

From: [REDACTED]
Sent: 10 October 2019 15:22:20
To: Public Engagement Unit
Subject: FW: Equitrac Scan-to-Me

Attachments: u444875 10-10-2019 13-15-40 5.pdf

Hi

For maccs please - MR

AO - [REDACTED]

Many thanks

[REDACTED]

From: [REDACTED]
Sent: 10 October 2019 13:19
To: [REDACTED]
Subject: Equitrac Scan-to-Me

RT HON ALISTAIR CARMICHAEL MP
ORKNEY & SHETLAND



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Richard Moriarty
Chief Executive
Civil Aviation Authority
CAA House
45-59 Kingsway
LONDON
WC2B 6TE

Our Ref: ~~498/AC/11/1~~ AC6677
(Please quote reference in any reply)
7 October 2019

Dear Mr Moriarty,

I write regarding a report I received from a whistleblower in my constituency. A copy of the report in which the constituent's details are redacted is attached for your attention. Please note that I previously contacted you regarding this issue with a request to investigate in April of this year. I have not received a response from yourself or the CAA, and I have since had further correspondence from constituents about this issue.

The allegation is very serious and requires immediate investigation. It raises major safety concerns, and I would be grateful for confirmation that the CAA will investigate. I am again copying in the Secretary of State for Transport and the Cabinet Secretary for Transport Infrastructure and Connectivity for their information.

Yours sincerely

Alistair Carmichael MP

CC: The Rt Hon Grant Shapps MP, Secretary of State for Transport
Michael Matheson MSP, Cabinet Secretary for Transport, Infrastructure and Connectivity

| | | |
|---|---|---|
| | Tel: 020 7219 8181 | Fax: 020 7219 1787 |
| | Email: carmichaela@parliament.uk | Website: www.alistaircarmichael.co.uk |
| Constituency Offices: 14 Palace Road, Kirkwall, Orkney KW15 1PA | Tel: 01856 876541 | Fax: 01856 876162 |
| 171 Commercial Street, Lerwick, Shetland ZE1 0HX | Tel: 01595 690044 | Fax: 01595 690055 |

I have been asked by my constituent(s) to pursue this matter and am doing so in line with the requirements of the Data Protection Act 1998. This may involve the handling of sensitive personal information, as permitted under the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002.

----- Forwarded message -----

From: [REDACTED]

To: [REDACTED]

Sent: Sunday, 7 April 2019, 03:51:20 GMT-7

Subject: Loganair passenger aircraft departed from a closed HIAL airport.

Below is a copy of a whistleblowing report that I sent to the CAA regarding what I and many other HIAL Air Traffic staff believe to be a reckless and unlawful act carried out by Loganair and HIAL at Kirkwall Airport on the evening of Friday, April 5th 2019.

The safety of an aircraft and its passengers was put at direct risk.

I would appreciate it if you could raise this with the relevant Transport Secretaries and the CAA.

I also claim protection under the relevant HIAL whistleblowing policy.

Best regards,

[REDACTED]

Report Details:

Departure of Loganair passenger flight callsign LOG63KB from a closed aerodrome during official night and with no Air traffic Service on Friday 5th April 2019 at 2046 local (1946 UTC).

Kirkwall Airport, Orkney, 5th April 2019.

Loganair operations, Glasgow, and the crew of LOG63KB were informed by Kirkwall ATC that because of a work to rule by HIAL ATCOs as part of a legitimate industrial dispute, Kirkwall Airport would close at 2000 local (1900UTC). This would mean that LOG63KB would have to remain overnight in Kirkwall rather than depart for Edinburgh as planned.

A telephone call was received by the duty ATCO from the airport manager. The airport manager had been contacted by the managing director of HIAL, who in turn had been contacted by Loganair management. The airport manager was seeking an explanation for the closure that he could pass back to the HIAL managing director. The duty ATCO explained the situation to the airport manager. Despite pressure from the airport manager, the duty ATCO explained that he had worked his shift as prescribed by SRATCOH regulations, was working to rule as part of legitimate industrial action and that Kirkwall airport would close at 2000 local (1900 UTC).

Kirkwall ATS staff closed the watch at 2000 local (1900 UTC), carried out the normal close down procedures and left the control tower.

Some time after this a member of the airport fire section was instructed by the airport manager to enter the control tower and switch on the aerodrome lighting. This member of staff is a trained and valid AFISO but only has authority to carry out AFISO duties for ambulance, emergency and SAR flights. He did not open the aerodrome as an AFISO service. He did not make any entries in the watch log. He did not NOTAM the aerodrome as open. All he did was switch on the aerodrome lights for the departure and switch them off afterwards.

Loganair Flight LOG63KB, a Saab 2000, registration GLGNS then taxied from the main apron to Rwy09 and departed at 2046 local (1946 UTC). There were 32 passengers on board. The aerodrome was not NOTAMed as open so was unlicensed. The flight plan had not been delayed and had been suspended. It was after official night. I believe that Loganair have no CAA dispensation for night VFR passenger flights for the EGPA-EGPH route.

It is not known by the reporter how an air traffic control clearance was obtained for this flight. Did the aircraft depart into an unknown traffic situation and then free-call the Scottish controller? It is not known by the reporter if anyone reported the aircraft as airborne to the Scottish controller.

It would appear that a passenger flight departed from a closed airport without a flight plan and without any prior contact with an air traffic service. If this is so, if an accident or incident had occurred before that flight had been able to contact Scottish ATC by radio or had become visible on radar nobody would have known the flight existed. Who would have provided an alerting service for a flight that nobody knew was taking place?

Any number of rules and regulations were broken in this incident in a wilful and reckless manner. Circumstantial evidence seems to suggest to the reporter that this was done with the knowledge and collusion of both Loganair and HIAL management.

Nobody involved in this incident from Loganair, from their ground crew right up to their Ops department, seems to have tried to stop this happening. Why?

Nobody involved in this incident from HIAL seems to have tried to stop this from happening. Why?

The reason I report this to you as a whistleblower is that there is no faith in the "safety culture" of HIAL. This incident proves it.

The duty ATSA on Saturday morning noticed that the Saab 2000 that had arrived the previous night at Kirkwall was no longer there. The ATSA had to make enquiries to find out what had happened to it.

The CAA has a responsibility to ensure that passengers carried on aircraft are safe and that airlines and aerodromes comply by the rules that ensure safe passage. This has not been the case in this incident. 32 passengers were put at risk. It is in the public interest that a thorough investigation is carried out and actions taken to ensure there is no repeat of such an incident.

Evidence is available from recordings made in Kirkwall ATC and Scottish ATC. I would appreciate it if you retain my anonymity when in contact with both Loganair and HIAL. I am available for contact via the phone number and email address given in this form if you need further information. Best Regards,
[REDACTED] Job role within HIAL: [REDACTED]

Subject: FW:
Attachments: 20190614 HIAL Oversight Report (ADR1762).pdf

From: Inglis Lyon <ILyon@hial.co.uk>
Sent: 01 July 2019 14:57
To: [redacted]
Cc: [redacted]
Subject:

{redacted} please find attached as discussed.

