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The Cranston Inquiry

Day 6

March 11, 2025

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1		Tuesday, 11 March 2025					
2	(9.	58 am)					
3	`	R ROSS CRANSTON: Yes. Good morning, everyone.					
4	0	So, Ms Whitehouse, I wonder if you could read the					
5		affirmation .					
6		MS KAREN WHITEHOUSE (Affirmed).					
7		Questions by MR PHILLIPS KC					
8	SIF	ROSS CRANSTON: Yes, thank you very much. Mr Phillips,					
9		yes.					
10	MF	R PHILLIPS: Now, Ms Whitehouse, you have provided two					
11		witness statements to the Inquiry. The first is dated					
12		8 November, last year, and I think it's 31 pages, the					
13		second was provided to the Inquiry on Thursday evening					
14		last week, 6 March —— dated 6 March and consists of					
15		five pages, is that right?					
16	Α.	Yes, that's correct.					
17	Q.	Thank you. Can we start, please, with some questions					
18		about your role and your professional background. At					
19		the time of the event into which we are					
20		enquiring, November 2021, you were a Border Force higher					
21		officer employed by the Home Office, is that right?					
22	Α.	Yes, that's correct.					
23	Q.	And you tell us in your statement and can we have it up					
24		please, $\{INQ010135/1\}$, paragraph 3, that you joined the					
25		Maritime Command Centre in July 2021, is that right?					
		1					
		-					
1	Α.	Yes, that is right.					
2	Q.	So at the time of the incident you had been working					
3		there for about four months.					
4	Α.	Yes, that's correct.					
5	Q.	Before that, you tell us you had been employed by the					
6		Home Office, I think since 2019, but in a different					
7		role?					
8	Α.	Yes, that's correct.					
9	Q.	In terms of your professional background, you had been					
10		a police officer of some 22 years?					
11		Yes, sir, that's correct.					
12	Q.	And you are still employed by the Home Office today, but					
13		in a different role. You are a senior officer working					
14		within the Joint Maritime Security Centre?					
15		Yes, that's correct.					
16	Q.	Thank you. So now going back to the time with which we					
17		are concerned, November '21, can I just ask a little					
18		more about your role and responsibilities at that time,					
19		and this is paragraph 4, page 1 of the statement.					
20		Do you see there, you say:					
21		"My day—to—day role at the time involved writing					
22		reports, monitoring inboxes, ad hoc tasks as requested					
23		by senior managers and looking after the BFM fleet,					

- 23 by senior managers and looking after the BFM fleet,
- which consisted of assets all over the [UK], not just inthe southeast/Dover area."

1		So that seems to indicate that your role had
2		a national scope. You weren't just responsible for what
3		happened in the Channel, is that right?
4	Α.	Yes, sir, that's correct.
5	Q.	Thank you. Roughly $$ in November '21, can you tell us
6		roughly how much of your time was devoted to what was
7		going on in the Channel?
8	Α.	The Channel occupied a lot of our time, sir $$
9	Q.	Yes.
10	Α.	at that time. It depended on the weather, what was
11		going on nationally, so it peaked and flowed throughout
12		the year. But I would say that it was our most
13		important role and took up the most of our time.
14	Q.	Yes. Sorry, could you keep your voice up?
15	Α.	Yes.
16	Q.	I think the mic isn't picking up everything you say.
17		You also tell us in the same paragraph you undertook
18		work on Operation DEVERAN, but we've heard a good deal
19		about that, so I won't take any further time on that
20		now, and instead focus on the day-to-day. And you say
21		later in the same paragraph, about the day-to-day work
22		{INQ010135/2}:
23		" primarily to monitor and report on asset
24		availability , ensure the welfare of the crews and
25		$\operatorname{co-ordinate}$ between [the coastguard] and the crew on
		0
		3
1		board the vessels."

1		board the vessels."
2		And then later in your statement, if we can go to
3		this please, paragraph 43, page 19, three lines from the
4		end $$ it should appear magically on the screen. Yes,
5		$\{INQ010135/19\}$, do you see the last sentence:
6		"I always took notice of [Operation] Deveran updates
7		because given BFM's role in supporting [search and
8		rescue] and SOLAS activity, it was important to know at
9		a moment's notice what assets I had available. It was
10		my primary role."
11		Can you just explain for us please, why was it
12		important for your role to know which assets were
13		available at any moment?
14	Α.	The assets for Border Force Maritime were divided and $$
15		in a sense that some were elsewhere in the country and
16		some were solely designated for Op DEVERAN, it was
17		important for me to know which boat I may need to call
18		at the drop of a hat, if I had had a call from the
19		coastguard, which boat I had available and what they had
20		been up to and their $$ their general status.
21	Q.	Thank you. Now, not all assets which played a role in
22		responding to small boats were owned by the Home Office,
23		were they?

- 24 A. Could you elaborate on which ones?
- 25 Q. To give you an example --

- 1 A. Yes.
- 2 Q. --- we know, for example, that some of the assets come 3 from sub contractors, like 2Excel for example, who
- 4 provided air assets.
- 5 A. Yes. that's correct.
- 6 Q. Yes. And there are also voluntary organisations like 7 the RNLI. for example.
- 8 A. Yes, that's correct.
- 9 Q. So what I was saying is that not all the assets involved 10 in search and rescue of small boats were owned by the
- 11 Home Office, and that's correct, isn't it?
- 12 A. Yes. that's correct.
- 13 $\,$ Q. Thank you. Was it necessary for you, in the role that
- 14
 you have described in your statement, to know what

 15
 non-home Office assets were available?
- A. No, it was not my role to know what else was available
 during that time.
- 18 Q. Okay. Wouldn't that have helped to give a clearer
- picture of the total range of assets available to bedeployed?
- 21 A. We did get notice of aerial assets at that time. But
- I would say that was it. We didn't have any involvementwith the RNLI directly.
- 24 Q. But your primary focus was on the Home Office assets?
- 25 A. Yes

- 1 Q. Is that fair?
- 2 A. Yes
- Q. Now, you explain in your statement the role you played
 in tasking Border Force assets when the coastguard
 requested it. And can we look, please, at paragraph 7
- $\boldsymbol{6}$ of the statement and there, if you can see it in the
- 7 fourth line, the sentence begins {INQ010135/3}:
- 8 "I was the conduit between [the coastguard] and the 9 BFM assets if the BFM assets were in port, rather than 10 out at sea."
- 10
 out at sea.

 11
 So is that the distinction? Does control pass at
- 12 the moment of deployment or is it when the vessel leaves 13 port?
- 14~ A. Are you asking in relation to search and rescue?
- 15 Q. Yes.
- 16~ A. That was generally the case. It wasn't to say that we
- 17 didn't have any contact with our vessels once they were18 out at sea, but the responsibility of the search and
- 19 rescue was led by the coastguard.
- Q. So once the vessel -- once you had tasked the vessel and
 it was underway, control passed to the coastguard?
- A. Yes, that's correct.
- 23 Q. Thank you. Then looking on in your statement to
- 24 paragraph 59, the fifth line, please, {INQ010135/24},
- 25 you say there, do you see:

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- 1 "My role was supporting [coastguard] responding to [search and rescue] events by deploying BFM assets, but 2 3 [the coastguard] retained ownership of decision making 4 around other available assets to render the fastest possible support to a vessel in distress . BFM assets 5 were one piece of the jigsaw." 6 7 So looking at that statement of the way things 8 worked and taking it in stages, if I may, first 9 question: were you the person who took the initial 10 decision that a Border Force asset should be tasked? On the night of the 21st? 11 Α. 12 Q. Generally. 13 Generally. Yes, it was done in collaboration with 14 home -- whoever else was in the office with me. 15 Q Yes 16 A. But, yes, in general. 17 Q. Well, in collaboration with anyone else who was in the 18 office, did you have authority, when the request came in 19 from coastguard, to task the asset or did you have to 2.0 seek higher approval up the command chain? 21 A. No, I didn't have to seek higher approval. $\mathsf{Q}.\;$ Thank you. Did you have the power to refuse a request 2.2 23 from the coastguard? 24 I cannot think of an occasion where I felt that that was Α 25 necessary. If I felt that I couldn't task an asset 7 1 immediately due to another reason, I would probably have 2 gone to a more senior officer to make that request and 3 discuss it with them. 4 Q. Yes. Well, let's look at your statement at paragraph 30, $\{INQ010135/14\}$, eight lines down from the 5 6 top, you see there is a sentence there beginning: 7 "However, I cannot recall a single incident where 8 this [which is the request from coastguard] was 9 refused.'
 - 10 So in practice, I think what you are telling us is 11 they made a request and you tasked a Border Force asset?
 - 12 A. Yes, that's correct.
 - 13 Q. My question though was related to the question of power.
 - 14 In other words, had a situation arisen, and there wasn't 15 one available for whatever reason, could you have said:
 - no?
 A. I can't see an occasion where -- during the events in
 - 18 the Channel where I would have said no.
- 19 Q. No.
- A. There would have always been a vessel available and we
- 21 would do our best to assist in any way possible.
- 22 Q. Yes. Did you ever task an asset for search and rescue23 in the context of small boats without having a request
- 24 come in first from the coastguard?
- 25 A. No, I can't recall any occasions.

1	Q.	So you were,	in	that sense,	responsive $$	
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2 A. Yes.

3

- Q. -- to the coastguard who, as I think you have explained,
- 4 were the people in overall charge?
- 5 A. Yes, that's correct.
- ${\sf 6} \quad {\sf Q}. \ \ \, \mbox{Thank you.} \ \ \, \mbox{So again, in general terms, when you have}$
- 7 tasked your Border Force asset and they are being
- 8 deployed, at that point, when the search and rescue
- 9 operation is underway, did you, at Border Force, retain 10 any power or authority over that asset?
- A. No, it was the commander's vessel. We -- we had no
 power over the asset.
- 13 Q. Right. So what you have portrayed for us is, in effect,
- 14 a system whereby authority or control passes from
- 15 Border Force to coastguard. In your experience, did
- 16 that system ever lead to any difficulties ?
- 17 A. Not that I can recall .
- 18~ Q. No. Thank you. Now, so far then of the question of
- 19 tasking of these assets to the small boats, again, can 20 we go back to your statement and this time to
- 20 we go back to your statement and this time to 21 paragraph 18, {INQ010135/7} right at the beginning of
- 22 the paragraph on page 7. Do you see there:
- the paragraph on page 7. Do you see there:
 "We could use the coordinates ..."
- 24 A. (Nods). Yes.
- 25 Q. "... from [coastguard] to determine whether the vessel

9

1 was in UK waters, or if it was not, when it would be 2 likely to cross the median line into UK waters. Back in 3 2021 it was preferable for our vessels to arrive at the 4 median line around the same time as a vessel was 5 crossing into UK waters. Having a vessel and crew out at sea for hours unnecessarily waiting would impact upon 6 7 their ability to assist when assistance was required." 8 So just so I have understood this. Does it mean 9 that the plan was to wait until it was known that 10 a small boat either was in UK waters or was about to 11 reach UK waters before an asset would be deployed? 12 A. It depended where the migrant vessel was heading 13 towards. It could take hours for our Border Force 14 vessel to reach a similar place. I think it soon 15 changed after that. So I am unsure, back in 2021 - -16 Q. Yes A. --I am unsure where the line was between when we were 17 18 reactive and when we became proactive. 19 Q. Well, it looks as though, in your statement certainly, 2.0 you were pretty confident, that back in 2021 and the 21 whole point of the statement is to deal with what was 2.2 going on in '21, this was what was preferable; in other 23 words, your vessels would arrive as the small boats were 24 crossing into UK waters. It sounds as though that was 25 the plan then at least?

10

- 1 A. Yes.
- Right. How did it actually work in practice? How did 2 Q. 3 you manage to get to this position of being there 4 waiting for them as they cross UK waters? How was that 5 put into effect? A. Details passed to us by the coastguard for the area in 6 7 which migrant boats had left France. We would try and 8 plot -- we would plot up any co-ordinates given and try 9 to the best of our ability to work out how long that 10 might take. If the migrant vessel was followed by 11 a French vessel, we could kind of see the progress that 12 they were making. 13 Q. Right. You talked about plotting co-ordinates. In your 14 statement, you rather give the impression that you 15 simply took down the co-ordinates that were given to you 16 by the coastguard. Wasn't that a more normal situation? 17 A. Yes. ves 18 Q. Because it sounds as though the plan, ie to meet them 19 halfway, depends on knowing that the small boat is 20 heading towards the median line, which means knowing its 21 position and direction when in French water; is that 22 fair? 23 A. That would be the preference. 24 Q Yes, how did you get that information? 25 Α. Either from the coastguard, or from simply looking at --11 1
 - looking at our monitors and looking at where other vessels were in relation to that migrant vessel, or
 - vessels were in relation to
 supposed migrant vessel.
 - Q. Yes, well, we have heard how very difficult it was to
 see the small boats on any form of monitor. We heard
 - 6 a lot of evidence about that yesterday.
 - 7 A. Yes
 - 8 Q. And, as far as the coastguards were concerned, by
 - 9 definition , what you are talking about is a small boat
- 10 in French water. So how regularly did you get
- 11 information or co-ordinates about small boats on the 12 French side?
- 13 A. Back in November '21, we would receive information from
- 14 the coastguard and it was quite difficult sometimes to
- 15 work out what actually was going on. The information
- $16 \qquad \mbox{would sometimes be everything all at once, or nothing}$
- $17 \qquad \mbox{for a considerable time.} So it was very difficult to$
- 18 work out where migrant vessels might be.
- Q. Yes. Whereas the plan, as you have explained it here,
 depends on having a good idea so you could get your
- asset out there to meet them at the halfway point?
- 22 A. Yes.
- 23 $\,$ Q. So it was very unlikely ,wasn't it , given what you have
- said about the inadequacy the coastguard information,that the plan often worked?

1	A.	It was a mixed success, I would say.	1	then a
2	Q.	Right. More failure than success?	2	contact
3	Α.	I $$ I couldn't say exactly the figures.	3	night
4	Q.	Right.	4	Etc
5	Α.	But back then, we would have many more beach landings	5	"Th
6		than in latter years.	6	they we
7	Q.	In other words, boats that got across?	7	would b
8	Α.	Yes, boats that had come across.	8	coastgu
9	Q.	Which hadn't been intercepted therefore?	9	migrant
10	Α.	That's right.	10	continue
11	Q.	Because the other thing you would have to know, again,	11	boat pro
12		just thinking about how this plan would work in	12	appropr
13		practice, is you would have to have an idea of the speed	13	updated
14		of the vessel, not just its co-ordinates and its	14	So
15		direction , in order to assess how to get $$ when to task	15	a boat v
16		your asset to get to the median line. You would need	16	respond
17		the speed, wouldn't you?	17	their re
18	Α.	Yes.	18	French
19	Q.	And how often did you get that about a small boat?	19	appropr
20		Ever?	20 /	A. Yes, tha
21	Α.	Rarely.	21 (Q. But jus
22	Q.	Yes. As a matter of interest, do you remember how long	22	all of t
23		it would usually take the Border Force cutters to get to	23	about t
24		the median line from their berths in Dover?	24	told us
25	Α.	That would depend on $$ on where on the median line they	25 A	A. Yes.
		13		
1		were going to. We often had migrants crossing from	1 (Q. Thank
2		further down the French coast, and that could take hours	2	water.
3		for them to get down there. So there isn't an exact	3	consequ
4		answer to that, I'm afraid.	4	that the
5	Q.	No, well, that's exactly what you say in your statement	5	"
6		if we look at paragraph 36, please, $\{INQ010135/16\}$. You	6	were in
7		say right at the beginning of the paragraph, do you see	7	aware .
8		the first line:	8	Etc
9		"It is impossible to say how long it would generally	9	boat be
10		take a cutter to reach the median line from Dover"	10 /	A. I think
11		And then you give a whole series of reasons why that	11	French
12		might be. But that, again, is rather a key question,	12	could be
13		isn't it? If you are really trying to meet them at the	13	whilst t
14		midway point, you have to also know how long your	14 0	Q. So, aga
15		asset's going to get to go there.	15	French
16	Α.	Yes.	16 A	A. Yes.
17	Q.	And you have to know where, as you have just been	17 (Q. Literall
18		explaining, on the median line you are talking about,	18 /	A. Some o

- 19 because that makes all the difference?
- 20 A. Yes.
- 21 Q. Right. Now, you deal with the same point again in
- 22 paragraph 18, if we can go back to that please, six
- 23 lines down, $\{INQ010135/7\}$, do you see at the end of the 24 line :
- "If a boat had been identified as it left France 25
 - 14

[Border Force] vessel may not immediately be ted by our staff ... in the middle of the ... try not to interrupt their rest ... ' c. And then this sentence: There was deemed less risk to the migrants because vere in French waters and the French Coastguard be aware (or would be made aware by [the uard]). It may be hours and hours before the nt vessel got towards UK waters. [We] would ue to receive updates from [the coastguard] as the rogressed and we would determine when it was priate to awake the crew and inform them of the d position ...' trying to draw the threads together, if you knew was crossing, you wouldn't deploy an asset to d immediately. You would wait, let them have rest, see how the small boat was getting through waters and then task at what seemed to be the riate moment; is that a fair summary? nat is, yes. st going back over the points we have discussed, that depends on having pretty precise information the various moving parts which I think you have s you didn't often have, is that fair? 15

- you. And all of this time the boat is in French So that, presumably, led to various uences, but one of them you have identified is nere was, and I quote again: . deemed less risk to the migrants because they French waters and the French Coastguard would be ' c. Can I just ask you this: why would a small e at less risk in French waters than in UK waters? what I am trying to say there is that if the coastguard were with the migrant vessel, they be rescued or monitored or assisted by the French they were in French waters. ain, the success of the plan depended on the tracking the relevant small boat? lly shepherding them to the median line? of them. 19 Q. Yes. Well, I was going to ask you that question. How 2.0 often did that happen? 21 A. I think it depended on the -- on the day or night in 22 question as to how many migrant boats versus how many 23 French assets were available.
- 2.4 $\mathsf{Q}.\;$ So it wasn't so much the fact that the small boat was in 25
 - French water; it was that you hoped, at least, that the

- 1 French would have spotted them and accompanied them to
- 2 the median line?
- 3 A. I would say that that was the safest -- the safest way,
- was with the French. 4
- $\mathsf{Q}.$ Yes. I understand that. But, again, in practice, and 5
- in reality, how often did that happen? 6
- 7 A. I can't comment on that, I -- I don't know.
- 8 Q. No. Because just to be clear about one thing, there was 9
- nothing intrinsically more risky for the boat to be on 10 one side of the line or the other?
- 11 A. Yes, I would have to agree with you.
- 12 Q. The boat was the boat.
- 13 A. Yes
- Q. Most of them were profoundly unseaworthy. 14
- A. Yes 15
- Q. They were not suited to the voyage and it didn't matter. 16
- 17 frankly, whether they were in French water or UK water; 18 those problems still persisted?
- 19 A. Yes. they did.
- Q. Thank you. So you have helped with all the various 20
- 21 pieces of information, particularly to do with location,
- 22 that the plan needed to work and on the general question
- 23 of location, identifying the location of a small boat,
- 24 that was a very challenging business, wasn't it?
- 25 A. Extremely challenging.

17

- 1 Q. They are small, they don't have navigation systems, they 2 often don't have GPS; that's right, isn't it?
- 3 A. I couldn't comment about GPS, but the other facts you 4 have said are true, yes.
- Q. Yes. And that made the business of finding them in the 5 6 Channel, of this very, very busy shipping lane,
- 7 extremely difficult ? 8
- A. Yes, that's true.
- 9 Q. And, of course, on top of that, as we were hearing
- 10 yesterday, even when you get co-ordinates for the boat,
- 11 a lot of them were moving. Many of them underway, in
- 12 other words with the engines working, and even those 13
- that weren't working, they were drifting in the water. 14 So that whatever co-ordinates you had been given would
- 15 almost certainly be wrong by the time your cutter made
- 16 it to the co-ordinates?
- 17 A. Yes, that's true.
- 18 Q. Thank you. So in order to keep up with that inevitably
- 19 moving location of a small boat, once you had got
- 2.0 original co-ordinates of a boat, did you follow up
- 21 proactively with coastguard or anyone else, to get
- 2.2 updated location information once your asset had been
- 23 deployed?
- 24 A. Yes, regularly.
- 25 Q. Okay. And you would take the initiative to do that,

18

- 1 would you, rather than waiting for the coastguard to 2 provide it? 3 A. Yes, once the cutter was on its way, and moving across 4 and we hadn't had an update from the -- excuse me --5 from the coastguard for some time, we would put in a phone call or chase it up, if they had any further 6 7 details they were able to give us. Q. Thank you. Okay. The other problem which we heard 8 9 about yesterday is the problem of more than one boat 10 being underway in the Channel at the time and I think 11 you would agree that that was very common indeed? 12 Α Verv common. 13 Q. And we know that November '21 was a particularly busy 14 month 15 A. Yes, that is true. We also know that it is very difficult to precisely 16 0 17 identify small boats, would you agree with that? 18 A Yes I would Q. They don't have AIS, they don't have a flag, they don't 19 20 have a name, they don't have an identifying number and
- 21 a lot of them, frankly, look very similar? Is that
- 22 fair?
- 23 A. I personally have only seen the vessels once they have
- 24 been alongside. I have never been at sea when a migrant
- 25 vessel has been rescued. But I have been informed on

19

- 1 many occasions that that is true, that they did all look 2 verv similar.
- 3 Q. Yes. And that created particular difficulties , didn't
- 4 it, when you were trying to work out the latest
- 5 situation when there were a number of small boats in
- 6 play, if I can put it that way, in the Channel?
- 7 A. Yes, very much so.
- 8 $\mathsf{Q}.\;$ In other words, trying to work out which one was where
- 9 at any particular moment?
- 10 A. Yes
- 11 Q. And in terms of trying to get hold of that important
- 12 information, and during your conversations with 13
- coastguard, would you have a standard list of questions 14 to ask to help you to identify which boat was which?
- 15 A. It wasn't my role to identify which boat was which
- 16 during Operation DEVERAN.
- 17 Q. So that was coastguard's job, was it?
- 18 A. Yes. I could relay information that the coastguard had
- 19 given me, but it wasn't my role to delve further.
- 2.0 Q. Right. So you weren't concerned, for example, that
- 21 there were -- when there were multiple small boats out
- 2.2 there, that you needed that information, what had
- 23 happened to the various boats in order to decide whether
- 24 further assets -- Border Force assets needed to be
 - deployed?

25

- 1 A. Sorry, could you repeat that question?
- 2~ Q. Yes. Imagine a situation, there are a number of small
- 3 boats there, a pretty normal situation. Didn't you have
- 4 to have a grasp on what was going on with the various
- 5 small boats in order to decide whether further
- 6 Border Force assets needed to be deployed?
- A. Yes. As the information came in, there would be
 a discussion about whether we needed to deploy another
 Border Force asset or -- or request further help.
- 10 Q. So that discussion, would that be internally, at
- 11 Border Force, or with coastguard, or both?
- 12 A. Both.
- 13 Q. Both. And can you remember such occasions, ie where the
- 14 number of boats was such that you had a discussion,
- 15 whether internally or with coastguard, about whether you
- 16 needed to deploy more assets?
- 17 A. Yes.

25

- 18 Q. Yes, thank you. And one final question about the
- 19 location -- identification of the small boats. When you
- 20 were dealing with these incidents, did you have
- 21 a categorisation of them in terms of the level of
- 22 urgency needed for the response? No?
- 23 A. Sorry, you will have to repeat that question.
- 24 \quad Q. When you were dealing with these incidents, did you have
 - a categorisation system denoting the level of urgency

21

- 1 needed for a response?
- 2 A. No, the coastguard was -- would tell us that.
- 3
 Q. No. Well, we don't need to go to it now, but there was

 4
 a document maintained, wasn't there, called the case
- 5 register?
- 6 A. Yes, that is true.
- Q. Yes. And that has a column listed MC -- headed "MCGA
 category" and it categorises all the boats on the night
- 9 in question as "distressed". And that was the
- 10 categorisation applied to all small boats, wasn't it?
- 11 A. Yes, sir, that's correct.
- 12 Q. So you didn't attempt to distinguish between, for
 13 example, a small boat that was underway apparently fine,
 14 and a small boat that was swamped, or where there were
 15 people in the water?
- 16 A. No, that wasn't my role to do that.
- 17 Q. No. They were all in distress?
- 18 A. They were all in distress.
- 19 O Thank you And did -- I think it fo
- Q. Thank you. And did -- I think it follows from this that
 your answer will be no, but did it make any difference
- 21 to the way Border Force went about its response, that
- 22 information? In other words, that the boat was swamped,
- 23 that it was taking on water, or indeed, that there were
- 24 people already in the water; did it make any difference?
- 25 A. No, they were all in distress .
 - 22

this role is concerned, we have talked about your years 2 3 in the police and your background in law enforcement. 4 In your statement, when you moved to this role, you explain at paragraph 3, please, {INQ010135/1}, that you 5 didn't have any professional qualifications relevant to 6 7 this new job you had taken on in July, but you did: " ... have immigration and customs training and have 8 9 attended various Home Office courses during my 10 employment." 11 And then this sentence: 12 "No specific training was required for [your] BFHO 13 role [at Border Force]. 14 So just to understand this, in the four months 15 before the incident, you didn't have any specialist 16 training for the higher officer role? 17 A. No. that's correct. 18 Q. Thank you. And you have just confirmed what you said in 19 your statement, which is that you, personally, have 20 never taken part in a search and rescue operation --21 A. No. I haven't. 22 $\mathsf{Q}.\ --$ at sea and you have -- indeed, you have never seen 23 one? 24 A. No. I haven't. 25 Q. And that was true in November '21, as it's true today? 23

Q. Thank you. So far then as training -- your training for

- 1 A. Yes.
- 2 Q. Is that right?
- 3 A. It's true.
- 4~ Q. Thank you. In terms then of your role as the deployer
- 5 of Border Force assets to search and rescue activities ,
- 6 can I take it, then, that you had no specific training
- 7 in relation to that part of your role?
- 8 A. Correct.
- 9 Q. Yes. So, nobody trained you in how to assess or triage
- 10 maritime emergencies or vessels in distress?
- 11 A. No.
- 12 Q. And you didn't have training in the risk factors
- 13 applicable to small boats, specifically ?
- 14 A. No.
- 15 Q. And you didn't have any expertise in risk assessment or
- 16 incident response at sea?
- 17 A. Not at sea.
- 18 Q. No. Or on the legal obligations for SOLAS, for example?
- 19 A. I had a working knowledge --
- 20 Q. Yes.
- 21 A. -- from doing the role.
- 22 Q. Yes.

