

Thursday, 24 October 2024

Statement by THE CHAIR

SIR ROSS CRANSTON: Well, good afternoon everyone, welcome to this preliminary hearing of the Cranston Inquiry. I'm Ross Cranston. The hearing is being held in public and it's also being live streamed, for the benefit of those who have an interest in our work but can't be with us here today.

As many of you know, the wider background to the Inquiry is the well known and continuing problem of people seeking to cross the Channel from France to the UK in small and often unseaworthy boats. Although this continues to be a politically controversial issue, the focus of the Inquiry is not on those wider debates but rather on one such journey across the Channel on 23 and 24 November 2021, and that tragically ended in the loss of at least 27 lives.

The purpose of this hearing is to provide an update on the work of the Inquiry so far and to outline our plans for the remainder of the investigation.

As background, let me explain that I was appointed on 11 January this year by the Secretary of State for Transport under the previous Government, the Right Honourable Mark Harper, Member of Parliament. I should say at the outset how grateful I am to Mr Harper for his

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to identify those who tragically died; to examine the circumstances of their deaths; and to make recommendations to reduce the risk of a similar event occurring.

It follows that the overarching question which guides all of my decisions concerning the conduct and procedures of the Inquiry is this: what would best and most effectively assist the Inquiry in its work and so enable me to discharge the task conferred upon me by the terms of reference?

With that said, I turn to the work which the Inquiry has undertaken so far. In summary, over the past seven months my team and I have established the procedural framework for the Inquiry, and we've made significant progress in our investigation.

So let me flesh that out a little.

Firstly, following on from the initial procedural inquiry issued in February, we have published a full set of procedural protocols. They deal with every stage of the process up to and including the full hearings. These protocols, which are available on the Inquiry's website are (1) the disclosure protocol which sets out the arrangements for the disclosure of material to the Inquiry by any person, institution or organisation which has been asked to provide material to us or which has

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support throughout the time he was in office.

On Monday this week, I met the current Secretary of State for Transport, the Right Honourable Louise Haigh, Member of Parliament. I'm grateful to Ms Haigh for her commitment to continuing to support the work of the Inquiry.

Now, at the Inquiry's opening hearing in March this year, I highlighted some important features of the terms of reference and outlined the approach which my team and I intended to take to the investigative work of the Inquiry. I don't wish to repeat today what I said in March. However, I'd like to stress now, as I did then, three points.

First, in all our work, my team and I will not lose sight of the fact that for those who lost their lives on 24 November 2021 and for their friends and loved ones, this was, above all, an immeasurable human tragedy.

Secondly, this is an independent Inquiry. It's independent from government, from its sponsor department, the Department for Transport, and from any of the individuals or organisations it investigates or liaises with in the course of its work.

Thirdly, my task is to fulfil the terms of reference. You can find those on the Inquiry's website but let me just give a brief summary: these require me

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provided material voluntarily. I refer to them as the material providers.

The material providers include what we have called the Full Participants. For the benefit of those who are not familiar with the work of the Inquiry, I should explain that the Full Participants are the families of some of the victims and a survivor represented by Duncan Lewis Solicitors, the Maritime and Coastguard Agency, the Home Office, and the Department for Transport.

The second protocol is the redaction protocol and, as its name suggests, it sets out our approach to the removal of information, such as personal data or information which is sensitive and irrelevant to the Inquiry's terms of reference from the material to be disclosed by material providers.

The third protocol is the witness evidence protocol. That sets out the approach that the Inquiry will take to the witness evidence, including the Inquiry's process for requesting witness evidence from persons, institutions and organisations, the form of draft statements provided in response to the Inquiry's requests and the process for finalising those statements.

Number (4) is the witness handling protocol, which sets out our approach to the management of witnesses who

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1 will give oral evidence at the full hearings. It covers
2 matters such as the circulation of evidence proposals
3 for witnesses and their questioning.

4 Fifthly, there's the anonymity protocol, which
5 again, as its name suggests, sets out the approach that
6 will be taken by the Inquiry to applications for
7 anonymity by any person.

8 Then, finally, there's the funding protocol which
9 relates to the awards to be made to a person eligible in
10 respect of expenses properly incurred in respect of
11 obtaining legal advice or representation in connection
12 with the Inquiry.

13 Now, those protocols might seem detailed and
14 specific, which they are, but they're necessary. They
15 provide the framework for the work of the Inquiry.
16 They're an essential resource for any person who wishes
17 to engage with the work of the Inquiry.

18 The second step in our work was the preparation of
19 a list of issues, and that was published in June,
20 following consultation with the Full Participants. Now,
21 that document shows the detailed focus of the Inquiry's
22 investigative work. It's on the website. It sets out
23 over 30 questions grouped under six broad headings which
24 the Inquiry will look to answer. We're keeping this
25 list of issues under review as the Inquiry continues.