The Company circulated same to the wider Company last week and [redacted] will confirm whether the document is public or not.

The internal report is remains with the audit committee, but again [redacted] will advise.

Inglis

Attachment redacted under section 30(b)(ii)

Subject: FW: ATC Procedures

From: [redacted]
Sent: 10 May 2019 08:57
To: [redacted]
Subject: ATC Procedures

[redacted]

Are HIAL now pursuing [redacted under section 30(b)(ii)]?

Thanks

[redacted]

[redacted]
Aviation Policy
Transport Scotland

Area 2D (N)
Victoria Quay
Edinburgh
EH6 6QQ

[redacted]



**TRANSPORT
SCOTLAND**
CÒMHDAHAIL ALBA

An agency of  The Scottish Government

Cabinet Secretary for Transport, Infrastructure and
Connectivity
Michael Matheson MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Alistair Carmichael MP
House Of Commons
LONDON
SW1A 0AA

Our ref: 2019/0011338
1st May 2019

Dear Mr Carmichael,

Thank you for your letter of 9 April 2019 on behalf of your constituent about Loganair's flight from Kirkwall to Edinburgh on 5 April 2019.

I note that you have written to the CAA. Loganair and HIAL advised us that an aircraft left Kirkwall on 5 April without Air Traffic Control (ATC) service being provided, even though the request to start the engines was made before the airport closed. To avoid inconveniencing passengers, a decision was made by Loganair and the Captain in charge of the aircraft, in agreement with HIAL management, to depart without ATC provision but with the airport fire service in attendance, having satisfied themselves that it was safe to do so. The flight operated normally with ATC cover after departing Kirkwall. Although operating at airports without ATC cover is not uncommon for Loganair and its pilots, it is uncommon at Kirkwall which is why Loganair notified the CAA.

The operation of air services is a matter for airlines, airports and the regulatory authorities. Safety is the highest priority for all of these organisations. Ultimately, responsibility for the safe operation of a flight rests with the Captain of an aircraft. I am confident that the regulatory authorities, such as the CAA, are providing the necessary oversight to ensure that air services in Scotland are operating safely. If the operation was conducted safely and legally then it would appear to have satisfied the key regulatory requirements.

Kirkwall Airport is in what is termed "uncontrolled airspace", technically known as Class G airspace, and it is technically possible for any aircraft to approach the airfield without needing ATC permission to do so. The precise details of the conduct of the flight on 5 April are, I understand, being reviewed by the CAA. I understand, however, that many flights throughout Scotland routinely operate without ATC clearances every day. It is not mandatory under certain circumstances.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

St Andrew's House, Regent Road, Edinburgh EH1 3DG
www.gov.scot



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Best wishes
Michael Matheson

MICHAEL MATHESON

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From: [REDACTED]
Sent: 10 April 2019 13:05:54
To: Public Engagement Unit
Subject: u444875_10-04-2019 13-00-27 2.pdf

Attachments: u444875 10-04-2019 13-00-27 2.pdf

AO - [REDACTED]

Hi

For MACCS please - MR.

Many thanks,

[REDACTED]

Dear Cabinet Secretary,
Please find enclosed a copy
of a letter Alastair Carmichael
MP has sent to the CMA regarding
a claim from a whistleblower
into potentially illegal actions
by HIAL & Loganair.

The Constituent requested we copy
you in. If you have any
comments we will be sure to
pass them on to the constituent.
Yours,

Michael Wallace
Office of Alastair Carmichael MP.

RT HON ALISTAIR CARMICHAEL MP
ORKNEY & SHETLAND



HOUSE OF COMMONS
LONDON SW1A 0AA

Mr Richard Moriarty
Chief Executive
Civil Aviation Authority
CAA House
45-59 Kingsway
LONDON
WC2B 6TE

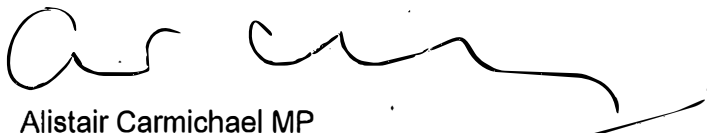
Our Ref: 408/AC/MW
(Please quote reference in any reply)
9 April 2019

Dear Mr Moriarty,

I write regarding a troubling report I have received from a whistleblower in my constituency. A copy of the report in which the constituent's details are redacted is attached for your attention.

The allegation is very serious and requires immediate investigation. It raises major safety concerns, and I would be grateful for an early indication that the CAA will investigate. I am copying in the Secretary of State for Transport and the Cabinet Secretary for Transport Infrastructure and Connectivity for their information.

Yours sincerely



Alistair Carmichael MP

CC: Rt. Hon. Chris Grayling MP, Secretary of State for Transport
Michael Matheson MSP, Cabinet Secretary for Transport, Infrastructure and Connectivity

I have been asked by my constituent(s) to pursue this matter and am doing so in line with the requirements of the Data Protection Act 1998. This may involve the handling of sensitive personal information, as permitted under the Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002.

Tel: 020 7219 8181 Fax: 020 7219 1787
Email: carmichaela@parliament.uk Website: www.alistaircarmichael.co.uk
Constituency Offices: 14 Palace Road, Kirkwall, Orkney KW15 1PA Tel: 01856 876541 Fax: 01856 876162
171 Commercial Street, Lerwick, Shetland ZE1 0HX Tel: 01595 690044 Fax: 01595 690055

----- Forwarded message -----

From: [REDACTED]

To: [REDACTED]

Sent: Sunday, 7 April 2019, 03:51:20 GMT-7

Subject: Loganair passenger aircraft departed from a closed HIAL airport.

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The safety of an aircraft and its passengers was put at direct risk.

I would appreciate it if you could raise this with the relevant Transport Secretaries and the CAA.

I also claim protection under the relevant HIAL whistleblowing policy.

Best regards,

[REDACTED]

Report Details:

Departure of Loganair passenger flight callsign LOG63KB from a closed aerodrome during official night and with no Air traffic Service on Friday 5th April 2019 at 2046 local (1946 UTC).

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A telephone call was received by the duty ATCO from the airport manager. The airport manager had been contacted by the managing director of HIAL, who in turn had been contacted by Loganair management. The airport manager was seeking an explanation for the closure that he could pass back to the HIAL managing director. The duty ATCO explained the situation to the airport manager. Despite pressure from the airport manager, the duty ATCO explained that he had worked his shift as prescribed by SRATCOH regulations, was working to rule as part of legitimate industrial action and that Kirkwall airport would close at 2000 local (1900 UTC).

Kirkwall ATS staff closed the watch at 2000 local (1900 UTC), carried out the normal close down procedures and left the control tower.

