


Airspace infringements: Fact file

CAP 2125

A large, abstract graphic composed of overlapping blue shapes. It features a dark blue curved shape on the right side, a lighter blue shape on the left, and a purple gradient shape at the bottom right corner.

Published by the Civil Aviation Authority, 2021

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First published April 2021

The latest version of this document is available in electronic format at: www.caa.co.uk/CAP2125

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Summary

In the following six chapters, airspace infringement facts will be presented as responses designed to bust popular myths under the main headings below:

- On airspace and infrastructure
- Pre-flight and planning
- Issues around infringements
- The immediate follow up to an infringement
- The decision process following an infringement
- Action taken after an infringement

Chapter 1

On airspace and infrastructure

Why does the CAA always blame the pilot following an infringement rather than the airspace design or lack of ATC service?

We don't; we look at all MORs in an independent manner and take into account all relevant factors. The more information a pilot can include in their report, the more we can look at other issues and take into account the effect of airspace and ATS provision. We will always look at the causal factors and take those into account. We do go back to ATC providers where there are examples of poor service; they are investigated by the individual ANSP safety Management system. If required, they will take any action necessary to prevent reoccurrence. This action could be anything from a procedural change to controller education. Anything major would be given to the CAA ATM Regulation Team. Additionally, we have a new process to be able to look at how the airspace is used and if necessary, this could lead to airspace reclassification or alternate ATM measures to enable better access. We also encourage pilots to report to us if they are denied entry to airspace when requested (using our form on our website <https://apply.caa.co.uk/CAAPortal/servlet/SmartForm.html?formCode=fcs1522>). We need that data to be able to follow up with ATC providers.

Why can't we have an FIS service like in France/USA that would stop infringements?

Unlike a lot of other countries, most ATC services in the UK are provided on commercial basis. Some ATC units may be prepared to offer a wider service but would charge for it.

Where an ATC provider wants to change airspace, we do seek to make sure they provide a useful service to airspace users and that can include making them provide a service in certain situations.

Examples of this are Farnborough, where they had to increase their controlling establishment to ensure the airspace was managed appropriately. Additionally, Norwich Airport was granted their airspace with a proviso that they had to provide access where possible and record when they couldn't (twice since 2015).

We are currently reviewing the current UK LARS service to see if it can be improved to better reflect the modern need and technical capability.

Are you doing anything about your disputed Rule 11 guidance around entering an aerodrome zone?

Rule 11 is there to protect the pilot operating in the aerodrome traffic pattern where the risk of mid-air collision is recognised as being highest due to high cockpit workload. Its correct application enables pilots to have increased situational awareness of other traffic operating proximate to the aerodrome.

We will shortly be launching a consultation to get wider views on the issue and then with that evidence we will look at possible changes to the rule.

Ultimately, we're trying to provide pilots with the maximum level of situational awareness of other traffic operating around the aerodrome, but we are conscious this needs to be appropriate.

Chapter 2

Pre-flight and planning

Is the CAA doing anything to help pilots stop infringing?

For a number of years, we've been doing significant levels of educational work, for example via the Airspace and Safety Initiative (ASI) at www.airspacesafety.com and working closely with local airfields airspace safety teams.

GASCo has designed and delivered a series of Airspace Infringement Avoidance Webinars: <https://www.gasco.org.uk/flight-safety-information/airspace-infringement-avoidance-webinars>

The ASI website offers resources, guidance and advice as well as example hotspots and lessons identified from previous incidents. Last year the site had over 65,000 visits.

We are running a major funding programme to allow GA aircraft owners to equip with electronic conspicuity devices.

For many years we have directly involved the GA community in helping to address the issue via the Airspace Infringement Working Group (AIWG). We also share significant data and information with the GA associations for them to pass on to their members and encourage them to pass on safety advice and information.

