

OPUS2

The Cranston Inquiry

Day 13

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(9.59 am)

SIR ROSS CRANSTON: Well, good morning everyone and good morning Mr Driver. In a moment Sarah Le Fevre will have some questions for you.

But first of all, could you read the affirmation?

A. Certainly.

MR JAMES DRIVER (Affirmed)

Questions by MS LE FEVRE

SIR ROSS CRANSTON: Yes, thank you very much. Yes.

MS LE FEVRE: Mr Driver, your full name is James Driver?

A. Yes, correct.

MS LE FEVRE: Thank you. And you have provided a witness statement to the Inquiry, at the Inquiry's request, running to 90 pages and dated 19 December of last year, 2024, yes?

A. Yes, that's correct.

Q. You made that statement in response to the Inquiry's request for evidence from the Department of Transport.

A. Yes.

Q. And you have worked for that department since 2004, is that right?

A. 2017. I have been a civil servant since 2004, in the Department for Transport since 2017.

Q. Thank you. It is a statement that, you tell us in the

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body of it, which is based partly on your own direct knowledge and partly on information which has been made available to you --

A. Yes.

Q. -- from within DfT records?

A. Yes.

Q. Thank you. Now personally, you are, is this right, the head of the maritime security division within DfT?

A. Yes, that is right.

Q. And that's the position you have held since 2017?

A. Yes, it is. That's the first position I took up in the department when I joined in 2017.

Q. Thank you. In that capacity, is this right, the department determined that you were best placed to make this statement and answer the questions that the Inquiry may have of you?

A. Yes, I have been a senior civil servant working on a day-to-day basis with HMCG on small boats, since it became an issue in 2018 and therefore, I am the relevant person to be before you today.

Q. Thank you very much. Now, at the time of the events with which the Inquiry is primarily concerned, your lines of reporting, is this right, were these, you reported directly to the director of maritime?

A. Yes, at the time I did, yes.

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Q. Thank you. And she, in turn, reported to the director general of aviation, maritime international and security group?

A. Yes, that is right.

Q. Who, in turn, reported directly to the permanent secretary?

A. Yes, that is all correct.

Q. Thank you. I am going to ask you a few questions now about where interest and responsibilities for the small boats issues lie and lay within Department for Transport.

A. Sure.

Q. So can I ask to be shown on screen, please, your witness statement, which is {INQ010337/20} and turn to page 20 and to paragraph 48, which starts right at the foot of that page. And this is the paragraph where you deal with the implementation or the drafting of policy and you tell us that:

"... DfT does not lead on any small boats policies, it did not itself create any draft or implemented policy [initiative]. [It] does have a policy-making role in relation to maritime security, [but] the small boats issue is not generally considered to be a maritime security matter within the scope of DfT's core area of responsibility."

3

You go on to say, in the final four lines of that paragraph {INQ010337/21}, that it is:

"The Home Office [which] leads, and has always led, on overall policy relating to small boats, primarily as a risk to the UK's borders, and is best placed to explain its policy initiatives in relation to small boats."

All right?

A. That's right, yes.

Q. So that is the context for the DfT's role and responsibilities, certainly in respect of policy-making in this field, is that right?

A. Well, so this describes in particular -- goes to -- from a maritime security perspective, there is no policy-making role or function vis-à-vis small boats. Of course, the department separately has a very important role in terms of sponsorship, support and challenge to the MCA and HMCG.

Q. Yes, thank you very much. All right. Well, you explain to us at various places in the witness statement what those responsibilities actually are as well as what they aren't.

If we look at paragraph 47, since we have it on screen, at page 20 of the witness statement {INQ010337/20}, you tell us that:

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1 "[The department's] role was to contribute to the
 2 proposed policies of other government departments and
 3 cross-government initiatives, ensuring that there was no
 4 impact on the UK's obligations to safeguard lives at
 5 sea, liaising with SAR experts within HMCG and UNCLOS
 6 leads in the FCDO as required."
 7 Yes?
 8 A. Yes, that's right. So I am just considering if there is
 9 anything to add there. No, that goes to the point I was
 10 just making I think, yes.
 11 Q. Thank you. I am going to take you to some other
 12 paragraphs in your witness statement where you expand on
 13 the areas of responsibility. Can we go to page 4 and
 14 paragraph 12, please, {INQ010337/4} and here, you tell
 15 us that:
 16 "[The department] does not itself operate any
 17 specific small boats governance structures ... has
 18 participated in cross-government structures where
 19 relevant. DfT and the MCA's departmental
 20 responsibilities for responding to small boats are
 21 limited to delivering the UK's SAR responsibilities."
 22 So that's the point that you were making just
 23 a moment ago, is that right?
 24 A. Absolutely right. The Government has two important
 25 concerns or policy focuses in relation to small boats.