Some time after this a member of the airport fire section was instructed by the airport manager to enter the control tower and switch on the aerodrome lighting. This member of staff is a trained and valid AFISO but only has authority to carry out AFISO duties for ambulance, emergency and SAR flights. He did not open the aerodrome as an AFISO service. He did not make any entries in the watch log. He did not NOTAM the aerodrome as open. All he did was switch on the aerodrome lights for the departure and switch them off afterwards.

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flight had been able to contact Scottish ATC by radio or had become visible on radar nobody would have known the flight existed. Who would have provided an alerting service for a flight that nobody knew was taking place?

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Nobody involved in this incident from Loganair, from their ground crew right up to their Ops department, seems to have tried to stop this happening. Why?

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The CAA has a responsibility to ensure that passengers carried on aircraft are safe and that airlines and aerodromes comply by the rules that ensure safe passage. This has not been the case in this incident. 32 passengers were put at risk. It is in the public interest that a thorough investigation is carried out and actions taken to ensure there is no repeat of such an incident.

Evidence is available from recordings made in Kirkwall ATC and Scottish ATC. I would appreciate it if you retain my anonymity when in contact with both Loganair and HIAL. I am available for contact via the phone number and email address given in this form if you need further information. Best Regards,
[REDACTED] Job role within HIAL: [REDACTED]



T: 0300 244 4000
E: scottish.ministers@gov.scot

Rhoda Grant MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

e-mail: Rhoda.Grant.msp@parliament.scot

Your ref: RG11698/lj
Our ref: 2019/0011299
May 2019

Thank you for your e-mail of 9 April 2019 about Loganair's flight from Kirkwall to Edinburgh on 5 April 2019.

As I set out in response to your question in Parliament on 25 April 2019, Loganair and HIAL advised us that an aircraft left Kirkwall on 5 April without Air Traffic Control (ATC) service being provided, even though the request to start the engines was made before the airport closed. To avoid inconveniencing passengers, a decision was made by Loganair and the Captain in charge of the aircraft, in agreement with HIAL management, to depart without ATC provision but with the airport fire service in attendance, having satisfied themselves that it was safe to do so. The flight operated normally with ATC cover after departing Kirkwall. Although operating at airports without ATC cover is not uncommon for Loganair and its pilots, it is uncommon at Kirkwall which is why Loganair notified the CAA.

The operation of air services is a matter for airlines, airports and the regulatory authorities. Safety is the highest priority for all of these organisations. Ultimately, responsibility for the safe operation of a flight rests with the Captain of an aircraft. I am confident that the regulatory authorities, such as the CAA, are providing the necessary oversight to ensure that air services in Scotland are operating safely. If the operation was conducted safely and legally then it would appear to have satisfied the key regulatory requirements.

Kirkwall Airport is in what is termed "uncontrolled airspace", technically known as Class G airspace, and it is technically possible for any aircraft to approach the airfield without needing ATC permission to do so. The precise details of the conduct of the flight on 5 April are, I understand, being reviewed by the CAA. I understand, however, that many flights throughout Scotland routinely operate without ATC clearances every day. It is not mandatory under certain circumstances.

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MICHAEL MATHESON

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www.gov.scot



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From: [REDACTED]
Sent: 10 April 2019 09:46:01
To: Public Engagement Unit
Subject: FW: Unauthorised flight from Kirkwall 5 April 2019

Attachments: image001.png, image002.png, Letter to Michael Matheson.pdf

AO - [REDACTED]

Hi

For MACCS please - MR.

Many thanks,

[REDACTED]

From: Matheson M (Michael), MSP
<Michael.Matheson.msp@parliament.scot<mailto:Michael.Matheson.msp@parliament.scot>>
Sent: 09 April 2019 16:44
To: Cabinet Secretary for Transport, Infrastructure and Connectivity
<CabSecTIC@gov.scot<mailto:CabSecTIC@gov.scot>>
Subject: Fwd: Unauthorised flight from Kirkwall 5 April 2019

Sent from my iPhone

Begin forwarded message:
From: "Grant R (Rhoda), MSP"
<Rhoda.Grant.msp@parliament.scot<mailto:Rhoda.Grant.msp@parliament.scot>>
Date: 9 April 2019 at 16:21:42 BST
To: "Matheson M (Michael), MSP"
<Michael.Matheson.msp@parliament.scot<mailto:Michael.Matheson.msp@parliament.scot>>
Subject: Unauthorised flight from Kirkwall 5 April 2019
Good Afternoon,

I would appreciate it if you could read the attached letter regarding a Loganair flight from Kirkwall last Friday.

Kind Regards

Rhoda Grant MSP
Highlands and Islands Regional MSP
Spokesperson for Rural Economy
Tel: 01463 716299
Email:
Rhoda.Grant.msp@parliament.scot<mailto:Rhoda.Grant.msp@parliament.scot>

Rhoda Grant MSP

*

The Scottish Parliament: Making a positive difference to the lives of the people of

Scotland

Pàrlamaid na h-Alba: A' toirt deagh bhuaidh air beatha sluagh na h-Alba

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[twitter.com/scotparl](http://twitter.com/ScotParl)<<http://twitter.com/ScotParl>>

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*

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Mr Michael Matheson MSP
Cabinet Secretary for Transport, Infrastructure and Connectivity
Transport, Infrastructure and Connectivity
Scottish Government
St. Andrews House
Regent Road
Edinburgh
EH1 3DG

Our Ref: RG11698/lj

9 April 2019

Dear Mr Matheson

Re: Unauthorised Flight from Kirkwall – 5 April 2019

I have received evidence from two separate sources which greatly concerns me with regard to a flight which left Kirkwall on the night of Friday 5 April 2019.

I have been advised that Air Traffic Control closed at 2000hrs under their current work to rule industrial action.

Following this a flight to Edinburgh then left Kirkwall airport at 2046hrs carrying 32 passengers. Given that there was no ATC support the airport was closed and therefore unlicensed at the time. Furthermore, no flight plan was logged and Air traffic Controllers were not officially advised of the incident. It was discovered when they arrived the next morning to find a plane missing and they began investigating themselves.

I have written to HIAL and Loganair to ask who was responsible for this decision.

I'm sure you can appreciate that this is a very serious breach of air traffic safety regulations which appears to stem from the ongoing dispute between HIAL and Air traffic controllers. I would appreciate it if you could look into this matter further and provide assurances that it will not be tolerated that airlines and aerodromes take such liberties with air safety.

Yours sincerely

A handwritten signature in black ink, appearing to read "Rhoda Grant". The script is cursive and fluid, with the first name "Rhoda" and the last name "Grant" clearly distinguishable.