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1 We will make the final determination on the
2 appropriateness of any proposed redaction in accordance
3 with the redaction protocol.

4 As to the process of disclosure to the Full
5 Participants of relevant documents, which we take the
6 view that ought to be disclosed to aid their effective
7 participation in the full hearings, I'm pleased to say
8 that that process has begun. The first tranche of
9 material being disclosed to the Full Participants was
10 made on Monday of this week.

11 That outward disclosure process will continue as
12 tranches of relevant material are disclosed to the Full
13 Participants, and it's expected to conclude before the
14 end of the year.

15 The next aspect of our work so far relates to
16 witness statements. Following consideration of the
17 material disclosed to the Inquiry, we made decisions as
18 to those persons from whom a witness statement was
19 required. At the end of July, the Inquiry team issued
20 initial requests for witness evidence from the persons
21 we identified. Those requests sought evidence from
22 organisations and also from individuals and families,
23 including those who were most closely involved with the
24 incident on 24 November 2021.

25 The Inquiry has now received the vast majority of

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1 The third aspect of our work so far has been
2 disclosure to us, what could be called inward
3 disclosure. At the opening hearing in March this year,
4 I noted that the process of gathering material from
5 those most closely involved in the events of 24 November
6 2021 was underway. All material disclosed to the
7 Inquiry has been uploaded to our document management
8 system. The Inquiry team has reviewed and analysed that
9 material, and assessed its relevance. Where
10 appropriate, further disclosure has been sought from the
11 material providers, and further sources of material have
12 been identified.

13 To date, we have received many thousands of
14 documents from the material providers, as well as audio
15 files which are in the process of transcription; in
16 preparation for the disclosure of documents to Full
17 Participants and others, what could be called outward
18 disclosure; and, in accordance with the protocols of
19 disclosure and redaction that I've referred to, the
20 Inquiry team has identified information in the disclosed
21 material which the Inquiry proposes to redact. The team
22 is now in the process of liaising with material
23 providers so they have an opportunity to review and
24 approve the proposed redactions and to identify any
25 further redactions they would like.

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1 draft witness statements in response to those requests.
2 I know that preparing a witness statement is a burden.
3 For individuals, it can be a stressful experience to
4 prepare such statements, so I'm grateful to all of those
5 who have done so.

6 The Inquiry team has analysed the draft statements;
7 where appropriate further information and clarification
8 has been sought from those who have provided statements.
9 The Inquiry has also identified a small number of
10 additional persons from whom it has requested a witness
11 statement. The process of finalising those statements
12 is now underway and I expect that process to be
13 completed in the next couple of weeks.

14 Once the witness statements are finalised, the
15 Inquiry team will apply the appropriate redactions,
16 using the same process I described earlier, in relation
17 to the material disclosed to the Inquiry. After the
18 completion of that process, copies of the statements
19 will be provided to Full Participants.

20 A sixth step in our work has been our site visits.
21 In order to understand the context of the events which
22 the Inquiry is considering, members of the Inquiry team
23 and I have undertaken a number of site visits: to the
24 Maritime and Coastguard Agency on 29 February in Fareham
25 and 14 May in Dover and Lydd; to the Border Force on