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1 That is border security and illegal migration aspects
 2 led by Border Force and Home Office, as we were just
 3 looking at a moment ago, and then separately, ensuring
 4 safety of life at sea, ensuring that there is an
 5 adequate and effective search and rescue function to
 6 ensure that we are protecting and saving those lives of
 7 those people who are in a deeply vulnerable position as
 8 they are crossing in small boats. And that is the
 9 responsibility of Secretary for Transport, the
 10 Department for Transport and in turn, MCA and HMCG.
 11 Q. Thank you. And that's where you finish this paragraph
 12 by telling us that the relevant governance and
 13 leadership structures in DfT are primarily those which
 14 oversee the sponsorship of the MCA, including their
 15 discharge of SAR obligations?
 16 A. Yes.
 17 Q. Thank you. Can we turn forwards a little in your
 18 witness statement to page 10 {INQ010337/10} and
 19 paragraph 25, that starts right at the foot of that
 20 page:
 21 "[The department] supports [His Majesty's
 22 Coastguard] with its response to small boats in a number
 23 of ways."
 24 And then over the page, {INQ010337/11} you elaborate
 25 on that through -- you tell us, at paragraph 26, that

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1 the department undertakes departmental sponsorship and
 2 governance of the MCA and we will come and look in
 3 a little bit more detail at that in a moment.
 4 At paragraph 27, that the department oversees the
 5 overall performance of the MCA, through the MCA
 6 sponsorship board; yes?
 7 A. Mm-hm yes.
 8 Q. And you tell us more about the purpose of the MCA
 9 sponsorship board at paragraph 28. Its purpose is:
 10 "... to ensure there is sufficient oversight of the
 11 strategic direction of performance, risks and financial
 12 reporting; [that the] Governance arrangements for the
 13 MCA are upheld or amended where necessary; and [to
 14 ensure] that the recommendations of any successive
 15 independent reviews of the MCA are fully implemented."
 16 And is that an accurate summary of the work of that
 17 board?
 18 A. Yes, that is an accurate summary, yes.
 19 Q. Thank you. Then finally, I would like to look with you
 20 at page 58 and paragraph 163, {INQ010337/58} where
 21 I think you are making the same point again, that the
 22 department's primary responsibility in respect of small
 23 boats is as the MCA's parent department; yes?
 24 A. Yes.
 25 Q. "[Our] role in any systems to review arrangements for

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1 responding to small boats is limited to the SAR
 2 response. [But] as the parent department for the
 3 MCA ... had a role in ensuring appropriate systems were
 4 in place to deliver an adequate and effective SAR
 5 service to respond to all persons in distress in the UK
 6 SAR region."
 7 A. Yes.
 8 Q. Thank you. All right. So in summary as you have
 9 indicated two key areas of work; the contribution to
 10 cross-government initiative and policy on the one hand
 11 and then the delivery of the UK's SAR responsibilities?
 12 A. Yes, yes.
 13 Q. Thank you. All right. Now, against that background --
 14 we can perhaps take statement off the screen, please --
 15 is this right; there were two teams or divisions within
 16 the department which were involved with small
 17 boats-related issues: firstly, your own division, the
 18 maritime security division; yes?
 19 A. Yes.
 20 Q. Yes. And secondly, the MCA sponsorship team. Did that
 21 sit within the maritime operations division?
 22 A. Yes, at the time, in 2021, the sponsorship team sat
 23 within maritime operations division, so that's a sister
 24 division to my maritime security division and reported
 25 up to the maritime director at the time,

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1 Petra Wilkinson.
 2 Q. Thank you. So the same chains of reporting upwards?
 3 A. Indeed, yes, and we worked very can closely together.
 4 Q. Thank you. I think it now sits within the maritime
 5 directorate, yes?
 6 A. Yes. We have since, within the directorate general
 7 grouping, the Aviation Maritime Security Group, we have
 8 since undergone reorganisation in 2023, I think it was,
 9 and in particular, my maritime security division and
 10 maritime security operations function now reports into
 11 a transport security directorate.
 12 Q. Yes.
 13 A. And the maritime sponsorship team remains within the
 14 maritime directorate.
 15 Q. Thank you. Is it right that the personnel of both the
 16 MCA's sponsorship team and the maritime security
 17 division are civil servants?
 18 A. Yes, yes.
 19 Q. And does it follow that the team within DfT with direct
 20 oversight of the performance of the MCA wasn't your
 21 team?
 22 A. Sorry, say that again.
 23 Q. The team within DfT with direct oversight of the
 24 performance of the MCA wasn't your team?
 25 A. That's correct, yes. The team that carries out the