25

- 23 A. But no formal training.
- 24 Q. You learnt on the job?
 - A. Yes, that's true.

- 1 Q. Yes, thank you. Now, we have already touched on this,
- 2 but we know that in 2021 there was a significant
- 3 increase in the number of boats coming across the
- 4 Channel and you describe in your statement para 30,
- 5 please, page {INQ010135/13}, how November was "really
- 6 busy", third line, do you see there? And that must have
- 7 been challenging coming into that situation for you as
- 8 a relatively new staff member. What was it like, your
- 9 experience there, over those first four months?
- 10 A. I found that it was a challenging time to understand 11 a new role. However, I worked with my colleague
- 12 Tom Willows, who I believe is coming to the Inquiry, who
- 12 Tom who believe is coming to the inquiry, who 13 was significantly experienced in maritime, having served
- 14 time on the cutters. And so with him by my side, I felt
- 15 that the challenges were -- were achievable to -- that
- 16 we were --- you know, as a team, we were competent in
- 17 dealing with -- with what was going on, with his
- 18 maritime experience.
- 19~ Q. Yes. You were at a higher level than him, weren't
- 20 you --
- 21 A. Yes, that's true.
- 22 Q. -- in the hierarchy?
- 23 A. Yes.
- 24~ Q. He was an IO and you were an HO, is that right?
- 25 Something like that?

- 1 A. Yes, he was EO.
- 2 Q. Yes, EO, sorry.
- A. But I must stress, sir, that this role was role rather
 than rank and although, ultimately, I had perhaps more
- 5 decision making responsibilities than my colleague, his
- experience was critical in the way that we deployedassets during that time.
- 8~ ~ Q. On the question of staffing during the busy time more
- 9 generally, did you have concerns about the adequacy of 10 staffing to respond to the sheer number of incidents
- 11 coming in?
- 12 A. Do you mean that, on the water?
- 13 Q. Yes.
- 14 A. Looking back, I think at that time I was probably fairly 15 new and probably didn't have a strong opinion at that
- 16 time. Obviously, it did increase over the years. But
- 17 at that on that time, I was probably too new in the
- 18 role to form an opinion about that.
- 19 Q. Yes. What about the staffing in the office there? Did20 you think that was adequate?
- 21 A. Yes, I do.
- 22 $\,$ Q. Right. Well, on that topic, $\,$ let's turn to the end of
- 23 this paragraph, please, the next page, {INQ010135/14},
- do you see there's a sentence about seven lines up:
- 25 $$"\mbox{As I}$ will go on to discuss, on night of 23 November $$$

26

- 1 I was working on my own, with a colleague available who 2 was working remotely. A team of colleagues would not 3 have made the job easier because it could have caused 4 confusion as to who was tasking which assets and updating which logs. The level of staffing might appear 5 6 to be lower than expected to someone outside of the 7 organisation, but in practice, it worked well." 8 Well, just taking that in stages. We now know, 9 because you have told us in your second statement, that 10 in fact, he was working with you that night; that's 11 right, isn't it? 12 Α Yes. that's true. 13 Q. Thank you. Now, on the basis of what you say in the 14 next sentence, however, it looks as though what you are 15 allowing for is that his presence in the office with you 16 alongside you, might have caused confusion. Did it, on 17 the night in question? 18 A. No, I don't believe there was any confusion on the night 19 of the 23rd November. 20 Q. Right. So how would a team of colleagues have made the 21 job more difficult and caused confusion? 22 A. We divide up the tasks in the office . We had a system 23 between Tom and myself, and I think the other teams were 24 fairly similar, and that system was one did all the logs 25 and that one, maybe, did all the communications on the 27 1 phone and on the radio. And that, actually, when you 2 have a third person come into that, that -- that may 3 cause confusion as to who is doing what. 4 Q. So two was okay, but three would have been a crowd? 5 A. Possibly 6 Q. Yes. Okay, and on night in question, are you saying now 7 that one of you did the calls and one of you entered the 8 information into the logs? 9 Α. Yes, that's ---10 Q. And which was it? 11 A. Sorry. So on the night in question, I believe that Tom 12 made most of the phone calls, that's not to stay that 13 I didn't make any phone calls, but I believe Tom made 14 most the phone calls, and that I did most of the logs
 - 15 and updating emails.
 - 16~ Q. Okay, thank you. Well, inevitably, we will be coming
 - 17 back to that. So in terms of your working arrangements
 - 18 in general then, the BFMCC is based in Portsmouth, you
 - 19 tell us in your statement, is that right?
 - 20 A. Yes, that is right.
 - 21~ Q. And you have talked now about Tom Willows and his role.
 - 22 What was the difference between you, as a higher
 - 23 officer , and him as a -- did you say, EO?
 - 24 A. EO, Executive Officer.
 - 25 Q. Yes

1	Α.	What was the difference?
2	Q.	Yes, what was the difference between your two jobs?
3	Α.	In terms of Deveran
4	Q.	Yes.
5	Α.	there was very little difference.
6	Q.	Right. And I think you have said that in terms of the
7		total number of people working on shift, responding to
8		small boats in the Channel, on the night in question,
9		there would be just the two of you?
10	Α.	There was the two of us, but with access to more senior
11		officers if need be.
12	Q.	Right, yes. Well, let's look at that, please. It is
13		paragraph 43 of your statement, page 19, please,
14		{INQ010135/19}.
15		Do you see, four lines down:
16		"I also had access"
17	Α.	Yes.
18	Q.	" to the duty senior officer by telephone."
19	Α.	Yes.
20	Q.	So they were available, were they, during the shift , for
21		you to contact?
22	Α.	Very much so.
23	Q.	And in what circumstances were you expected to make
24		contact?
25	Α.	Perhaps something to do with the welfare of the crew.
		20

1		Perhaps, you know, unforeseen difficulties during any
2		rescue; perhaps the technical issue with the boat, the
3		cutter, something like that.
4	Q.	Yes.
5	Α.	Something like that, something a bit unforeseen.
6	Q.	And when you talked earlier about the question of
7		whether to deploy further assets and having an internal
8		discussion
9	Α.	Yes.
10	Q.	would that person be involved in the discussion?
11	Α.	Not necessarily.
12	Q.	Not necessarily. So that was something that you and
13		your $$ in this case, Tom Willows, had the discussion
14		between you and you would make your decision?
15	Α.	Yes, with the coastguard.
16	Q.	Yes, of course.
17	Α.	Yes.
18	Q.	But in terms of Border Force $$
19	Α.	Yes.
20	Q.	if, for example, you and Tom Willows had had the
21		discussion about tasking further assets, you wouldn't
22		have needed to get clearance from whoever it was up
23		there?
24	Α.	That's correct.
25	Q.	Thank you. Now, in terms of the shifts are you were
		30

	1	working, in the same paragraph $$ I think it's at the
	2	start of the paragraph, please, so page 18
	3	$\{INQ010135/18\}$, yes, you say that the shift started at
4	1	20:30 and we know from later in your statement, that it
ļ	5	ended at 07:30, so some 11 hours.
(5 A.	Yes.
,	7 Q.	And in paragraph 44, $\{INQ010135/19\}$ at the start of the
8	В	paragraph, next page, please, you say:
9	9	"The shift involved working through without
1(C	an official break $$ the break is taken at the end of
1	1	the shift because of the nature of the work."
12	2	So that's at the end of the 11 hours?
13	3 A.	Yes, that's correct.
14	4 Q.	And not surprisingly:
15	5	"Comfort breaks are possible by diverting the phones
10	5	to mobile and taking the airwave handset too. There are
1'	7	opportunities to [having] a snack without leaving any
18	В	comms unattended."
19	Э	So effectively , you were on duty for the entire
20	C	11 hours?
22	1 A.	Yes.
22	2 Q.	Whatever else you were doing, eating, going to the loo,
23	3	whatever?
24	4 A.	Yes.
25	5 Q.	Yes. Again, at a busy time such as this
		31
	1	in November 2021, didn't that put rather a considerable
2	2	strain on you both?
	3 A.	It depended on the busyness of the shift. I think
4	1	nights are always difficult , regardless of where you $$

- 5 Q. Yes.
- 6~ A. -- work. But I would say that that was manageable.
- 7~ Q. So, no breaks at all , for the 11 hours?
- 8 A. Well, you could take a break if you wanted to.
- 9 Q. But it wasn't officially provided for?
- 10 A. It was. I could have taken that --
- 11 Q. I see.
- 12 A. -- that break at any time.
- 13 $\,$ Q. I see. So what do you mean then, by that first
- 14 sentence?
- 15 A. I guess that it wasn't set in that, you know, between
- 16 midnight and 01:00 you are entitled to your break, or
- 17 02:00 and 03:00. It was if we took a break, we were
- 18 able to do so. If we hadn't managed to take a proper
- 19 break, then it could be taken at the end of the shift .
- $2\,0\,$ $\,$ Q. Presumably, you could agree all that with whoever it was
- 21 who was working with you?
- 22 A. Yes.
- 23 \quad Q. So he or she could cover?
- 24 A. Yes.
- 25~ Q. Okay. Right. Next questions, please, on the topic of

- 1 recording and sharing information. And really I want
- your help, please, on the different methods of recording 2
- 3 and sharing information within the Border Force. So,
- 4 first, it's right, isn't it, that the Border Force
- 5 maintained a tracker or a log entitled "live updates"
- which was circulated every hour? 6
- 7 A. Yes. that is true.
- Q. Well, first of all, what was that used for, please? 8
- 9 A. That was used to brief senior officers . Perhaps back
- 10 in November '21, it would also inform the regional
- 11 commander control unit of the numbers of migrants
- 12 crossing -- expected to be crossing Channel. And it was
- 13 also sent to partner agencies, such as the coastguard
- 14 and the navy.
- 15 It was during the night. You have to appreciate 16
- that there was probably most -- most people were still
- 17 asleep, senior leaders, but in the daytime they were
- 18 obviously receiving that every hour. We would also send
- 19 that to other commanders involved in Deveran, so perhaps 20
- the CPV that wasn't deployed, when they wake up they 21 will have that there as an update as to what is going
- 2.2 on.
- 23 Q. Okay. Let's have a look at an example together, shall
- 24 we. This is {INQ000471/1} please. So here's the 25
 - covering email, a large number of addresses, mostly

1		redacted. And:
2		"Good morning.
3		"Please find attached Op Deveran Live update 1."
4		And this is at 01:50.
5		And we can see the live update that went with it
6		just for completeness at {INQ000472/1}. There. So that
7		the status of each incident is given on the left, the
8		letter , is it in UK territorial waters, Border Force MCC
9		notified , $\operatorname{co-ordinates}$ and the status, in effect . And
10		the one we are concerned with, as we know, is "C":
11		"No asset with event. Believed to be already in UK
12		waters. Valiant called."
13		And we will return to that. Okay, but in terms
14		then $$ can we have that off the screen, please $$ in
15		terms, then, of the various places in which information
16		was recorded, that was the live update, the log. But
17		there was also something maintained called the
18		"Operation DEVERAN case register", is that right?
19	Α.	Yes, that's correct.
20	Q.	And how $$ I am not going to get you to look at that,
21		but how was that different, do you remember, to the
22		Border Force tracker that we have just looked at, or the
23		log?
24	Α.	The tracker would show events that were live and
25		happening.

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- 1 Q. Yes.
- 2 A. The register was to give the event that had been picked
- 3 up by Border Force a number, so that if we were to refer
- 4 back to it at any stage, it would have -- we would all
- 5 be talking about the same number.
- Q. This is the Mike number that Mr Toy told us about? 6
- 7 A. Yes, this is the Mike, yes.
- 8 Q. Okay.
- 9 A. And that document had as much information as we had at
- 10 that time, pretty similar to the -- to the email that
- 11 you just showed.
- 12 Q. Yes.
- 13 A. But this was after the migrants had been taken on board
- 14 a Border Force vessel.
- 15 Q I see
- 16 A. Whereas the initial tracking you showed me, that's the
- 17 whole overview
- 18 Q. I understand. So that, again, I think Mr Toy explained
- 19 this to us; that it was when he came alongside a boat
- 20 that at that point, he would be given the M number, in
- 21 this case they started at 957 and went on to 959, and
- 22 that was, as it were, the starting point for the case
- 23 register because those entries all have a number, an
- 24 M number. don't thev? 25 A. Yes, that's correct.

35

- 1 $\mathsf{Q}.\;$ Who was that prepared for, the case register? Who had 2 access to that? 3 A. That was mainly maritime command. That was for us in
- 4 the office to record the details of that event so that 5 we could answer any further questions, perhaps the 6 number of migrants rescued during that time. It was for 7 internal use
- $\mathsf{Q}.\;$ Yes. But as you have just been saying, I think, it 8
- 9 could -- you could only fill in an entry in that
- 10 register once an M number had been issued?
- 11 A. Yes
- 12 Q. Right. Now, we also know that the coastguard had its
- 13 own trackers and documents to record information. And
- in relation to them, is it right that you gained access 14
- 15 to the coastguard tracker just a few days before this
- 16 incident on about 21 November '21?
- A. Yes, sir, we had read only access a few days before. 17
- 18 Q. Well, that's something you have told us for the first
- 19 time in your second statement. So let's take a look at
- 2.0 that, shall we, and it's {INQ010698/1} paragraph 3: 21 "At paragraph 20 ...'
- 2.2 You are referring there to your first statement:
- 23 " ... I stated that in relation to the HMCG events
- tracker, ''[Border Force] had direct access to the 2.4
- 25 tracker'. I now understand that, as at the date of the

1		incident the inquiry is examining, Border Force
2		personnel, including myself and my colleague
3		Thomas Willows, only had 'read-only' access to the
4		tracker "
5		Now, that was obviously not something you had
6		remembered when you made your first statement.
7	Α.	Correct.
8	Q.	And do I take it that today, as it were, sitting where
9		you are now, that is your evidence; that you only had
10		read—only access to the coastguard tracker?
11	Α.	Yes.
12	Q.	Right. Well, let's have a look at some contemporaneous
13		material on this. Can we look, please, at
14		$\{INQ007058/1\},$ the second page, please $\{INQ007058/2\}.$
15		Now, this is a record which the Inquiry has obtained
16		showing changes which were made to the coastguard
17		tracker on the night in question. You see the date,
18		"Change Date"?
19	Α.	Yes.
20	Q.	And you will see entries 3 and 4 have your email
21		address?
22	Α.	Yes.
23	Q.	And entry 17 has Thomas Willow's email address?

- 24 A. Yes.
- 25 Q. It suggests, doesn't it, that Border Force personnel,

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1	including the two of you, were indeed, able to change
2	the coastguard tracker that night?
3	A. That document would suggest that.
4	Q. Yes, which means, in turn, that your first statement was
5	correct, in paragraph 20?
6	A. On my original statement?
7	Q. Yes.
8	A. If this document here is saying that I had write access.
9	Q. Yes.
10	A. I was going on the previous document when I wrote my
11	statement. I don't recall $$
12	Q. No
13	A. $$ exactly. I can only go on the documents provided to
14	me at the time.
15	$Q.\;$ Yes, is that true generally of your account of the
16	events of the night? You are relying on the documents.
17	You don't have any independent memory?
18	A. I don't have any memory of the night in question.
19	MR PHILLIPS: No, thank you.
20	Sir, would that be a convenient moment?
21	SIR ROSS CRANSTON: Yes.
22	MR PHILLIPS: Thank you.
23	SIR ROSS CRANSTON: So, 10 minutes only. Thank you.
24	(10.55 am)

(A short break)

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- 1 (11.05 am)
- SIR ROSS CRANSTON: Yes, Mr Phillips. 2
- 3 MR PHILLIPS: We were talking about the coastguard tracker.
- 4 We've heard evidence that the coastguard had another
- system called the ViSION log. Can you remember whether 5
- 6 you have had access to the ViSION log?
- 7 A. I have never ---
- 8 Q. Never heard of it?
- 9 A. -- never seen the ViSION log.
- 10 Q. Thank you. But what is clear from the evidence is there
- 11 are all sorts of different ways of recording; there was
- 12 vour live updates, there was a case register, the 13 coastguard tracker, the ViSION logs. We also know that
- 14 the French coastguard maintained their own tracker.
- 15 The more record -- repositories of information you
- 16 have, the greater the scope for inconsistent recording
- 17 and confusion, isn't that right?
- 18 A. Possibly.
- 19 Q. Yes. Now, can I move on to a completely different topic
- 20 which is a table-top exercise, which took place
- 21 in November 2021. It was conducted on 4 November.
- 22 It was a mass casualty exercise, multi-agency
- 23 training to prepare for such an event. Now, is that
- 24 something, before I go any further, which you can 25
 - remember?

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- 1 A. Yes. I can.
- 2 Q. Thank you, great. We don't need to go into too much
- 3 detail, but we can see at $\{INQ005263/1\}$, some email
- 4 traffic between you and somebody called Toby Whale which 5 followed your attendance at that exercise. Who is he, 6 please? 7
- A. Toby Whale is -- was, at the time, the senior officer for the MCC. 8
- 9 Q. Right. So was he one of the people you might have
- 10 contacted if you needed to, as you were explaining
- 11 earlier ?
- 12 A. Yes.
- 13 Q. Great.
- A. Yes 14
- 15 Q. Thank you. And it looks from this email chain as though 16 if we go to the next page, please, $\{INQ005263/2\}$ at the 17 bottom, you see another email from you: 18 "I attended the above table top exercise today
- 19 (thank you for the invite) and ${\sf I}$ learnt a huge amount
- 2.0 from the variety of agencies that were there ... who
- 21 plays what part in such an event. There were a couple
- 22 of things I ... wanted to ask you ..."
- 23 And then there is a question you raise about landing 2.4 points. And do you see on the next page, {INQ005263/3},
- 25 please, deal with the welfare of people, third point:

40

- 1 "separate reporting process".
- 2 And it looks as though the net result of this is
- 3 that you, I think, produced a guidance document after
- 4 that and indeed, after the incident, which we can see at
- 5 {INQ002266/1}.
- 6 So dated November, but I think finalised later than
- 7 that and after the incident, in I think December,
- 8 early December of 2021. It looks as though this
- 9 document do you remember producing it?
- 10 A. Yes, I do.
- 11
 Q. Thank you. It looks as though this was you recognising

 12
 that there was a gap in the framework of policies and

 13
 procedures applicable to these sorts of search and
- 14 rescue incidents and trying to fill it, is that fair?
- A. I am not sure that I completely recognised it. I think
 I was interested in the possibility of what might happen
 and, therefore, tried to plan what we would do in that
 situation.
- 19 Q. Yes. Because I assume there wasn't an existing plan for 20 mass casualties at sea?
- 21 A. Correct.
- 22 Q. Yes, thank you. And if we turn on very quickly, we can 23 see your treatment of mass casualties at the top of page
- 24 2 {INQ002266/2}, strategic priorities; save life.
- 25 preserve public health, etc. Reference to SOLAS, which

- 1 we have talked about earlier. And the MCC's role,
- 2 again, we talked about that, on page 3 $\{INQ002266/3\}$ and
- 3 indeed, on page {INQ002266/5}, your role -- higher
- 4 officer role?
- 5 A. Yes.
- 6 Q. Now, when you set that out in the draft plan which, as 7 I say, was finalised after the incident, were you
- drawing on your experience of what had happened on24 November?
- A. No, sir. This particular pass -- part here was taken
 from the other standard operating procedure that was
 already in existence. I didn't write this
- 13 word-for-word. This was taken from another document.
- Q. Right. So this part, as it were, explained what you
 already knew about the nature of your role rather than
 something you had drafted yourself in the light of
- 17 experience?
- 18 A. Yes, that's true.
- Q. Thank you very much. So now, to the topic, please, of
 background information provided about the -- about the
- 20 background information provided about the -- about the 21 incident on the night of the 23/24 November and in your
- 22 statement at paragraph 46, page {INQ010135/20}, you
- 23 refer to a document which we have at {INQ000566/1}, if
- 24 we could look at the document, please.
- 25 I assume this is a standard email you would have

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- 1 received at the time on many occasions?
- 2 A. Yes, that's true.
- 3 Q. And it sets out, doesn't it, the assets available --
- 4 A. Yes.
- 5~ Q. -- for the coming period:
- 6 "... see below planning for tonight into tomorrow."7 And we see that the Valiant was the primary
- 8 responder, the Hunter was on standby, the Hurricane --
- 9 another cutter, I think, is that right?
- 10 A. That's a coastal transit vessel.
- 11 Q. CTV?
- 12 A. CTV, yes.
- 13 Q. Was available at Ramsgate from 06:00 in the morning and
- 14 so was the safeguard. And reference there to aerial
- 15 assets, etc. So is this the sort of document you would
- 16 have at the beginning of your shift?
- 17 A. Yes, it is.
- 18 Q. It would be vital for you, given what you have explained
- 19 about your role, to know what was available and where?
- 20 A. Yes, yes.
- 21 Q. Thank you. Now, this document shows aerial coverage --
- 22 fixed-wing aerial coverage being available. Now,
- 23 I think you have gathered that, in fact, on the night it
- 24 was not available. That wasn't something you knew,
- 25 I think, at the start of your shift, was it?

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- 1 A. I can't remember.
- 2 Q. You can't remember?
- 3 A. No.
- 4 Q. Thank you. If, when you got a document like this at the
- 5 start of your shift, your assessment was that what you 6 had available wasn't likely to be enough, what would you 7 do?
- 8 A. Are you asking me if I --- if I thought that looking at
 9 that that wouldn't be enough for ---
- 10 Q. No, imagine a hypothetical situation. You come on shift
- and you have got the email and it looks as though there
- 12 really isn't -- given the amount of activity going on,
- 13 there really isn't enough available to you by way of
- 14 assets. What do you do?
- 15~ A. I would probably have spoken to the coastguard and
- 16 informed them that resources didn't appear to be
- 17 adequate to perhaps give them the heads up that they
- 18 might need to consider other assets.
- 19 Q. Can you remember ever doing that?
- 20 A. Not a specific occasion. But things do break during
- 21 shifts and so if something became suddenly unavailable,
- 22 that is a conversation that we would have had with the 23 coastguard.
- 24 Q. Yes. Can we go to your statement at paragraph 47,
- 25 please, $\{INQ010135/20\}$ you say there, in the first line,

1		about aerial assets :
2		"I was not aware that following the report "
3		The one we have just been looking at:
4		" the fixed wing aerial asset would not be
5		available to provide an overview from the sky \dots "
6		Again, you may not remember, but can you remember
7		when you were first made aware of that?
8	Α.	No, I can't remember.
9	Q.	Would it be likely to have been some time during the
10		shift ?
11	Α.	I can't remember.
12	Q.	Thank you. But in general terms, then, just confining
13		ourselves to that, the availability of $fixed\!-\!wing$
14		coverage did have an impact on your role, didn't it?
15	Α.	${\sf I}$ would say that my role remained the same, that ${\sf I}$ was
16		responsible for the Border Force assets and liaison with
17		the coastguard.
18	Q.	Yes.
19	Α.	And that whether or not an aerial asset was available
20		didn't impact what I had available to $$
21	Q.	No.
22	Α.	to commit.
23	Q.	But of course, in terms of locating the small boats, it
24		had a very significant impact, didn't it?
25	Α.	Possibly. $I I$ can't answer.
		45
1	Q.	You are not able to sav?

- Q. You are not able to say?
- 2 A. I am not able to say, yes.
- 3 Q. We have been told, Mr Toy told us yesterday, that air 4 cover was by far the best method of spotting these
- 5 boats, for all the reasons we went through earlier and
- 6 that sounds sensible, doesn't it?
- 7 A. It sounds sensible, yes.
- 8 $\mathsf{Q}.\;$ Yes. But it sounds then, from your general answer, that
- 9 on the night, if you had been told that there was no
- 10 fixed-wing asset available, it wouldn't have had any
- 11 impact on your -- on your job, as far as you were
- 12 concerned? 13
- A. Correct, yes.
- 14 Q. Thank you. In the course of your work, did you receive, 15 from time to time, intelligence about the likelihood of
- 16 crossings during your shift?
- 17 A. Yes, that's true.
- 18 Q. Can we look at an example, please at {INQ002267/1}. You
- 19 see this is an email sent on the evening, the evening of
- 2.0 the 23rd, early evening, at 18:26. Again, can I ask
- 21 you, did you -- or can you remember receiving this
- 2.2 particular email?
- 23 A. I --- I can't remember.
- 24 Q. No.
- 25 A. No.