Rhoda Grant MSP

Cc: Rhoda Grant

Cabinet Secretary for Transport, Infrastructure and
Connectivity
Michael Matheson MSP



Scottish Government
Riaghaltas na h-Alba
gov.scot

T: 0300 244 4000
E: scottish.ministers@gov.scot

Liam McArthur MSP
The Scottish Parliament
EDINBURGH
EH99 1SP

e-mail: Liam.McArthur.msp@parliament.scot

Our ref: 2019/0011179
30th April 2019

Dear Liam

Thank you for your e-mail of 7 April 2019 about Loganair's flight from Kirkwall to Edinburgh on 5 April 2019.

Loganair and HIAL advised us that an aircraft left Kirkwall on 5 April without Air Traffic Control (ATC) service being provided, even though the request to start the engines was made before the airport closed. To avoid inconveniencing passengers, a decision was made by Loganair and the Captain in charge of the aircraft, in agreement with HIAL management, to depart without ATC provision but with the airport fire service in attendance, having satisfied themselves that it was safe to do so. The flight operated normally with ATC cover after departing Kirkwall. Although operating at airports without ATC cover is not uncommon for Loganair and its pilots, it is uncommon at Kirkwall which is why Loganair notified the CAA.

The operation of air services is a matter for airlines, airports and the regulatory authorities. Safety is the highest priority for all of these organisations. Ultimately, responsibility for the safe operation of a flight rests with the Captain of an aircraft. I am confident that the regulatory authorities, such as the CAA, are providing the necessary oversight to ensure that air services in Scotland are operating safely. If the operation was conducted safely and legally then it would appear to have satisfied the key regulatory requirements.

Scottish Ministers, special advisers and the Permanent Secretary are covered by the terms of the Lobbying (Scotland) Act 2016. See www.lobbying.scot

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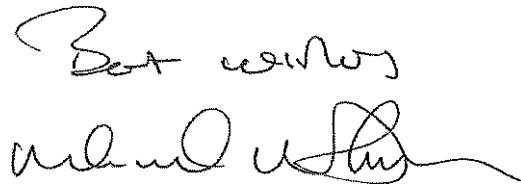


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Kirkwall Airport is in what is termed "uncontrolled airspace", technically known as Class G airspace, and it is technically possible for any aircraft to approach the airfield without needing ATC permission to do so. The precise details of the conduct of the flight on 5 April are, I understand, being reviewed by the CAA. I understand, however, that many flights throughout Scotland routinely operate without ATC clearances every day. It is not mandatory under certain circumstances.



MICHAEL MATHESON

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From: [REDACTED]
Sent: 09 April 2019 09:06:10
To: Public Engagement Unit
Subject: FW: Loganair passenger aircraft departed from a closed HIAL airport.

AO ? [REDACTED]

Hi

For MACCS please ? MR.

Many thanks,

[REDACTED]
From: McArthur L (Liam), MSP
<Liam.McArthur.msp@parliament.scot<mailto:Liam.McArthur.msp@parliament.scot>>

Sent: 07 April 2019 23:23

To: Cabinet Secretary for Transport, Infrastructure and Connectivity

<CabSecTIC@gov.scot<mailto:CabSecTIC@gov.scot>>

Cc: MSP Orkney <msp@msporkney.com<mailto:msp@msporkney.com>>;

[REDACTED]
Subject: FW: Loganair passenger aircraft departed from a closed HIAL airport.

Dear Michael

I have been asked by one of my constituents, an ATC at Kirkwall airport, to forward this ?whistleblower? complaint, which has been sent to CAA. I understand that Loganair intended contacting CAA themselves, highlighting concerns around the circumstances that gave rise to the closure of Kirkwall airport last Friday evening (5th April).

Please let me know if you have any substantive comments to make, but if not it would be helpful at least to have confirmation that you or your officials will follow this up with CAA.

Kind regards, Liam

Liam McArthur MSP
Liberal Democrat, Orkney

Scottish Parliament Edinburgh EH99 1SP

Tel: 0131 348 5815 Fax: 0131 348 5807

Constituency Office: 14 Palace Road, Kirkwall, Orkney KW15 1PA

Tel: 01856 876541 Fax: 01856 876162

Twitter: @Liam4Orkney<<https://www.twitter.com/liam4orkney>>| Facebook: Liam McArthur MSP<<https://www.facebook.com/Liam4Orkney/>> |

Keep informed ? sign up to my weekly e-newsletter, Holyrood Highlights
here<<http://www.liammcarthur.org.uk/>>

[Lobbying]

From:

Sent: 07 April 2019 11:51

To: carmichael@parliament.uk<mailto:carmichael@parliament.uk>; McArthur L (Liam), MSP

Subject: Loganair passenger aircraft departed from a closed HIAL airport.

Below is a copy of a whistleblowing report that I sent to the CAA regarding what I and many other HIAL Air Traffic staff believe to be a reckless and unlawful act carried out by Loganair and HIAL at Kirkwall Airport on the evening of Friday, April 5th 2019.

The safety of an aircraft and its passengers was put at direct risk.

I would appreciate it if you could raise this with the relevant Transport Secretaries and the CAA.

I also claim protection under the relevant HIAL whistleblowing policy.

Best regards,

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Kirkwall Airport, Orkney, 5th April 2019.

Loganair operations, Glasgow, and the crew of LOG63KB were informed by Kirkwall ATC that because of a work to rule by HIAL ATCOs as part of a legitimate industrial dispute, Kirkwall Airport would close at 2000 local (1900 UTC). This would mean that LOG63KB would have to remain overnight in Kirkwall rather than depart for Edinburgh as planned.

A telephone call was received by the duty ATCO from the airport manager. The airport manager had been contacted by the managing director of HIAL, who in turn had been contacted by Loganair management. The airport manager was seeking an explanation for the closure that he could pass back to the HIAL managing director. The duty ATCO explained the situation to the airport manager. Despite pressure from the airport manager, the duty ATCO explained that he had worked his shift as prescribed by SRATCOH regulations, was working to rule as part of legitimate industrial action and that Kirkwall airport would close at 2000 local (1900 UTC).

Kirkwall ATS staff closed the watch at 2000 local (1900 UTC), carried out the normal close down procedures and left the control tower.

Some time after this a member of the airport fire section was instructed by the airport manager to enter the control tower and switch on the aerodrome lighting. This member of staff is a trained and valid AFISO but only has authority to carry out AFISO duties for ambulance, emergency and SAR flights. He did not open the aerodrome as an AFISO service. He did not make any entries in the watch log. He did not NOTAM the aerodrome as open. All he did was switch on the aerodrome lights for the departure and switch them off afterwards.

Loganair Flight LOG63KB, a Saab 2000, registration GLGNS then taxied from the

main apron to Rwy09 and departed at 2046 local (1946 UTC). There were 32 passengers on board. The aerodrome was not NOTAMed as open so was unlicensed. The flight plan had not been delayed and had been suspended. It was after official night. I believe that Loganair have no CAA dispensation for night VFR passenger flights for the EGPA-EGPH route.