The CAA has membership to each of the eight Local Airspace Infringement Teams (LAIT) in the UK, established in infringement 'hotspots':

- Gatwick serving Gatwick CTR/CTA
- London serving London CTR/London City CTR/CTA
- Luton serving Luton CTR/CTA
- Midlands serving Birmingham CTR/CTA and East Midlands CTR/CTA
- Northwest serving Manchester and Liverpool CTR/CTA, Hawarden RMZ and Barton ATZ
- Stansted serving Stansted CTR/CTA
- Wessex serving Southampton CTR/Solent CTA, Bournemouth CTR/CTA and Farnborough CTR/CTA
- Yorkshire & Humberside serving Doncaster Sheffield CTR/CTA, Leeds Bradford CTR/CTA and Humberside ATZ

Each LAIT is focused on reducing airspace infringements through local initiatives and targeted actions. This work is reported to the CAA's Airspace Infringement Working Group (AIWG) and shared between LAITS for UK-wide infringement reduction. The membership of each Team includes (but is not limited to) the following representatives:

- Airport operator
- Airline representatives
- Air Navigation Service Provider (both Tower and Approach if required)
- Adjacent ATC units
- Adjacent aerodromes
- Airspace4All
- CAA
- General Aviation Safety Council
- Local airspace users (including General Aviation and military)

Chapter 3

Issues around infringements

What role does the AIWG play and who is on it?

The Airspace Infringement Working Group (AIWG) is a Civil Aviation Authority (CAA) sponsored cross-industry working group. Its purpose is to monitor airspace infringement data and identify trends in order to identify, propose and instigate corrective actions in order to significantly reduce the incidence of, and risks associated with, airspace infringements for the benefit of all airspace users. In identifying causal factors and determining corrective actions, AIWG will consider whether airspace design or pilot training and competency are features of the pattern of infringements.

Having considered statistical or other evidence, the AIWG will make recommendations for corrective action to the appropriate regulatory or industry body. It will also act through its membership to alleviate potential problem areas where this is deemed appropriate. Such recommendations may seek regulatory change, or the development of appropriate education and awareness material, and may either be UK-wide, site-specific, or user-specific

The AIWG aims to consider whether airspace design or pilot training and competency are features of the pattern of infringements.

Using data and other evidence, the AIWG makes recommendations for corrective action and publicise changes and education vis the organisations represented. These may seek regulatory change, or the development of appropriate education and awareness material.

It currently comprises 19 organisations, the full list of members is available at <https://airspacesafety.com/infringement-groups/>

GA bodies represented currently include:

- British Hang-gliding and Paragliding Association
- British Gliding Association
- British Microlight Aircraft Association
- General Aviation Safety Council
- Independent Pilot/PhD Student
- Light Aircraft Association
- London LAIT (Blackbushe Airport)
- PPL/IR Europe
- Vintage Aircraft Club

The AIWG also has a causal factor working group. Independent of the CAA, it has for three years been publishing its findings into infringements where we have an MOR and pilot report (reports published here: <https://airspacesafety.com/infringement/>). The more open reporting and information this group has access to from pilots, the better it can help to tackle the issue.

Why does the CAA have to take heavy-handed action against people who only slightly infringe?

We always consider confirmed infringements based on the effect they have on the traffic or controller in the related airspace. Although an infringement might be geographically 'slight', that doesn't always mean it has less impact on other traffic or controller capacity to deal with the issue.

We understand why people might think a minor infringement is less of an issue, but a minor can easily become a major issue. There have been examples in 2020 and 21 where, due to reduced commercial airline flying, the impact of infringements has been less; but, in most of these cases if we had normal levels of commercial flying the safety issues would have been more severe.

We can gain as much safety information from a slight infringement as we can from a severe one so the learning points for us and pilots is just as important

And a pilot having one or a series of minor infringements may well be an indicator that more training or help for the pilot is required to prevent future more severe incidents.

What is the actual safety risk (for example in 2019) posed by infringements? Aren't most people just clipping CAS with no real issue?

A minor infringement can very quickly and easily become a more serious incident and the knock-on safety effects to ATC and other aircraft from increased workload, changes to route etc can be exactly the same. Controllers quickly re-routing commercial traffic adds to the risk of Airprox incidents.

