

THE CRANSTON INQUIRY

INITIAL PROCEDURAL PROTOCOL

Introduction

1. On 24th November 2021, an inflatable boat carrying men, women and children from France to the United Kingdom became swamped in the Dover Strait, causing the deaths of at least 27 of the people on board.
2. The Marine Accident Investigation Branch carried out a safety investigation and published its report on 9th November 2023.
3. The establishment of a non-statutory independent inquiry (**the Inquiry**) into these events was announced on 11th January 2024 by the Transport Secretary, the Rt Hon Mark Harper MP.
4. The Chair of the Inquiry is Sir Ross Cranston, a former Judge of the High Court of Justice of England and Wales.

Terms of Reference

5. The Inquiry's Terms of Reference are as follows:

Scope and purpose

The inquiry will examine, consider and report on the events of 24 November 2021, when at least 27 people died attempting to cross the Channel in a small boat.

The Chair is to conduct an investigation into these events in order to:

- ascertain who the deceased were and when, where and in what circumstances they came by their deaths
- consider what further lessons can be learned from the events of 24 November 2021 and, if appropriate, make recommendations to reduce the risk of a similar event occurring

The procedure and conduct of the inquiry will be directed by the Chair.

In conducting this inquiry, the Chair will consider the investigation already carried out by the Marine Accident Investigation Branch (MAIB) into the incident.

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Timing

The Chair will report to the Secretary of State for Transport as soon as is practicable, taking into account any ongoing or future legal proceedings. The Secretary of State for Transport will be responsible for publishing the report.

The Inquiry's approach

6. The Inquiry is entirely independent from Government, from its sponsor, the Department for Transport, and from any individual or organisation it investigates or liaises with in order to fulfil its Terms of Reference.
7. All questions relating to the conduct of and procedures to be adopted by the Inquiry are for the Chair to determine.
8. The Inquiry will adopt procedures which are flexible, open, and even-handed, which avoid unnecessary cost to public funds or others, and which will allow it to conduct its investigation as efficiently and speedily as possible. It will carry out its task of establishing the facts and making recommendations thoroughly and fairly.
9. The Inquiry is an inquisitorial and not an adversarial process, designed and intended to find out the truth. There are no 'parties' in the Inquiry and there are no 'cases' to be advanced. The Inquiry itself will gather in relevant documents, obtain witness statements and decide from whom oral evidence should be heard.
10. The Inquiry expects to receive co-operation from all individuals or organisations with relevant material or evidence.

Protocols

11. This protocol explains in general terms how the Inquiry intends to go about its work. It is subject to and should be read with all other protocols which govern the conduct of the Inquiry.
12. All Inquiry protocols may change from time to time, in the course of the Inquiry's work. The latest versions will be available on the Inquiry website.
13. The Inquiry currently expects to publish Protocols governing:
 - Funding

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- Disclosure
- Redaction and anonymisation
- Witness evidence

Full Participants

14. Some individuals and organisations will have a particular interest in the proceedings and/or outcome of the Inquiry, and these individuals/organisations may be accorded the status of 'Full Participants'.
15. The Inquiry has decided that the following individuals and organisations should be accorded Full Participant status:
 - (1) A survivor and the families of the some of the victims, represented by Duncan Lewis, solicitors;
 - (2) The Maritime and Coastguard Agency;
 - (3) The Home Office;
 - (4) The Department for Transport.
16. Any other individual or organisation with a particular interest in the proceedings and/or outcome of the Inquiry may apply to the Chair to be accorded Full Participant status. All such applications should be made in writing and sent to the Solicitor to the Inquiry at info@cranston.independent-inquiry.uk or "FREEPOST, The Cranston Inquiry" by no later than **4pm on 20 March 2024**.
17. A record of Full Participants will be maintained on the Inquiry website.
18. A Full Participant, whether in person or through a legally qualified representative, will be entitled to the following:
 - a. to participate, when the Inquiry consults on its procedures;
 - b. to receive disclosure of material and witness statements identified as relevant by the Inquiry;
 - c. to attend public Inquiry hearings and suggest lines of inquiry or questions to be put to witnesses by Counsel to the Inquiry at those hearings;
 - d. to make written and oral opening and closing statements.