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- 1 Q. But does it fit into the pattern you have just been describing of intelligence coming in about the shift and 2 3 about what was likely to happen? A. Yes, and no. I haven't seen an email quite like this 4 before. It doesn't look familiar. But we would receive 5 the intel logs with that type of information on it. 6 7 Q. Yes. So you haven't seen this email before? 8 A. Not that I can recall. 9 Q. Okay. Well, you see at the bottom, for example, it 10 talks about numbers in the hundreds --11 A. Yes 12 Q. -- likely to come over and this sentence: 13 "With this in mind [this is somebody within 14 Home Office] you may wish to review your resource 15 response in the UK." 16 Now, can you help us as to whether any such review 17 of resource response was undertaken that night? 18 A. I --- I don't recall. 19 Q. You don't remember? 20 A. No. 21 $\mathsf{Q}.\;$ In your statement at paragraph 43 you talk about the 22 handover at the beginning of your shift, page 23 18 {INQ010135/18}, please, at the bottom of that page, 24 vou sav: 25 "[The handover] probably took around half an hour." 47 1 We don't have any records of what was -- what was
 - 2 contained in the handover. Were the details usually 3 written down? 4 A. No, sir. We didn't write the details. 5 Q. So it was a verbal handover? 6 A. Verbal handover. 7 Q. What would it cover? 8 A. If it was Deveran, it would cover assets available,
 - 9 whether any activity had started, whether any
 - 10 information had been sent out. It would give a current
 - 11 view of what was actually happening. It would cover the
 - 12 rest of the fleet, what they were up to. It would cover
 - our resources in the MCC and anything else, you know, 13
 - 14 for that night-shift, if it --
 - 15 Q. To take an example and going back to what we were 16 discussing, would the non-availability of air cover have
 - 17 been something that might have been mentioned in
 - 18 a handover?
 - 19 A. Possibly, yes.
 - 20 Q. You should know that: we were expecting air cover, we
 - 21 haven't got any?
 - 2.2 A. Yes, yes that would be --
 - 23 So in terms of the working arrangements at MCC that Q.
- 2.4 night, the -- in your second statement, you have told us
- 25 and this is paragraph 4, can we have that up please,

- 1 page 2 {INQ010698/2}, thank you, that the expectation was that Border Force personnel -- as you see, this is 2 3 about five lines up from the end -- was that: 4 "[Border Force] personnel would be physically based at the [MCC] on 'red days' or 'amber days' ..." 5 6 And these were amber or red days, weren't they? 7 A. Yes 8 Q. Thank you: 9 " ... however, we were able to work some shifts 10 remotely on 'green days' ... ' 11 So that didn't apply. You have told us you were 12 working in-person, as it were, in Portsmouth that 13 night — 14 A. (Nods). 15 Q. -- but your recollection about Mr Willows has shifted, 16 or rather, you have learnt more, would that be fair? 17 A. Yes, as more documents have been made available, yes. Q. So again, as you fairly said just now, really you are 18 19 relving on the documents? 20 A. Yes 21 Q. You don't have any real independent recollection of any 22 of this? 23 A. No
- 24 Q. No, okay. Because certainly what we have now learnt 25
 - from your second statement is that Tom Willows, who we

- 1 have talked about, was not working remotely but was, you 2 think, alongside you --3 A. Yes 4 Q. -- in the office at Portsmouth, the two of you working 5 together? 6 A. Yes. 7 $\mathsf{Q}.~\mathsf{I}$ have to say this to you, and put this to you. You 8 were clear about this in your first statement and that 9 statement was signed by you with a statement of truth. 10 It's not equivocal, you set out a factual position which 11 you have now very radically changed. Can we, the 12 Inquiry, can the Chair take this position, that you are 13 now setting out in your second statement, to be true? 14 A. Yes, sir. I do apologise for the first statement where 15 I believe Mr Willows was working from home. I had no 16 material at that time to suggest that he was in the 17 office with me. However, as the Inquiry has gone 18 forward, it's clear that Tom was actually in the office 19 beside me. So it's very difficult to remember one night during 20
- 21 many Op Deveran nights in the MCC and it's not that this
- 2.2 one isn't important. It was because I didn't know that

that the second statement is true?

- 23 this had taken place during my shift.
- 24 SIR ROSS CRANSTON: That's accepted. But we can now take it
 - 50

- 1 A. I believe that to be true, based on the evidence that -of Tom Willows, of what he will say. I believe that 2 he -- he would have been in the office with me. 3 SIR ROSS CRANSTON: Yes, well, thank you. 4 MR PHILLIPS: So just following through the implications of 5 that with you. If we go back, please, to 43 of your 6 7 statement, bottom of page 18, again {INQ010135/18}, you 8 say -- do you see the last sentence of this page: 9 "If I needed to communicate with Mr Willows then 10 I would have done so by mobile telephone. I cannot 11 recall contacting him that night and have not located 12 any emails between us." 13 Well, we know why that was, because he was sitting 14 next to you; yes? 15 A. Yes. 16 Q. So how did you communicate with him that night? 17 A. Just verbally. 18 Q. Yes, okay. Can we look, please, at another document. This is {INQ010633/1} and this was a document disclosed 19 2.0 to the Inquiry late in February this year which appears 21 to show an extract of communications between you and 22 Tom Willows on 22 November, so the night before the 23 incident. 24 Have you seen it before?
- 25 A. Yes, I have.

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- 1 Q. What form of communication were you using?
- 2 A. This was on Teams.
- 3 Q. Right.
- 4 A. Online.
- 5 Q. So again, when you said in your statement, at
- 6 paragraph 43, you communicated by mobile, you were also 7 able to use Teams?
- 8 A. Yes
- 9 Q. And would that be when he was working remotely?
- 10 A. Yes, I would have spoken to him verbally if -- if he was 11 there
- 12 Q. And would you -- when he was working remotely, or 13 perhaps when you were working remotely, was this
- 14 a method of communication that you were regularly using?
- 15 A. Yes. I am trying to remember where Covid came because
- 16 the Teams all came about as a result of that.
- Q. Yes, but now you have told us that you and he were 17
- 18 physically present in the office on the night
- 19 23/24 November, you wouldn't, I assume, have been
- 2.0 communicating by Teams that night?
- 21 A. Unlikelv.
- 2.2 Q. Yes. Now going back to paragraph 43 and at the top of
- page 19, the second line {INQ010135/19} again, against 23
- 2.4 the background of what you were saying then which is
- 25 that he was remotely -- he was working remotely:

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1		"Given that we would have agreed who was doing which
2		tasks, there would not have been a need to speak unless
3		either of us had a query."
4		And presumably, we can forget all about that,
5		because, as you have said, you were sitting next to him?
6	Α.	Yes.
7	Q.	And if you needed to speak to each other, you could do
8		so?
9	Α.	Yes.
10	Q.	But in that same sentence, you say:
11		" we would have agreed who was doing which
12		tasks "
13		And so we wouldn't have needed to speak. Was that
14		something, ie the allocation of tasks, that was agreed
15		at the beginning of each shift, or was it just
16		a standard way of working?
17	Α.	No, we would discuss who was doing what tasks at the
18		start of the shift.
19	Q.	Yes. Thank you. So turning to the events of the night,
20		and, again, I do bear in mind what you have said about
21		the $$ your recollection.
22		Can we do this by reference to the documents and the
23		first one is your daybook which is at $\{INQ000565/1\}$ and
24		this starts $$ the first entry is at 01:12. So
25		12 minutes past 1 in the morning.
		53
1		Do you see that?
2	Α.	Yes.
3	Q.	And my understanding is, but please confirm if this is
4		correct, is that this is the entirety of your daybook
5		entry for that shift , ie $23/24$ November '21?
6	Α.	Yes.
7	Q.	Thank you. At 01:12, there are simply co-ordinates and,

- 8 as you explain in your statement, the time when they had 9 been received by coastguard, in fact. Namely, 23:53, so 10 about 80 minutes before you made the entry and I think 11 you received them. 12 Now in your statement, you say, at paragraph 49, if
- 13 we could have that, please, it is page 21 of the statement, {INQ01035/20}, if we could zoom in on that, 14 15 thank you, you describe the entry and you say you think 16 you got those co-ordinates from the coastguard and that 17 it $\,--$ the note in your daybook relates to a telephone 18 call between you and the coastguard. 19 And you go on to say in paragraph 50:
- "I do not have access to the initial call but it is 2.0
- 21 possible that I asked for updated coordinates, noting
- 2.2 the length of time ... [the point I have just put to 23
- you, that it was 80 minutes odd] an hour and 24
- 20 minutes ... "
- 25 Before the call took place.

- 1 Now, in that part of your statement, you are talking 2 in terms of "would have", do you see the fourth line: 3 "I would have put the initial co-ordinates ..." 4 Etc. Again, just to confirm, you have no 5 independent recollection now of doing that? 6 A. No. 7 Q. No. So does it follow also that you don't know now, 8 because we haven't got a record of the call, whether you 9 took part in it? 10 A. Yes. correct. 11 Q. In other words, that Mr Willows may have taken the call 12 and passed on the co-ordinates to you, which you then 13 noted in your daybook; is that possible? 14 A. Yes, that's possible 15 Q. Is it more than possible, is it likely? A. I -- I can't answer any further than -- than that. 16 Q. No, and can you help with the question of the delay. 17 18 You have made a note of it, as you say. 19 A. Mmm 20 Q. Would you have been surprised to receive co-ordinates 21 like this so long after they had apparently been 22 obtained? 23 A. Not necessarily. no. 24 Well, they show, if they are accurate, a boat which is Q 25 either in or close to UK waters. And bearing in mind 55 1 the plan we have talked about this morning, wouldn't you 2 have wanted a lot more notice of that to get your asset 3 out to meet the boat at the median line? 4 A. Yes Q. So this was far too late, wasn't it? 5 6 A. If it's already in UK waters. 7 Q. Yes. 8 A. Yes, it's late. 9 Q. The plan wouldn't work? 10 Α. Yes
- 11 Q. Of course not. Because by the time you got your first
- 12 plan, we know it took two hours to get to the
- co-ordinates, the boat would have long been in UK waters 13
- 14 and the plan wouldn't have worked?
- 15 A. Yes
- 16 Q. Thank you. So let's go back to your daybook please,
- 17 $\{INQ000565/1\}$ at 01:24 and again, the entry you have
- 18 made simply consists of co-ordinates and no other
- 19 information. You don't tell us, for example, to which
- 20 incident those co-ordinates relate, do you?
- 21 A. No.
- 22 Q. And again, are you able to assist, based on your actual
- 23 recollection, who took the call which led to those
- 2.4 co-ordinates being recorded?
- 25 A. I am unable to tell you that.

1	Q.	So you can't tell, for example, whether in any call that
2		took place at 01:24, other information concerning
3		a small boat was passed on to whoever it was on the end
4		of the call . All you have got is the daybook?
5	Α.	Yes.
6	Q.	Yes. Now we do, in fact, have a transcript of the
7		relevant call and it's at {INQ007648/1}. There are two
8		speakers, you see there their names are given. Have you
9		seen this document before?
10	Α.	If you go to the next page, I might be able to.
11	Q.	Yes, page 2 {INQ007648/2}, please.
12	Α.	Yes, I've seen this.
13	Q.	It gives two names and neither it yours?
14	Α.	Correct.
15	Q.	Yes, and you will see about halfway down this page 2,
16		the speaker from the coastguard says:
17		"Not on the list and more of an issue is
18		migrant 7"
19		Which, in fact, turned out to be Charlie:
20		" which I can give you a position for that."
21		Tom Willows is recorded as saying:
22		"Okay."
23		And the position is given.
24		And he then says, on page 3 $\{INQ007648/3\}$, if we
25		turn over the page, that the vessel was 0.6 of

1		a nautical mile from UK waters. Do you see at the top
2		of the page?
3	Α.	Yes.
4	Q.	And detail is given:
5		" 30 people on board, 14 have got life
6		jackets supposedly 13 women [and] 8 children."
7		" dinghy in good condition."
8		You see at the bottom of the page. And then phone
9		numbers are given and the speaker on the call,
10		Tom Willows on this transcript, says:
11		"[We will] plot it up look at getting an asset
12		tasked to it and then if it's in UK waters"
13		Do you see in the middle of that page?
14	Α.	Yes.
15	Q.	Now again, in your first statement, you talk at some
16		considerable length about this call and explain what you
17		learnt from it and this is paragraphs 52 and 53. Could
18		we go to them, please, $\{INQ010135/21\}$:
19		"I believe I became aware of Incident 'Charlie'
20		when I received the second call \dots "
21		You now accept, I think, that it wasn't you
22		receiving that call, but you see you give considerable
23		amount of evidence about $$ to the Inquiry about what
24		was said to you and what information about the boat was
25		passed on. And then, in paragraph 53 third line

1 {INQ010135/22}: 2 "I relayed the information I had to HMC Valiant." 3 So, given that you have now told us that you didn't 4 make this call and therefore didn't receive, directly, the information, are you able to assist us with how the 5 6 co-ordinates at least came to be in your daybook at the 7 entry for 01:24? Do you want to see that again? 8 A. Yes, please. 9 Q. Yes, I think it was -- yes, there it is. Do you see, it 10 is just co-ordinates, nothing else, {INQ000565/1}. A. I can't answer that. I -- I don't -- I don't know. 11 12 Q. No. But what we can see is that none of the other 13 information which Tom Willows received is written down 14 in your daybook? 15 A. No, it's not. $\mathsf{Q}.\;$ Would you have expected him to tell you, after that 16 call, the sort of information that I have highlighted to 17 you; that the boat was 0.6 of a nautical mile off UK 18 19 waters, there were 14 people with life jackets, 20 30 people on board etc, etc? 21 A. Yes, he would have relayed all that information. 2.2 Q. That was important information to know, wasn't it --23 A. Yes. 24 Q. -- about the boat --25 A. Yes. 59 1 $\mathsf{Q}. \ --$ as you went about your decisions on tasking Border Force assets? 2 3 A. Yes.

4	Q.	Yes. Now, in your second statement, again, the change
5		that you have made to your evidence, paragraph 6,
6		please, $\{INQ010698/3\}$ is that, in relation to this call :
7		" Mr Willows has since listened to the audio of
8		the call , and has confirmed that the call was made by
9		himself \dots in order to confirm the accuracy of the
10		coordinates "
11		And then this important sentence:
12		"I now believe that all telephone calls made by
13		[Border Force] to [coastguard], or received by
14		[Border Force] from [coastguard], on the night \dots were
15		made or received by Mr Willows."
16		So, again, may I ask you, is that your position,
17		your evidence to the Inquiry today?
18	Α.	I cannot say 100% that I didn't make or receive a call.
19		But I have no evidence to offer as to whether I did or
20		I didn't. But I $$ I can't say 100% that I didn't pick
21		up the phone at any point in the evening.
22	Q.	Okay. Well, that's rather less definite than the last
23		sentence at paragraph 6, isn't it?

- 24 A. Yes.
- 25 $\,$ $\,$ Q. So it sounds as though the real position is that you

60

1		actually don't know?
2	Α.	Unless I hear those calls and hear the voices $$
3	Q.	Yes.
4	Α.	II don't know.
5	Q.	Yes.
6	Α.	But I believe that when we split up the tasks to do for
7		the evening, that Tom would have taken on the calls and
8		the communications. But that's not to say that if he
9		left the room for a break, that I wouldn't have picked
10		up the phone or $$
11	Q.	No.
12	Α.	But
13	Q.	Well, let's just take a specific example in your first
14		statement, you said it was when that you first became
15		aware of Charlie, the incident, when you received this
16		call , the one we have been looking at the transcript of,
17		at 01:24. So we know that's not true, but do you have
18		any recollection now of when you first became aware of
19		Incident Charlie?
20	Α.	I have no recollection of that night. I can only go
21		with the notebook entry.
22	Q.	Yes, and the notebook entry doesn't tell you very much,
23		to be honest, does it?
24	Α.	No.
25	Q.	Thank you. But again, using your memory such, as it is,
		61
1		of the way things generally worked, assume a telephone
2		call like this, assume information passed on to
3		Tom Willows, how do we get from that moment to the
4		tasking of the Valiant, which we know took place at
5		01:30, so very shortly afterwards? Would you expect
6		there to have been a conversation between Tom Willows,
7		once he had got off the phone, and yourself in order to
8		discuss what to do?
9	Α.	Yes, we would have had a conversation.
10	Q.	Because, as we saw from the document you yourself
11		drafted after the event, the mass casualty event, it was
12		the higher officer's responsibility to decide on and do

- 13 the asset allocation and tasking for Border Force 14 assets?
- 15 A. That was usual, but at that time, on that night.
- 16 I didn't know that there was a mass casualty event.
- 17 $\mathsf{Q}.$ Right. I see. So do you think it possible that 18 Tom Willows himself tasked the Valiant?
- 19 A. Do you mean verbally, picked up the phone to --
- 20 Q. Yes
- 21 A. Mavbe
- 22 Q. But you can't say one way or the other?
- 23 A. I can't sav.
- 24 Q. Now can we go back and look at the live update, and this
- 25 is the one for 01:50, which we looked at briefly before.

- 1 The email, we have already seen, so can we actually look 2 at the spreadsheet itself , the update, which is at 3 ${INQ000472/1}$. And again, if you remember, you have to 4 look on the right to see the relevant text: "No asset with event. Believed to already be in UK 5 waters. Valiant called." 6 So this, as I said, was 01:50. It is about half 7 8 an hour after the tasking of the Valiant and we can see 9 the co-ordinates have been entered there. As a matter 10 of fact, they don't actually match the ones which were 11 given by the coastguard, but let's put that to one side. 12 What it says, the update is: 13 "No asset with event. Believed to already be in UK 14 waters. Valiant called." 15 Can you help with this: do you know who made this 16 entry on the spreadsheet? 17 A. I don't recall specifically , but I would say that 18 I would have made that entry. 19 Q. Yes. 20 A. Between me and Tom, I would have probably done that. 21 Q. Yes. So in terms of -- do you remember you talked 22 earlier about the allocation of tasks at the beginning 23 of the shift? 24 A. Yes. 25 Q. You would have responsibility, would you, for filling in 63 1 the -- the updates? 2 A. Yes. 3 Q. It doesn't contain any of the information which was

 - 4 given to you about nature of the people on board and all
 - 5 of that, does it?
 - 6 A. No, it doesn't.
 - 7 Q. No. So where was that information recorded?
 - 8 A. It may not be recorded anywhere.
 - 9 Q. No. so it's not in your daybook, we know that, that was
 - 10 just the co-ordinates, it's not on the update. We
 - 11 haven't seen any other written record of it at all . So
- 12 how are you meant to use that, in the office? It was
- 13 just something you two knew about, you discussed?
- 14 A. Yes, we -- we would have discussed it together.
- 15 Q. Yes. And what about when your shift ended and the next
- 16 people came on? How do you deal with it?
- 17 A. What, the detail?
- 18 Q. Yes.
- 19 A. That wouldn't be necessarily something that we would 20
- hand over between ourselves. Q. I see, because it wasn't important enough?
- 21
- 22 Not because it wasn't important. But because that Α.
- 23 information would have been passed to Valiant already.
- 24 Q. So it wasn't important for you, back at base as it were,
- 25 the MCC, to have the key information which coastguard

1		had passed on to you recorded on this update?
2	Α.	Not necessarily.
3	Q.	Or and nowhere else, in fact?
4	Α.	Yes, not necessarily .
5	Q.	Okay. So then in terms of tasking the Valiant,
6		certainly in your first statement you told us, at
7		paragraph 53 {INQ010135/22}, second line, that you
8		telephoned the Valiant. And again, are you sure about
9		that? What's your position today?
10	Α.	I believe that I would have called Commander Toy. But
11		I I can't be certain because I don't recall
12		specifically .
13	Q.	And in terms of the information you gave him, it looks
14		as though you would have been reliant on Tom Willows
15		passing it on, passing information on from the
16		coastguard?
17		Yes.
18	Q.	And I assume, going back to your daybook, at
19		{INQ000565/1} thank you, you say, at 01:25:
20		"Call to Valiant re event C."
21		So event C, or Charlie, has now appeared for the
22		first time in your daybook. There is no record of any
23		other information passed on to Valiant. And I am
24		assuming from what you have told us that there won't be
25		any, or there was, no other record of any other
		65
1		information?
1 2	A.	information? Correct.
2		Correct.
2 3		Correct. No. If we go to Commander Toy's daybook $\{INQ00205/1\}$
2 3 4		Correct. No. If we go to Commander Toy's daybook $\{INQ00205/1\}$ which we looked at yesterday in great detail , for the
2 3 4 5		Correct. No. If we go to Commander Toy's daybook $\{INQ00205/1\}$ which we looked at yesterday in great detail , for the same moment, and that is $$ remarkable, they have
2 3 4 5 6		Correct. No. If we go to Commander Toy's daybook $\{INQ00205/1\}$ which we looked at yesterday in great detail, for the same moment, and that is $$ remarkable, they have already got it $$ his writing, if I may say so, is
2 3 4 5 6 7		Correct. No. If we go to Commander Toy's daybook $\{INQ00205/1\}$ which we looked at yesterday in great detail, for the same moment, and that is $$ remarkable, they have already got it $$ his writing, if I may say so, is nothing like as clear as yours, but he did explain to us
2 3 4 5 6 7 8		Correct. No. If we go to Commander Toy's daybook $\{INQ00205/1\}$ which we looked at yesterday in great detail, for the same moment, and that is $$ remarkable, they have already got it $$ his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was:
2 3 5 6 7 8 9		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is —— remarkable, they have already got it —— his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to"
2 3 6 7 8 9		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is remarkable, they have already got it his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co-ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there
2 3 4 5 7 8 9 10 11		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is remarkable, they have already got it his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co-ordinates and then the rest of it, the rest of the entry was what he then
2 3 4 5 6 7 8 9 10 11 12		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is remarkable, they have already got it his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co-ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there
2 3 4 5 6 7 8 9 10 11 12 13		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is remarkable, they have already got it his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co-ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though well, this daybook is
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is remarkable, they have already got it his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co-ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though well, this daybook is also this entry is also free of the sort of
2 3 4 5 7 8 9 10 11 12 13 14 15 16 17		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is — remarkable, they have already got it — his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co—ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though — well, this daybook is also — this entry is also free of the sort of information the coastguard passed on. In your first
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is — remarkable, they have already got it — his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co—ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though — well, this daybook is also — this entry is also free of the sort of information the coastguard passed on. In your first statement, paragraph 61, you say, this is page 25 now,
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is — remarkable, they have already got it — his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co—ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though — well, this daybook is also — this entry is also free of the sort of information the coastguard passed on. In your first statement, paragraph 61, you say, this is page 25 now, please, {INQ010135/25}, thank you:
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is — remarkable, they have already got it — his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co—ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though — well, this daybook is also — this entry is also free of the sort of information the coastguard passed on. In your first statement, paragraph 61, you say, this is page 25 now, please, {INQ010135/25}, thank you: "I [don't] recall receiving a physical description
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is —— remarkable, they have already got it —— his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co—ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though —— well, this daybook is also —— this entry is also free of the sort of information the coastguard passed on. In your first statement, paragraph 61, you say, this is page 25 now, please, {INQ010135/25}, thank you: "I [don't] recall receiving a physical description of [Charlie], but any relevant information I was given
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is — remarkable, they have already got it — his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co—ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though — well, this daybook is also — this entry is also free of the sort of information the coastguard passed on. In your first statement, paragraph 61, you say, this is page 25 now, please, {INQ010135/25}, thank you: "I [don't] recall receiving a physical description of [Charlie], but any relevant information I was given I relayed directly to [the] Valiant."
2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21		Correct. No. If we go to Commander Toy's daybook {INQ00205/1} which we looked at yesterday in great detail, for the same moment, and that is —— remarkable, they have already got it —— his writing, if I may say so, is nothing like as clear as yours, but he did explain to us what it said. And it was: "Call from MCC, deploy to" And then there was a series of co—ordinates and then the rest of it, the rest of the entry was what he then did, which was effectively to summon the crew and there was going to be a "CFI", do you see, on board. That's in the second line? So it looks as though —— well, this daybook is also —— this entry is also free of the sort of information the coastguard passed on. In your first statement, paragraph 61, you say, this is page 25 now, please, {INQ010135/25}, thank you: "I [don't] recall receiving a physical description of [Charlie], but any relevant information I was given

- 24 that, haven't we? Because it's not in your daybook,
- $% 10^{-1}$ it 's nowhere else at MCC and it's not in Commander Toy's

1		daybook.
2	Α.	Yes.
3	Q.	And you can't remember?
4	Α.	No.
5	Q.	Now, at paragraph 16 of your statement, {INQ010135/6},
6		you give a fairly lengthy description of what your
7		general practice was, or what the system was, how the
8		coastguard would telephone to provide co-ordinates of
9		a boat, confirm $$ and you would confirm if you could
10		send an asset, and make a note of the co-ordinates:
11		" and any other relevant information [the
12		coastguard] could pass on, such as "
13		And then there is a very long list indeed of the
14		relevant information: the number of persons on board,
15		relevant to determining the appropriate asset; the time
16		of the siting at the co-ordinates given. And again, we
17		had here an example where your first co-ordinates were
18		80 minutes late, as it were: the course; the direction;
19		the speed; any mitigating factors; children on board;
20		someone unwell; whether an engine had failed or fallen
21		off; the type of boat:
22		" and anything else which would assist [you] in
23		terms of allocating an asset and would assist the
24		[Border Force Maritime] crew in locating and identifying
25		the boat. Essentially we took as much information as we
		-

1		could from [coastguard] because when we contacted our
2		vessels we knew they would ask for [going over the page
3		7, $\{INQ010135/7\}]$ the information. In November some
4		of this information would initially be entered manually
5		into the officer's daybook."
6		And going back to paragraph 16, $\{INQ010135/6\}$ the
7		reason you have listed all the information is because
8		it's obviously relevant $$ back to paragraph 16,
9		please $$ obviously relevant information for the Valiant
10		to identify the craft, the small boat it was being sent
11		to rescue; that is correct, isn't it?
12	Α.	The initial call to Valiant would have been to stand up
13		the boat, to get the engines fired up and to prepare to
14		leave Dover.
15	Q.	Yes.
16	Α.	This type of information, even if I had it or $$ did or
17		did not have it written down, would have been something
18		that they would have called the coastguard to $$ whilst
19		en route, to $$
20	Q.	But that's not what you are saying in your statement.
21		You are saying the reverse of that in your statement.
22		You are saying that you would make a note of all of this
23		information in order to determine, for example, the
24		appropriate asset.
25	Α.	Okay. Yes.