Statistically, we experience a relatively constant number of AI per annum; if we measure that against reducing numbers of flown hours it leads to an increased rate, and therefore an increased 'likelihood of a significant safety outcome'. As with all aviation events (incidents/events/accidents) we try to 'break the chain' at any and all points.

Why do you actively pursue infringements?

We don't proactively start infringement investigations. Every infringement we look at is the result of a safety report to us by the aviation community, e.g. air traffic control, airfields, pilots etc. We have a duty to look at these, as we do with every report made to us, to see if any kind of follow up action needs to be taken and to learn and possibly produce actions to assist in preventing others from encountering the same issue in future.

Chapter 4

The immediate follow-up to an infringement

Why is there only one person in the CAA dealing with infringements?

There isn't. We use a team of people from across a range of expertise to work on the issue.

This includes the Infringement Coordination Group (ICG) which reviews reports of alleged airspace infringements to decide any further action. It includes CAA members from our:

- Airspace, Air Traffic Management and Aerodromes team
- General Aviation Unit
- Pilot Licensing Policy
- Safety Performance & Risk
- Flight Operations
- Investigations and Enforcement Team

It also includes representation from the MoD's aviation regulator, the Military Aviation Authority (MAA).

Several representatives from the GA associations have also sat in on the group's meetings. Their feedback has been that the meetings are well run and the process fair.

All team details are on the ASI website <https://airspacesafety.com/infringement-groups/>.

Chapter 5

The decision process following an infringement

Why won't the CAA let an infringing pilot see the occurrence of their incident?

Any pilot can apply to see the CAA occurrence of an incident they were involved in. Most of this will be based on what the pilot themselves has reported. They can use our existing process for asking for safety information using the SRG1605 form [SRG1605: Application for MOR Data Release for the maintenance or improvement of aviation safety \(caa.co.uk\)](https://www.caa.co.uk/Forms/SRG1605).

We have this process, rather than automatically publishing all occurrence data, to try to make sure that information is only given to those seeking to use the information for safety reasons. We are very conscious that other uses of occurrence information and data can put people throughout the aviation community off submitting vital safety reports.

What we are legally unable to directly share is any data from third parties, such as air traffic control. In these cases, we will put the two parties in contact with each other to seek to arrange for the data to be provided. This has always been the case.

A case file is reported by the case officer containing the MOR, the pilot report and any supplementary information such as an engineer's report for suspected transponder/encoder errors, Moving Map records, radar traces and third party MORs relevant to the case. The case is then reviewed individually by all members of the ICG in advance of the meeting and then discussed between all members at the meeting. Aspects that are discussed include the facts of the occurrence, such as safety actions/interventions, the actions/inactions of pilot and air traffic controllers, application of Threat and Error Management, use of VFR Moving Maps, planning, weather conditions, the airspace structures, pilot qualifications and experience, availability and uptake of an air traffic service or use of a Frequency Monitoring Code etc. The Group will then decide if an infringement actually occurred and, if one did, were their causal factors surrounding it. The Group members will then discuss if any post-occurrence training is required to prevent a recurrence and to help pilots fill any knowledge or competence gaps that may exist. Where relevant, findings are also fed back to the ANSP, the relevant teams within the CAA or the aircraft operating authority.

Are you looking at the CAP1404 process?

We are publishing a new version of CAP1404 that describes the process we use following an infringement. We hope this will help clarify some of the points raised by the community and help to make the process more transparent.

We keep all our processes under review and the 1404 work is reviewed annually. You can see more information on our review of our infringement work in our narrative document

We have an Infringement Coordination Group (ICG) which reviews reports of alleged airspace infringements to decide any further action using the process set out in CAP1404. It uses all available material, including Mandatory Occurrence Reports and supplementary information submitted by the airspace controlling authority, information submitted by the pilot and any previous records held by the CAA. It assesses the severity of these incidents and determines appropriate remedial measures to prevent a recurrence. Several representatives from the GA associations have also sat in on the group's meetings. Their feedback has been that the meetings are well run and the process fair. All team details are on the ASI website <https://airspacesafety.com/infringement-groups/>.

