

GUERNSEY ADVISORY CIRCULARS (GACs)



GAC GEN- 4



**Accountable
Manager**

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First Issue

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They are not in themselves law or a regulation but may amplify provisions of the laws and regulations, including the Guernsey Aviation Requirements, or provide practical guidance. Since GACs are non-binding, regulated persons may choose alternative means to comply with the guidance. In this case, however, they lose the presumption of compliance provided by the circular and need to demonstrate to the Office of the Director Civil Aviation (ODCA) that they do comply with the law.

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Enquiries regarding the content of this publication should be addressed to the Office of the Director of Civil Aviation, Guernsey Airport, Airport Terminal Building, La Villiaze, Forest, Guernsey, GY8 ODS.

Processing of applications will be done by the Guernsey Aircraft Registry, which operates as '2-REG'. For further information consult <http://www.2-reg.com> or send a message to info@2-reg.com.

Checklist of Pages

	Page no.	Issue no.	Date
Title page	-	1	August 2024
Statement	-	1	August 2024
Checklist of Pages	I	1	August 2024
Revisions	II	1	August 2024
Contents	III	1	August 2024
	1	1	August 2024
	2	1	August 2024
	3	1	August 2024
	4	1	August 2024
	5	1	August 2024
	6	1	August 2024
	7	1	August 2024
	8	1	August 2024
	9	1	August 2024
	10	1	August 2024

Revisions

Issue no.	Subject
Issue 1	First issue

Contents

Checklist of Pages i

Revisions	ii
Contents	iii
1 Purpose	1
2 Related laws, regulations and requirements	1
3 Definitions	1
4 Introduction	2
5 Corporate Authority	2
6 Accountable Manager's Key Responsibilities and Experience	3
7 Financial Authority	3
8 Human Resource Management	4
9 Safety and Security Management Systems	5
10 Compliance Monitoring (Quality) System	5
11 Standards	5
12 Flowchart	6
13 Approval of nominee	6
14 Organisational and personnel changes	7
15 Continuity	7
Appendix A – Accountable Manager Selection Flowchart	9
Appendix B – Example Accountable Manager Assessment Form	10

1 Purpose

This Circular provides guidance to applicants for the appointment of an Accountable Manager to demonstrate compliance with related GARs.

2 Related laws, regulations and requirements

This GAC relates to:

- GAR Parts 39, 119, 145, and
- GAC OPS-11 Principal Place of Business (PPB).

No rights can be derived from this document. For exact details please refer to The Air Navigation (Bailiwick of Guernsey) Law, 2012. In case of conflict between this guidance document and the Law, the latter shall prevail.

3 Definitions

Definitions, in the context of this GAC shall have the meanings listed in GAR Part 1 (Definitions, Abbreviations and Units of Measurement).

4 Introduction

4.1 Certain organisations holding a certificate or approval under GARs are required to have an Accountable Manager who has corporate authority and responsibility for ensuring that the activities conducted under the certificate or approval are performed to the standard required. The key responsibilities outlined in this GAC must be discharged within any approved organisation by a clearly identified person. The nomination of a person as Accountable Manager within a GAR Approved Organisation requires specific approval by the Director. This GAC provides guidance on the role of the Accountable Manager and the qualifications and qualities required for acceptance in that role.

5 Corporate Authority

5.1 The term “corporate authority” is used to establish the seniority of the managerial positions that might require specific levels of authority within an organisation. The Accountable Manager is one of those positions.

The term 'Accountable Manager' is used to describe the single individual who is designated as the person responsible to Director of Civil Aviation in respect of the functions which are subject to regulation, and carried out by an aircraft Operator, Continuing Airworthiness Management Organisation or Approved Maintenance Organisation. That person is normally expected to be the person who has corporate authority for ensuring that all operations activities can be financed and carried out to the standard required by the Director of Civil Aviation.

Therefore, the Accountable Manager's role should occupy an appropriate senior position within the organisation in order to be able to direct or influence its activities, but need not be the person who sets overall company policy or objectives. It is possible for an Accountable Manager to be answerable to and directed by another person or persons (such as a company's Board) yet retain the appropriate level of authority to ensure that activities are adequately resourced (financially and with people) and carried out to an acceptable standard¹.

Through their CV, interview and documented Terms of Reference for the Accountable Manager's position, the nominee must be able to demonstrate:

- a) The ability to direct and control the activities of the organisation for which they are responsible; and
- b) Appropriate previous experience in a senior management position, preferably within the aviation industry.

c) Demonstration of financial control of the business to assure all Regulatory requirements can be met, including the purchase and/or recruitment of all necessary resources.