- 1 Q. Well, which is it?
- A. I'm sorry, I don't understand where you are coming from. 2
- 3 Q. Well, in paragraph 16 you are going to some length to
- 4 explain what was important information and why it was
- 5 important for you. And we know that no information of
- this kind was recorded by you in your daybook or 6 7 anywhere else.
- A. Yes, it's not recorded. 8
- 9 Q. Can you give an explanation of that now?
- 10 A. I am unable to give an explanation.
- 11 Q. Is it because you actually thought it wasn't important?
- 12 A. Some of the information isn't important at that stage.
- 13 Q. Well, can you name anything in paragraph 16 which isn't 14 important?
- 15 A. At the stage that I called Valiant, some of that information isn't -- isn't relevant. 16
- 17 Q. Yes, so are you saying that there would have come 18 a later stage when it would have been relevant or
- 19 important and you would, then, have passed it on?
- 20 A. Yes
- 21 Q. Well, if that was part of your system, why wasn't any of
- 22 it ever written down?
- 23 A. I can't answer that.
- 24 Q. You can see how it looks very, very sloppy now, can't
- 25 vou?

- 1 A. Yes, I can. And in hindsight, which is a wonderful 2 thing, I wish I had written far more detail. 3 Q. Okay. Can we turn, then, to the topic of the
- 4 Mayday Relay and start by looking at the next tracker
- 5 which went out, at 02:43. And we can see the covering
- email in standard form at $\{INQ000507/1\}$. Again, we saw 6
- 7 the earlier one. The same thing and this time it's
- 8 02:50. And we can see the tracker itself, or the log,
- 9 I think you call it. or life update at {INQ000508/1}.
- 10 please, the second page, it is the spreadsheet, if you
- 11 remember, {INQ000508/2}. And I think I am right in
- 12 saying that the red type indicates new information since
- 13 the last issue of the update, is that correct?
- 14 A. Yes, that's correct.
- $\mathsf{Q}.\;$ Thank you. And you will see the red information for 15 16 Charlie, Incident C, is:
- 17 "Valiant attending. ETA 1 [hour] to location. Now 18 a Mayday."
- 19 A. Yes, I can see that.

25

- 20 $\mathsf{Q}.\;$ So again, doing your best today, who do you think made 21 that entry?
- 2.2 A. Doing my best today, I would say that I made that entry.
- 23 Q. Yes. So we know that, certainly by that stage, if
- 24 that's right, that you were aware that a Mayday had been
 - issued in relation to Incident Charlie? 70

- 1 A. Yes
- Q. And if we go back to your daybook, {INQ000565/1}, 2
- 3 please, we can see a record of that at 02:34, so some 4 15. 16 minutes before this:
- 5
 - "C -- Mayday. Valiant still going." Now, just to check one thing. Did you yourself hear
- 6 7 the Mavdav call?
- A. No. We don't have VHF in our office, so I wouldn't have 8 9 heard that.
- 10 Q. And can you remember now whether, in your time in the
- 11 role by 24 November, you had ever had an incident for
- 12 which a Mavdav had been called?
- 13 Α. No, I don't recall any incidents.
- 14 Q. No, it was a very rare occurrence, wasn't it?
- 15 A. Yes
- Q. Thank you. In paragraph 57 of your first statement, you 16
- 17 say -- sorry, this is page 23 {INQ010135/23} of the
- 18 statement, thank you -- you talked, first of all, about
- 19 the entry in the daybook we have seen, 02:34:
- 2.0 " ... $\,{}^{\prime}C^{\prime}$ was a mayday ... Valiant was still going to
- 21 it . I am unsure who told me that 'C' was a mayday event
- 22 but it did not make any difference to my role, in that
- 23 I had tasked an asset which was on its way."
- 24 What, if anything, did the fact that a Mayday call
- 25 had been issued tell you about the status of

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- 1 Incident Charlie?
- A. I would imagine -- I can't remember my thoughts on that 2
- 3 day, but I would imagine that I thought the situation 4 had worsened in some way.
- 5
- Q. Yes, and it was sufficiently unusual, as you have 6 explained, it had never happened before, it must have 7 brought home to you, surely, that this was a more urgent 8 than usual situation?
- 9 At that time, four months into a new role, I am not sure Α.
- 10 whether I was expecting to hear a Mayday or not.
- 11 Q. No.
- 12 A. Since then, I, you know, can draw on my own experience 13 since then, in that a Mayday is unusual.
- $\mathsf{Q}.\;$ Well, picking up what you have just said. If you were 14
- 15 relatively new in the role and you have never heard 16 a Mayday before, did you think to discuss this with your senior officer?
- 17 18 A. No, no.

2.4

- 19 Q. Why was that?
- 2.0 A. Not that I recall . I -- I don't know. I can't answer.
- 21 I don't know.
- 2.2 Q. Because it didn't make any difference?
- 23 Α. Because the Valiant was still going, there was no
 - further demand for Border Force.
- 25 Q. Because -- in other words, because coastguard wasn't

	1		anyone was in the water and then you say this:
	2		"I would have thought I would make a note of that
	3		information in my daybook, but regardless, that
	4		information would not impact my decision making because
	5		I simply could not make BFM vessels go any faster than
	6		they safely could."
	7		So, first of all, on the question of making a note
	8		of information in your daybook, we know that there is no
	9		information like that in your daybook, is there?
	10	Α.	About the Mayday, or?
	11	Q.	No, about taking on water ——
	12	Α.	No, there's not.
	13	Q.	—— sinking, anyone in the water.
	14	Α.	No, no there is not.
	15	Q.	There isn't very much information in the daybook?
	16	Α.	Correct.
	17	Q.	Now we also know that the information that Charlie, the
	18		boat, was taking on water was broadcast in the Mayday
	19		Relay.
	20		If you had been told that information, that the boat
of	21		was taking on water, or it was sinking, or that there
ls	22		were people in the water, would that not have changed
	23		your approach to your work that night and made you take
	24		some proactive step?
	25	Α.	I —— I can't answer, I don't know.
			75
			75

 $1 \qquad {\sf Q}. \ \ {\sf Not \ even \ based \ on \ your \ experience \ of \ other \ incidents;}$

2		getting information like that doesn't make you think:
3		well, I had better deal with this in a different way
4		because it's more urgent?
5	Α.	The only way we would have known that it was a Mayday
6		from the coastguard. And I would have assumed, at the
7		time, that they had passed that information to Valiant.
8		Because by that point, Valiant would have been under
9		their control or direction to the $$ to the incident.
LO	Q.	I see. So again, it was $$ it was the coastguard's job,
L1		really ?
L2	Α.	Yes.
L3	Q.	Yes. And is that why you say that even if you had had

- 14 information like that been passed to you, it wouldn't
- 15 have impacted your decision-making?
- 16 A. Not at that stage.
- 17~ Q. Because actually, you had passed the responsibility to
- 18 coastguard?
- 19 A. Yes.

24

- $2\,0\,$ $\,$ Q. So it wasn't so much, as you say there, that you simply
- 21 couldn't make the vessel go any faster, it was that it
- 22 was out of your hands. It was a coastguard
- 23 responsibility ; is that a fairer way of putting it?
 - A. Yes, yes.
- 25 Q. Thank you. Now, in terms of Valiant and the time it did

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- 1 asking you for more?
- 2 A. Yes.
- 3~ Q. Did you think it would be a good idea to check that
- 4 Valiant was aware of this change of status, that the 5 incident was now a Mayday?
- 5 incident was now a Mayday?
 6 A. I can't recall. I -- I -- possibly.
- 7 Q. Did you take any steps to get any more information,
- 8 having been told it was a Mayday?
- 9 A. I don't recall.
- $10\,$ $\,$ Q. No. Did you try to find out any more about the nature
- $11 \qquad$ of the incident and what had led to the Mayday call
- 12 being made?
- 13 A. I can't recall.
- 14 MR PHILLIPS: No.
- 15 Sir, would that be a convenient moment?
- 16 SIR ROSS CRANSTON: Yes. So just 10 minutes. 17 (11.58 am) short break
 - (11.58 am) short break (A short break)
- 19 (12.07 pm)

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- 20 SIR ROSS CRANSTON: Yes, Mr Phillips.
- 21 MR PHILLIPS: We were talking about Mayday calls. One o
- the things which you will have learnt about Mayday calls
- 23 is that there's an obligation on other vessels to
- respond to them, to go and assist; that's right, isn't
- 25 it?

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- 1 A. Yes.
- Q. And wasn't that a good reason for you to get in touch
 with Valiant so that the commander was aware, first if
- 4 he hadn't heard it, there was a Mayday out, but,
- 5 secondly, that that meant that other vessels would also
- 6 be hearing it and may come to assist, which would make
- 7 a difference to his approach to the boat? That would be
- 8 something you would want to know, wouldn't it?
- 9 A. Yes.
- Q. So if you didn't make contact with him to tell him, you
 were, what, relying on his having picked up the Mayday
 call himself?
- 12 call himself?13 A. I would say by that point that Commander Toy would have
- 14 been liaising with the coastguard rather than us --
- 15 Q. Yes.
- 16 A. -- for further information.
- 17~ Q. So you didn't feel any need yourselves to make sure he had that information?
- 19 A. I can't remember whether we did or we didn't.
- 20 Q. But in general, it sounds as though you were relying on 21 the coastguard?
- 22 A. Yes.
- $2\,3\,$ $\,$ Q. Now, in your first statement at paragraph 59, page 24,
- $24 \qquad \{ {\sf INQ010135/24} \}$ you talk about whether you were made
- aware that Charlie was taking water, sinking or that

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is

1	take to get to the asset $$ to the incident, I'm	1
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- 2 sorry -- we know that it was deployed at about 01:30 and
- 3 it took, in the end, about two hours to get to the last
- 4 known location or co-ordinates.
- 5 Can I just ask you this, again, drawing on your
- 6 general experience, appreciating you can't remember what
- 7 happened on the night, would you have been monitoring
- 8 its progress during that two-hour period?
- 9 A. Very likely
- Q. And given what we know about the Mayday, and the sense
 of this boat really needing help, wouldn't you have
- 12 recognised that two hours to get to the boat was too
- 13 slow, in terms of a search and rescue response?
- 14 A. I think the distance that they had to travel was --
- probably had an impact and I -- I can't answer that with
 any certainty.
- Q. Well, as you have said very frankly, you don't have any direct experience of search and rescue yourself?
- 19 A. No. I don't.

- 20 Q. You have never been out there on the water?
- A. Not during a search and rescue.
- 22 Q. No. Now, we do know that there was a call from the
- 23 coastguard to Border Force at 03:11, an important call,
- 24 which I think was taken by your colleague, Tom Willows
 - and you deal with this in paragraph 70 of your

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1	statement, page 28, $\{INQ010135/28\}.$ You say about it,
2	in contrast to the other calls you gave evidence about:
3	"I do not recall being aware of that call at the
4	time, nor would I necessarily expect to have been."
5	Now, we know that on that call, the coastguard
6	provided important information to Tom Willows about
7	Charlie and so I want to look at the transcript of the
8	call, please, to see whether that is information you
9	would, in fact, expect to have been given. So if we can
10	look at, please, {INQ007602/1}. And then on to page 3,
11	please, $\{INQ007602/3\}$ you will see, the participants are
12	Neal Gibson of the coastguard and Tom Willows.
13	And in the first exchange:
14	" Valiant is proceeding to Charlie, which is
15	southwest of the Sandettie Lightvessel at the minute."
16	And Tom Willows says:
17	"Is that still a Mayday situation at the moment or
18	not? "
19	And the reply is:
20	"Well, they've told me it's full of water."
21	And then he explains why he did the Mayday call, to
22	get a response from a French vessel which was nearby.
23	But just pausing there and thinking about what
24	information, from this call, you would have expected
25	Tom Willows to tell you, was the information that

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- 1 Charlie was full of water something that you would have 2 expected him to pass on?
- 3 $\,$ A. I think given the time of night and the fact that there $\,$
- 4 was just two of us in the room, it's probably something5 he would have told me.
- 6 Q. Yes. Well, that's not what you said in your statement,
- 7 where you said: I don't recall being aware of that call
- $8 \qquad$ at the time, nor would I necessarily expect to have
- 9 been. I think what you are now saying is there you
- $10 \qquad \mbox{ were, the two of you in your room, you would know what }$
- 11 was being said; is that right?
- 12 A. I can't answer for that night. I --
- 13 Q. No.
- 14~ A. -- but in general, I would -- I would know what was
- 15 going on. When the phone rings, you hear one side of
- 16 it , or another. But I -- I can't recall the phone calls
- 17 and what Tom may or may not have said to me afterwards.
- 18~ Q. No. But the second thing that was passed on was that
- 19 the French vessel had basically ignored the Mayday; in
- 20 other words, that the normal response, the legal
- 21 obligation to respond, had been ignored. That was
- 22 important information, obviously, wasn't it?
- A. We dealt with a lot of incidents with the French comingand going.
- 25~ Q. But never one in which a Mayday had been issued, as you

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- 1 have told us. So it was important information that the 2 Mayday had been issued and had been ignored? 3 A. Yes 4 Q. Yes. And the call also included information about the number of boats and the number of people involved. If 5 6 we go to the bottom of page 4, I think that's the next page, please, $\{INQ007602/4\}.$ Do you see the reference 7 8 there, to: 9 '... potentially 110 [people], worst-case scenario, 10 which is probably pushing our luck for Valiant." 11 Again, I know you won't remember what, if anything, 12 was passed on about this call. But you had tasked the 13 Valiant and if you received information in the MCC, 14 during any night, indicating that there were more people 15 on the relevant boats than Valiant could cope with, that 16 was important for you to know, wasn't it, because it 17 meant that your asset was inadequate to deal with the 18 situation? 19 A. Yes 2.0 Q. And what would you then have done? 21 A. We would probably have spoken to the coastguard and made 2.2 representation that Valiant would need to be turning 23 back towards the shore to offload the migrants that they 24 had on board.
- 25~ Q. Well, this information was telling you, surely, is that

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1		Valiant wouldn't be able to take on all of those people				
2		because it exceeded its capacity?				
3	Α.	I know that their capacity is 100 $$				
4	Q.	Yes.				
5	Α.	but Valiant would have done everything in their power				
6		to take 110. Between 100 and 110, that's not too many				
7		more.				
8	Q.	Is that a situation you had actually had experience of?				
9	Α.	Yes, and since then.				
10	Q.	Right. Well, we heard yesterday from Commander Toy				
11		about him waiting alongside the small boat for help to				
12		arrive, in effect, in the form of another responder, be				
13		it the RNLI or whoever else it was. But that meant that				
14		somebody somewhere had to task the other vessel to come				
15		to assist the Valiant. Now, that was something you				
16		ought to have considered, surely, whether Valiant needed				
17		help?				
18	Α.	Yes, yes. Perhaps, yes.				
19	Q.	Yes.				
20	Α.	Yes.				
21	Q.	But you have no recollection of that?				
22	Α.	No.				
23	Q.	If we go back to the bottom of page 3 $\{INQ007602/3\}$ you				
24		will see, in terms of the number of assets out,				
25		Neal Gibson is recorded as saying:				
		81				
1		"That's the dream, isn't it , don't get more than one				
2		out."				
3		Now, was that an approach, ie that the dream				
4		situation was only to have to deploy one asset, that you				
5		were aware of, or had heard about at the time?				
6	A.	No, I don't $$ I don't believe so.				
7		Do you agree with it?				
8		No. No, I don't.				
9		No. And as far as you can remember, accepting all of				
10		the deficiencies in your memory, but was there anything				
11		to stop you tasking another asset on that night, had you				
12		been asked to do so?				
13	Α.	No.				
14	Q.	No. And you say, if we go on to the very end of your				
15		statement, please, at paragraph 77, {INQ010135/31}:				
16		"It is very sad to think that the occupants of event				
17		'C' or anyone was out in distress in the Channel that				
18		night when we had resources out there (and could have				
19		sent further resources if asked) "				
19 20		sent further resources if asked) " And that's your evidence today, isn't it? Had you				
		,				

Q. We saw that there were other vessels on standby andavailable.

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24 available.25 A. Yes.

A. Yes.

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- Q. Thank you.
 But in the statement -- the first statement, earlier in the statement and at paragraph 60, you say, at the top of page 25 {INQ010135/25}:
 "Given that HMC Valiant was tasked to a single event at the time, I did not feel the need to task another vessel. One event ... [within] approximately
 30 migrants was well within the cutter's capabilities ." But, of course, what we have just been looking at is
- 10 the conversation later in the night, 03:11, where we are
- 11 talking 110, not 30. So what you say there doesn't
- 12 really apply, does it?
- 13 A. At the start of the night when, Valiant is tasked to --
- 14 to a single event --
- 15 Q. Yes.
- 16 A. -- there didn't -- it didn't seem that we needed another
- 17 vessel.
- 18 Q. But things changed.
- 19 A. But things changed and yes, I could have called another
- 20 vessel if asked to.
- 21 Q. Yes, and with hindsight, do you wish that you had?
- 22 A. I don't know where I would have sent the CPV if -- if
- 23 I had asked it to come out. I didn't know that we were
- 24missing an event.So I wouldn't have had anywhere to25send the CPV.

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- 1 $\,$ Q. Well, in the conversation we have just looked at --
- 2 A. Do you mean after, with the 110?
- 3 Q. Yes, at 03:11 --
- 4 A. I get what you mean.
- 5 Q. -- they are talking about the number of boats, I think
- 6 there were four listed --
- 7 A. Yes.
- 8 Q. -- in the -- southwest of the Sandettie Lightvessel.
- 9 You knew where that was?
- 10 A. Yes.
- 11 Q. You could have sent the other vessel there?
- 12 A. Yes.
- 13 Q. Do you wish you had done?
- 14 A. If asked, I would have done.
- 15 Q. Yes, but you weren't asked?
- 16 A. I wasn't asked, no.
- 17~ Q. Just one other thing about assets, if I may. The
- 18 Inquiry has received some evidence that there was an
- 19 aerial asset provided by a company called RVL/Reveal,
- 20 which was tasked by the Home Office that night. Was
- 21 that an asset you were aware of on the night?
- 22 A. I have never heard of RVL until this Inquiry.
- 23 Q. Thank you. Now, we looked at the transcript of the call
- 24 at 03:11. Can we look, please, at the next Border Force
- 25 update, which is at $\{INQ000540/1\}$. Standard form. We

1		have seen the emails before. And then the update					
2		itself , please, at $\{INQ000541/1\}$.					
3		And there is "C", again, the incident is open. And					
4		do you remember, we saw last time that there was red					
5		text for an update. This is the update after $$ half					
6		an hour or so after the conversation with Tom Willows.					
7		And we can see, can't we, that none of the information					
8		that was passed on to him then is recorded in the					
9		update?					
10	Α.	Yes.					
11	Q.	And again, I think you said, doing the best you can,					
12		that you think you would have been responsible for					
13		completing this update?					
14	Α.	Yes.					
15	Q.	Thank you. One question, if I may, about the French					
16		authorities . You say in your statement, and it is 61,					
17		please on page 25 {INQ010135/25}, that you don't $$ you					
18		didn't interact with any French authorities during this					
19		event. Just to check, is that based on the documents or					
20		based on whatever recollection you have?					
21	Α.	We didn't directly liaise with the French, that was					
22		always through the coastguard. But we did have the					
23		update from them, from Gris–Nez.					
24		Yes.					
25	Α.	And that was something that had started to happen around					
		85					
1		that time. $\ \ I$ am not sure on the exact dates for that.					
2		Thank you.					
3	Α.	But that was something that we came to receive, which					
4		was their $$ I guess their tracker.					
5	•	Yes.					
6		But I didn't speak to anybody					
7	•	No.					
8		on the French side.					
9	Q.	And I think what you are saying is that if you wanted to					
10		make contact with the French authorities, it was done					
11		through coastguard					
12		Yes.					
13		— is that right?					
14		Yes.					
15	Q.	Yes, thank you. Well, that takes us to the arrival of					
16		the Valiant at the last known location of Charlie and as					
17		we know from the evidence yesterday, that was at 03:27.					
18		Can we look back, please, at your daybook and the entry					
19 20		for 03:48 {INQ000565/1} so shortly after that. And can you just read what it says?					
20 21		"M957" is how it begins.					
21 22	л	Yes, and then it is the co-ordinates:					
22 23	А.	"2 migrant crafts stopped in water. 40 POB,					
23 24		[persons on board], estimated. Believed [to be]					
24 25		Incident C [Charlie]."					
20		medent e [ename].					
		86					

1	Q.	Right. Can you now remember $$ and I appreciate $$
2		I think I know what the answer is going to be $$ where
3		you got that information from: believed incident
4		Charlie?
5	Α.	Yes, $I I$ can't answer that.
6	Q.	And then the relevant spreadsheet at {INQ000572/1},
7		please. This is the actual spreadsheet, not the
8		covering email. And, again, to the right-hand side, we
9		see the new information this time, at 04:50, is:
10		"Vessel found and Valiant embarked a number of
11		migrants."
12		So what you are recording on the tracker is that
13		incident Charlie, the vessel C, on this, had been found
14		and the Valiant had embarked a number of migrants and
15		again, are you able to help us as to where that
16		information came from?
17	Α.	No, I can't $$ I can't answer that.
18	Q.	And did it ever occur to you during the shift $$ again,
19		as far as you can recall $$ that there was any doubt
20		that the Valiant had found Incident Charlie?
21	Α.	I believed on that night that Valiant had picked up
22	_	event Charlie.
23	Q.	Yes. And is that why you say, at the end of your
24		statement in paragraph 76, if we can have that, please,
25		{INQ010135/30}, thank you:
		87
1		"I was confident that HMC Valiant had rescued all
2		taskings."
3		In other words, at the end of the shift , as far as
4		you were concerned, Valiant had gone to the incident,
5		and had taken on board the migrants from that boat,
6		Charlie?
7	Α.	Yes.
8	Q.	Excuse me a moment. And we can see $$ sorry, I should
9		have got you to point this out for us $$ if we can go
10		back to the spreadsheet, I am so sorry. That was at
11		{INQ000572/}, thank you, that now, new information is
12		the Mike number we discussed before?
13	Α.	Yes.
14	Q.	So we can take it, can we, that by this time, 04:50,
15		that number had been issued?
16	Α.	Yes.
17	Q.	Thank you. And at the end of your shift, you tell us,
18		at paragraph 69 of your statement, if we could have that
19		up briefly , please, $\{INQ010135/27\}$ it ended at 07:30,
20		the shift , and you handed over to another Border Force
21		employee. And you confirm $$ and not really
22		a surprise $$ that there are "no separate notes", do you
23		see the fourth line, "of the handover"? And I imagine,
24		from what you have just been $$ do you see that? The
25		fourth line of paragraph 69:

