-mandated equipment such as re-breathers and offshore protocols).

Now that we have mandated the wearing of passenger Emergency Breathing System (EBS) or, alternatively, seating restrictions to afford improved chances of successful escape², our cabin safety staff are working with helicopter operators and the oil and gas industry to ensure that pre-flight briefings properly reflect the safety equipment and procedures in use. Our flight operations inspectors regularly conduct inspections of operator processes, including attending their pre-flight briefings before flying on specific flights. As members of the oil and gas industry's Step Change in Safety, Helicopter Safety Steering Group (HSSG), we will continue to liaise closely with the representatives of the workforce to ensure that any issues arising from the presentation of safety information and helicopter

briefings are identified and acted upon. Further opportunities for issues to be raised or examined are through the OHSAG where appropriate action and tracking can be determined. Workforce union representation through the RMT, Unite and BALPA are present at both groups.

Recommendation 2. The AAIB must keep crash survivors informed on the progress of investigations. The CAA could learn a great deal by meeting survivors and considering their experiences. (Paragraph 19).

We have made an undertaking to meet survivors of accidents to learn from their experiences and consider suggestions for further improvements in safety and survivability.

Recommendation 4. At the same time, the CAA must be mindful of the effect of its actions and recommendations on the offshore work force and should consult with industry to ensure its demands are realistic and implemented in a way which continues to allow for "maximising economic recovery" as per the Wood Review. We were extremely concerned to hear about how crash survivors wearing safety equipment struggled to evacuate through egress windows after helicopters capsized in the sea. The CAA must set out how it will address that key issue as a matter [of] urgency. (Paragraph 4).

Our new Offshore Helicopter Safety Action Group (OHSAG) features pilot and workforce representatives, offshore operators and the offshore industry and will be the prime group to develop the changes outlined in February. We also engage with the oil and gas industry on a continuous basis through membership of the Oil & Gas UK (OGUK) Aviation Safety Technical Group (ASTG), and the Offshore Industry Advisory Committee (OIAC) Helicopter Liaison Group (HLG) run by HSE under the Health & Safety Commission. We support the oil and gas industry's Step Change initiative, attending the HSSG and participating in ad-hoc working groups as appropriate.

In particular, we have been working with the Step Change Passenger Size Working Group to develop a solution to the issue of passenger/exit size compatibility (CAP 1145 Action A9). This will be informed by the results of the ongoing Robert Gordon University size and shape survey commissioned by OGUK.

Recommendation 6. The CAA must undertake a joint review with its Norwegian counterparts to uncover why more occurrences are reported in Norway, despite its smaller fleet, and publish its findings within 12 months. (Paragraph 38).

We will conduct further work in this area focussing on the reporting culture and identifying any differences. Findings will be reported by 30 June 2015. Work has already been initiated with UK industry to explore differences in the types of events reported internally through company safety reporting systems compared to those reported as occurrences to the CAA.

Recommendation 9. The CAA must use its chairmanship of the Offshore Helicopter Safety Action Group to lead the standardisation of customer requirements for helicopter operators. This is as an opportunity for the CAA to demonstrate its ability and willingness to stand up and lead industry in reducing risk during helicopter operations. (Paragraph 48).

We reported on this area in our February review, stating that market-related issues lay outside the remit of the regulator, but we recommended that helicopter operators "identify a set of 'best practice' standard procedures and engage with their customers to agree how these may be incorporated into contractual requirements." (Recommendation 11). It was anticipated that this work should be completed by Q112015. We also recognised the burden that customer audits potentially have on helicopter operators and recommended that the oil and gas industry "review its audit and inspection practices to harmonise and pool audit schemes to reduce the impact on helicopter operators following the principles described in the Oil & Gas UK Guidelines for the Management of Aviation Operations. (Recommendation 10). It is expected that this work will be completed by 0112015.