Any lack of such experience need not necessarily disqualify a person from holding the post. In this case the nominee should be able to demonstrate an understanding of sound management principles, supported by an appropriate training and development plan.

¹ Note 1: There are different ways to set up an organisation including the possibility to have managerial layers between the Accountable Manager and the nominated person(s). The key principle is that, regardless of the arrangement, there is one nominated person responsible for each organisational function, this responsibility is recognised by that nominated person and the Accountable Manager, and a direct communication channel exists between them. The nominated person's responsibility should not be diluted into the various levels of management and should be free of conflicts of interest.

Note 2: As an example, when an Accountable Manager is not the Chief Executive Officer, the Director of Civil Aviation will need to be assured that such an Accountable Manager has direct access to the Chief Executive Officer and has a sufficiency of funding allocated for all organisational requirements.

6 Accountable Manager's Key Responsibilities and Experience

6.1 The exact nature of the Accountable Manager's responsibilities will vary with the size and type of the organisation and therefore the experience required to fulfil the post. However, there are several particular areas of responsibility which will apply to the role in any organisation. These are described below; they are not exhaustive but represent key areas of responsibility for the postholder, and for which they should have an acceptable level of competence.

Where a single organisation holds more than one approval, the Accountable Manager should normally have final authority over all activities conducted under the GAR approvals.

7 Financial Authority

7.1 The Accountable Manager should not only control an allocated budget but also be instrumental in determining what that budget should be.

A nominee for this post should therefore be able to demonstrate that:

- a) they are responsible for determining the level of financing appropriate to the proposed activities and resource levels of the organisation; and
- b) they have an appropriate level of autonomy to use the budget; and

- c) they understand the budgetary process; and
- d) they have the ability to ensure that all required resources and management tools are available to support the organisation; and
- e) they are able to ensure that safety, security, and compliance is adequately maintained. In very small organisations, the Accountable Manager may have control over all or significant parts of the company's budget.

In some organisations, the Accountable Manager might only have control over a budget allocated by a board of directors, an Organisation's owner or CEO. However, to meet the requirements of "financial authority" they should be instrumental in determining the size of the budget, its allocation and its expenditure.

In other organisations, where there might be a controlling group with a main board directing subsidiary boards at company level, the layers of corporate management can make it difficult to determine the focus of financial control, but the same test of authority applies, i.e. does the nominated Accountable Manager have appropriate control of an appropriately sized budget and the use of funds allocated to the organisation that they manage.

The Director of Civil Aviation cannot accept a situation in which the accountable manager is denied sufficient funds, resources or influence to rectify deficiencies identified by the management systems.

Note: The DCA will require written evidence of the level of budget control held by the Accountable Manager, where the Accountable Manager reports to a Board of Directors, CEO or Organisation's owner.

8 Human Resource Management

8.1 Within the organisation, the Accountable Manager will set up an appropriate management structure, using suitable technically qualified persons with an adequate knowledge of the standards required by the regulatory authority. They must also be able to justify the scale and scope of the proposed management structure and the divisions of responsibilities within it.

An organisation cannot function effectively unless it is adequately staffed. Personnel are needed in sufficient numbers and with the competencies and skills for the jobs they are required to perform. Training, including ongoing refresher training will be required to ensure that these are enhanced where necessary and then maintained. The Accountable Manager should normally have overall responsibility for such human resources matters.

9 Safety and Security Management Systems

9.1 Any nominee should be able to demonstrate a sound knowledge and understanding of Safety Management Systems (SMS) and Security management Systems (SeMS) principles, practices and management within the organisation where such systems are required to operate. The nominee should be able demonstrate the importance attached to the management of safety and security by giving examples of where it applies within the organisation for which they are responsible.

10 Compliance Monitoring (Quality) System

10.1 The Approval may require the establishment of a Compliance Monitoring (Quality) System to support management of the organisation and to monitor compliance both with GARs and with those standards specified by the operator to ensure a safe operation or product.

As the person with ultimate responsibility for meeting the required standards, the Accountable Manager is expected to play a central and influential role in the establishment and operation of the organisation's Compliance Monitoring (Quality) System.