1 formal sponsorship and accountability roles was not my
 2 team; that was the MCA sponsorship team.
 3 Q. Thank you.
 4 A. But like — my team, like all other policy teams,
 5 maritime policy teams within department had
 6 a relationship with MCA where our policies intersected
 7 or where there was a need to support or interact with
 8 MCA. So, yes.
 9 Q. Thank you. We will look in a moment in a little more
 10 detail at the structure of the MCA, but in respect of
 11 your maritime security team, perhaps we will have your
 12 witness statement back up on screen, please,
 13 {INQ010337/2} and at page 2, paragraph 6, please, you
 14 tell us here that the small boats issue isn't considered
 15 a maritime security matter within DfT responsibilities,
 16 but it is your team who primarily engage on issues
 17 relating to small boats.
 18 And you go on to tell us on the following page at
 19 paragraph 9 {INQ010337/3} that the issue of small boats
 20 was a small part effectively of the work of your
 21 division.
 22 What did that actually mean, what was your work in
 23 this terrain?
 24 A. Yes, I will expand a little now. I will just do a zoom
 25 down view. So whole of Government's interest or — or

1 in terms of maritime security can be described as
 2 ensuring that we uphold the laws, regulations, the norms
 3 to maintain a free and open and fair maritime
 4 division — maritime domain. And that means there are
 5 many Government departments and agencies that have
 6 maritime security responsibilities across Government.
 7 So the Foreign Office, for example, looking at
 8 overseas maritime security, that might be more kind of
 9 State active, threatening the maritime domain. Verses
 10 the Home Office who are responsible for crime in more
 11 domestic waters and any illegality in domestic waters.
 12 For Department for Transport, our responsibilities
 13 as the department for commercial maritime, our maritime
 14 security policy function follows from that. So we are
 15 the department responsible for regulations —
 16 international regulations relating to commercial
 17 maritime security. So we have a port, we ensure ports,
 18 British shipping, indeed, British maritime overseas
 19 interests are upholding any relevant international
 20 regulation, ensuring that we have a reasonable and
 21 appropriate inspection regime for that.
 22 We speak to the rest of the security community
 23 around Government to ensure that we are aware of
 24 threats, risks and that we can support the commercial
 25 maritime industry by providing them with security advice

1 to mitigate those risks. So that might be ensuring that
 2 ports have the relevant security for the risks that they
 3 face, it might be countering piracy or supporting
 4 commercial shipping operators in how they counter piracy
 5 in east and west coast Africa.
 6 So that's our kind of locus. It means we hold and
 7 are responsible for a number of security regulations
 8 relating to ports, domestic waters as well as
 9 international — as well as international shipping
 10 relating to maritime security.
 11 So our — our work in small boats came about when,
 12 in 2018, central Government first organised itself
 13 vis-à-vis small boats and started looking at the small
 14 boats issue particularly. And we were engaged by
 15 Home Office and Border Force, as were several other
 16 departments, as a department that possibly had
 17 enforcement — maritime security regulation that might
 18 be relevant to where Home Office and Border Force were
 19 leading, which was border security, illegal migration
 20 and how that could be countered within the maritime
 21 domain.
 22 So we were approached, maritime security division,
 23 I was approached in that way in the very, at the very
 24 first time that we started working on this in 2018. And
 25 similarly, HMCG were also approached by Home Office and

1 Border Force in the same terms as -- what might you be
 2 able to do and assist with in -- in those terms.
 3 Q. Thank you. That's helpful.
 4 A. I think that, hopefully that gives context as to why --
 5 Q. Yes.
 6 A. -- my team had that locus initially and then continued
 7 to have that locus because it then meant that we were --
 8 I should add we were also the division with the best and
 9 regular contacts with Border Force, with Home Office,
 10 with people -- and teams that were working on that small
 11 boats issue. So we had potential enforcement
 12 regulation, that's what we were being asked about by
 13 Home Office and Border Force initially and certainly the
 14 contacts. And therefore, that's why we were approached
 15 and that is why we then worked with HMCG initially and
 16 then continued to work with them from then on.
 17 Q. Thank you. Thank you.
 18 All right. That is helpful. What I would like to
 19 ask you a little about now is the MCA and its structure.
 20 Can I have up on the screen, please, {INQ000955/1}.
 21 Now, this is the framework agreement. We can see at the
 22 head Department for Transport and the MCA headers and
 23 this is the framework agreement for the Marine and
 24 Coastguard Agency dated November 2017.
 25 That's a document that was due, I think, to be