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1 22 April, in Dover and Ramsgate; and to the RNLI on
 2 12 April in Poole and on 16 July in Dungeness.
 3 I want to thank all of those who organised those
 4 visits and made them so profitable an occasion from our
 5 point of view.
 6 Finally, at the end of June, I held informal
 7 meetings with some of the families of the victims and
 8 one of the two survivors. They are represented by
 9 Duncan Lewis. The meetings involved videolinks to
 10 France, Iraqi Kurdistan, Ethiopia and Somalia, and
 11 I want to thank Duncan Lewis in particular for the
 12 assistance they provided in facilitating those meetings.
 13 I'm sure you'll appreciate that getting us this far
 14 in such a relatively short period has involved a huge
 15 amount of work on the part of my team and I'm very much
 16 in their debt. But I'm also grateful to those I've
 17 called the material providers. The progress we have
 18 made to date would not have been possible without their
 19 co-operation.
 20 As I said at the opening hearing, all of those who
 21 engage with our work must do so on the understanding
 22 that there is but one purpose to this whole exercise,
 23 which is to find out the truth. Their task is to assist
 24 the Inquiry in its investigation and in getting to the
 25 truth of what happened, and this requires their full
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1 the full hearings. Following the finalisation of
 2 witness statements, we will determine the witnesses who
 3 will be called to give evidence at the full hearings.
 4 We will share the draft list of witnesses and a draft
 5 witness timetable with Full Participants well in advance
 6 of the full hearings so they can arrange their diaries.
 7 The Inquiry team will prepare an evidence proposal
 8 for each witness. That will include a list of topics
 9 which the Inquiry proposes to cover with that witness,
 10 and a list of documents that the witness may be asked to
 11 consider and comment upon during their evidence.
 12 Counsel to the Inquiry, Mr Rory Phillips, King's
 13 Counsel, supported by the Inquiry team, will undertake
 14 the substantial task of preparing questions to be put to
 15 the witnesses giving evidence at the full hearings. You
 16 will find further details of the evidence process and
 17 the approach to the questioning of witnesses in the
 18 witness handling protocol to which I have referred.
 19 As to the full hearings, further details will be
 20 made available on the Inquiry's website in due course.
 21 For the moment, I wish to reiterate two points I made at
 22 the opening hearing, which are reflected in our
 23 protocols.
 24 First, the process I will follow will be consistent
 25 with the inquisitorial nature of the Inquiry.
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1 co-operation.
 2 I acknowledge that engaging with the Inquiry in
 3 responding to our requests is resource intensive for the
 4 material providers, and I thank them. It's imperative
 5 they continue to co-operate to aid the Inquiry in the
 6 considerable work which still has to be undertaken in
 7 the coming months as we prepare for the commencement of
 8 the full hearings.
 9 Let me now look forward and give a brief outline of
 10 the next stages of our work up to the full hearings.
 11 The first thing to say is that our full hearings
 12 will take place in March next year, so the steps I'm
 13 about to outline must be completed in just over four
 14 months. It's a challenging timetable but with the
 15 commitment and the full co-operation from material
 16 providers and a vast effort on the part of my team, the
 17 full hearings will begin on 3 March. I don't expect
 18 them to last more than three or four weeks.
 19 As I've already noted, the process of disclosing
 20 documents to Full Participants will continue and it's
 21 expected to conclude before the end of the year. In
 22 parallel, the process of finalising witness statements,
 23 preparing them for disclosure and disclosing them to
 24 Full Participants will also continue.
 25 Then there is the preparation for oral evidence at
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1 Accordingly, there will be an opening statement by
 2 Mr Phillips followed by short statements by those Full
 3 Participants who wish to make them. Thereafter, the
 4 evidence will be called and questions put to witnesses
 5 by Counsel to the Inquiry. As set out in the witness
 6 handling protocol, Full Participants will have the
 7 opportunity to suggest specific questions for witnesses
 8 to Counsel to the Inquiry. They will also be able to
 9 make short closing statements at the end of the full
 10 hearings.
 11 Secondly, it's my intention to hold the full
 12 hearings in public. As I acknowledged at the opening
 13 hearing, there may be exceptional circumstances which
 14 justify hearing evidence in private. However,
 15 a decision to hold any part of the full hearings in
 16 private will only be made after careful consideration
 17 and a decision by me, and I would usually expect to give
 18 public reasons for any such a decision.
 19 So that's all I wish to say at this stage.
 20 I'll now ask representatives of the Full
 21 Participants if they wish to make brief statements.
 22 So, firstly, Philippa Kaufmann, King's Counsel, who
 23 represents the families and the survivor.
 24 **MS KAUFMANN:** Sir, I don't have any statement to make.
 25 I'm grateful to you, sir, for your update, and to see
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1 things are progressing apace.
2 **SIR ROSS CRANSTON:** Thank you very much indeed.
3 Mr James Maxwell-Scott, King's Counsel, appears for
4 the Maritime and Coastguard Agency.
5 **MR MAXWELL-SCOTT:** Yes, I'm in the same position. I am very
6 grateful for the update and I don't wish to make
7 a statement this afternoon.
8 **SIR ROSS CRANSTON:** Well, thank you.
9 Ms Freya Foster, you're here for the Home Office.
10 **MS FOSTER:** Yes, sir. Equally, I am grateful for the update
11 but don't have any statement to make this afternoon.
12 **SIR ROSS CRANSTON:** Thank you very much.
13 Finally, Mr Myles Grandison, you represent the
14 Department for Transport, and I now see you.
15 **MR GRANDISON:** Thank you, sir. No, we don't have anything
16 to say at this hearing. I'm grateful for the updated
17 timetable.
18 **SIR ROSS CRANSTON:** Well, thank you very much indeed.
19 I'd like to conclude the hearing by once again
20 expressing my gratitude for the assistance provided by
21 the material providers so far, but I would reiterate
22 that there's still a significant amount of work to be
23 done ahead of the full hearings. I count on the
24 continuing assistance and co-operation of all of them.
25 It's vital to the success of the Inquiry.

1 Well, that concludes our business this afternoon.
2 Thank you all for coming today, and thank you as well
3 for those who are watching the hearing online.
4 Good afternoon.

(The hearing concluded)

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