It is not known by the reporter how an air traffic control clearance was obtained for this flight. Did the aircraft depart into an unknown traffic situation and then free-call the Scottish controller? It is not known by the reporter if anyone reported the aircraft as airborne to the Scottish controller.

It would appear that a passenger flight departed from a closed airport without a flight plan and without any prior contact with an air traffic service. If this is so, if an accident or incident had occurred before that flight had been able to contact Scottish ATC by radio or had become visible on radar nobody would have known the flight existed. Who would have provided an alerting service for a flight that nobody knew was taking place?

Any number of rules and regulations were broken in this incident in a wilful and reckless manner. Circumstantial evidence seems to suggest to the reporter that this was done with the knowledge and collusion of both Loganair and HIAL management.

Nobody involved in this incident from Loganair, from their ground crew right up to their Ops department, seems to have tried to stop this happening. Why?

Nobody involved in this incident from HIAL seems to have tried to stop this from happening. Why?

The reason I report this to you as a whistleblower is that there is no faith in the "safety culture" of HIAL. This incident proves it.

The duty ATSA on Saturday morning noticed that the Saab 2000 that had arrived the previous night at Kirkwall was no longer there. The ATSA had to make enquiries to find out what had happened to it.

The CAA has a responsibility to ensure that passengers carried on aircraft are safe and that airlines and aerodromes comply by the rules that ensure safe passage. This has not been the case in this incident. 32 passengers were put at risk. It is in the public interest that a thorough investigation is carried out and actions taken to ensure there is no repeat of such an incident.

Evidence is available from recordings made in Kirkwall ATC and Scottish ATC. I would appreciate it if you retain my anonymity when in contact with both Loganair and HIAL. I am available for contact via the phone number and email address given in this form if you need further information. Best Regards,

*

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Subject:

FW: PSO

From: [redacted]

Sent: 26 April 2019 11:27

To: Jonathan Hinkles (jonathanhinkles@loganair.co.uk) <jonathanhinkles@loganair.co.uk>

Subject: PSO

Jonathan

[redacted]

Also, did you see the Rhoda Grant question yesterday? Here's the transcript.

- Air Traffic Incident (Kirkwall Airport)
 - 3. Rhoda Grant (Highlands and Islands) (Lab):
To ask the Scottish Government what discussions it has had with Highlands and Islands Airports Ltd regarding the incident on 5 April 2019 when a plane left Kirkwall airport without air traffic control clearance. (S5O-03146)
 - The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):
Loganair and HIAL advised us that an aircraft left Kirkwall on 5 April without an ATC service being provided, even though the request to start the engines was made before the airport closed. To avoid inconveniencing passengers, a decision was made by Loganair and the captain, in agreement with HIAL management, to depart without ATC provision—but with the airport fire service in attendance—having satisfied themselves that it was safe to do so. The flight operated normally with ATC cover after departing Kirkwall.

Operating at airports without ATC cover is not uncommon for Loganair's pilots, but it is uncommon at Kirkwall, which is why Loganair notified the Civil Aviation Authority.
 - Rhoda Grant:
It is extremely concerning that the flight left Kirkwall without ATC cover. If the argument is that that posed no danger, it begs the question why the Civil Aviation Authority demands air traffic control presence at all.

Can the cabinet secretary assure me that that will never happen again and that people will not be put at risk in that way?
 - Michael Matheson:
ATC cover at Kirkwall airport is not part of its licensing provision. Fire cover is part of its licensing provision in order to comply with Civil Aviation Authority regulations. The member will recognise that there is a standard set of regulations for undertaking a flight of this nature, where ATC cover is not required. On this occasion, HIAL and Loganair went through that procedure and applied it to this particular flight. As they are required to, they reported it to the Civil Aviation Authority to consider whether they applied all the appropriate regulations for dealing with such matters.

Thanks

[redacted]

[redacted]
Aviation Policy
Transport Scotland

Area 2D (N)
Victoria Quay
Edinburgh
EH6 6QQ

[redacted]



An agency of  The Scottish Government

Subject:

FW: transcript

From: [redacted]

Sent: 26 April 2019 08:33

To: 'Inglis Lyon' <ILyon@hial.co.uk>

Subject: transcript

The transcript from oral questions yesterday.

- Air Traffic Incident (Kirkwall Airport)
 - 3. Rhoda Grant (Highlands and Islands) (Lab):
To ask the Scottish Government what discussions it has had with Highlands and Islands Airports Ltd regarding the incident on 5 April 2019 when a plane left Kirkwall airport without air traffic control clearance. (S5O-03146)
 - The Cabinet Secretary for Transport, Infrastructure and Connectivity (Michael Matheson):
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Operating at airports without ATC cover is not uncommon for Loganair's pilots, but it is uncommon at Kirkwall, which is why Loganair notified the Civil Aviation Authority.
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Can the cabinet secretary assure me that that will never happen again and that people will not be put at risk in that way?
 - Michael Matheson:
ATC cover at Kirkwall airport is not part of its licensing provision. Fire cover is part of its licensing provision in order to comply with Civil Aviation Authority regulations. The member will recognise that there is a standard set of regulations for undertaking a flight of this nature, where ATC cover is not required. On this occasion, HIAL and Loganair went through that procedure and applied it to this particular flight. As they are required to, they reported it to the Civil Aviation Authority to consider whether they applied all the appropriate regulations for dealing with such matters.

[redacted]

Aviation Policy

Transport Scotland

Area 2D (N)

Victoria Quay

Edinburgh

EH6 6QQ

[redacted]



TRANSPORT
SCOTLAND
COMHAIL ALBA

An agency of  The Scottish Government

Subject: FW: CAA

From: [redacted]
Sent: 26 April 2019 07:53
To: Inglis Lyon <ILyon@hial.co.uk>
Subject: CAA

How did your call go about the Kirkwall flight? Can we say that the CAA is happy with it?

Sent from my BlackBerry 10 smartphone.

SCOTTISH PARLIAMENT

ORAL ANSWER

25 April 2019

Index Heading: Transport Scotland

Rhoda Grant (Highlands and Islands) (Scottish Labour): To ask the Scottish Government what discussions it has had with Highlands and Islands Airports Limited regarding the incident on 5 April 2019 when a plane left Kirkwall Airport without air traffic control clearance.

S5O-03146

Michael Matheson: Loganair and HIAL advised us that an aircraft left Kirkwall on 5 April without an ATC service being provided, even though the request to start the engines was made before the airport closed. To avoid inconveniencing passengers, a decision was made by Loganair and the Captain, in agreement with HIAL management, to depart without ATC provision but with the airport fire service in attendance, having satisfied themselves that it was safe to do so. The flight operated normally *with* ATC cover after departing Kirkwall.

Operating at airports without ATC cover is not uncommon for Loganair's pilots, but it is uncommon at Kirkwall which is why Loganair notified the CAA.