1 reviewed in 2023 and the Inquiry has seen now a final
 2 draft for clearance dated 8 August 2024. But this is
 3 the version that was and, I think, remains effective --
 4 A. Yes.
 5 Q. -- to date, is that right?
 6 A. That, that is right. Yes, it is the extant framework
 7 document agreement at this moment in time, noting that
 8 there is one that's very soon to be published.
 9 Q. Thank you. If we move on then through this document to
 10 page 3 and paragraph 2, please, {INQ000955/3}, we can
 11 see that the MCA was established on 1 April of 1998.
 12 It is an executive agency within the department,
 13 that's right?
 14 A. Yes, that is correct.
 15 Q. Thank you. And you confirm in your witness statement
 16 that it includes His Majesty's Coastguard within its
 17 directorates?
 18 A. Yes.
 19 Q. Thank you. If we look and see at paragraph 4 on that
 20 same page that the agency provides the national 24-hour
 21 maritime search and rescue emergency response service
 22 operable throughout the UK at sea and internationally.
 23 A. Yes.
 24 Q. If we move on to page 4 and paragraph 9, please,
 25 {INQ000955/4}, the document tells us that the department

1 for transport is the responsible department for the MCA,
 2 as you have already told us. And we then have set out,
 3 from paragraph 10, and following the various roles and
 4 responsibilities and primary contacts in respect of the
 5 MCA, starting with the Secretary of State, moving on
 6 through page 6, please, {INQ000955/6} through the
 7 identification of the agency sponsor, that's the
 8 director of maritime within Department for Transport,
 9 paragraph 23 at the bottom; yes?
 10 A. Yes.
 11 Q. And then moving on to page 13, and paragraph 46 and
 12 following, {INQ000955/13}, the MCA sponsorship board and
 13 paragraph 46 tells us that the performance of the MCA
 14 will be overseen by the MCA sponsorship board.
 15 What is the sponsorship board, please?
 16 A. So the MCA sponsorship board is the primary sponsorship
 17 accountability mechanism for -- for the department and
 18 the MCA. As an executive agency, it meets on
 19 a quarterly basis. It is chaired by the Director
 20 General Aviation Maritime and Security, attended by
 21 relevant parts of the department, maritime director,
 22 finance lead, sponsorship team, secretariate provided by
 23 the sponsorship team. It is then, of course, attended
 24 by the equivalent relevant parts of the MCA and it takes
 25 and considers the performance of the MCA. So it looks

1 at its key performance indicators, its risks, its
 2 financial health on a -- its business plan, it is
 3 meeting its business plan and its objectives.
 4 It -- and then any other key concerns and issues
 5 that may arise. So it is the key sponsorship and
 6 accountability forum that the department uses to ensure
 7 that the MCA is meeting its -- its objectives and
 8 purpose and performing effectively and adequately.
 9 Q. Thank you. If we move on a little within this document
 10 to page 19 and paragraphs 86-87, {INQ000955/19} there is
 11 reference here to MCA performance indicators and key
 12 performance indicators that you have just referred to.
 13 Those are to be agreed with department ministers and are
 14 to cover core functions, safety initiatives and
 15 organisational efficiencies. Are the KPIs for the MCA
 16 those which are published in their annual report and
 17 accounts?
 18 A. Yes, I believe -- I believe that's right. I believe
 19 that the KPIs are within that document. I'm slightly
 20 hesitant, I am slightly --
 21 Q. Let me help you. Can I have {INQ000957/1}, please.
 22 A. Yes.
 23 Q. That's the MCA annual report and accounts for the year
 24 2021-2022. And if we move on within this document to
 25 page 16 {INQ000957/16} we can see that the subject of

1 KPIs are introduced here. And at page 18,
 2 {INQ000957/18}.

3 A. Yes.

4 Q. We can see at the foot of that page under the heading
 5 "Our services" we can see the search and rescue KPIs set
 6 out there.

7 A. Yes.

8 Q. Is that right?

9 A. Yes, that is right. Yes, that is right. So key
 10 performance indicators, I should — for usefulness and
 11 context, I should say that's a system used across —
 12 across Government and many will be familiar with the —
 13 with the concept.

14 So all SCS headed functions tend to have key
 15 performance indicators. So I have a set in relation to
 16 maritime security that roll up to our directorate level
 17 and as we have come to, these are the MCA's.