Chapter 6

Action taken after an infringement

Why can't the GASCo post-infringement course be delivered remotely?

Due to COVID restrictions the course has been run remotely since April 2020. This has proved very successful, so this will now be the way the course is run going forwards.

We will keep reviewing the best options to see how it can be improved but we do believe there is value in face to face sharing and learning with other pilots – even virtually.

GASCo has also launched online Airspace Infringement Avoidance webinars that are delivered free of charge and are bookable at <https://www.gasco.org.uk/flight-safety-information/airspace-infringement-avoidance-webinars>.

Is GASCo or the CAA making a profit from sending people on courses?

No, the course is run on a cost recovery basis, and with the move to permanently being run online the costs to individuals has reduced

The course was introduced following a suggestion from GA association members on the Airspace Infringement Working Group that we adopt exactly this model.

How was GASCo chosen to run the courses?

A number of options were presented to the full Airspace Infringement Working Group (including GA association members) for consideration. GASCo was the only organisation that met the requirements and were requested to deliver the training.

How many people have been prosecuted for infringements?

Prosecution is always our final resort, and we will always seek training or education as an outcome where possible.

We publish all our data on enforcement action on airspacesafety.com
<https://airspacesafety.com/statistics/>.

In each of the past two years (2019 and 2020), there have been two prosecutions following airspace infringements. Prior to this, there were five in 2018 and one in 2017. Since 2017 there have been 10 prosecutions out of over 4,500 AI.

How can the CAA justify saying they follow Just Culture and then treat infringing pilots in the way they do?

We have undertaken an internal review to see where the process can be improved, and changes are being introduced. We updated the GA associations on this in 2020 and have published the results and actions in our narrative document.

We will always seek to promote education and training as an outcome rather than legal action and that is brought out in the low level of prosecutions.

In everything we do we aim to act under a Just Culture as set out by ICAO, EASA and EUROCONTROL.

A Just Culture has been defined as a culture in which front line operators and others are not punished for actions, omissions or decisions taken by them that are commensurate with their experience and training, but where gross negligence, wilful violations and destructive acts are not tolerated.

A person who breaks the law or breaches a regulation or company procedure through a deliberate act or gross negligence cannot expect immunity from prosecution. However, if the offence was unpremeditated and unintentional, and would not have come to light except for the report, he/she should be protected from punishment or prosecution.

The circumstances of a report might be an indicator that the performance of an individual is below the level we all expect. This may point towards the potential for improvement through additional training.

Why do pilots have no right of appeal against the CAA's decisions?

Most of the actions we take result in education and training rather than legal action that can be appealed against.

Our ongoing review of the process set out in CAP1404 is looking to improve dialogue and exchange between the pilot and the process.

Less than 0.4% of all infringements result in prosecution and over 99.6% is training and education, so in most cases people are being asked to undertake training, attend a course, given an advisory letter or are subject to no further action

Where we do take further legal action, people can appeal via the courts or our own regulation 6 process.

Why won't the CAA publish more data on infringements – such as disidentified MORs – so that people can learn from them?

We are looking to publish more data and detail, but in doing so we do have to protect people's rights over data protection and also preserve the overall safety reporting system to make sure people aren't put off reporting.

We publish a lot of top level data on www.airspacesafety.com.

And from the start of 2021, have created a new series of occurrence narratives. These look at real occurrences and present the controller and pilot perspective (with permission from each individual involved) to highlight learning points that should be helpful to all pilots <https://airspacesafety.com/infringement-occurrences/>.

Why does any action remain on a pilot's record for life? Should it not time-expire like a motoring offence?

We are looking at the length of time any action we take stays on a pilot's record.

Previous infringements will only be taken into account for a period of two years from the disposal date (date we make a decision on the occurrence leading to a letter being sent to the infringing pilot advising them of our decision). Overall, records are retained following our data retention policy.

What can you do to make the process more transparent?

Hopefully, the actions we're taking will help, and we plan to publish more data where we can. It is something we will keep under review.

We would also like to make more use of actual cases to help others learn. We have started to publicise these on airspacesafety.com and would encourage pilots to help us provide more.