A nominee should be able to demonstrate a sound knowledge of Compliance Monitoring (Quality) principles and practices and how they are applied within their own organisation including, in particular, to their role within the system. Additionally, they should be able to demonstrate an ability to manage Compliance Monitoring (Quality) functions and to respond to Compliance Monitoring (Quality) issues raised to them for rectification within the organisation.

11 Standards

11.1 The Accountable Manager is the manager with ultimate responsibility for operational standards and compliance with the relevant regulations and requirements.

Specifically, the Accountable Manager is accountable to the Director of Civil Aviation for activities conducted under the terms of the GAR approval. In practice, technical specialists, appointed to other subordinate managerial roles, may provide the level of regulatory and technical knowledge and support needed to ensure compliance on a day-to-day basis.

The nominee should be able to demonstrate an understanding of the standards required of the organisation for which they will be responsible. This will include

an understanding of the applicability of relevant regulatory documents and an appropriate level of knowledge of their content and purpose.

In particular, the nominee should be able to demonstrate knowledge and understanding of the requirements related to those appointed to designated posts, and others within the organisation with responsibilities under the relevant requirements. Any nominee for the position of Accountable Manager should be able to evaluate the qualities and qualifications required for these roles.

Note 1: It is not expected or required that the Accountable Manager be knowledgeable on technical matters. It is the responsibility of the Accountable Manager to designate nominated post holders within the organisation that have the required knowledge, skills and experience to assume responsibility for matters related to their functions.

Note 2: The Accountable Manager must hold regular meetings with nominated postholders to ensure the efficacy of the technical functions of the organisation in addition to Safety Management, Security management and Compliance Management systems within the organisation as applicable. Dependent of the size and complexity of an organization the Director of Civil Aviation may approve organisational procedures that allow such meetings to be delegated on a day to day basis to the Compliance Monitoring Manager subject to the Accountable Manager meeting at least twice per year with the senior staff involved to review the overall performance of the organisation, and receiving at least a half yearly summary report on findings of non-compliance and safety matters.

12 Flowchart

12.1 A flowchart which can serve as a filter for potential candidates for the role of Accountable Manager is in Appendix A to this GAC.

13 Approval of nominee

13.1 The Accountable Manager is a key component of the regulatory approval, and the Director of Civil Aviation will need to be satisfied that the person proposed as Accountable Manager is suitable to undertake the role under that approval. The organisation should therefore consult 2-REG at an early stage, providing the fullest information regarding the nominee's fulfilment of these criteria. It is advisable that this is done before contractual arrangements concerning employment are concluded with the nominee.

There are likely to be instances where the nominee does not fully meet every aspect of the criteria listed. Nevertheless, where the candidate substantially fulfils the main requirements, the gaps may be addressed by training (within an agreed timeframe) or managed experience. For example, the nominee may have

limited experience of safety or security management systems. In such cases, conditional approval may be given subject to the nominee achieving, within a specified time, the full level of knowledge and experience required.

In addition, conditions may be attached to the organisation's approval during this period.

A checklist which can serve as a template for assessing potential candidates throughout the selection process is in Appendix B to this GAC.

Nominees for the role of Accountable Manager shall be interviewed by the Director of Civil Aviation, or a representative acting on behalf of the Director.

Once approved, the Accountable Manager shall meet with the Director of Civil Aviation, or a representative acting on behalf of the Director, in order to determine that the requirements of the Accountable Manager role continue to be in place by the nominated person at a period of not less than two years or a rolling basis.