18 Q. Thank you very much. And just to contextualise the
 19 three that we are looking at on screen, if we scroll up
 20 a little just to see — a little further. So the — it
 21 is the "Future Technologies" section that we see
 22 immediately before the search and rescue KPIs.

23 A. Mm—hm.

24 Q. And on the following page, page 19, {INQ000957/19} the
 25 KPIs move on to aviation and pollution response and

1 other KPI indicators; yes?

2 A. Yes, I think this shows — covering the breadth of the
 3 MCA's responsibilities and objectives.

4 Q. Yes, and this is just an extract, but can we go back to
 5 page 19, please. I am so sorry. I have given our
 6 technology support a poor reference. Can we go back,
 7 please, to {INQ000957/18}, page 18, please. Thank you.

8 Just to look in a little more detail at what the
 9 KPIs were for that year, for the search and rescue limb
 10 of the MCA. We have, first of all, the indicator that:
 11 "The response to all Maritime and Aeronautical
 12 incidents in the distress phase [to] be reviewed by an
 13 operational supervisor within 30 minutes of the distress
 14 alert being received or a distress phase being declared
 15 by HM Coastguard."
 16 Yes?

17 A. Mm—hm.

18 Q. And the goal: "90% of all cases".

19 A. (Nods).

20 Q. The second KPI was to:
 21 "... review 10% of incidents to which the national
 22 SAR network has responded to assess ... compliance with
 23 Mission Conduct protocols and the effectiveness of
 24 outcomes."
 25 That's 10% of all indents, yes?

1 A. Mm—hm.

2 Q. And then finally:
 3 "Other than because of the coronavirus pandemic,
 4 Coastguard Rescue Service ... teams available for duty,
 5 not stood down or otherwise unavailable for tasking ... "
 6 And that was to be met 98% of the time.

7 A. Yes.

8 Q. And those were the KPIs for MCA for search and rescue
 9 for that year, is that correct?

10 A. Yes, I believe so, yes.

11 Q. Thank you very much. Now, and with apologies to our
 12 technical support, I would like to go back to the
 13 framework document, and to page 20 of that document,
 14 please, so we are going back to {INQ00955/20},
 15 paragraph 88.

16 We can see here at — obligations on the MCA, to:
 17 "... operate management, information and accounting
 18 systems ... "
 19 The second sentence:
 20 "The MCA [to] inform the Agency Sponsor of any
 21 changes that may impact on the achievement of its
 22 objectives."
 23 Then finally, the final sentence of that paragraph:
 24 "... the MCA's performance shall be formally
 25 reviewed by the MCA Sponsorship Board on a quarterly

1 basis."
 2 Do you know what form those formal reviews take?

3 A. I am trying to think. So I am — certainly at the time
 4 regularly in receipt of all sponsorship board papers, if
 5 not — only present at the sponsorship board when
 6 relevant in terms of policy area for me to discuss. So
 7 I am trying to think whether I — I do know and have
 8 seen exactly how that — you know, physically what that
 9 performance review.

10 Q. Thank you.

11 A. Looks like. I think I have on occasions seen the papers
 12 and tests and indicators that are used to consider and
 13 determine whether that performance — various different
 14 performances against key objectives are met. That is
 15 often quantitative for the MCA because there is lots of
 16 quantitative information and tests that can be applied.
 17 So for example, we have looked at some in relation to
 18 search and rescue where you can — you can quantify that
 19 and determine whether that means that an objective has
 20 been met.

21 But, of course, all of those will be considered and
 22 discussed by the sponsorship board to get under the skin
 23 of what that — that information is — is telling and
 24 showing the group.

25 Q. Thank you. All right. I don't think you have produced

1 for us through your statement and the exercise of making
 2 a statement any formal review documentation, is that
 3 right?
 4 A. Formal review?
 5 Q. Emanating from the board in its capacity.
 6 A. So I think things like the risk register and various
 7 different finance documents relate to review and
 8 achievement — objectives achievement.
 9 So I think that probably goes to it.
 10 Q. I see. Well, that's helpful and I will come back to the
 11 risk register a little later this morning. So thank you
 12 for that. Just to finish on this document, please, at
 13 paragraphs 89 and 90, the MCA provides the assurance
 14 information required by the assurance framework. In the
 15 most general and brief sense, what sort of information
 16 is that?
 17 A. Sorry, say that again.
 18 Q. The assurance information that's referred to at
 19 paragraph 89, what is that information?
 20 A. So the assurance framework goes to business plans, KPIs,
 21 key performance objectives.
 22 Q. I see.
 23 A. Financial reports, etc. And so providing the right
 24 level of assurance information relates to that.
 25 Finance — that might be the regular finance check—ins