1		"There are no separate notes of the handover."?	1	SIF	R ROSS CRANSTON: Well, good afternoon, Mr Golden.
2	Α.	Yes.	2		Alice Meredith will have some questions for you in
3	Q.	Thank you. And I imagine that you won't be able to	3		a moment, but could you just read the affirmation.
4		assist with what you might have told whoever took over	4		MR DOMINIC GOLDEN (affirmed)
5		from you at 07:30 about what had happened during the	5	SIF	R ROSS CRANSTON: Yes, thank you very much. Ms Meredith
6		shift ?	6		Questions by MS MEREDITH
7	Α.	No.	7	MS	S MEREDITH: Could you give the Inquiry your full name,
8	Q.	No. And my understanding from your first statement is	8		please.
9		that you were not working the next day, during the day	9	Α.	Yes. Dominic Golden.
10		while the recovery operation took place. And you say,	10	Q.	And you made a statement for the Inquiry which you
11		in your statement, at paragraph 76, that {INQ010135/30}	11		signed on 24 October 2024. That statement was 37 pages,
12		when you saw the news about the deaths in the Channel,	12		wasn't it?
13		you didn't realise that there was a connection between	13	Α.	That's correct.
14		those deaths and your shift.	14	Q.	In November 2021, you were employed by the Maritime and
15	Α.	I had no idea ——	15		Coastguard Agency, or the MCA, and your role was
16	Q.	Yes.	16		Aviation Tactical Commander, that's right, isn't it?
17	A.	until weeks or maybe months later, that event Charlie	17	Α.	That's correct, yes.
18		was not event Charlie.	18	Q.	You worked in the Aeronautical Rescue Co-ordination
19	Q.	Yes, well in your statement you say, first of all, at	19		Centre, known as the ARCC, which was based in the Joint
20		paragraph 71, that you were not interviewed by the MAIB,	20		Rescue Co-ordination Centre?
21		or involved in their investigation at all; is that	21	A.	That's correct, yes.
22		right?	22		And you explain in your statement that you had joined
23	A.	Yes, that is right.	23		the MCA as an Aviation Operator at the beginning of 2019
24		Yes. And the impression you give in this first	24		and that after completing your aviation operator
25	_ .	statement is it wasn't really until the MAIB report was	25		training, you were promoted to Aviation Tactical
		89			91
		07			91
1		published that you understood the connection between the	1		Commander in April or May 2019?
2		shift you did that night and what had happened to	2	Α.	That's correct, yes.
3		Incident Charlie?	3	Q.	Before joining the MCA, you had served for 33 years as
4	Α.	Yes, that's correct.	4		a Warfare Officer in the Royal Navy?
5	Q.	And we know that that didn't happen, the publication,	5	Α.	Yes, that is right.
6		until November 2023?	6	Q.	And it is right, isn't it, this had given you
7	Α.	(Nods).	7		operational and tactical decision-making experience
8	MF	R PHILLIPS: Well, thank you very much for answering my	8		which was relevant to your later role as an Aviation
9		questions. Is there anything else you would like to say	9		Tactical Commander?
LO		to the Inquiry?	10	Α.	Yes, I believe so.
11	Α.	No. Thank you, sir.	11	Q.	And then in June 2022, you returned to your previous
12	SIF	R ROSS CRANSTON: Well, thank you very much for your	12		employment as a Royal Navy Warfare Officer?
13		evidence, Ms Whitehouse. It has been very helpful.	13	Α.	That's correct.
14		Mr Phillips, I am not sure if we would come back at	14	Q.	Are you still in that role now?
15		1.30, or $$	15	Α.	I am, yes.
16	MF	R PHILLIPS: That sounds very sensible, sir.	16	Q.	And have you had any involvement in responding to small
17	SIF	R ROSS CRANSTON: Is that acceptable by everyone else? It	17		boat crossings in your role as Royal Navy Warfare
18		doesn't	18		Officer since 2022?
19	MF	R MAXWELL-SCOTT: We think so, yes. It is our witness.	19	Α.	I, for two years, worked at the Joint Maritime Security
20		R ROSS CRANSTON: Yes, I know, yes. Mr Golden. Well,	20		Centre, which is looking at all maritime security
21		let 's assume 1.30 pm, unless there is some	21		incidents, that range from illegal fishing through to
22		force majeure. Right, well, thanks very much.	22		counterterrorism at sea, which does include a little bit
23	(12	2.33 pm)	23		on migrant crossings.
24	((The Lunch Break)	24	Q.	Does your role now involve anything to do with $$
			-		

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1		Indian Ocean.
2	Q.	Thank you. Please bring up {INQ009628/5}. Mr Golden,
3		this is a copy of your statement and you will see
4		halfway down the page, paragraphs 11 and 12 of your
5		statement and this is where you explain your role as
6		Aviation Tactical Commander.
7		Briefly, you say at 11, that you were responsible
8		for the co-ordination of the aviation response to search
9		and rescue incidents and for keeping a strategic
10		overview of all aviation assets. And at paragraph 12,
11		in summary, you say first, that your role involved
12		managing the effective and efficient co-ordination of
13		the response to incidents requiring SAR aviation assets;
14		secondly, at (b), authorising the tasking and deployment
15		of the most suitable SAR aviation asset and ensuring
16		that such requests were a relevant and appropriate use
17		of the assets.
18		Moving to page 6 $\{INQ009628/6\}$, thirdly, supervising
19		and providing advice and guidance to the ARCC team;
20		fourthly, assisting and supporting the Tactical
21		Commander (Maritime); and finally, being responsible for
22		ensuring a culture of safety and compliance with
22		was and with a second second second and a second se

23 $$\ensuremath{\mathsf{procedures}}\xspace$ and guidance and ensuring technical knowledge

and expertise was up to date.So I think that provides a s

So I think that provides a summary of your role at

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1		the time?
2	Α.	(Nods).
3	Q.	Turning back to page 2 $\{INQ009628/2\}$ of the document, at
4		paragraph 4, we see there that you explain the training
5		you received when you joined the MCA as an Aviation
6		Operator. You say that it was focused on the various
7		systems operated at the ARCC, which included the HM
8		Coast Guard information system, ViSION, from which, you
9		say, you could access all HMCG policies and procedures.
10		Were all of the HMCG policies and procedures relevant to
11		you in your role or were some documents identified to
12		you as relevant?
13	Α.	No, not all because that covered the wide range and
14		spectrum of work that the coastguard undertakes.
15		Clearly, my focus would be on those relevant to
16		aviation. But in theory, I had access to all coastguard
17		SOPs (Standard Operating Procedures) and documentation,
18		I believe, through that system.
19	Q.	And were relevant policies, particularly, if new
20		policies were created after your training, identified to
21		you, or
22	Α.	Yes.

²³ Q. How did that happen?

- 24 $\,$ A. Sorry to interrupt. Yes, that would be correct. That
- $25\,$ would be, effectively , a general email to all users to

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- 1 say that the latest guidance and direction, or whatever, 2 had been issued. And you were, I believe -- forgive me, 3 I am trying to remember here now, but I think there was almost an administrative process where you would be 4 required to almost sign or tick to acknowledge that you 5 6 had read that latest policy. 7 Q. And would you be specifically contacted about policies 8 that were relevant to your role or would you need to 9 assess which ones related to your role? 10 A. No, I $\,--$ I sadly, unfortunately, we were -- bombarded is a harsh word to use -- but I think the system didn't 11 12 have the flexibility to filter down those that would be 13 relevant and so it was up to myself to judge which ones 14 I need to read, which ones can I avoid to park aside for 15 another day. 16 $\mathsf{Q}.~\mathsf{I}$ see and turning to your paragraph 5, you say that the 17 classroom aspect of your initial training provided 18 a brief overview of the maritime environment, including
- 19 the use of maps and charts, but not more complex topics
- $2\,0$ like search planning. And I think it's right to say
- $21 \hfill that you did not receive training in relation to the$
- 22 maritime environment beyond this basic overview, even
- 23 when you became an Aviation Tactical Commander --
- A. That is correct.Q. -- from your sta
 - Q. -- from your statement?

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1		And you did not receive any training on search plans
2		when you became
3	Α.	Not from the coastguard, no.
4	Q.	Who was responsible for the search planning?
5	Α.	That's the maritime domain, entirely.
6	Q.	Turning to page 4 of the document and your paragraph 8,
7		$\{INQ009628/4\}$ you explain there that when you joined the
8		ARCC in 2019, small boat crossings were not common and
9		that you did not receive any specific training in
10		relation to responding to small boat incidents.
11		To confirm, you didn't receive small boat specific
12		training in your initial training and is it right to say
13		you didn't receive this at any time prior to the
14		incident, apart from an exercise you were involved in on
15		11 November, that you describe at your paragraph 9?
16	Α.	Yes, that's correct. So I think the best way to surmise
17		that would be the coastguard's attitude towards migrant
18		vessels was to treat them no differently than any other
19		vessel in distress. So arguably, there was no
20		additional training required, certainly at this stage.
21		I happened to represent the ARCC on 11 November, on
22		an exercise in South Wales where it was becoming
23		apparent that we were going to have to revisit how we
24		would deal with mass casualties. If I surmise even
25		more, typically, in the maritime domain ${\sf I}$ am looking at

- 1 providing rescue to one or two individuals, at most a handful of individuals . We were now suddenly being 2 3 faced with the very real possibility of having to 4 conduct mass casualty rescue from -- from the water. 5 Hence, this exercise was generated to try -- in two parts; it was a live demonstration of as yet untried 6 7 capability of life raft being deployed from a helicopter 8 because the reality was a helicopter wouldn't be able to 9 lift more than 6 to 8 people anyway. How would you 10 rescue upwards of 30, 40 people in the water? 11 And the second part of that exercise was a table-top 12 exercise where, having brought together the heads of 13 Border Force, RNLI and other key players, an opportunity 14 to sort of really whiteboard what we could do, were 15 there better ways of dealing with these if , God forbid, 16 something should come along? 17 $\mathsf{Q}.\;$ And you say that was a mass rescue exercise. Was it the 18 understanding of everyone present that this was being 19 conducted specifically in relation to small boats, or 20 that that was the reason --21 A. Yes, it was. 2.2 For -- I'm conscious that this may be -- the
- 23 exercise was deliberately conducted in South Wales at 24 Milford Haven so as not to attract overt attention
- 24 Milford Haven, so as not to attract overt attention. If 25 we had conducted the same training exercises on the

1		south coast, it may have given away a concern because
2		there was, obviously, at this point, growing media
3		interest in $$ in how we were responding to $$ to
4		migrant incidents.
5	Q.	And so
6	Α.	Sorry.
7	Q.	effectively, the exercise was conducted to avoid
8		attention?
9	Α.	No, no it was, it was $$
10	Q.	Whose attention?
11	Α.	I am being clumsy there and probably going
12		a rabbit—hole. This was an exercise aimed at
13		acknowledging the growing concerns of the migrant
14		numbers and small boats crossing the Channel. And we
15		were almost whiteboarding what other methods can we use,
16		have we thought of everything? And a conscious decision
17		was taken to hold the exercise not on the south coast,
18		but away in Milford Haven, so as just to avoid difficult
19		questions should they have arisen from media, etc.
20	Q.	I see. And you have confirmed that you hadn't received
21		any specific training in relation to small boats. Were
22		you aware of any HM Coastguard written guidance policies
23		or procedures which specifically related to small boats
24		and which was relevant to your role?

- and which was relevant to your role?A. No, not that I am aware of, no.
 - that I all aware of,

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1 Q. The Inquiry has received evidence suggesting that in some cases, callers from small boats may have -- whether 2 3 intentionally or otherwise $--\ensuremath{\mathsf{exaggerated}}$ the 4 seriousness of their situation in their calls . If I ask 5 to turn to page 22, which is your paragraph 55, halfway down the page, {INQ009628/22} you explain there that 6 7 by November 2021, you were aware, via verbal briefings 8 and discussions, that there was a growing trend of 9 inaccurate and exaggerated information being passed and 10 you explain there the impact of this. 11 Do you recall when you first became aware of this as 12 an issue? 13 A. I believe it's the summer of -- of 2021. 14 Q. And what was the nature of the verbal briefings you 15 describe about this? Was it informal information 16 provided by colleagues, or was there formal notification 17 of this issue by management? 18 A. I honestly can't remember. I am certainly aware of 19 discussions informally, ie -- so it's definitely from 20 several sources -- there was nothing in writing to 21 confirm this, but several sources had -- yes, reiterated 22 and given examples of what they were saying. And the 23 reason it was shared with me, for the reasons explained 24 there, it did have a -- an impact on -- on aviation. 25 Q. And so when you say had it had an impact on aviation,

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1		did you understand that you should be taking into
2		account, when responding to calls about small boats, the
3		fact that there was potential exaggeration and that that
4		should be impacting on your decision—making?
5	A.	Yes. I think probably the best way to answer that would
6		be I am tasking an aircraft to a vessel with
7		a description of 20 people and no one wearing life
8		jackets and it is sinking. When I now send a helicopter
9		to that incident and it sees a boat with 40 people who
10		are wearing life jackets and the boat is clearly still
11		underway, do I now have to dismiss that as being not the
12		boat that the call came from and therefore, I need to
13		continue looking somewhere else, or is that the boat
14		that the call originated from? So it's adding another
15		layer of complexity to management. I think I refer to,
16		in my statement, that we make informed decisions based
17		on the accuracy of the information we have.
18		In 2021, an organisation, the coastguard that, by
19		its nature, is doing its best to rescue people in
20		distress , the concept of trying to assist people, that
21		had provided misinformation was quite a $$ I cannot find
22		the right word here $$ but it was, it was $$ difficult
23		to understand why that would be the case and made the
24		management role more challenging.
25	Q.	And so from your description, the fact of potential

- 1 exaggeration would be relevant to identifying a boat and 2 whether this was a boat that had been reported or 3 a different vessel. Would potential exaggeration have
- 4 been relevant to your decision as to whether to task an
- 5 asset at all, or which asset to task?
- A. I think the staff answer I have to give is no, because 6
- 7 we have, already as a coastguard policy, decided that
- 8 all small boats are deemed to be in distress. But there 9 is , at the back of your mind, a nervousness that --
- 10 I would hate to use the -- the expression this is almost
- 11 becoming normal practice, but you know, how -- how
- 12 significant is that incident. in terms of distress.
- 13 My nervousness as a commander as opposed to an
- 14 operator, is that if I allocate resource to a call that 15 has said that they are sinking, that asset is now tied
- 16 into something that could be a false alarm, of crv wolf,
- 17 when I now have a real incident 10 miles along the
- 18 coast, or considering the size of the regions that one
- 19 helicopter is trying to cover, and I am now torn between
- 2.0 how would I allocate bias or preference to deal with it.
- 21 But the answer is -- and the answer has to be, we would
- 22 treat all calls as an emergency call and therefore as 23 vessel in distress
- 24
- Q. So effectively, if I understand you rightly, you are 25
 - saying the policy was and formally, you had to treat all

- 1 vessels as being in distress?
- 2 A. Correct.
- 3 Q. But in the back of your mind -- and potentially, that 4 may have had some impact on decision-making, was the 5 fact that you were aware that you needed to task to all 6 incidents and that the information about this incident, 7 if it was a small boat incident, might be inaccurate?
- 8 A. Yes, that's correct.
- 9 Q. And you have described becoming aware of this potential
- 10 exaggeration. To confirm, you would not have received 11 any calls directly from callers in small boats. So any
- 12 information about exaggeration would be something that 13 you received secondhand from someone else, or through
- 14 reports back about what had been found on taskings?
- 15 A. Yes. I have the advantage that, effectively, the call 16 collection in the maritime demain is sifted, for want of 17 a better word, before it comes to me. So if there had
- 18 been 99 calls to the maritime coastguard, the challenge
- 19 that maritime coastguard had was to condense that to one 20 request to my aviation team for a helicopter.
- 21 Q. And you have explained that, I think, by -- was it early 2.2 2021, you said exaggeration became an issue?
- 23 A. Yes
- 24 Q. And that was something that you were having to deal with
- 25 in your decision-making and decide to what degree, if at
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- 1 all, that should impact your tasking decisions. Did you
- 2 see any formal coastguard document providing 3
- information, advice or guidance, or any policy or procedure which related to the issue of potential 4
- 5 exaggeration and how you should respond to that?
- 6 A. No, no formal documentation.
- 7 Q. Was it your understanding that you had any role in
- 8 assessing the veracity or reliability of information 9 provided by small boat callers?
- 10 A. No, I didn't have that role. But going back to the
- 11 previous discussion we had about my - - my role as the
- 12 commander, as opposed to an operator who was operating
- 13 in that reactive space, I think the commander's space -
- 14 as I should have put in my statement -- is I am in that
- 15 one to six hours looking ahead piece about how I manage 16 my resources
- 17 So I think having an awareness of it is wholly
- 18 appropriate, but I am certainly not aware of any
- 19 direction and would it influence my decision-making?
- 20 No, but an awareness of it would certainly -- would be
- 21 a consideration.
- 22 Q. And you have explained in your statement, both at
- paragraph 8 and 55, that despite the issue of 23
- 24 exaggeration, all small boats were recorded and treated
- 25 as boats in distress and responded to accordingly. Do

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- 1 you recall how you knew that this was the policy, if you 2 weren't aware of specific policies about small boats? 3 A. I don't recall, but I am fairly certain I have seen in 4 writing an email from either the Chief Coastguard or one of his deputies, just reminding us all that that was the 5 6 case. 7 Q. And were you aware of the reason for that approach? 8 A. Yes. I mean, in very simple terms -- I think this was 9 explained verbally -- the small boats are certainly not 10 designed to go on the -- the high seas. And that's the size of the boats anyway. When you then factor in the 11 12 poor construction used, the size of the engine, the fact 13 that the majority of passengers are likely to be 14 non-swimmers and back in 2021, many of them didn't even 15 have life jackets, you know, all those factors together 16 totally support that decision that they should be 17 treated as being in distress. 18 Q. And from your point of view, taking into account both 19 those circumstances, the distress categorisation and the 2.0 information you were aware of about exaggeration, if you 21 had two calls, one involving a small boat categorised 2.2 formally as being in distress and the other involving 23 a different type of vessel, but which had reported 24 itself to be in circumstances which meant it was in
- 25 distress, would those vessels be given equal priority?

1		How would you deal with that situation?
2	Α.	A very good hypothetical question. I think in providing
3		a helicopter, bearing in mind a helicopter is not always
4		the optimum solution to effect a rescue, I am having to
5		satisfy myself that of the numerous calls I am
6		getting $$ and this is no different from covering the
7		mountains in North Wales in summer, when there are four
8		of five calls coming in at the same time, you can only
9		go with the information you have been given.
10		So I almost can't answer that question. I would $$
11		the exaggeration is at the back of my mind, but I am
12		going with the information I've got. And luckily for
13		me $$ and this is a very lazy answer to give $$ maritime
14		have done that work for me. They have sifted it. They,
15		in theory, are going to prioritise for me.
16		In fact, having allocated a helicopter to support
17		that incident, that helicopter in the maritime domain,
18		is passed $$ Operational Control is passed to the
19		Maritime Coastguard almost within minutes of launching.
20		So again, it sounds like a very selfish answer to give,
21		but likely for me, that decision is taken from my hands.
22		I continue to monitor because if another incident took
23		place that really was even more urgent, then I could
24		jump back in and take control of the helicopter back.

25 Q. I now want to ask you some questions about the rest of

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1		the aviation team at the ARCC. Turning to page 6 of
2		your statement, $\{INQ009628/6\}$ we see there paragraph 13
3		and you explain that on each shift at the ARCC there
4		would be an aviation commander or team leader acting as
5		the aviation supervisor, sometimes just one, and the
6		team would normally consist of four of five SAOOs,
7		that's Senior Aviation Operations Officers.
8		You explain that those would usually be responsible
9		for answering telephones or manning the radios, but you
10		would also assist on busy shifts or if short-staffed.
11		But you would seek to pass that back to retain
12		a tactical overview as soon as possible.
13		To what degree was it your experience latterly, in
14		2021 and in the lead up to this incident, that you were
15		having to assist with those calls on a regular basis?
16	Α.	I suppose the coastguard aviation rescue is very
17		seasonal. You could plot out a sine wave of demand on
18		the activity . So it's not rocket science to work out
19		that in the summer when the beaches are packed and
20		everybody is in the mountains, it's very much all hands
21		to the pumps and we are all busy. I try, as much as
22		I can, to allow my team to manage $$ as I have stated
23		there, the calls and the radios, but occasionally would
24		have to lean in to do so.
25		So in the summer, typically, if we were experiencing

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1		upwards of 15 to 20 incidents in a 12-hour shift, which
2		doesn't sound much compared to the ambulance service $$
3		actually those incidents are quite labour-intensive, in
4		the summer I would typically lean in and perhaps run
5		with one or two of them.
6		In the winter on, for example, the night of the
7		23/24th, I think we only had about three incidents we
8		were called to, not including this incident in the
9		Dover Straights. So there was no need for me to lean in
10		to take phone calls and answer the radio.
11	Q.	So increasing numbers of small boat crossings during
12		that period was not something that impacted on your
13		team?
14	Α.	Not really because $$ and I $$ forgive me, I am going
15		down $$ in answering here, a lot of the maritime $$ and
16		this, again, sounds a very lazy answer, once we have
17		allocated the resource, that resource is now being
18		managed by the maritime coastguard, either Dover or
19		whoever. And the only role for the aviation team, for
20		my operators, is to just reach in, either on
21		a long-range radio or to ring the maritime coastguard
22		direct to have a sit rep, an update on the fuel states,
23		etc.
24	Q.	I think if we turn to page 7 $\{INQ009628/7\}$ you explain
25		at paragraph 14 what you have told us already which

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1		is ——
2	Α.	Yes.
3	Q.	that calls were effectively sifted for you and you
4		would only receive one call in relation to each
5		incident .
6		If we turn to page 17 {INQ009628/17}, and
7		paragraph 42, in terms of the way that you were
8		interacting with the maritime team, you explain that you
9		were using a different \ensuremath{ViSION} system from the maritime
10		team and that meant you only had access to incidents
11		related to aviation.
12		By this do you mean that you would only have access
13		to incidents recorded on ViSION 5 and information
14		conveyed by the maritime team to someone who was on your
15		team and therefore, recording into ViSION 5?
16	Α.	Yes, yes. So I can now, with hindsight, read that
17		statement. It's not very clear. So if maritime had
18		an incident, they would have recorded that in their
19		ViSION 4 system. If aviation was deemed a probable
20		solution, and we were called, we would have to recreate
21		an entry into ViSION 5 to create that incident.
22	Q.	And would that be done by them telephoning $$
23	Α.	Yes.
24	Q.	and you then recording it? They wouldn't send

24 Q. -- and you then recording it? They wouldn't sen
 25 a block of text to you, or details in --

- 1 A. No, certainly not.
- 2 Q. -- writing?
- 3 A. But I should point out, or you may well be coming to
- 4 this, that's no different from how I would receive
- 5 incident calls from the ambulance service, the fire
- $\boldsymbol{6}$ service or the police, because there is no information
- $7 \qquad \mbox{ exchange between their systems and ours. So it <math display="inline">--$ it
- 8 doesn't really add much to -- in my opinion, doesn't add
- 9 much delay to the sortie. And in many ways is
- $10\,$ preferential because when you are receiving a call, what
- $11 \qquad$ we teach people is to take charge of that call . So
- 12 rather than have, unfair on maritime colleagues,
- 13 \qquad a lengthy dialogue, you can be more direct and giving
- 14 the: what, where -- where is it? What do you want me to 15 do? You can take charge.
- 16 So actually, I - I did not see being on two
- 17 different systems a hindrance.
- 18 $\,$ Q. Albeit it would be right to say that you would only know
- 19 the details about an incident that maritime chose to
- 20 share --
- 21 A. Correct.

- Q. -- so there might be something recorded on their system
 that was relevant, but unless they chose to tell you,
- 24 you wouldn't know anything about it?
 - A. Absolutely and in this case -- sorry if again, I'm

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- $1 \qquad \mbox{ probably jumping ahead of where you wish to go with this }$
- 2 question -- but being located in Fareham with the
- 3 southern coastguard, I am not seeing any of Dover
- 5 operators to make a record of it for ViSION 5.
- 6 Q. And did you have any access to any other documents 7 recording information about ongoing incidents? In
- $8 \qquad \qquad$ particular , were you aware of a coastguard tracker
- 9 recording small boat crossings and did you have access 10 to that document?
- 10 to that document?
- 11
 A. No, didn't have access to it. We have access to

 12
 I mean, this is really irrelevant now, but mountain
- 13 $\hfill rescue run their own chat page. We have access to that.$
- 14 We have access to other systems to do with aviation
- 15 round the UK. But not --
- 16 Q. Not that tracker?
- 17 A. not that tracker.
- 18~ Q. And you wouldn't have access to logs on ViSION 4 $\,$
- 19 described as the migrant administration log?
- 20 A. No, that's correct.
- 21 $\,$ $\,$ Q. And that wouldn't have been sent to you in any other $\,$
- 22 way?
- 23 A. No
- 24 $\,$ Q. And there was a network management log on ViSION 5 for
- aviation incidents which you would have had access to?

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- 1 A. Yes
- 2~ Q. But you wouldn't have had access to the maritime network
- 3 management ViSION log on system 4?
- 4 A. That's correct.
- 5~ Q. You joined the coastguard at the beginning of 2019 and
- 6 you said in your statement that the switch to ViSION 5
- 7 took place in approximately May 2019. So you would have
- 8 had a period when you did have access to the same
- 9 system?
- 10 A. Yes.
- 11 $\,$ Q. When you did have access to their system, if you were
- 12 called about an incident, would you open up the entry
- 13 about that incident --
- 14 A. Yes.
- 15 Q. -- if you needed more information, and check it?
- 16 A. Yes, we would
- 17~ Q. And could -- and would ARCC staff have made entries on
- 18 maritime logs on ViSION about the status of aviation
- 19 assets, if that was relevant?
- 20 A. Yes, so in the -- in that brief -- in my time, rather,
- $21 \qquad \mbox{I}\ \mbox{should}\ \mbox{add,}\ \mbox{when we were on the same system, which}$
- 22 subsequently -- I believe the coastguard is now all on
- $23 \qquad \qquad \text{the same system again today, that's exactly that.} \quad \text{All} \\$
- 24 the incidents are on one system.
- 25 $\,$ Q. I want to ask you now about the air assets that were

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- 1 available for the use of the coastguard 2 in November 2021. If we turn to page 11 of the document 3 on screen, this is your statement still and at 4 paragraph 26 onwards, $\{INQ009628/11\}$ -- we will turn 5 from this to the next page quite shortly $\,--\,$ you set out 6 the air asset providers to the MCA. 7 A Yes 8 Q. You see, first, we have Bristows, starting at 9 paragraph 26, who were contracted to provide a 24 hour 10 a day, all year round, SAR helicopter or SAR-H service 11 and we have heard evidence from the Director of SAR at 12 Bristow, Mr Hamilton. And from Mr Trubshaw, the captain 13 of R 163 and I think you mentioned you have listen to 14 that evidence? 15 A. I have, ves. 16 Q. Then at paragraph 30, we see that 2Excel Aviation Limited were contracted to provide fixed-wing aircraft 17 18 out of Doncaster Airport. And we have heard from 19 Mr Norton of 2Excel, in particular, about how the 2.0 weather could impact their ability to operate, and that 21 poor weather at their scheduled destination may mean 2.2 that they need to have confirmed alternative airports 23 that would be willing to accept them on diversion. Is 2.4 that your experience --
- 25 A. Yes, I understand that.