BACKGROUND NOTE FOR S5O-03146

1. Rhoda Grant is one a number of local politicians that have been raising questions about this flight following the submission (which has been copied widely) of a 'whistle blowing' report by a HIAL Air Traffic Controller to the Civil Aviation Authority (CAA). It should be noted that, to date, there has been no whistleblower report to HIAL itself.

2. Loganair's Kirkwall to Edinburgh service on 5 April was refused permission by the Air Traffic Controller (ATC) for the aircraft to start up at 1943, despite the airport closure time being 2000. Eventually the aircraft took off without ATC cover, which it's allowed to do, following discussions between the airline's Accountable Officer, HIAL and the Captain of the aircraft. Other HIAL staff, including the airport fire service, proactively worked to ensure that the aircraft could depart. The aircraft departure was delayed by around 1 hour but it made up time and was only 30 minutes or so late arriving in Edinburgh. A report was submitted to the CAA by Loganair which is standard practice. Both HIAL and Loganair are confident that the flight was conducted in accordance with all relevant requirements.

3. **[redacted under section 30(b)(i)] Our answer may need to be updated prior to 25 April if there are any developments.**

4. The HIAL Board's Audit Committee, in exercising independent risk oversight, will look at all of the reports (internal HIAL ones and from the CAA) relating to this flight on 8 May.

5. The legislation which surrounds the operation of air services is complex and operates across Europe at several different levels. Rhoda Grant, Liam McArthur and Alastair Carmichael have all written to Ministers about this flight but none have contacted HIAL directly. HIAL would be happy to outline the regulatory and safety regimes that in place to ensure the safe operations of services. Liam McArthur and Rhoda Grant have contacted Loganair but Alastair Carmichael hasn't.

Contact Name: [redacted]
Ext: [redacted]

Supplementaries

Flight from Kirkwall on 5 April

Q. What is the Scottish Government doing to ensure that there is no repeat of the incident on 5 April?

A. The operation of air services is a matter for airlines, airports and the regulatory authorities. Safety is the highest priority for all of these organisations. Ultimately, responsibility for safe operation of a flight rests with the Captain of an aircraft. Scottish Ministers and Scottish Government officials do not have the necessary knowledge or experience to comment in detail on individual incidents and it would be wholly inappropriate for us to do so. Equally, if the operation was conducted safely and in accordance with all regulatory requirements, there would appear to be no grounds on which to oppose this taking place in future. I am confident that the regulatory authorities, such as the Civil Aviation Authority, are providing the necessary oversight to ensure that air services in Scotland are operating safely.

Q. Shouldn't the Scottish Government be investigating this incident?

A. No. Some of the commentary around the flight from Kirkwall to Edinburgh on 5 April has been made by individuals who have no knowledge of the flight in question or of the regulatory and safety regimes that air services operate under. Such commentary is reckless and irresponsible. There is a well-established international regulatory regime for the operation of air services and I am confident that it is operating effectively.

Q. How can flights operate without Air Traffic Control clearance?

A. Kirkwall Airport is licensed and provided fire cover is in place – as it was on this occasion – operations can take place, and it is not a pre-condition of the airport's license that Air Traffic Control is present. The airport itself sits in what is termed to be "uncontrolled airspace" – technically known as Class G airspace – and it is technically possible for any aircraft to approach the airfield without needing air traffic control permission to do so. The precise details of the conduct of the flight on 5 April are, I understand, being reviewed by the Civil Aviation Authority, but I understand that many flights throughout Scotland routinely operate without Air Traffic Control clearances every day; it is not mandatory under certain circumstances.

Subject:

FW: PQ Reference: S5O-03146

From: [redacted]

Sent: 23 April 2019 14:43

To: [redacted]

Subject: FW: PQ Reference: S5O-03146

To note. Do you have a preference of how to condense it? It's currently 150 words.

We were advised by Loganair and HIAL that an aircraft left Kirkwall on 5 April without an ATC service being provided, even though the request to start the engines was made before the airport closing time. To avoid inconveniencing passengers that night and the following morning, a decision was made by Loganair and the Captain of the aircraft, in agreement with HIAL management, to depart without ATC provision but with full fire cover service in attendance at Kirkwall having satisfied themselves that it was safe to do so. The flight operated normally with ATC cover after departing Kirkwall.

Although operating at airports without ATC cover is not uncommon for Loganair and its pilots, it is uncommon at Kirkwall which is why Loganair notified the CAA. While this is entirely a matter for Loganair and the CAA, we will ensure Rhoda Grant is advised of any view expressed by the CAA.

From: pgt@scotland.gsi.gov.uk <pgt@scotland.gsi.gov.uk>

Sent: 23 April 2019 14:34

To: [redacted]

Cc: Transport Scotland Secretariat <TSS@transport.gov.scot>

Subject: PQ Reference: S5O-03146

The PQ S5O-03146 has been rejected by PO - Cabinet Secretary for Transport, Infrastructure and Connectivity.

The reason for rejection is:

Would be grateful if you could condense this answer given there should only be a maximum of 97 words.
Thanks.

<http://s0678a:8080/pqtracker/drafting/answer>

Subject:

FW: Non authorised flight from Kirkwall

From: [redacted]

Sent: 20 April 2019 11:31

To: Jonathan Hinkles <jonathanhinkles@loganair.co.uk>

Subject: Re: Non authorised flight from Kirkwall

Thanks.

Sent from my BlackBerry 10 smartphone.

From: Jonathan Hinkles

Sent: Saturday, 20 April 2019 11:28

To: [redacted]

Subject: Fwd: Non authorised flight from Kirkwall

Liam McArthur was aware of the situation as it was developing on night of 5 April and was briefed.

Nothing heard from Alistair Carmichael [redacted under section 30(b)(ii)].

Correspondence with Rhoda Grant below [redacted under section 30(b)(ii)]. No reply received from her to my message.

[redacted under section 30(b)(ii)]

Cheers

Jonathan

Sent from my iPhone

Begin forwarded message:

From: Jonathan Hinkles <jonathanhinkles@loganair.co.uk>

Date: 9 April 2019 at 16:26:52 BST

To: "Grant R (Rhoda), MSP" <Rhoda.Grant.msp@parliament.scot>

Subject: RE: Non authorised flight from Kirkwall

Dear Ms Grant

Thank you for your message.

The statement below provides further information on the incident. I would strongly caution against taking the advice of whomever has reported this incident to you that the airport was unlicensed on the basis of the air traffic service being unavailable. Commercial air transport operations can and do take place at a wide variety of licensed airports both in Europe and worldwide without Air Traffic Control locally and it is certainly not uncommon. Although it is unusual, I would respectfully suggest that the report you have received has been made to suit a particular agenda.