21

1 as well as financial reporting in something like the MCA
 2 sponsorship meeting.
 3 Q. All right. That's helpful, thank you. Then we can
 4 see — just the beginning of paragraph 91 on this same
 5 page, we can see set out in a series of bullet points at
 6 paragraph 91 various levels and types of liaison
 7 arrangements that take place —
 8 A. Yes.
 9 Q. — between the MCA and its sponsoring department, DfT,
 10 yes?
 11 A. Yes. Yes, I think that is a good representation from
 12 very top of office through to working level contact. So
 13 that describes various different formal fora.
 14 Q. Thank you.
 15 A. Yes.
 16 Q. And for example, you have referred us already to the MCA
 17 sponsorship board's quarterly meetings and those are
 18 reflected in one of these bullet points, third from the
 19 bottom of the page.
 20 A. Yes, yes.
 21 Q. All right. Thank you very much. All right, we can take
 22 that off the screen now and I want to ask you a little
 23 bit about the — examples of aspects of the
 24 cross—Whitehall cross—governmental thinking that you
 25 have referred to as your team being involved in.

22

1 A. Yes.
 2 Q. I think it's right that in the summer of 2019, on 1 July
 3 of that year, you were invited to a cross—Whitehall
 4 meeting at the Cabinet Office to take place on 5 July
 5 and the purpose of which was to discuss the issue of
 6 migrants and small boats.
 7 A. Yes.
 8 Q. Do you remember that?
 9 A. Yes, I do.
 10 Q. It is a meeting which you thought and expected to be
 11 an important meeting?
 12 A. Yes, yes.
 13 Q. You understood that a topic that might fall for
 14 discussion in the course of that meeting was whether, at
 15 some point in the future, the MCA and the RNLI should be
 16 leading the response to that issue rather than
 17 Border Force; do you remember that?
 18 A. Yes. I think that is an issue and conversation that has
 19 come up on several times throughout the period that
 20 I know the Inquiry has looked at and heard evidence on
 21 and I think that's perhaps one of the first times that
 22 that discussion, I suspected, might come up.
 23 Q. Thank you. You received a briefing pack and an agenda
 24 for that meeting and that included the briefing at
 25 {INQ008159/1}, if we could have that up on the screen.

23

1 That's a briefing. Do you remember this? It's headed
 2 "Migrants Crossing the Channel in Small Boats".
 3 A. Yes, I — I do remember this. I think it's also useful
 4 to remember the context here, 2019.
 5 Q. Yes.
 6 A. So numbers of crossings have gone up, but not the
 7 significant increases that we see in 2020 and '21. So
 8 I think it's — hence, the focus and the discussion here
 9 is on — more on the — more on the enforcement and
 10 operation practice rather than anything else at this
 11 point.
 12 Q. Thank you. We can see in the section headed
 13 "Background" and the first bullet point, talking of the
 14 issue and the method of travelling to the
 15 United Kingdom, recognising that it carries significant
 16 risk to life; yes?
 17 A. Yes.
 18 Q. As you have just underlined to us.
 19 A. Yes.
 20 Q. "The number of events in 2019 is rising as conditions
 21 improve ... we anticipate ... it may continue to rise as
 22 we enter [the] summer. It is also highly likely that
 23 a fatality could occur. Note [and this in bold] that
 24 the DfT does not own this risk. The Home Secretary
 25 does."

24

1 What does ownership of risk mean in this context?
 2 A. So that goes to departmental policy responsibilities and
 3 therefore accountability. So I think here -- perhaps if
 4 I just re-read one moment, please.
 5 (Pause)
 6 So here, it is recognising the point that lots of
 7 witnesses have spoken on, the very -- the very high-risk
 8 nature of those, those crossings in small boats and that
 9 despite all best efforts a fatality could occur.
 10 I think note that DfT does not own this risk relates
 11 to the border security --
 12 Q. I see.
 13 A. -- illegal migration aspect, that's how I am reading it
 14 now.
 15 Q. Thank you.
 16 A. And I think how I understood it at the time. Certainly
 17 how I understood it at the time and --
 18 Q. Thank you.
 19 A. -- that relates to, as described in -- as we have
 20 already come up against and described and discussed.
 21 Q. Thank you. I think it's right that the MCA, you would
 22 accept, had accountability for its decisions and its --
 23 A. Absolutely, yes.
 24 Q. -- operational response?
 25 A. Absolutely. So, I -- I think that's why I just picked