Public Funding

19. In appropriate cases, the Chair will approve the cost of legal assistance from public funds, in line with the Inquiry's Funding Protocol. **[link]**

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Disclosure

- 20.** Details of the Inquiry's approach to disclosure and to the treatment of material disclosed to it will be set out in its Disclosure Protocol and Redaction Protocol.
- 21.** The Inquiry expects to:
- a. Make formal requests for disclosure to individuals and organisations who the Inquiry considers may be in possession of relevant material;
 - b. Arrange for any material provided to be uploaded to the Inquiry's document management system;
 - c. Review the material for relevance to the Inquiry's work;
 - d. Liaise with material providers about redactions and anonymisation in accordance with the Disclosure and Redaction Protocols;
 - e. Following the above liaison process, consider the extent of disclosure required to any relevant Full Participants to enable their participation in the Inquiry, and then to disclose that material.

List of Issues

- 22.** After the Inquiry has reviewed the material disclosed to it, the Inquiry will prepare a draft List of Issues for investigation. Full Participants will be consulted on the draft List of Issues. The finalised List of Issues will appear on the Inquiry website.

Witness evidence

- 23.** Details of the Inquiry's approach to witness evidence will be set out in the Witness Evidence Protocol.
- 24.** The Inquiry will make decisions as to those persons from whom a witness statement will be required, following analysis of the material disclosed to it.
- 25.** Where a person has a legal representative, the expectation is that the witness statement will be prepared by that representative.
- 26.** The Inquiry intends to:
- a. Set out in writing the topics to be covered and questions to be answered in each statement;

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- b. Once the draft statement has been received, consider whether any redactions are appropriate in accordance with the Disclosure and Redaction Protocols;
- c. Consider whether it is appropriate for a witness to be granted anonymity in accordance with the Disclosure and Redaction Protocols, and if so, how that might best be achieved;
- d. Disclose copies of the statement(s) to any relevant Full Participants once an agreed version is available (to the extent that disclosure is required in order to enable participation in the Inquiry)

Hearings

- 27.** There will be an Opening Hearing on 10.30 am on 6 March 2024 at Dorland House, 13 Bishop's Bridge Road, London, W2 6QB, at which the Chair will explain the current and future work of the Inquiry.
- 28.** As soon as it is possible to do so, the Inquiry will announce the dates of the Full Hearings and the details of the venue at which these will take place.
- 29.** The Inquiry will provide a list of those witnesses which it proposes to call to give oral evidence at the Full Hearings.
- 30.** It is not yet possible to provide detail concerning the conduct of the Full Hearings. The following points indicate the Inquiry's present views:
 - a. There will be an opening statement by Counsel to the Inquiry.
 - b. Short oral opening statements may be made thereafter on behalf of any Full Participant, following prior application to the Inquiry.
 - c. The questioning of witnesses will be generally be conducted by Counsel to the Inquiry.
 - d. Full Participants will be given an opportunity to make closing statements to the Inquiry.
 - e. Whilst the Inquiry intends to hold hearings in public, there may be exceptional circumstances which justify the Inquiry hearing evidence in private, for example in order to preserve anonymity for those afforded that protection by the inquiry. Such a decision will only be made following consideration and determination by

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the Inquiry. The Inquiry would usually expect to give reasons for any such decision in public.

Report and Warning Letters

- 31.** The Inquiry's Report may contain criticism of individuals or organisations. The Inquiry will seek to provide warning of possible criticism as the Inquiry proceeds in order to minimise delay to publication.

- 32.** Where it is not possible to provide warning during the course of the hearings, the Inquiry will seek to provide notification of proposed criticism prior to publication, with reasonable time allowed for a response.