Of greater interest is why the HIAL Air Traffic Controller refused service to the aircraft when it called for start at 19:43 ahead of the airfield closure at 20:00 and the end of the ATCO's rostered shift at 20:15 hrs. [The 15 minutes is available so that if the aircraft has to return in the event of an

emergency when airborne, the airfield remains available. Handling of emergencies is exempt from the HIAL ATC Action Short of a Strike in any event.] All information available to us is that this action by the ATCO was above and beyond the notified scope of the action, which itself would be illegal.

In direct answer to your questions:

Who took the decision to allow the flight to take-off?

The decision for any flight to depart is taken by the aircraft Commander. In this case, the airfield operator (HIAL) had granted permission; the local Airport Manager and HIAL HQ in Inverness were both involved in that process. Loganair's Nominated Post Holder for Flight Operations and the airline's Accountable Manager (me) were both involved and were content for the aircraft to depart at the Commander's discretion.

What safety measures were in place?

- The crew transmitted their intentions to depart on the Kirkwall Tower frequency, which is standard protocol when operating without ATC cover so that any other aircraft or parties listening are made aware of its intentions. At airports such as Islay, Barra, Tiree and Campbeltown – where we operate up to ten flights each day – aircraft *always* take off without air traffic control clearance – a watch officer (an AFISO) invites the crew to take-off at their discretion.
- The airport's Rescue & Fire Fighting Service (RFFS) was fully manned and on station at Kirkwall for the departure
- The aircraft's Traffic Collision & Avoidance system was fully operative and it was clear of all traffic
- The aircraft then departed under night Visual Flight Rules and called Scottish Control immediately after departure once established in the climb, passing less than 1,000ft. The crew are responsible for monitoring the flight's progress. Again, a great many flights are conducted under VFR rules in Scotland every day.

Is it Loganair and HIAL policy to operate without the support of ATC?

We are able to do so under specific circumstances and where we are entirely satisfied that it is safe to do so. We would prefer to have ATC cover in place, but may use these alternative procedures where prevailing conditions permit. At all times, the safety of the aircraft and its occupants will be paramount in taking any such decision.

I trust that this information and the statement below will assist to fully appraise you of the circumstances to balance against the views of other parties who clearly have a vested interest in ensuring that this incident is portrayed in a different light.

Kind regards
Jonathan Hinkles
Managing Director
Loganair

Background

A number of air traffic control staff at HIAL airports, including Kirkwall, represented by the Prospect union are currently engaged in industrial action with their employer.

On Friday 5 April, Loganair flight 394 from Kirkwall to Edinburgh – a Saab 2000 aircraft scheduled to depart at 19:35 from Edinburgh with 33 passengers and 3 crew members aboard – called Kirkwall Air Traffic Control for start up clearance at 19:43 hrs and was denied clearance.

The airport is planned to remain open to 20:00 hrs. Air Traffic Control and other mandatory safety staff are on shift until 20:30 hrs to accommodate eventualities such as an aircraft departing but then needing to return after take-off in an emergency to Kirkwall. On this basis, the decision to deny clearance to the aircraft was outwith the scope of industrial action notified by Prospect to HIAL.

The aircraft departed at 20:45 using alternative procedures available to pilots to fly without local air traffic control support at Kirkwall. HIAL safety teams were in attendance which was a key part of the decision by the Captain and Loganair's Flight Operations Management team to enable the aircraft to depart. Although unusual, safety assessments and legal provisions nonetheless permit operations under these circumstances. The flight then proceeded as planned, and as normal, to Edinburgh.

Loganair comment

Jonathan Hinkles, Loganair's Managing Director and Accountable Manager, said:

"We believe that Friday evening's actions by Air Traffic Control staff at Kirkwall were beyond the scope of the dispute notified by Prospect. It is a matter of profound regret that HIAL's air traffic controllers – a group whom we hold in the highest professional regard – have chosen to engage in this action based on their union's advice, and moreover have exceeded the legal scope of action in doing so. This introduces unnecessary pressure for everyone into an operational environment where safety is paramount."

"We are calling on Prospect to ensure its members act within the law; and on HIAL and the Cabinet Secretary for Transport to take action against Prospect to ensure that its right to engage in industrial action is exercised only lawfully. All indications available to us are that this was not the case in Kirkwall on Friday evening."

"We would like to thank the HIAL safety teams and Loganair's crew for their efforts to ensure that our customers were able to safely enjoy their planned flight to Edinburgh despite this unforeseen and unnecessary turn of events in the HIAL / Prospect dispute."

From:[redacted] **On Behalf Of** Grant R (Rhoda), MSP

Sent: 09 April 2019 16:06

To: Jonathan Hinkles <jonathanhinkles@loganair.co.uk>

Subject: Non authorised flight from Kirkwall

Good Afternoon Mr Hinkles

Non authorised flight from Kirkwall

I have received some evidence which greatly concerns me with regard to a flight which left Kirkwall on the night of Friday 5 April 2019. It is my understanding that Air Traffic Control closed at 2000hrs under their current work to rule industrial action.

Following this a flight to Edinburgh then left Kirkwall airport at 2046hrs. Given that there was no ATC support and the airport was closed and therefore unlicensed at the time I would request that you advise me of who took the decision to allow the flight to take off, what safety measures were in place to allow for a passenger plane to be safely monitored until Scottish Control took responsibility for it and given that work to rule has just begun, is it now the policy of Loganair and HIAL to operate without the support of ATC?

Given the gravity of this scenario I would appreciate a response as soon as possible.

Kind Regards

Rhoda Grant MSP

Highlands and Islands Regional MSP

Spokesperson for Rural Economy

Tel: 01463 716299

Email: Rhoda.Grant.msp@parliament.scot

Rhoda Grant MSP



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Subject:

FW: HIAL Air Traffic Controller (ATC) Industrial Action Update Shetland News

From: [redacted] On Behalf Of Cabinet Secretary for Transport, Infrastructure and Connectivity

Sent: 09 April 2019 16:09

To: [redacted]; Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Cc: Minister for Energy, Connectivity and the Islands <MinisterECI@gov.scot>; [redacted]; Chief Executive Transport Scotland <ceo@transport.gov.scot>; Transport Scotland Secretariat <TSS@transport.gov.scot>; [redacted] <[redacted]@transport.gov.scot>; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; [redacted]; Press Transport Scotland <media@transport.gov.scot>; [redacted]

Subject: RE: HIAL Air Traffic Controller (ATC) Industrial Action Update Shetland News

Hi [redacted],

Mr Matheson has noted the lines that will be issued.

Many thanks

[redacted]

[redacted] | Private Secretary to Michael Matheson MSP, Cabinet Secretary for Transport, Infrastructure and Connectivity

The Scottish Government | St Andrew's House, Edinburgh, EH1 3DG | Web: www.gov.scot

[redacted] Email: CabSecTIC@gov.scot

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From: [redacted]

Sent: 09 April 2019 15:50

To: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Cc: Minister for Energy, Connectivity and the Islands <MinisterECI@gov.scot>; [redacted]; Chief Executive Transport Scotland <ceo@transport.gov.scot>; Transport Scotland Secretariat <TSS@transport.gov.scot>; [redacted] <[redacted]@transport.gov.scot>; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; [redacted]; Press Transport Scotland <media@transport.gov.scot>; [redacted]

Subject: RE: HIAL Air Traffic Controller (ATC) Industrial Action Update Shetland News

Updated in light of new information, t thanks.