1 up on that. So I think it is important to note this
 2 does not go against that at all. We absolutely have
 3 recognised throughout that, of course, safety of life at
 4 sea and operating a -- operating efficient and adequate
 5 search and rescue service is the responsibility of HMCG
 6 and therefore, the department.
 7 Q. Thank you very much. That's helpful. Can we move on to
 8 page 3 within this document, please, {INQ008159/3}, and
 9 the key points at the top of this page, still within
 10 this briefing note for the meeting of 5 July. Key
 11 points, then:
 12 "... a possibility that the Home Office, who
 13 currently have primacy on the issue, would like to
 14 lessen or cease their support they give at sea to enable
 15 Border Force to focus their assets on other pressing
 16 work."
 17 Yes?
 18 A. Yes.
 19 Q. And then, secondly:
 20 "The SOLAS responsibility attached to this issue
 21 could solely fall to the MCA, who have confirmed that
 22 they have sufficient capability to respond. The
 23 procedure is well established from interception of
 24 vessels at sea, through to arriving at designated points
 25 on UK soil where migrants are met and processed by

1 Border Force."
 2 And then a final point under the key points:
 3 "The Joint Maritime Operations Co-ordination
 4 centre ... could play a significant role in
 5 co-ordinating Government ... assets."
 6 A. Yes, so reading that section bullet, I think just for
 7 clarification, I think what would be more accurately --
 8 more accurate language there would be search and rescue
 9 operations could fall solely to MCA. I think that's
 10 what the points are getting at.
 11 Q. Yes.
 12 A. As we have just spoken about, SOLAS responsibility
 13 always sits with MCA, HMCG.
 14 Q. Thank you very much. If we scroll down a little, the
 15 briefing notes goes on to set out in some more detail
 16 the role of the JMOCC. The final bullet point under
 17 this heading:
 18 "With an MCA/SOLAS lead, there will be occasions
 19 when commercial vessels are tasked to respond because
 20 they are the best available asset. It would be better
 21 if this could be avoided when possible, therefore
 22 a greater role for [the] JMOCC, able to co-ordinate
 23 a greater number of response options, could be useful."
 24 Is it -- was it considered realistic or viable that
 25 the tasking of commercial vessels would form part of the

1 MCA Coastguard response?
 2 A. No, it wasn't considered as a key plank or aspect of
 3 capability. I think this just goes to the fact that --
 4 and I think in 2019, when numbers are rising and we
 5 are -- Government is understanding operations and how
 6 they can be best and most efficiently put together,
 7 I think that was going to the fact that commercial
 8 operators could be involved in any search and rescue
 9 operation if needed to. As they could be anywhere
 10 around the country at any point, they might be the best
 11 and most, most useful asset to be tasked by HMCG.
 12 It was not considered as a key plank or aspect of
 13 the search and rescue function at any -- at any point
 14 and I think, of course, as we progressed through 2020
 15 and 2021, we know that they were rarely if ever
 16 utilised. So I think that that sentence is in that
 17 level of context.
 18 Q. All right. Thank you.
 19 A. I could describe the Joint Maritime Operations
 20 Co-operation Centre and its role --
 21 Q. I was about to ask you about that, so please do.
 22 A. Yes, certainly. So, Joint Maritime Operations
 23 Co-ordination centre came about in 2017/2018, I think,
 24 and that -- the function for the JMOCC, as it was known,
 25 was about co-ordination. It was the organisation which

1 could take a view on and understand all Government
 2 maritime assets, maritime enforcement assets, assets
 3 that could potentially -- or had an actual enforcement
 4 responsibility or could assist in enforcement.
 5 Noting that those assets are finite and that in
 6 terms of effectiveness and efficiency, it was most
 7 useful for Government departments and agencies to share
 8 assets and -- on occasions.
 9 So their aim, their modus operandi, was to have
 10 a good overview of Border Force, marine management
 11 organisation, that polices fisheries, the devolved
 12 administrations that policed their own fisheries, police
 13 forces that have a projection at sea and to an extent,
 14 engage with the Royal Navy. So that they -- so they had
 15 a good view of what assets were available, should there
 16 be a need for an agency to get some support in
 17 a particular part of UK waters.
 18 So that was the JMOCC's modus operandi that then
 19 meant -- you know, it's called "joint" because there are
 20 a number of agencies --
 21 Q. Yes.
 22 A. -- based all in one area, sharing that information, with
 23 a small core team. You have heard from the first
 24 director of JMOCC, Mr Dan O'Mahoney, and then I should
 25 say, it sat very next to the National Maritime