- 1 Q. -- as well? Then we see at paragraph 36 at page
- 2 $$15\ \{INQ009628/15\}$, you describe that there was RVL, an$
- 3 organisation which also provided fixed-wing provision to
- 4 \$\$ the MCA and then at page 16 {INQ009628/16} at \$\$
- 5 paragraph 38, Tekever, who provided unmanned aerial
- 6 vehicles , or UAVs, which delivered a similar function to
- 7 the fixed-wing aircraft?
- 8 A. That's correct. Yes.
- 9 Q. And I think you indicate that the MCA had a contract10 with Tekever. Were you confident that this was the MCA
- 11 rather than the Home Office?
- A. No, it was the Home Office. So, again, this is me
 trying to write a statement three and a half years
- 14 after

- 15 Q. And you explain that although the Tekevers were not16 constrained by a requirement for diversion airfields
- 17 like the fixed-wing assets, they were more susceptible18 to poor weather at their base?
- 19 A. Yes, in fact, on the evening of the 23rd/24th, to
- 20 highlight that, when they were able to confirm to me
- 21 they were going to get airborne at 06:00, they were
- 22 already stating that they were expecting to have to
- 23 bring the drone back by 10:00 because of forecast rain.
- 24 So they were very susceptible to weather.
 - Q. I see. In a different way from the fixed-wing?

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- A. Yes, very much so. It's not the diversion issue, it is
 just weather affecting the performance of these -- these
 aircraft .
- Q. And could the ARCC, in your understanding, task or
 re-task Tekever UAVs as required in response to maritime
 requests for SOLAS or SAR, including in relation to
 small boat incidents?
- A. Again, I am -- I am going to play the -- I am struggling
 to remember, but I am fairly certain that the nature of
 the flights that these drones flew were very much pre --
- 11 pre-prescribed. They were -- I mean, we talk about
- 12 searches. I think -- we would look at the fixed-wing as
- 13 flying what I would call a patrol. And for the drones,
- 14 \qquad they are flying $\,--$ I am getting very technical here, but
- 15 they are flying a profile known as beyond line of visual
- $16 \qquad {\rm sight}\,. \ \ {\rm And} \ {\rm as} \ {\rm a} \ {\rm consequence, \ they \ are \ flying \ along}$
- 17 fixed waypoints. So when they are airborne, one of
- 18 their operators -- sorry, they are based at Lydd
- Airport, but one of their operators is co-located,
 L believe, in the Dover Coastguard MRCC and they have
- 20 I believe, in the Dover Coastguard MRCC and they have 21 the ability to effectively move waypoints if
- 21 the ability to, effectively, move waypoints, if 22 requested, to react to a request coming through.
- 23 But, do the Tekever generally or certainly, in
- 24 2021, I don't believe had an aircraft at an alert
- 25 status. So they were contracted and agreed to fly

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- certain hours and I don't believe, although, we had an
 emergency call—out number, there was no mechanism for
 sort of asking them to bring in their teams who lived
 off the airfield to come in and generate an additional
 flight .
 Q. I see. So as I understand it from what you have said,
 they were based with an operator co—located at Dover
- 8 MRCC?
- 9 A. Yes.
- 10~ Q. And you say they could move points, if they were
- 11 requested, to react to a request coming through. Would 12 that request, in fact, come from the MRCC at Dover then
- 13 rather than from you?
 14 A. Yes, it would do. In the same way -- as I answered
- 15 earlier , that a helicopter asset that I will have
- 16 generated, once it's in the maritime domain, its
- 17 operational control is now sitting with the appropriate
- 18 MRCC, who can then change its search co-ordinates, its
- 19 parameters, or re-task it.
- 20~ Q. So to the degree that it could be re-tasked, that would
- 21 be not for you to consider, but someone else?
- 22 $\,$ A. Correct. The only consideration I would have is
- $2\,3$ \$ a safety factor, that in 2021 there were very strict
- 24 \qquad rules on operating UAVs in the same piece of airspace as
- 25 $\,$ a helicopter or other assets . Again, I don't wish to go

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1 down the rabbit-hole of how to de-conflict laterally or 2 vertically --3 Q. But that would form part of your role? 4 A. -- but it is certainly -- correct, certainly my 5 consideration, yes. 6 $\mathsf{Q}.\;$ And in relation, $\;$ finally , at page 16 and paragraph 39 7 the Ministry of Defence, you explain that the MCA could 8 request to use those assets --9 A. Yes. 10 Q. -- "through the Military Aid to Civil Authorities ... 11 process. 12 And that's at your page 17 {INQ009628/17}, 13 paragraph 41. You explain that the Ministry of Defence did not, however, maintain helicopters at readiness for 14 15 SAR and several hour's notice would be required to task 16 them. And that whilst they had a fixed-wing capability, 17 three hours' notice would be required to task it . 18 So on a day-to-day basis, did you consider that 19 Ministry of Defence assets were something that you could 20 realistically task in response to ongoing small boat 21 incidents? 2.2 A good question. The Ministry of Defence assets, whilst Α. 23 having a declared national tasking ability, ie one 2.4 airframe helicopter, one airframe fixed-wing is 25 maintained, as I said there, for national tasking at

1		three hours, they are both far from ideal to conduct
2		searches for small boats.
3		I am really looking at Ministry of Defence
4		fixed—wing for those very long range search and rescue
5		operations out into the Atlantic Ocean and for
6		helicopters, this is really $$ I think Covid, when we
7		had an awful lot of casualties that needed to be moved
8		into $$ into hospital transfers, where you can use
9		effectively a $$ a flying bus, for want of an awful
10		expression $$ and I am sure someone will have a go at me
11		later $$ so in terms of their search capabilities at
12		night, you know, and what is the competency of the crews
13		to go and do so, almost no, no and no?
14	Q.	And had you ever requested a tasking for small boat
15		crossings?
16	Α.	No, not for small boats. I believe $$ and I can't put
17		a date on it, there was \ensuremath{I} think was it 2022 when the
18		MoD took
19	Q.	Of course.
20	Α.	over, they then initially allocated their own
21		Kingairs to come down and support the small boat
22		patrolling . But, but no, not $$ not specifically into
23		the search areas.
24	Q.	If I could ask you to take down this document and bring
25		up document ${INQ005198/1}$, at page 1, you will see in
		117
1		front of you the coastguard's operation EOS tasking
2		policy . If we could turn to page 3 $\{INQ005198/3\}$ and
3		the top paragraph, this explains that the coastguard had
4		a policy of tasking aerial assets proactively for safety
5		of life at sea taskings, is that right?
6	Α.	Yes, correct.
7	Q.	And those were called EOS tasking. And the document
8		defines the policy by reference to what were known as
9		Op Deveran weather assessments.
10	Α.	Yes.
11	Q.	So those assess the likelihood of crossing attempts
12		based on the weather. They could be highly unlikely,
13		they could be likely , a realistic possibility , likely ,
14		which was referred to as 'amber days', or highly likely ,
15		which was referred to as 'red days'?
16	Α.	That's correct. I believe, as a matter of fact, it is
17		the wave height. So it's not so much the $$ it is $$
18		the wave height is $$ is where that is considered the
19		most important factor.
20	Q.	And if we bring up, alongside this document, document

- Q. And it we bring up, alongside this document, document
 {INQ00150/1}, I think you will see this is an example of
 an Operation Deveran weather assessment, in this case
- 23 dated 23 November 2021.
- 24 A. Yes.
- 25 $\,$ Q. And this is the type of assessment which is being
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1		referred to?
2	Α.	That's correct, yes.
3	Q.	And we can see $$ I don't know if we can make it
4		a little bit larger, but on the right-hand side there,
5		yes, it's a little bit blurred, but we have an entry for
6		$23\ \mbox{November}$ to $06\mbox{UTC}$ and on the right-hand side of that
7		top line, the likelihood is "likely", amber. And then,
8		on the row below, for 24 November, again, to the early
9		hours of the 25th, we have an entry which is "highly
10		likely " in red.
11	Α.	Yes. Excuse me.
12	Q.	If you could remove document {INQ00150/1}, but leave
13		the other document. At page 3 {INQ005198/3} then of
14		this document, we see the section entitled "Criteria"
15		and this explains that the policy was that a $fixed-wing$
16		aircraft could be requested to conduct proactive
17		surveillance patrols when Op Deveran assessments stated
18		that the crossings were deemed as a realistic
19		possibility or greater, or during periods where
20		crossings were deemed unlikely but there was
21		intelligence that was received, that the Tekever $$ and
22		the Tekever drone was unable to fly.
23		And then at page 4 $\{INQ005198/4\}$ if we turn to that,
24		we have the tasking process, which is set out for the
25		Op EOS process.
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1		Turning back to page 3 $\{INQ005198/3\}$, there are
2		tracked amendments to the policy and would it be right
3		to say that this reflects the temporary operating
4		instruction that you refer to in your statement?
5	Α.	I am just reading it now, but yes, that $$ almost
6		certainly, that ties in with that, yes.
7	Q.	And that was for end of day sweep-tasking, which was
8		effectively , as I understand it, seeking to reconcile
9		the migrant tracker with the recognised maritime picture
10		found, is that right?
11	Α.	That's correct.
12	Q.	Turning to the bottom of page 3, we can see that the
13		arrangement was that there would be a $$ an aircraft on
14		scene from 09:30 on red days to support the coastguard
15		and prepositioned at Lydd, or Southend on amber days.
16		And that was to inform and support maritime operations?
17	Α.	That's correct. In fact, I $$ I $$ I would go as far as
18		to say not necessarily Lydd, somewhere on the south
19		coast, but that's getting too technical. But an
20		aircraft available on the south coast.
21	Q.	On the south coast. If we could remove this document
22		and bring up {INQ009628/8}, this is back to your
23		statement. And you address, in your statement, reactive
24		taskings as well as these proactive taskings. So those
25		would be the calls from the police, the maritime

2 A. Yae. 2 elsewhere, factored in by our decision -making? 3 Q. Yoe explain that majority of those calls at paragraph 15 are straightforward and the factors that work to considered before taking, an sate, including to whether there was a threat to fits, or likelihood of a serious. 3 A. Yee, your moth to have explained already that to some degree at least, awareness of potential exaggration was a relevant factor for your? 7 serious life changing injury, whether wing an aviation serious. 3 A. Yee, and I think, if I can just add a sentence there. 8 asset was the correct solution and whether a task could be met more effectively by using other emergency. 9 military in 2016, the then condicted optimum solution was 10 reace helicopters; eventy spaced around the military in 2016, the then condicted optimum solution was 10 reace helicopters; eventy spaced around the military in 2016, the then condicted optimum solution was 10 reace helicopters; eventy spaced around the military in 2016, the then condicted optimum solution was 10 reace helicopters; eventy spaced around the units of of sorties that we are performing and at some point in 2011, is a sudden shift in the biofoce for emergency service might be and that was to reace here we would with to base those services. 19 A. Yee, very much so 19 A and in terms of what sout of tasking in the your role was focused on the looking forward and ensuring serses in remained available to respond to potentially competing and that was the race to a societ that served as sensel in that the tasking. If it was a SAR-H incident a tasking, that this was a SAR-H incident at that the was a shana	1		coastguard, etc.	1		considerations of the requirement for $SAR-H$ to be used
49 paragraph 16 — re straightforward and the factors that40. And I think, you have explained already that to some5word be considered before taking an asst. including6a set wateress of potential exaggeration was7serious life changing injury. whether using an aviation7A Yes, and I think, if I can guidated as a strained the state could9serious life changing injury. whether using an aviation7A Yes, and I think, if I can guidated as an aviation9serious life changing injury. whether using an aviation8So when that contract was made with Brosses from the11But you say one should give the benefit of the doubt11United Kingdom, based on statistical data over the12in taking. Yun ako emergency service wight be13What was are sering here now in 2021, is a suden13while SAR – H could solve many incidents, all flying came13What was resering here now in 2021, is a suden14at rick and cox, another emergency service wight be16possibly, of whore we solid what to base those assets14at rick and cox, another emergency service wight be18Q. And in terms of what soor of taking it was, there we and boat in the Channel15more optimum, and SAR – H might be the only solution to16possibly, of whore we solid what to base assets16A view, wy much so.18Q. And in terms of what soor of taking it was, the we are17might need to be done.19became aver that there was a smill boat in the Channel16f we now to page 21 of your supplan sthat you rore	2	Α.	Yes.	2		elsewhere, factored into your decision-making?
5 would be considered before Tasking an asset, including 5 degree at least, awanness of potential caggeration was a relevant factor for you? 6 whether there was a threat to life, or likelihood of 5 a relevant factor for you? 7 A. Yes, and think, if I can just add a sentence there. 5 whether there even yapaced around the 10 services. 10 was the considered with Bristows from the 11 The was of the book in the offer the doubt 11 United Kingdow, based on statistical data over the 12 while SAR-H coal dove many incidents, at paragraph 17, that 12 What awar serving here now in 221, is a sudent 13 while SAR-H coal dove many incidents, at paragraph 18, that 13 What awar serving here now in 221, is a sudent 14 at risk and cost, another emergency service might be 14 shift in the bias of of sorties that we are 15 norder competing request. 16 possibly, of whats owd tasking it was, when you 16 notes optimum, and SAR-Houd dove the previous and the wast tracted as being indistry, would with based sets, without further 16 remained 16 possibly, of whats owd tasking it was, when you 17 A Vest, very much a. 12 16 no	3	Q.	You explain that majority of those calls $$ at	3	Α.	Yes, very much so. Yes.
6whether there was a threat to life, or likelihood of6a relevant factor for you'7serious file changing highry, whether using an aviation7A. Yes, and I think, if I Can just add a sentence there.9serious file changing highry, whether using an aviation7A. Yes, and I think, if I Can just add a sentence there.9serious file.So when that contract was made with Bristows from the11be met more effectively by using other emergency912mittary in 2016, the then considered optimum solution13while SAR-H could solve many incidents, all flying came1314at risk and cost, another emergency service might be1415meter competing request.177So that was part of what you were thinking about as178the Commander?1819A. Yes, wy much so.1810Q. If we turn to paragraph 18, you explain that your role1011was focuad on the looking forward and ensuring assets11121212312124121231212413were becoming aware of the increased number of small114that was treated by our onerset fixed highing and reconcilation, which I think wha we seen in the temparagraph 53 (INQQ09628/21), you explain there that you2514Tat12315was focuad you cont fia later, subsequent, more traditional, equest for SAR-H, lincluding to assit in reconcilation, which I think wha was sen in the temparagraph 54 (INQ00	4		paragraph $16\;$ are straightforward and the factors that	4	Q.	And I think you have explained already that to some
7 A Yes, and I thick, if I can just add a sentence there. 8 asset was the correct solution and whether a task could 5 10 services. 10 11 But you say one should give the benefit of the doubling services. 10 12 in tasking. You also emphasing at paragraph 17, that 12 13 while SAR-H could solve many incidents, all flying came 13 14 at it isk and cost, another emergency service might be 14 15 more optimum, and SAR-H might be the only solution to 15 16 another competing request. 16 17 So that was part of what you were thinking about as 17 18 the Commander? 18 19 A. Yes, very much so. 19 10 was focue on the looking forward and ensuring assets 11 11 the Commander? 18 12 five move to pags 21 of your statement at 22 12 a sarctive SAR tasing, it was when you became aware that there was a small boat in the Channel anot that was reseted a being in distress, would you tract and the solution you were shalls for more formal and that was reseted a being in distress, would you tract as in paragraph 51 (NQ000628/21), you explain thet you	5		would be considered before tasking an asset, including	5		degree at least, awareness of potential exaggeration was
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- 1 helicopter moving? At nighttime, we are talking
- 2 45 minutes. Then there is a good 30-minute transit out
- $3 \hspace{1.5cm} \mbox{to the Dover Straights, whereas, there may already be an$
- 4 RLNI lifeboat or a Border Force cutter that's within
- 5 that sort of one hour 15 minutes, so therefore, the
- 6 helicopter is not necessarily the most appropriate asset 7 to deal with it.
- 8 So there is a whole range of factors that I am now
- 9 trying to consider to make that decision. But if
- $10\,$ maritime has sold to me that, no, the demand for
- 11 a helicopter is to overcome speedy response, or to
- 12 overcome search of a reasonable-sized area at pace, yes.
- 13 Then my answer is going to be, yes, you can have the
- 14 \qquad helicopter . I can always call the helicopter back, but
- 15 you can never resend a helicopter if you are 20 minutes 16 late if that makes sense
- 17 Q. And you describe, in your statement, the increase in
- 18 small boat crossings and the impact that had. Did you
- 19 feel constrained in your ability to task, as you
- 20 considered would be appropriate, to small boat
- 21 incidents, due to limitations on resources available and
- 22 the need to reserve assets for other incidents?
- 23 $\,$ A. Yes, yes. In -- I mention there the SAR helicopters as
- 24 being the Crown jewel because not only can they do
 - patrolling , they can do searching and they can effect

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1 a rescue. Whereas, if I was to use a drone or 2 a fixed-wing aircraft, it can achieve the search and the 3 patrolling, but nothing else. So therefore, if the task 4 for an aviation asset was just merely to conduct a patrol or a search, my preference, depending on the 5 6 timelines and the urgency, would be to try and use 7 another asset, to therefore preserve the hours on my 8 helicopter that ${\sf I}\,$ really wanted to keep in reserve for 9 something that could come along, that only they can 10 solve. 11 Q. So if you had an infinite number of SAR-Hs, you might 12 have tasked for of them to this type of incident? A. Yes. Yes, of course. 13 Q. And you have also explained at page 23 {INQ009628/23}, 14 15 paragraph 56 of your statement, issues that arose 16 because of the increased demand on resources, including 17 in relation to the fixed-wing assets. And we can see, 18 at paragraphs 57 and onwards, some of the steps that 19 were taken to address this. So intelligence and trend 20 analysis, identifying the peak of small boats and then 21 determining when the fixed-wing tasking would be, at 2.2 your paragraph 57. 23 The temporary operating instruction, which we have 24 already discussed, and having -- your paragraph 59, 25 I think, on further down, the Humberside $\mathsf{SAR}{-}\mathsf{H}$

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1		helicopter prepositioned at Lydd on red days.
2	Α.	Yes. So I think this might lead into a question further
3		on this afternoon, but on a winter's evening, there
4		was $$ and I hate to say the word "normal", but there
5		was an established battle rhythm of what time the boats
6		would typically set off and allowing for an average
7		speed of advance, there was a fairly accurate prediction
8		of what time they would cross into UK waters.
9		When you also factor in the flying time down from
10		Doncaster and factor in that on a 24-hour duty, the
11		crews of those fixed—wing aircraft wanted to swap out at
12		eight, there was and the optimum window of when to
13		spread your aviation assets to $$ to deliver the best
14		effect in $$ in providing approximate patrolling and
15		surveillance .
16	Q.	But it would be right, I think, to say that in practice
17		the optimum surveillance solution could not always be
18		achieved because of various factors?
19	Α.	Correct, correct. Again, I mean no disparity to $$ to
20		2Excel, but when, only two years previously, I believe,
21		they had got the contract to provide $\ensuremath{fixed}\xspace-\ensuremath{wing}\xspace$ aviation
22		for the coastguard, that was predicted on so many hours
23		per month.
24		So an aircraft is $$ is not measured in time, it's
25		measured in how many hours he flies. And suddenly, we
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1		were almost doubling the hours these airframes were
2		flying , which meant that the mandatory maintenance on
3		these airframes wasn't now happening once a month, they
4		were almost once every couple of weeks. So this was
5		all, in turn, impacting. And the same with the UAV
6		Home Office drones, so their wear and tear was meaning
7		more and more gaps in the programme, due to the asset
8		availability .
9	Q.	And in your view, then, was there a need for an increase
10		in aviation assets, in particular fixed—wing aircraft,
11		to meet the increased demand?
12	Α.	Yes, I think. But already, there were $$ I was aware
13		of $$ of background policy looking at bringing in other
14		assets to do so. So, in the same way that fixed-wing
15		contract had, by good fortune, just been made with
16		2Excel a year and a half before the migrant boats $$
17		sorry, the small boats came along, the same way that the
18		Home Office had that contract. And there was always,
19		options $$ I know the coastguard has certainly brought
20		in, since my time, more UAVs, and they have brought in
21		additional fixed—wing aircraft under another contract to
22		provide that surveillance there. Or provide the
23		redundancy, would be a better word.
24	Q.	Yes. But in relation to the workload at the ARCC, am

25 I right in understanding that, in your experience, that

- 1 increase -- from what your answer was previously, there
- 2 was a sufficient number of staff on shift to cope with
- 3 any increased workload associated with small boats?
- 4 A. Oh, yes. Yes, comfortably so.
- G. If we turn back to {INQ00150/1}, the Operation Deveran
 weather assessment.
- 7 We have already looked at this and it showed that
- 8 the assessment was likely, or amber, for the night 23rd
- 9 to 24th. And that particular assessment was issued at
- 10 11:50 on 22 November. If we now bring up $\{INQ000223/1\}$.
- 11 We have there the aviation network management log for
- 12 the 23 November 2021 and looking at page 1, we can see
- 13 \qquad an entry at 00:28 hours under your name, and that's on
- 14 23 November 2021. It indicates 22 to 23 November,
- 15 night shift , 19:00 to 07:00 hours.
- 16 So is it right to understand from that, that you
- 17 were on shift the previous night --18 A Yes --
- 18 A. Yes ——
- $19 \quad \mathsf{Q}. \ -- \ \mathsf{22nd} \ \mathsf{and} \ \mathsf{23rd}?$
- A. -- so I had just completed three day shifts, so Friday,
 Saturday, Sunday. And then the two night shifts for
 Monday and this Tuesday night.
- 23 Q. And if we look on to page 4 {INQ000223/4} of that
- document, there is an entry at 19:24, again by you, and
- 25 that's on 23 November. So again, I think that's showing

- the start of your shift on the night of 23 rd/24 th, which 1 2 would have been from 19:00 to 07:00 hours? 3 A. That's correct, yes. 4 Q. And if we keep that on screen, we can see that you were 5 the duty supervisor and it shows that there were there was an individual who was on sick leave at the time and 6 7 annual leave is also referred to there. 8 A. Yes 9 Q. And in your statement you explain that there were 10 five people on duty that night, with one trainee on the 11 phones, one person sick, and one on annual leave? 12 A. That's right. 13 $\mathsf{Q}.\;\;$ If we bring up your statement again, so that's $\{INQ009628/24\},$ at page 24, we can see at paragraph 6214 15 just going to the bottom of the page, you explain that 16 you were leading four aviation operators, including --17 on to the next page 25 $\{\rm INQ009628/25\}$ -- a trainee, due 18 to leave and a team member being off sick. You would 19 have two on the radios and two on telephones. And you 20 explain there, that you don't recall, at paragraph 63, 21 taking a full break, that is an hour, because of, 2.2 presumably, pressures on staff, as you explain. 23 Would that have had any impact on your performance 24 during that night and your able to respond?
- A. No, certainly not the minimum of four operators is

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1 the defined -- otherwise, we would never be able to take 2 leave. So in fact, the sickness and -- made no 3 difference there. I felt $\,--$ as I have commented there, I do remember 4 it actually, feeling very fresh. The body $--\ensuremath{\,\mathrm{I}}$ adjust 5 very quickly to the night pattern. So on my last night, 6 7 I am comfortable to press on through. If you had looked at the statement the previous night, ${\sf I}$ think ${\sf I}$ probably 8 9 would have taken, certainly, a half hour break. 10 Q. I see. And did you, on this occasion, do you recall, 11 have to assist with telephone and radio? 12 Α I made the offer and I think I certainly did take 13 a couple of calls, if I look at the incident log but that's allowing my team to -- so from that two and two, 14 15 allowing one of those to go off an hour-long break. So 16 there would be would have been a window in the middle of 17 the night where all of my four operators probably would 18 have taken an hour's break at some point. But against 19 the -- mitigated against the fact that I could quite comfortably pick up the phone or radio if required. 20 21 Q. And did that have any impact on the strategic aspect of your role? 22 23 A. No, not on that night. And again, very grown up rules, 24 you know, if something developed that was going to be 25 busy, then we were all mature enough to recognise that