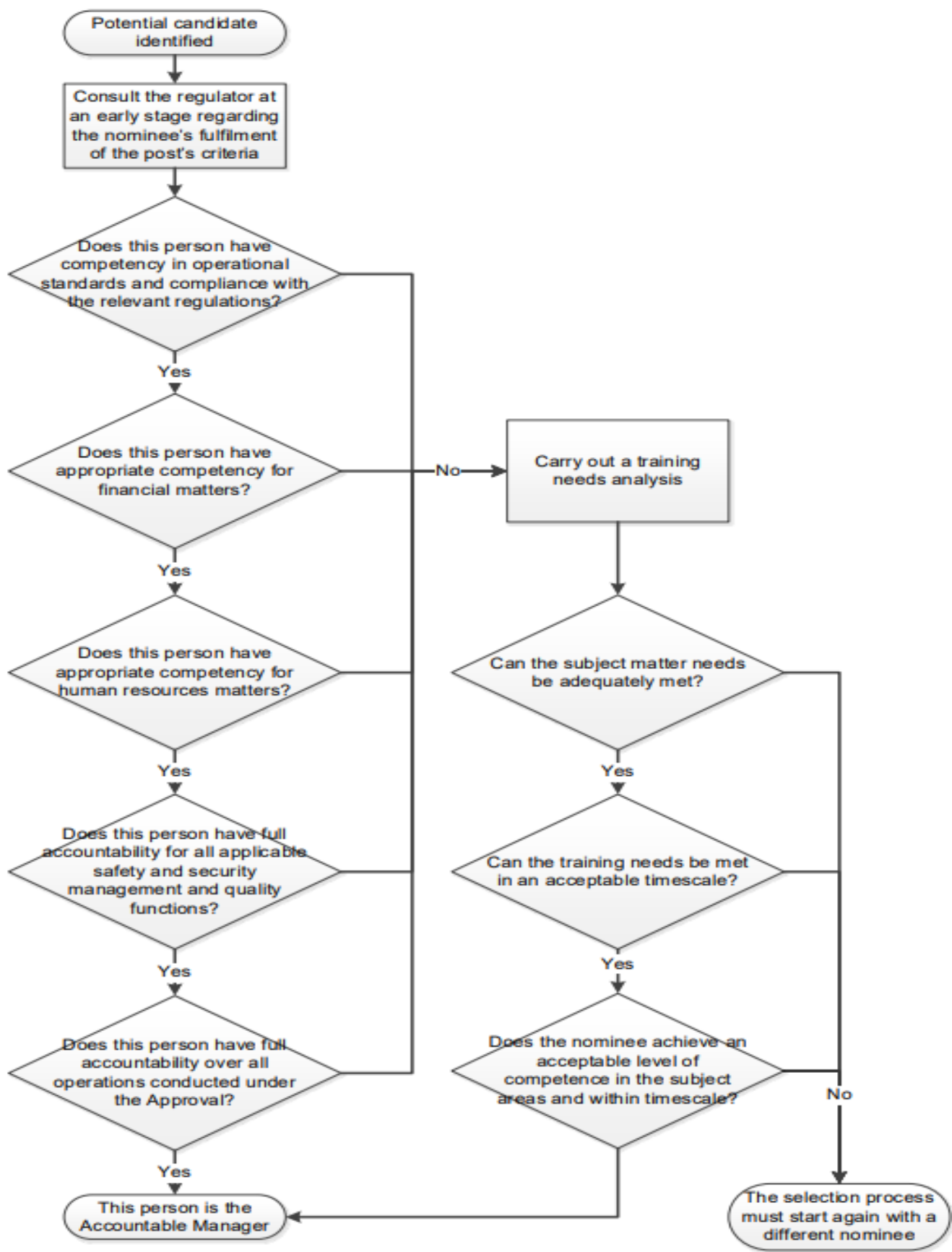
14 Organisational and personnel changes

14.1 The senior management of the approved organisation should notify the 2-REG immediately if it is known that the Accountable Manager is leaving the company or no longer occupies the same post, or if the terms of reference associated with the post change substantially. Any proposed change of Accountable Manager should follow the process described in paragraph 14.1. If there is an interval between the departure of an Accountable Manager and an approved successor taking up the post, conditions may be attached to the organisation's approval or, in extreme cases, the approval may be suspended.

15 Continuity

15.1 Whilst the accountability of an Accountable Manager cannot be delegated, if the Accountable Manager is going to be absent for a time (including periods of annual leave), the organisation must have a practical system of delegation to ensure the organisation's responsibilities are maintained. Clearly, delegation can be upwards, horizontally or downwards in the organisational structure, but it must be appropriate and satisfactory to the Director of Civil Aviation.



Appendix A – Accountable Manager Selection Flowchart

Appendix B – Example Accountable Manager Assessment Form

Notes:

1. Column 1 includes the headings of the key responsibilities and experience needed for the post as set out in this GAC. There may be more headings required than shown in this example depending on the GAR approval being applied for.
2. The organisation should set out its requirements in column 2.
3. The company assessor (or selection board) evaluates the nominee's attainment in column 3 against the requirement (column 2).

Accountable Managers Key Responsibilities and Experience (1)	Organisation requirement (2)	Assessment (3)
Financial authority		
Human resource management		
Safety Management System		
Security Management System		
Compliance Management (Quality) System		
Regulatory Standards		
Other (organisation to add more lines for matters relevant to the organisation and job role)		

End