In both areas, progress is being made. In the first (contractual standards), the helicopter operators' own Joint Operators' Review (JOR) has engaged with the oil and gas industry to identify where differences need action. We are actively engaged with this work -directly with the JOR and through the Offshore Helicopter Safety Action Group (OHSAG). The issue has been accepted by the UK and the wider global oil and gas industry, and was discussed at the international Oil and Gas Producers' organisation's Aviation Safety Committee on 07 August. The parties are addressing the audit burden issue together through the same mechanisms.

We will appoint an independent expert to separately monitor the safety-related aspects of this collaborative work. If, in our opinion, adequate progress is not being made, we will consider how improvements can be made using regulatory powers.

13 August 2014

Response from Malcolm Webb, Chief Executive, Oil & Gas UK

I write ahead of the Government's formal response to the Transport Select Committee's report on Offshore Helicopter Safety published on 30th June, to advise that Oil & Gas UK does not support the conclusions of your Committee's report, including your call for a Public Inquiry. Our reasons can be summarised as follows:

1. The Committee has taken a report of a single, 3-word quote taken out of context to substantiate a wholly unfounded finding that there is a "macho bullying culture" in the industry. The fact that the quote was made is hugely regrettable but it is in no way reflective of the industry position regarding safety. A better and more representative example of the industry's attitude to safety and aviation safety in particular, would have been to note that when concerns about the gear shafts arose following a EC225 aircraft ditching in May 2012 the industry, helicopter and oil company operators plus contractors and trade unions acting together, took the unprecedented step to call a "time out for safety" and voluntarily grounded all the relevant aircraft at considerable cost and operational disruption whilst checks were undertaken. The industry similarly took a "time out for safety" following the AS332 L2 helicopter crash in August 2013, voluntarily grounding the aircraft until AAIB had confirmed the cause of the crash was not mechanical. Furthermore on bringing the aircraft back into service the industry expressly acknowledged and respected the right of any individual not wishing to fly not to be required to do so. Many other examples of the industry's care, concern and positive actions regarding safety were available to your Committee had it chosen to enquire. Damning a whole industry on one isolated, unrepresentative incident is both unfair and unworthy of your Committee and certainly no grounds to call for a public inquiry.

2. Similarly the Committee's acceptance of wholly unsubstantiated allegations of commercial pressure being brought to bear on helicopter operators to relax their safety standards is an alarmingly weak evidence base from which to attempt to justify a plea for such an inquiry. Oil & Gas UK has repeatedly requested anyone having any such evidence to come forward, either in person or anonymously, but none has ever been forthcoming. The simple truth is that no such pressure has been applied and if it were sought to be applied then none of the helicopter operators operating in this country would succumb to it. Not only are their professional standards of operation far too high for there to be any risk of that but equally nobody would be so foolish to do so in view of the ethical, regulatory and commercial damage which would inevitably result from such wholly irresponsible behaviour.

3. Finally at a time when the CAA is in the process of implementing the 61 actions and recommendations contained in its report of 20 February 2014 which, as far as we are aware, has been broadly accepted by all of the engaged stakeholders as a strong and useful contribution to UK helicopter safety on the UKCS, we find it alarming that your committee should suggest that the CAA and the industry as a whole should now be distracted from that work and be subjected to a Public Inquiry seemingly intended to question the CAA's very competence as an aviation regulator. In our opinion not a shred of evidence has been presented to your Committee to justify such an inquiry into the CAA's

competence. Furthermore, we firmly believe that what is most important now, in terms of the safety of UKCS helicopter transport and hence that of the men and women working on the UKCS, is that the CAA should now be given the time and space to properly complete its work to implement its report in collaboration with the Industry and Unions through the Offshore Helicopter Safety Action Group. In our opinion the CAA should get on with and not be distracted from that work with a Public Inquiry of the type your Committee envisages.

I am copying this to the Parliamentary Under-Secretary of State at the Department of Transport for his information.

31 July 2014