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1		a quick shout and you need to sort of bring yourself
2		back into the ops room to carry on.
3	Q.	On page 25 $\{INQ009628/25\}$ at paragraph 64, you explain
4		what happened at the start of your shift, that is that
5		you reviewed weather information on Helibrief, the
6		weather app that was used, and you say that visibility
7		was forecast to be very poor and you anticipated that
8		the large proportion of any taskings would be declined.
9		So it would be right to say, I think, that at the
10		start of your shift you were alive to the fact,
11		potentially , that the fixed—wing aircraft might cancel
12		shifts ?
13	Α.	Yes, very much so.
14	Q.	And their flights . And it is right to say there would
15		be a regular conference call at 9 pm between you and
16		a maritime representative from each of the stations
17		across the country?
18	Α.	Yes.
19	Q.	Ahead of that call, you explain in your statement, if we
20		turn to page 26 $\{INQ009628/26\}$ and paragraph 66, that
21		before that call you spoke to the 2Excel Operations
22		Controller $$ we have that transcript, but I don't think
23		we need to go to it $$ he explained that they had

a flight planned to depart Doncaster Airport at

24

25 23:30 hours to be on scene at 00:30 hours. Is that your

- 1 recollection ? I can bring up the transcript.
- 2 A. Yes, I am now struggling to remember, what -- what --
- 3 but I was certainly -- ahead of the 9 o'clock call --
- 4 Q. Yes.
- 5 A. -- that's my opportunity to -- because I am expecting to
- 6 brief the wider network on what I think is going to be
- 7 flying that evening, as a rule of thumb, I would very
- 8 quickly ring the ops desk at 2Excel to say: just
- 9 reaffirm to me, or confirm for me, that what I have on
- 10 paper here is what you are intending to fly. So that
- 11 would be the basis of why I made that call.
- Q. Yes. Perhaps if we bring it up, in fact {INQ008827/1}.
 So this is a call at 20:01 hours on 23 November and if
- 14 we turn to page 3 {INQ008827/3}, we can see there that
- 15 there is a plan at the top of the page being explained
- 16 to you to depart at 23:30 and be on scene at 00:30?
- 17 A. Yes.
- Q. And there is an explanation, effectively, in this call
 that they intend to fly two aircraft overnight so they
 would have the whole night covered.
- 21 A. Yes, and the difference there -- there were occasions
- 22 when, for maintenance, serviceability, crew issues, they
- 23 might only be able to generate one aircraft , and so at
- 24 risk, I would accept that that one aircraft would drop
- 25 into Southend for refuel. It would be off-task from

- Dover for about an hour from end to end. So here, I am
 reassured that by having two aircraft, they will have an
 overlap and continuous coverage.
- 4 Q. You have looked already, I think, at the weather
- 5 forecast for that night. Did you realise, at the time 6 of this call, that the weather was likely to jeopardise 7 2Excel's taskings?
- 8 A. Yes, likely . Yes.
- 9 Q. And it doesn't appear that 2Excel conveyed to you any
 10 concerns that they may have had about their ability to
 11 complete the taskings in view of the weather?
- A. No. But I am acknowledging here -- I am speaking to
 just the operator at their -- their operations desk, not
- 14 one of -- the pilot who was going to fly the sortie, or
- 15 the pilots flying those sorties wouldn't be in until
- 16 maybe or one or two hours before they were due it take 17 off and fly.
- 18 Q. So are you suggesting the person you were speaking to
- A. Indeed, I am being unfair to Jacob Lugg here. I am I am suggesting that possibly, he would not have an eye
- 23 on the weather. Ultimately, it's the aircraft captain
- 24 that will make a decision, but, you know, my experience
- 25 would suggest that the weather conditions were clearly

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1 going to either impact their flying from the home base, 2 the weather at their likely diversions, or the weather 3 on scene where we were going to ask them to patrol. 4 Q. Would it have been helpful for you if you had been able 5 to speak to someone who could make that assessment and could give you an indication of the likelihood that 6 7 those flights would either go ahead or not? A. Possibly. But there is an element here -- when I came 8 9 on watch at 19:00, the weather, although poor, was not 10 giving an indication it was going to be as bad as it 11 was. So that beginning of watch statement we looked at 12 earlier. I think I put the line in there was the 13 possibility of fog. And in fact, my bigger concern then 14 was the freezing conditions in the north and how that 15 would hamper any jobs I had on in Scotland. By 21:00, 16 or whenever this call was made, just before 21:00, now 17 my Helibrief tool was forecasting that actually the 18 conditions were changing quite dramatically. And 19 therefore, I was coming to the conclusion very quickly 2.0 that it was likely to be a factor. 21 Ultimately, it's the aircraft captain's decision to 22 make. Like a lot of these things, you can almost "what 23 if?" too much, too far in advance. 24 I think we will call -- we will refer to it later. 25 I refer to something called plan B; this is my only plan

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- 1 for aviation patrolling aircraft that night. So whether 2 they are going to fly or not, there is very little I can 3 do at this point to change any plans. 4 Q. I see. So in terms of having a plan B, you say this was 5 your only plan. 6 A. Correct. 7 Q. Is that because you didn't have access, that you were 8 aware of, to any assets that you could task if 2Excel 9 could not fly? 10 A. Yes. But I would argue, when you look at the weather 11 conditions at night, I could have thousands of 12 aeroplanes in the UK and not one of them, I don't think, 13 would have ever been able to conduct the patrolling that 14 we were looking for in this area later that night. Q. So ---15 16 A. They were all -- you know, they are all going to be 17 affected by the same issues of airfields to take off 18 from, diversion airfields , and weather on scene. 19 $\mathsf{Q}.\;\;\mathsf{Am}\;\mathsf{I}\;\mathsf{right}\;\mathsf{in}\;\mathsf{understanding}\;\mathsf{then}\;\mathsf{that}\;\mathsf{you}\;\mathsf{understood}\;$ 20 that 2Excel was plan A.
- 21 A. Yes
- 22 $\,$ Q. If plan A was not able to be effected, the reason for
- $2\,3$ $% \left({{\rm{T}}} \right)$ that would prevent you putting in place any plan B with
- 24 the assets that you had available?
- 25 A. Almost certainly, correct.

1 Q. At your paragraph 66, if we go back to your statement

- 2 again, which is $\{INQ009628/26\}$ you also explain that you
- 3 spoke, that evening, to RVL and you were aware that they
- 4 were on tasking as well that evening?
- 5 A. Yes, that's correct.
- 6 MS MEREDITH: Okay. And I think, sir, I note that we are
- 7 approaching an hour. Would this be a convenient time to8 take a break?
- 9 SIR ROSS CRANSTON: Yes. So, just 10 minutes, thank you.
- 10 (2.29 pm) 11 (A short break)
- 12 (2.39 pm)

25

- 13 SIR ROSS CRANSTON: Yes, Ms Meredith.
- 14 MS MEREDITH: Thank you, sir. Can we bring up
- 15
 {INQ008822/1}, please. We have, there, a transcript of

 16
 a call that was led by you and David Jones.

 17
 It says there 24 November, but in fact, I think this

 18
 would have been 23 November 2021, at 21:00. If we turn
- to page 4 {INQ008822/4}, you will see there David Jones,
 the third entry down, says:
 "Good evening, everyhody. Tuesday 23 November
- 21
 "Good evening, everybody. Tuesday 23 November.

 22
 2100."
- 23 Turning to page 7 {INQ008822/7}, we can see the
- 24 entry that has your name next to it and this is where
 - you relay information about the air asset operations in

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- 1 that call. Your report starts with the weather. You
- 2 note that any precipitation is likely to come down as
- 3 snow. There may be quite thick fog and mist by the
- 4 early hours of the morning on the French and English
- 5 side of the Channel. And then you set out the aviation
- 6 assets, saying that you will have aircraft flying from
- about 9.45 pm to 9 am on 24 November and a Tekever dronegoing up at 05:30.
- 9 You conclude. I think at the end of this entry.
- 10 moving on to the next page, {INQ008822/8} that it is all

weather dependent, because if the weather goes out of
 limits, that is going to happen.

- So presumably, you are making sure that people are
 aware that the fixed-wing aircraft could potentially
 cancel due to poor weather?
- 16 A. Yes, that is what I am trying to convey. But there is 17 two parts to that. The UK -- those in the north, at
- 18 Belfast, Shetlands, there is -- if I recall rightly,
- 19 there was a frontal system lying Lands End through to
- 20 the Humber. So north of that, it's going to be snow and
- sleet with poor visibility . So if the Belfast
- 22 coastguard etc, were calling in helicopters to come and
- 23 $\hfill search,$ we were going to be very constrained on how to
- $24 \qquad \hbox{ do it. And for those to the south, in particular, my} \\$
- 25 audience here really being the Dover coastguard, yes,

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- 1 there is fixed-wing. Plan A is in place still , however, 2 I $\,--$ I am beginning to speculate that we are going to 3 have an issue with the weather and being able to achieve 4 that mission 5 Q. And your understand, I think, from your previous 6 evidence, was that there was no contingency plan that 7 could be put in place, in terms of having that picture? 8 A. No. Bear in mind, I am -- how shall I answer this? For 9 the commanders, it is about making informed decisions 10 based on information. There are a number of sources of 11 information $--\ensuremath{\mathsf{I}}$ am going to use the word target queuing 12 here, but I don't mean target in a negative sense, but 13 there is a rhythm of bits of information that would come 14 through that evening and one of the key pieces to that 15 was provided by the aviation. So if the aviation couldn't fly, what else were we 16 17 going to do? Actually, you know -- I am speculating 18 here really, but in my opinion, we had no alternative 19 sources of aviation. And even if we did. I don't 2.0 believe the weather was going to allow anybody else to 21 achieve mission success. 22 Q. And did you think you needed to convey, expressly that, 23 in this call: if weather does prevent 2Excel from
- 24 flying, I have no other alternatives to provide to you?
- 25 A. I could have done. Would it have done any harm?

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Probably not, but actually, the audience for that is 1 2 really Dover coastguard, not the entire network. Q. Did you make Dover coastguard aware at that stage by 3 4 another means? 5 A. I don't recall having done so, but I certainly --6 verbally, I am fairly certain I discussed it with 7 David Jones, who was the Maritime Commander next to me. 8 And I know later on that evening when it really became 9 apparent we were going to have a problem, we had that 10 conversation. 11 Q. So your recollection is that at around the time of this 12 call, you would have verbally spoken to David Jones and 13 explained: I don't have a backup; I don't have a plan B? 14 A. I don't believe I said that I don't have a back-up plan 15 to him. I don't think I made assertion to him. I think 16 in my own mind I am now beginning to scratch my head to 17 think: what else can I do to provide the information? 18 But part of me is reassured, at this stage --19 I mention there, there was several sources of 2.0 information. I will be a bit generic here and I don't 21 mean to be flippant, but the battle rhythm would start 2.2 with a -- the French providing a warning that people 23 were now mustering on the beach, the French then are 2.4 providing the boats are setting off, the French 25 potentially having boats accompanying or monitoring

1		those vessels.
2		So in a sense, that target queuing, the indicators
3		and warnings, are all in place, of which my fixed-wing
4		aviation was going to be but one piece in that puzzle.
5		So at this point, at 21:00, although my contribution
6		to the evening was going to be the aviation I am
7		beginning to suspect might have a problem, I still
8		remain confident that the other information queuing
9		metrics were still going to be met.
10	Q.	And in your experience, was the French source of
11		information a reliable and timely one?
12	Α.	Again, I really can't comment because, you know, I am on
13		the aviation side. So I wasn't privy to those calls .
14	Q.	So you didn't have experience of when that information
15		came through from France about $$
16	Α.	No, because although on this particular evening
17		I happened to be sat co-located with the maritime
18		commander, this is on the back end of the Covid year
19		where, actually, even operating the same ops room had
20		not occurred very often.
21	Q.	But on this occasion, you were?
22	Α.	I was, yes.
23	Q.	If we could bring up $\{{\sf INQ000224}/1\}$ at page 1 to start
24		with, you will see this is the ViSION log for aerial
25		surveillance and if we turn to page 2 {INQ000224/2},

1	bottom of the page, that starts:
2	"ARCC Message".
3	And it refers to 2Excel:
4	"Can't complete this tasking."
5	So I think that confirms that 2Excel had cancelled
6	their first scheduled flight, which was using a PA31
7	Panther, which was planned to depart Doncaster at
8	23:30 hours and this was due to the weather, is that
9	right?
10 A.	Yes, so I think this was quite a significant time on
11	this . This 23:50 is where 2Excel have now confirmed
12	that the two smaller aircraft , the two Panthers that
13	they were intending to provide were not going to fly,
14	but they have said they are going to reassess and make
15	a decision later for the larger, more capable, King Air
16	airframe.
17 Q.	And if we bring up, now $\{INQ000225/1\},$ that is the
18	network management log for the 24 November 2021. If we
19	turn to page 3 {INQ000225/3}, you will see, there, the
14:46:34	21 entry at the top of the page, $00:38:51$ under your name:
20	"Dominic Golden. Action plans."
21	And that shows that at this time, you were aware of
22	the cancellation because in that first paragraph you
23	52//

23 say:

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1	"Already 2Excel have postponed their sortie due to
2	their concerns for suitable diversions for
3	aircraft ."
4	And in the second paragraph, you say:
5	"Concern is that with poor visibility and our
6	surveillance aircraft being limited to conduct mission
7	we are effectively blind."
8	You go on to explain:
9	"Both commanders agree that caution of allowing
10	ourselves to be drawn into relaxing and expecting a
11	normal migrant crossing at night whereas this has the
12	potential to be very dangerous."
13	So this entry here, you are referring to the lack of
14	a recognised maritime picture creating that risk, are
15	you?
16	A. Yes. So what am I trying to record there? I am
17	capturing my thoughts. I then had that discussion with
18	the maritime commander because $$ and this is all $$
19	this sounds like me trying to tell him his job; not at
20	all. But I want to sort of just scratch that itch in
21	the back of my mind, that $$ that $$ was he now aware
22	that the $$ the normal queue of information that he was
23	expecting was now suddenly going to become disrupted and
24	I felt $$ I just felt it appropriate to capture those
25	thoughts and put it down on the narrative so it would be

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1		on the record.
2	Q.	And so at this stage, you were aware that part of your
3		maritime picture was not there, but that you might be,
4		effectively , blind . Did you think there was any
5		alternative option for generating a maritime picture
6		using aviation options at this stage?
7	Α.	I think $$ and again, I am talking now from three years
8		plus $$ but I think I'm still waiting $$ you know, the
9		ever-optimist that I am, that 2Excel might be able to
10		come through with the King Air aircraft that the
11		previous call an hour previously had said they were
12		still reassessing.
13		But this was now $$ what are we $$ here, about
14		00:30?
15	Q.	Yes, around that.
16	Α.	This is now the beginning of: actually, I now need to
17		start really getting my head in the game here about what
18		can we do. How are we going to generate $$ I call it
19		here this recognised maritime picture. If I've got no
20		aviation, what else can we do? I am partly $$ again,
21		this sounds very arrogant, I don't mean so $$ I am
22		trying to nudge the Maritime Commander possibly into
23		thinking is there something that he can provide with his
24		assets he's got available, that he might be able to
25		start going, but realistically , when I look at that with

March 11, 2025

2

- 1 hindsight -- with the advantage of hindsight, no, there
 - is nothing he could have done either.
- 3 Q. Do you recall expressly saying to him: is there anything
- 4 that you can do to assist on that?
- A. No, I don't recall saying that to him. 5
- Q. And did you consider tasking the R-163 or a SAR-H6 7 helicopter, at this stage?
- A. I believe I did, but I have not recorded that in my 8
- 9 thoughts in the narrative. But again, that's really now
- 10 $my \; -- \; my$ back pocket thought process. But again, at
- 11 this point, I am -- as I have just said, I'm -- the
- 12 ever-optimist, holding out for possibly the 2Excel
- 13 aircraft being able to get up and do something.
- 14 Q. You also knew that RVL were flying a tasking that night.
- 15 Did you consider that they were available to you for 16 tasking for SAR and did you consider re-tasking them for 17 that purpose?
- 18
- A. I considered very briefly, but I think the answer
- 19 I formed very quickly in my head, hence not recorded.
- 20 So they are arguably flying on behalf of another
- 21 Government department, the Home Office. And they are
- 22 not at alert. So their aircrew are already briefed and
- 23 flying a slightly different profile . And I don't
- 24 believe their aircrew would have had the competency or
- 25 the capability to now switch to flying at a few hundred

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- 1 feet above the sea in poor conditions. 2 Q. And in your experience, was this something that RVL 3 could be tasked to, when they had already been tasked 4 on ---5
- A. (Overspeaking) No, I don't believe so. So -- so, again, without trying to sort of bore the audience here, RVL, 6 7 although flying a King Air aircraft with similar
- 8 capabilities to 2Excel, their primary mission, outside
- 9 of supporting the Dover Straights, was looking for oil 10 spillages, etc.
- I don't believe their aircrew are competent and 11 12 qualified to fly the sort of patrol that we would be
- 13 looking for at night at low level. 14 Q. And had you ever tasked them to do that before?
- 15 A. No.
- 16 Q. If we could bring up $\{INQ007824/1\}$, please. We have 17 there, you will see, a call on 24 November 2021 at
- 18 02:04 hours. And that's between 2Excel and you. If we
- 19 turn to page 2 {INQ007824/2}, we can see there an entry
- from you at the bottom of the page and that goes into 20
- 21 page 3 {INQ007824/3}. 2.2 It reflects an awareness that you are now aware of
- small boats beginning to enter the UK side of the 23
- 24 Channel. You say:
- 25
 - " ... the French are now reporting to us that [there]

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1		are upwards of at least 11 vessels on their way
2		across "
3		And you, I think, reflect a delay in telling them,
4		when you say:
5		" they forgot to tell us until just now."
6	Α.	Yes, so that is a little bit flippant : they forgot to
7		tell us right now, but I think that was the case.
8		I think the French, on this evening, were late in
9		sharing information. But again, I don't have access to
10		the maritime log. If I can, can I explain a little bit
11		of a timeline here. I, in my mind, am working to
12		an optimum time of the small boats reaching the
13		boundary, the territorial limit of about 03:00. So
14		whatever solution ${\sf I}$ am going to come up with needs to
15		workaround that, that 03:00 position.
16		So therefore, my decision points are working
17		backwards from that.
18		So I have explained earlier , although I didn't
19		capture this in my narrative, that I am already
20		considering the helicopter as a possible solution, aware
21		that the helicopter takes 45 minutes from being called
22		to getting airborne, really 02:00 and this conversation,
23		I think, is about 02:10. I now need to really start
24		just ticking those boxes to reach that decision point.
25		So I have left that conversation with 2Excel as late as

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I possibly can, until just after 02:00, hence this call 1 2 here to say: right, where are we going with this 3 King Air aircraft? And this conversation is 2Excel and 4 the captain of that aircraft who is now in, ie a more 5 proficient and competent individual, to look at the 6 weather, to confirm for me that he is not going to be 7 able to fly. 8 $\mathsf{Q}.\$ In relation to your estimate that it would be around 9 3 am that small boats would reach the boundary? 10 Α. Yes 11 Q. Is that a timing that you discussed with a maritime 12 commander or with anyone else, or was this derived from 13 your general experience rather than any information on 14 that night? 15 A. Derived from general experience and also the fact that 16 actually, that's when the fixed-wing patrol was due to 17 be on task for. So the standard patrolling of aircraft 18 for Op EOS, generally, were on scene from 3 o'clock. 19 So -- and that was supported, I understand, by 20 historical evidence, that that is about the time, on 21 a winter's evening, that the boats would typically 2.2 arrive 23 Q. And would you confirm that, or seek to confirm that with 2.4 someone7 25 A. Very probably, but again, missing here, and missing in

3

4

5

6

7

to the reduced visibility ?

A. Yes, my understanding at the time was that for them to

I was having, was suggesting that the weather was

3,000-foot clearance between the surface of the sea and the lower end of the cloud limit . The weather tools

possibly as -- the cloud base was as low as 1,000 feet

operate at night over the sea, they had to have

1		the narrative, is almost certainly a conversation that
2		I either overheard, or was part of, between maritime $$
3		because clearly 1've got from somewhere that they have
4		reported $$ where did I get the information that there
5		was upwards 11 boats? Well, that's clearly $$ I have
6		overheard or been informed that that's coming $$ that's
7		through.
8		So this is now the transition from the amber
9		evening, where there was $$ what was it, likely
10		crossing, to now confirmation that they were crossing.
11	Q.	And if we have a look at the third page of this document
12		${INQ007824/3}$, we can see, as we go through your text
13		there, that you say:
14		"I'm thinking now about calling the SAR captain at
15		Lydd to get him out of bed to give his thoughts as to
16		the weather."
17		That, I think, is the reference to the SAR $-H$, the
18		SAR
19	Α.	Yes, it is. Yes.
20	Q.	—— helicopter. And you say:
21		"We're beginning to get the 999 calls now from the
22		guys in the boats claiming they have no idea where they
23		are. But that's just the normal SOP."
24		What did that refer to?
25	Α.	So, I am now trying to $$ I have just said, this is the

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1		transition from amber where we have no certainty that
2		there were boats coming, to now the information is
3		beginning to arrive that boats are coming. So part of
4		that process is a call from the French, albeit it would
5		appear to be late in coming and also now, again, I am
6		hearing in the background while I am making this call,
7		that $$ I can hear a discussion of maritime, saying that
8		the first of the emergency calls are beginning to
9		arrive . But we would expect that because they always
10		make the 999 calls.
11	Q.	And when you say "claiming they have no idea where they
12		are", is there a suggestion there that they did know
13		where they were, but $$
14	Α.	No, not at all . They won't know where they are. How
15		could they? They have no navigational aids. But that's
16		why we are trying to generate aviation to go and find
17		out where they are.
18	Q.	There is then a discussion between you and the 2Excel
19		pilot , which explores potential limitations on the
20		ability of diversion airfields $$
21	Α.	Yes.
22	Q.	and a discussion about limitations on visibility . As
23		it your consideration, at this stage, that even if
24		2Excel could safely operate with a sufficient diversion

- 25 airfield , there would be no benefit in them doing so due
 - 150

nber	8	so $$ I am always putting words into his mouth with
kely	9	a leading question, but ${\sf I}$ am suggesting that the weather
crossing.	10	on scene, from what I can see from the systems in front
nis document	11	of me, was suggesting that regardless of diversion
h your text	12	issues , I think the weather on scene was going to be $$
	13	it would be unable to execute his mission successfully.
captain at	14	Q. In considering tasking the SAR-H R 163, is it right to
hts as to	15	say that that could operate at a different altitude so
	16	it could potentially have visibility and contribute to
AR—H, the	17	the
	18	A. Yes, he could certainly $$ he would be more comfortable
	19	at the speeds he flies , operating beneath the cloud base
	20	of 1,000 feet.
w from the	21	Q. And if we turn to page $\{INQ007824/6\}$ of this document,
where they	22	we have there, in the middle of the page 6, your text,
	23	where you say:
	24	"I'm not going to waste and take risk if it's a, you
this is the	25	know, the return for the effort is minimal risk versus
		151
tainty that	1	reward."
tion is	2	And you go on to say:
So part of	3	"I think we don't know yet whether this is going to
t it would	4	be an all-day armada, or whether it's just going to be
rain Lam	5	a wave that's coming across now, and the rest of them

23

- yet whether this is going to hether it's just going to be a wave that's coming across now, and the rest of them 6 are going to wait for tomorrow." 7 In terms of the use of that term "armada", you say 8 you were not certain whether it be one wave of small 9 boat activity or whether there would be significantly 10 more. Armada, it means a fleet of war ships. Is that 11 what you thought? 12 A. No, what I am trying to say there is $\,--\,$ again, this is all about preservation of assets . We are aware, or I am 13 14 aware, that they -- up to 11 boats. Have those 11 boats 15 come in one wave, or actually are we now seeing the 16 beginning of a trickle -- well, trickle is perhaps the 17 wrong -- a flood of vessels that are now going to carry 18 on into the early hours of the morning? 19 Q. And that particular terminology that you used, "armada", 20 was there a particular reason you used that term? 21 A. It's 2 o'clock in the morning, you know, I mean, I am 22 sure we are going to find other words I have used that
 - come to mind, but no. Q. And if we go to page 7 {INQ007824/7}, we can see there,
- 24 25 there is an entry from you, again, the second entry

1		down, and you say to the 2Excel pilot, towards the end
2		of that paragraph:
3		" surprise surprise , you know, the plan doesn't
4		always work. So what's our plan B?"
5		And you say earlier in that section:
6		" we've dropped back into the assumption that we
7		are always going to get aircraft"
8		But you know now that that may not be the case. In
9		terms of a plan B, who did you understand was
10		responsible for it?
11	Α.	That's a rhetorical question by me. This is me now
12		speaking one-to-one with an individual and I am almost
13		thinking out loud: where am I going now? I'm really
14		running out of options. I've got one option left in my
15		back pocket. Irrelevant $$ the 2Excel pilot doesn't
16		need to know that. That's a rhetorical question from
17		me: right, where am I going, plan B?
18	Q.	In terms of your plan B, at that stage, it was SAR $-H$?
19	Α.	It was going to hopefully be SAR $-H$. I have still got to
20		make that hard sell to the captain of Rescue 163 at
21		Lydd.
22	Q.	And in your statement, you have explained, again, how
23		you $$ why it was that you believed small boats would
24		reach the waters around 3 o'clock. So at this stage,
25		were you considering any urgency in trying to get the
		153
1		SAR-H up in the air, or $$
2	Α.	No, I am trying to $$ how am I trying to factor this in?
_		

2	Α.	No, I am trying to $$ how am I trying to factor this in?
3		I am working to an assumption that the $$ based on
4		historical data, that it's from about 3 o'clock that the
5		small boats will begin to reach the territorial water
6		boundary. I am aware that if I go for my plan B, I am
7		going to get about two hours of flying from the
8		helicopter before he's going to have to come off-task
9		and refuel. And assuming he is not too fatigued, then
10		go back out.
11		I have still got the Tekever drone that, at the
12		moment, is due to get airborne at 05:30. So I am now
13		trying to work to when is the optimum time, assuming the
14		pilot at 163 is prepared to go, to play that two-hour
15		sortie . So we are now approaching as is called my
16		decision point of allowing for that sort of 45 minutes
17		from call to getting airborne, ${\sf I}$ am now approaching that
18		point where, yes, I want him to go. So I really want
19		that helicopter, if ${\ensuremath{I}}$ am going to go down that route, to
20		sort of be on scene from after 03:00, 03:30, something
21		like that.
22	Q.	And in terms of the Tekever drone that you refer to, am
23		I right in understanding you didn't understand that you
24		could re-task that to start at an earlier point?
25	Δ	Because there is no ves although I had an emergency

25~ A. Because there is no -- yes, although I had an emergency

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	1		call —out number, they are all $$ I guarantee, they are
	2		not going to come in any earlier.
	3	Q.	If we could look now at $\{INQ010697/1\}$ if we look at the
	4		first page there you can see that's, again, the
	5		24 November, 02:23 hours and this is a conversation that
	6		you are having now with Christopher Trubshaw, who is the
	7		captain of the R 163 helicopter. If we turn into the
	8		substance of that, you explain that you are looking at
	9		the weather and you are thinking of tasking him to
1	0		conduct a sweep along the boundary.
1	1		You ask him to call you back to discuss that
1	2		proposal. And if we move to $\{INQ010697/2\}$, apologies,
1	3		so this is the second call. You have already had a call
1	4		with him.
1	5	Α.	Yes.
1	6	Q.	You have indicated that you are going to speak to him
1	7		and then this at 02:23, is when you have that
1	8		conversation. So at page 2, the pilot has had the
1	9		opportunity to consider the request which you put to him
2	0		and then the entry halfway down the page entitled
2	1		"Lydd", which is the pilot, a couple of sentences in, he
2	2		says:
2	3		"I think we can do it."
2	4		Do you see that?
2	5	Α.	Yes.