[redacted]

"Operation of Kirkwall Airport is a matter for HIAL who will examine the circumstances that led to an aircraft being denied permission to start up, even though the airport remained open. We note the aircraft departed safely under separate procedures agreed between HIAL, Loganair and the aircraft Captain and landed around 30 minutes late in Edinburgh.

"We continue to encourage Prospect and HIAL to discuss a retention allowance for ATCs and to work towards a resolution to the pay dispute. We note that positive discussions took place between Prospect and HIAL today and as a result Prospect have suspended their strike which was to take place on 26 April".

From: [redacted]

Sent: 09 April 2019 15:25

To: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Cc: Minister for Energy, Connectivity and the Islands <MinisterECI@gov.scot>; [redacted]; Chief Executive Transport Scotland <ceo@transport.gov.scot>; Transport Scotland Secretariat <TSS@transport.gov.scot>; [redacted] <[redacted]@transport.gov.scot>; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; [redacted]; Press Transport Scotland <media@transport.gov.scot>; [redacted]

Subject: RE: HIAL Air Traffic Controller (ATC) Industrial Action Update Shetland News

Hi [redacted], Shetland News have asked for an SG response to this incident, we intend to provide the following factual lines below, thanks.

[redacted]

A Transport Scotland spokesperson said:

"The operation of Kirkwall Airport is a matter for HIAL who will examine the circumstances that led to an aircraft being denied permission to start up, even though the airport remained open. We note the aircraft departed safely under separate procedures agreed between HIAL, Loganair and the aircraft Captain and landed around 30 minutes late in Edinburgh.

"We continue to encourage Prospect and HIAL to discuss a retention allowance for ATCs and to work towards a resolution to the pay dispute."

From: [redacted]

Sent: 09 April 2019 15:05

To: [redacted]

Subject: HIAL dispute/Kirkwall incident

[redacted] from Shetland News here.

As I said on the phone there was a new twist in the dispute between HIAL and the air traffic controllers when a plane bound from Kirkwall to Edinburgh took off at 8.45pm, 3/4 of an hour after the controllers went home.

It has been alleged that HIAL and Loganair were contravening safety rules, though both deny this, though it is clear that the controllers' work to rule influenced their decision to leave at the end of their shift.

Additionally Prospect union rep David Avery had this to say: "We have come to those meetings willing to negotiate a deal which might resolve the dispute, however officials have been unable to do so due to the constraints placed upon them by Ministers.

"We call on Scottish Ministers to free HIAL's hand and allow it the full freedom to negotiate a deal which will resolve the dispute, end the current industrial action and avert the planned strike."

Could I get a statement from Transport Scotland/the Scottish Government regarding this secondary aspect, where it is claimed that HIAL are not being given the freedom to negotiate, and indeed if there is anything to say about the unusual procedures at Kirkwall on Friday evening,

Thanks very much,

[redacted]

Subject: FW: Incident at Kirkwall Airport
Attachments: 090419 Lorna Jack letter.pdf

From: [redacted]
Sent: 09 April 2019 11:44
To: ljack@hial.co.uk
Cc: [redacted]
Subject: Incident at Kirkwall Airport

Hello Lorna

Please see attached a letter from [redacted], Prospect Negotiations Officer.

Regards

[redacted]

[redacted], Executive Assistant

Prospect - Edinburgh

Suite G1, Cairncross House, 25 Union Street, Edinburgh, EH1 3LR

T: [redacted]

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Ms Lorna Jack
Chair
Highlands and Islands Airports Ltd
Inverness Airport
Inverness
IV2 7JB

9 April 2019

CC: [REDACTED] Transport Scotland

Dear Ms Jack

Incident at Kirkwall Airport, 5 April 2019

You may be aware that there was an incident at Kirkwall Airport on Friday where it appears that an aircraft took off out of hours and without air traffic control provision. We understand that non ATC staff members may have come under pressure to undertake duties normally undertaken under licence by Air Traffic Controllers in turning on the airfield lights.

It is likely that staff members have been asked to undertake duties which would normally be undertaken by Prospect members who are currently lawfully taking action short of a strike.

Prospect members believe that this was a serious breach of air traffic regulations. We understand that the CAA are investigating the incident to see if the law has been broken. Members have reported that both the Kirkwall Airport Manager and the HIAL Chief Executive had knowledge of the incident and were potentially involved in authorising the departure. I am therefore asking you to consider whether or not anyone in HIAL is suitably independent to undertake an investigation into their conduct and ask you to consider a separate investigation by an independent third party into the decision making and conduct of managers including the Chief Executive with regards this incident.

Yours sincerely

[REDACTED]

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[REDACTED]

Negotiations Officer

Subject:

FW: HIAL Air Traffic Controller (ATC) Industrial Action Update

From: [redacted]

Sent: 08 April 2019 14:08

To: Cabinet Secretary for Transport, Infrastructure and Connectivity <CabSecTIC@gov.scot>

Cc: Minister for Energy, Connectivity and the Islands <MinisterECI@gov.scot>; [redacted]; Chief Executive Transport Scotland <ceo@transport.gov.scot>; Transport Scotland Secretariat <TSS@transport.gov.scot>; [redacted]

<[redacted]@transport.gov.scot>; [redacted]; McFarlane J (John) <John.McFarlane@gov.scot>; [redacted]; Press Transport Scotland <media@transport.gov.scot>

Subject: HIAL Air Traffic Controller (ATC) Industrial Action Update

[redacted]

Mr Matheson requested a weekly update on the impact of the HIAL ATC industrial Action. ATCs began to work to rule on 1 April and there is a 1 day strike planned for 26 April.

[redacted]

In addition, there was an unusual delay on a Loganair Kirkwall to Edinburgh service on 5 April. The issue here was that the ATC refused permission for the aircraft to start up at 1943, despite the airport closure time being 2000. Eventually the aircraft took off without ATC cover, which it's allowed to do, following discussions between the airline's Accountable Officer, HIAL and the Captain of the aircraft. Other HIAL staff, including the airport fire service, proactively worked to ensure that the aircraft could depart. The aircraft departure was delayed by around 1 hour but it made up time and was only 30 minutes or so late arriving in Edinburgh. A report has been submitted to the CAA which is standard practice. The general view is that the ATC's refusal to grant permission for the aircraft to start up was outwith the scope of the industrial action as notified to HIAL by Prospect and HIAL will be pursuing this with the Union.

We will provide a further update next week.

Thanks

[redacted]

[redacted]

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