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1	Q.	And then if we move to your response, the ARCC, you then
2		say:
3		"Clearly yes, the visibility is worse, bizarrely the
4		fixed-wing."
5		You say:
6		" the visibility in the Dover Straits is not
7		brilliant , but it's not mission impossible."
8		And then you take him through. If we move on to the
9		next page, $\{INQ010697/3\}$, you explain again that
10		fixed—wing is not your solution. You say the only
11		information source is the French dealing with 10 vessels
12		crossing and you highlight again:
13		" they've been aware of that since nine o'clock
14		but didn't bother to tell us
15		And then you go on to say:
16		"Now, as usual, that catalogue of phone calls is
17		beginning to trickle in of the, you know, the classic,
18		I'm lost, I'm sinking, my mother's wheelchair is falling
19		over the side, et cetera."
20		In relation to that last comment, I think it's right
21		to say you hadn't received information from anyone that
22		there had been a call saying: my mother's wheelchair is
23		falling over the side, is that right?
24	Α.	Yes, well, we were looking here at a one individual to
25		one individual phone call. This is me speaking in the

1		comfort of a heated ops room trying to persuade	1
2		a gentleman that's just been asleep to get up and put	2
3		his life and his crew on the line, to go and fly in what	3
4		I would consider extremely marginal conditions.	4
5		So in the cold light of day, a very unwise choice of	5
6		words. But I am just trying to make a hard sell to him	6
7		as to why I think he should go out and I am beginning to	7
8		sort of introduce into the conversation all the normal	8
9		triggers , the thresholds that would need to be crossed	9
10		to make this a mission to go.	10
11		At this 02:25 call , I am not scrambling the	11
12		aircraft , I am not directly tasking him, although that	12
13		comes later because I have more evidence at 02:50 that	13
14		we are now really dealing with boats in distress .	14
15		This is purely dealing with I believe that we have	15
16		up to 10 or 11 vessels having been reported to us. I am	16
17		now trying to persuade him not to go out and rescue, not	17
18		to go out and do a search. I merely want him to fly and	18
19		do a patrol, but at considerable risk in very poor	19
20		conditions.	20
21	Q.	The choice of phrase would perhaps appear to be	21
22		a reference to a belief that some of the calls were	22
23		exaggerated, would you agree with that?	23
24	Α.	Yes.	24
25	Q.	And I am not sure I fully understand how suggesting to	25
		157	
1		the SAR helicopter pilot that calls were being received	1
2		that were potentially exaggerating their situation would	2
3		assist in persuading him to operate $$	3
4	А	No.	4
5		in a situation where you say he was potentially	5
6	۹.	putting himself and his crew at risk?	6
7	А	But the threshold $$ I am $$ I am now raising the point	7
8	7	that from just one source of information —— remember,	8
9		I referred earlier to numerous bits of information to	9
10		make informed decisions. So the only information that	10
11		I had up to that point was there were upwards of 10,	11
12		11 vessels crossing. I am now, I believe, aware that	12
13		there are now some of the 999 calls being received by	13
14		Dover. So there's two bits of information there.	14
15		So the fact that I have added on a flippant comment	15
16		is, in a one-to-one conversation 1 agree now with the	16
17		cold light of day is irrelevant. But I am trying to get	17
18		across to him that two pieces of information in that	18
19		decision matrix as to why I am asking him to go, have	19
20		now been crossed.	20
21	Q	And if we turn now to page 6 {INQ010687/6} of that	20
22	۹.	document, there's a further discussion there and in	22
23		relation to distress, you say at the bottom of the page:	23
24		"There's an option we've had that discussion	24

24 "There's an option $\ldots \,$ we've had that discussion, 25

I appreciate I've dragged you out. [You say] the option

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is now we wait, and we have the discussion again, when 1 I get the distress call come in. It may well be they 2 don't call us for distress , but I suspect their SOP is 4 just dial 999 when they deem they've got halfway across." 5 So, first of all, do you understand you have started receiving 999 calls at this stage? A. I can't remember. I believe so. If I have put that --B if I mentioned that in the phone call, then yes, I must 9 be aware of it. 1 $\mathsf{Q}.\;$ And when you say "when I get the distress call come in," is it right to say that even if there were no 999 calls, 2 because of the policy of the coastguard, those boats that you knew were in the Channel were to be treated as being in distress , regardless of the position on $999\,$ calls? 6 A. Yes. So what this one-to-one conversation is not 7 8 highlighting is a subtle nuance. This phone call between myself and the captain of 163 is trying to persuade him to go and fly a mission. As of yet, I haven't been requested by maritime to generate this 1 flight . So this is me, off my own back, wanting to get 2 something going. And whilst he is now getting himself 3 4 ready because it takes 45 minutes from sort of taking this call to getting moving, I am assessing that at some 159

1		point, that formal distress request will come through
2		from the maritime coastguard which will, effectively ,
3		endorse being allowed to task him.
4		The rules are $$ I am trying to clear my back and
5		clear his back that this is a request for a mission that
6		is slightly outside the normal because it's not in
7		response to a direct request for a SAR asset. This is
8		a $$ me making an assumption that we are going to need
9		something flying and I am asking him to go.
10	Q.	So am I right in understanding your understanding at
11		this point was you could not task the $SAR-H$ helicopter
12		without a 999 distress call? It was insufficient
13		effectively to know that there were small boats in the
14		Channel, there needed to be a call to expressly state
15		one of them was in a greater state of distress?
16	Α.	Correct. So there is a document that the helicopter
17		crews fly under, I think it's called CAP 999, I can't
18		remember its title, it allows them to fly not outside
19		the rules of aviation but effectively it's like putting
20		a blue light on and being able to drive through lights.
21		To achieve $$ for him to fly that mission under the
22		rules of Cap 999 he technically has to be responding to
23		a tasking request from me that is in response to a call
24		for assistance. At this point, at 02:20, this is still
25		myself trying to generate an aircraft to fly a patrol

1		without that direct request from maritime to respond to	1		So
2		a distress .	2		receive
3		But I am saying there that I have no doubt that	3		sugges
4		between now and you walking out to the aircraft to get	4		referri
5		flying we will have received that distress call.	5	Α.	So I a
6	Q.	Then just continuing below that, the paragraph at the	6		call, ł
7		bottom of the page and moving on to the next page, if we	7		we or I
8		can have them side by side, you say there:	8		small I
9		"To put it into context Border Force at the moment,	9	Q.	Was it
10		they've only put one vessel out because not far off from	10		inform
11		the mark from what you said. Until we can convince them	11		unrelia
12		that there are people in real danger they are not	12	Α.	No, no
13		prepared to bring in their crews who are pretty	13		a flipp
14		knackered anyway to go. So, all this is (inaudible) so	14		to pers
15		it 's potential."	15		a very
16		So just to understand that. Was it your	16		down t
17		understanding at this stage that Border Force was not	17		Th
18		willing to put more assets out into the Channel?	18		reassur
19	Α.	Again, I $$ I am not maritime. I can't comment. But all	19		the CA
20		I will offer as a suggestion here is that this was an	20		a call
21		amber night, having had a red night I think previously	21		scramb
22		whenever. So this is, I would speculate that this is	22		eviden
23		Border Force trying to conserve their resources rather	23		are 99
24		than put out the maximum number of boats every night.	24		a cert
25		They are reacting to red nights, but on amber nights	25	Q.	And di
		161			
1		they would reduce that resource on task. But I am	1		might
2		not $$ I am speaking now on behalf of Border Force and	2		this w
2 3		maritime. That's not my remit to do so.	3		himsel
4	0	If we turn now to {INQ007389/1}, you will see that this	4	٨	No, no
4 5	Q.		4 5		Do you
6		is a call, a further call between you and the captain of the R 163 Christopher Trubshaw and this is at	6	Q.	out be
7		02:41 hours.	7		that w
8			8	٨	No. A
° 9		If we turn to the top of page 3, we can see there that you confirm or he confirms with you:	o 9	А.	NO. A
9 10			10		
11		"So we'll have an agreement with yourselves	10		have c
		an hour—and—a—half on that patrol line, see if we can find stuff "			11 boa
12 13			12 13		maritir
	•	Do you see that?		~	calls a
14		Yes.	14	Q.	So tha
15	Q.	You give him, in the next section, an initial start and	15		you ha
16		finish point.	16		that w
17		Yes.	17		had co
18	Q.	And then you describe, towards the bottom of that	18		unders
19		paragraph, that there are calls coming in. So the last	19	•	a helic
20		couple of sentences of the first paragraph:	20		Yes.
21		"One, we will possibly cross into (inaudible) so the	21		be
22		first couple of calls, as you can imagine, are coming in	22		Correc
23		now, of sharks with lasers surrounding the boats and	23	(.)	But vo

23 now, of sharks with lasers surrounding the boats and

24 we're all dying type thing coming in. So legally, we're 25

now dealing with a distress."

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1		So again, I think it's right to say you hadn't
2		received any information that there were calls
3		suggesting there were sharks and lasers. What were you
4		referring to in this section?
5	Α.	So I am now $$ this is, as predicted in that previous
6		call , here are the confirmation, as I speculated, that
7		we or Dover Coastguard are now receiving 999 calls from
8		small boats.
9	Q.	Was it your intention to reflect that you believed that
10		information obtained from small boats was exaggerated or
11		unreliable ?
12	Α.	No, not at all . I am again $$ in the cold light of day,
13		a flippant comment. Again, I can't stress I am trying
14		to persuade somebody to undertake what ${\sf I}$ would consider
15		a very hazardous flight and I am just trying to break
16		down the conversation to be, to be less formal.
17		The purpose of referring to the 999 calls is to
18		reassure him that as ${\sf I}$ was just discussing reference to
19		the CAP 999 that although I haven't yet still received
20		a call from Dover requesting an aircraft to effectively
21		scramble out there and go, here is that piece of
22		evidence that suggests that we are now, because there
23		are 999 calls, effectively tasking you to respond to
24		a certified distress call .
25	Q.	And did you consider that using that sort of terminology
		163

1		might undermine the likelihood that he would consider
2		this was an event he should attend given the risk to
3		himself?
4	Α.	No, not really.
5	Q.	Do you think it would have been helpful for you to find
6		out before speaking to him what the details of the calls
7		that were coming in on 999 were?
8	Α.	No. All I needed to know that there were now 999 calls.
9		So in that queue of information we are now, I now
10		have certainty that the French have told us there are
11		11 boats. I now have hearsay, from listening to the
12		maritime conversations in my ops room, that the 999
13		calls are being received.
14	Q.	So that I can understand how this all fits together, if
15		you had received information about a boat in the Channel
16		that was not a small boat, that was in distress and that
17		had come in through a 999 call, am I right in
18		understanding you could have immediately scrambled
19		a helicopter
20	Α.	Yes.
21	Q.	because those conditions would have been met?
22	Α.	Correct. But both of $$
23	Q.	But your understand was that is for a small boat in the
~ 4		

24 Channel the fact of knowing it was there was not 25 sufficient in this situation for you to request R 163 to

March 11, 2025

1		
1		task. You needed to await a 999 call before you could
2		formally ask him to task?
3	Α.	Yes, that is correct. But I think I should add here,
4		there is a little bit of assumption, planning assumption
5		by me here. I am beginning to suspect, and I can't see
6		that in the text there but I am fairly certain this is
7		the case, that Dover Coastguard now their workload has
8		suddenly accelerated. And so in an ideal world, I now
9		would have had to the ARCC a formal request from
10		Dover Coastguard for a helicopter.
11		I have already heard in conversation that the 999
12		calls have been received. It's just a matter of time
13		before that call is formally recorded. In fact looking
14		at the narratives, ${\sf I}$ don't think they even made a call
15		requesting the helicopter, which is a metric of just how
16		busy Dover maritime coastguard must have been at the
17		time.
18	Q.	And you had a clear understanding that you couldn't task
19		R 163 until there had been a 999 call. Do you know
20		whether the maritime team understood that they needed to
21		make you aware of a 999 call before you could task the
22		R 163?
23	Α.	No, I $$ I'm picking holes here in your question.
24		Dover Coastguard would only look to request a helicopter
25		to come and rescue somebody or potentially conduct

165

a search

1		a search.
2		At this point, my thought process is on achieving
3		a patrol, so this isn't now searching for an individual
4		vessel . I think the priority here to allow the maritime
5		commander and his subordinate down in Dover good
6		information, so they can make those informed decisions
7		is to conduct a patrol so we can begin to confirm how
8		many vessels are we dealing with.
9	Q.	So your understanding is that you could only task when
10		you had a 999 call, but in fact the maritime team
11		wouldn't even appreciate that they could potentially
12		task for a patrol; they would only be able to request
13		that when they had a specific call to bring to you?
14	Α.	I $$ yes, I think so is the answer there.
15	Q.	And if we look on page 3 of that document, you refer,
16		towards the bottom of that first large paragraph, you
17		say:
18		"So legally we are now dealing with a distress."
19	Α.	Yes.
20	Q.	So again, formally, the position was from the coastguard
21		that those boats were already in distress but what you
22		are referring to there, if I understand correctly, is
23		that there have been 999 calls?
24	Α.	Yes. So this is me trying to convince the pilot , if he
25		still had any doubt, that we had now crossed a threshold

166

1		where this was a $$ my request or my task to him to fly
2		was in direct response to a genuine $$ "emergency" is
3		the wrong word here $$ a distress instance.
4		So, yes, all boats are considered to be in distress
5		but I have now got that chain of evidence that says that
6		actually the 999 calls are yet again $$ and more
7		supporting evidence that we are dealing with vessels in
8		distress .
9	Q.	And I think you make a later reference to a true SAR
10		incident?
11	Α.	Yes.
12	Q.	Is it right to say that that is to describe the same
13		distinction between an incident where there is a 999
14		call or, in your view, would that create $$ would that
15		require more even than a 999 call?
16	Α.	No, no. Just more simple to the fact that again I go
17		back to that helicopter being the Crown jewel. This is
18		all about a discussion about getting an aircraft to
19		conduct a patrol, yes, and, as ${\sf I}$ have said earlier , the
20		helicopter can do far more than that. But if I am just
21		using him to conduct a patrol that leaves me nothing in
22		the bag should I now have what I've used there, the
23		$\ensuremath{expression}\xspace$: a true SAR incident, where the helicopter is
24		in fact the only viable solution to effecting a rescue
25		or a whatever $-it-is-I-needed-to-do search$.
		167
1	Q.	And if you had been told at an earlier stage of the
2		evening that there was a boat taking on water or there
3		were people in the water, would you then have treated
4		that or understood that to be a true SAR incident from
5		that point?
6	Α.	Yes, absolutely.
7	Q.	Were you ever, during the course of the evening, told
8		that there was a boat taking on water or people in the

- peop ۱g water?
- 9 10 A. No.
- 11 $\mathsf{Q}.\;\;\mathsf{By}$ the end of the call that we have been looking at, and
- we can take that document down now, the R 163 had been 12
- 13 tasked to conduct effectively a surveillance flight , is 14 that right?
- A. Yes, I -- I use the word "patrol". But, yes, 15
- 16 surveillance flight I think is I think what I used in my 17 narrative at the time.
- 18 $\mathsf{Q}.\;$ And that was almost three hours since you had first been
- 19 notified of the 2Excel cancellation of the first flight?
- A. Yes, the $11.30\ \text{cancellation}\,,\ \text{yes}\,.$ 20
- 21 Q. And two hours since you'd discussed the dangers of
- 22 a lack of recognised maritime picture with a maritime
- 23 Tactical Commander?
- A. Yes. 24
- 25 Q. At the time of the call at 02:41, there had been

- 1 a Mayday Relay broadcast in respect of one of the small
- 2 boat incidents, Incident Charlie, saying that it was
- 3 taking on water and required immediate assistance. Am
- 4 I right in understanding you were not aware of that
- 5 Mayday Relay?
- 6 A. No.
- 7 Q. You were not aware of that specific incident, Incident 8 Charlie, or of the fact that there were people in the 9 water?
- A. No, not at all. So, in fact, I think the language I use
 in my narrative was I use the expression "I am formally
 tasking you at 02:50", so that's a good five minutes
- 13 after the sequence of events you have just described.
- 14 Q. And as far as you are aware nowhere in the ARCC was
- 15 aware that there was a vessel sinking or people in the 16 water?
- 17 A. No.
- Q. You say in your statement when describing it that as far
 as you were concerned this was just a search without
- 20 reports of vessels sinking and so that effectively was 21 the position as you understood it?
- 22 A. Yes. In fact, if you look at the timelines and
- 23 incidents there I had prescribed a patrol to the
- 24 aircraft giving him a start and finish position and
- a line to follow. He, the captain, then actually spoke

- 1 to Dover Coastguard before he got airborne, but I had
- 2 assumed he would speak to him after he got airborne,
- 3 where that patrol was changed to a search and more
- 4 formal search instructions were given.
- 5 Q. But you weren't aware of that?
- 6 A. No, not at all.
- 7~ Q. And if you had been aware, would you have considered
- 8 tasking a SAR-H at an earlier time or tasking additional
 9 SAR-H to that incident?
- 10 A. So in answer to the first question, I don't think so
- because in theory I had already started the stopwatchwhen I made that call at quarter past 2.
- 13 The discussion, which is a very good one, about
- 14 would I have considered backfilling and bringing another
- 15 helicopter in either from Lee-on-Solent, which was about
- 16 \qquad an hour away, or from Humberside, which is an hour and
- $17\,$ $\,$ a half away, I would have loved to be able to say, yes.
- 18 But I actually regard -- independent of knowing a boat
- $19\,$ was sinking, I had already considered those as backups
- $20\,$ for searching anyway and I was concerned that the
- 21 weather would be out of limits.
- 22 Q. Would you have explored that further if you had beenaware of an incident?
- A. I think, yes, I possibly would have called the captain
- 25 of those aircraft and we will never know what the answer

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- 1 would have been. But the weather conditions at their 2 respective airfields was worse than it was at Lydd and 3 the advantage Lydd had, if he got airborne, if the 4 weather deteriorated back at his airbase he only had 5 a 20-minute dash to get back in, whereas if I had brought down Lee-on-Solent and Humber they were going to 6 7 get stuck an hour away from anywhere to get back. Q. And in relation to your training and your training in 8 9 the maritime environment, you have said that was 10 limited. Do you think that impacted your 11 decision-making on the night of this event? 12 No. If I am arrogant, I think I could have offered Α 13 more, but I would need to be aware of that information 14 to do so and the -- you know, it is good fortune that on 15 that evening I happened to be sat co-located -- and 16 I believe the coastguard have taken that forward since 17 that and that the maritime and aviation commanders do 18 now sit next to each other. 19 But on that year 2021, for the majority of that 2.0 year, the aviation commander had sat totally separate 21 from the maritime commander. So my awareness of what 22 was going on in the maritime domain was limited. 23 0 And you have said that the ViSION 5 system has since
- 24 been rolled out to the maritime team?
- 25 A. Yes.

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1 $\mathsf{Q}.\;$ Was that while you were still employed? 2 A. No, that had happened after I left. 3 Q. And it was in June 2022 that you left the MCA and 4 returned to your role with the Royal Navy? 5 A. That's correct. 6 Q. And in your statement you had explained that you 7 assisted in some ways in developing the training 8 programme for aviation and Tactical Commanders and it 9 had been intended that the aviation and maritime 10 tactical commanders would be trained together in future. 11 Did that happen whilst you were still employed by 12 the MCA? 13 A. No. I think a unique set of circumstances. The -there are four aviation commanders. By good fortune for 14 15 me, within a month of joining, one of those had left and 16 an opportunity arose. But the previous three had all 17 effectively been trained up as commanders back in 2016. 18 So I was the first commander to be taught in-house, 19 and effectively because I have an instructor background 2.0 we developed a training book and a syllabus for doing 21 that. But that was entirely focused on the aviation 2.2 side 23 Again in the maritime domain, I think the role of 2.4 aviation is to support the supported. I am very much 25 providing assets to maritime who are better judged to

23

24

25

- 1 make decisions on how to employ those assets in the
- 2 maritime domain. The role of aviation as an operator is
- 3 merely to monitor for fuel states and for the commander
- 4 just to be aware in case he has competing demands or
- 5 he's thinking ahead in that six-hour space.
- Q. But your understanding is that it would have been 6 7 helpful for maritime and aviation commanders to be 8 trained?
- 9 A. Possibly, because if I had have been co-trained perhaps 10 I could have taken some of the workload off maritime
- 11 that night, but that might have been at the expense of 12 aviation.
- 13 Q. Do you think if you had had, each of you, a better 14 understanding of the role of the maritime or the 15 aviation commander, that might have resulted in any
- 16 different course being taken on that night? 17 A. No. I don't think so. I think the plan B that we came
- 18 up with, to use the helicopter to conduct a patrol,
- 19 which subsequently became a search, that is, you know,
- 2.0 even today, I can't think with hindsight what else could 21 have been done.
- 2.2 $\mathsf{Q}.\;\;\mathsf{I}$ think you have confirmed that you say in the summer of 23 2021 you moved to sit with the maritime Tactical
- 24 Commanders and that it was an embryonic idea. But was
 - that something that was in place formally by the time

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1 vou left the MCA?

25

- 2 A. I believe so. I can't remember. I think so.
- 3 Q. And Op Cesar became operational in early 2022. Was 4 there an increase in aviation assets available to you to 5 task for proactive and reactive SOLAS or SAR tasking? 6 A. Yes. I think in that last six months, between 7 this November incident and me leaving, they were 8 additional -- an additional fixed-wing contract was 9 brought in, again managed through 2Excel, but it was 10 a different company providing aircraft. 11 Q. You have said you didn't consider that you had 12 sufficient assets effectively to task in response to 13 small boats at the time in November 2021? A. Yes. Sorry, I -- yes, I am being very unclear here. 14 15 I think, again I am offering an opinion here, not 16 a factual answer, but based on the weather that evening 17 if I had 1,000 airplanes I don't think they would have 18 been able to fly that evening not least of which, in 19 weather conditions that bad, you are into all sorts 20 of -- you will be trying to compress more than one 21 aircraft into the same bit of air space under a cloud 2.2 base of 1,000 feet, which is one the reasons why the
- 23 Tekever drone has to be separated by time from flying 24
- when we have got other assets there. 25 Q. You left in June 2022. Apart from the Op Cesar increase
 - 174

2 improvements to the way in which the ARCC or the role of 3 the aviation Tactical Commander operated after the 4 events of 23 and 24 November 2021 that you were aware 5 of? A. Not that I'm -- I mean we're all -- there is --6 7 obviously this tragedy was a trigger to focus the mind, but I can't recall . There may well have been, I can't 8 9 recall what other additional measures might have been 10 brought in. 11 Q. Are there any other key changes or improvements that you 12 personally considered would improve the ARCC responses 13 to small boats SAR following that incident? 14 A. No, I think -- excuse my voice there -- I think that 15 co-location of the two commanders which was, as I said 16 there, embryonic at the time, that to me in my opinion 17 is a very positive step forward. 18 You raised a good question a minute ago about had 19 I been aware that there was a boat sinking or people in 2.0 the water, would that have changed my outcome? I think 21 by that co-location the opportunity to become aware of 22

in assets, were there any other key changes or

- that certainly going on to the same shared ViSION system
- 23 would have highlighted that issue.
- 24 So I think, ves, the coastguard has by default 25
 - already fallen into improved measures to go forward.

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MS MEREDITH: Thank you, I don't have any further questions. 1 2 Thank you, sir. 3 SIR ROSS CRANSTON: Thank you very much, Mr Golden. Thanks 4 very much for your statement and also your evidence this 5 afternoon, it's been very helpful. 6 A. Thank you. 7 SIR ROSS CRANSTON: So, thank you. Right. We will be back 8 tomorrow. Good. 9 (3.28 pm) 10 (The Inquiry adjourned until 10 o'clock, 11 on Wednesday, 12 March 2025) 12 13 14 15 16 17 18 19 2.0 21 2.2

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