1 Information Centre, the NMIC, which had a similar role,
 2 a number of agencies coming together in one place,
 3 sharing and co-ordinating, but that was in relation to
 4 maritime security information and intelligence.
 5 Q. Yes. And I think it's right that those two acronyms --
 6 A. Yes.
 7 Q. -- have been subsequently merged into a single entity.
 8 A. Yes.
 9 Q. The JMSC, is that right?
 10 A. Yes, indeed. Yes, so in 2019 I worked with -- I worked
 11 with Dan in -- to bring together JMOCC and NIMC into the
 12 JMSC. So Mr Dan O'Mahoney was the first director of the
 13 JMSC, which -- two constituent parts were the JMOCC and
 14 the NMIC. And its relevance here in relation to small
 15 boats was, at the time, in 2019, as Home Office,
 16 Border Force were going out and engaging relevant
 17 Government departments and agencies to see how we can
 18 best organise Government's whole small boats response
 19 most effectively, its relevance here was that at the
 20 time, the JMOCC was a potential relevant organisation.
 21 Although its modus operandi was in relation to maritime
 22 security, it certainly had relevant expertise in terms
 23 of knowledge of different assets owned by different
 24 organisations and how they could potentially be
 25 co-ordinated.

1 Q. Thank you. All right. We will take that off the screen
 2 and thank you for that explanation. I want to ask you
 3 now about some correspondence that you were involved in,
 4 in November of 2021. I think it's right that on
 5 12 November 2021, you asked for information as to the
 6 availability of assets, I think.
 7 A. Yes.
 8 Q. Particularly surface assets --
 9 A. Yes.
 10 Q. -- but assets in relation to the SAR capability --
 11 A. Yes.
 12 Q. -- of MCA Coastguard, is that right?
 13 A. Yes.
 14 Q. And we can see at the rest of the email chain at
 15 {INQ001055/1}, please. Thank you. So if we scroll down
 16 I think on to the next page, {INQ001055/2}, this is your
 17 request to Claire, Julie and Helen, all of whom I think
 18 hold various roles within Coastguard?
 19 A. Yes, yes. Director Coastguard, Claire Hughes.
 20 Julie--Anne Wood, we have heard her title previously.
 21 And Helen McCaffery, the Deputy Coastguard, I think, at
 22 the time.
 23 Q. Thank you. And so you are referring to a meeting that
 24 day:
 25 "... SAR resource not infinite ... will be a problem

1 if capacity is maintained at such a level."
 2 And you are asking for a line on HMCG/RNLI
 3 capability for input into a CRIP?
 4 A. Yes.
 5 Q. CRIP?
 6 A. Yes, shall I expand?
 7 Q. Yes.
 8 A. So, context here -- it is 12 November, isn't it, the
 9 email?
 10 Q. Yes.
 11 A. So the context here is that this was the day after
 12 Home Office had declared a critical incident in relation
 13 to Tug Haven. The record numbers that day had created
 14 that bottleneck on the landside there at Tug Haven in
 15 terms of processing those people who had come off small
 16 boats and making sure that they were safe and warm and
 17 processing them as they -- into the asylum system
 18 managed by Border Force.
 19 So Cabinet Office had organised a significant urgent
 20 meeting in relation to that critical incident, where all
 21 parties -- relevant parties were asked to attend, which
 22 included DfT and HMCG. Helen, I believe, attended
 23 alongside with me. I think it was an online meeting, if
 24 I remember rightly.
 25 And the effort and the focus of the discussion was

1 how can -- was Government working through how it can
2 reduce that bottleneck, how it can process that landside
3 issue better and more quickly. So focus on landside,
4 focus on Border Force/Home Office operations.

5 It was right that I introduced them and made the
6 point about the search and rescue resource in case --
7 and because of concern that any bottleneck landside
8 could equal potentially a queuing of RNLI or
9 Border Force cutters arriving at Tug Haven and, and
10 moving off migrants onto -- onto the landside.

11 So I had concern that that might impact search and
12 rescue operations. I inputted those points to that
13 discussion. The CRIP that was being discussed is
14 a common recognised information picture. It's a set of
15 slides really, which is input into things like COBRA
16 meetings or any significant Government incident type
17 meeting, which aims to establish the one version of the
18 truth: what is the situation, what -- what is being done
19 and responded to and by whom about that situation?

20 So responsible departments -- joint CRIP owned by
21 Cabinet Office responsible departments will feed in
22 relevant lines to that so that all that information is
23 coalesced in one place and that's pushed out around,
24 around Government. So it is -- we were being asked
25 about search and rescue capability for input into the

1 CRIP because overall, the most important aspect of this
2 discussion -- despite the focus on the bottleneck, the
3 most important aspect was the search and rescue
4 operations were not impacted, given the -- given the
5 time we are talking about and the high level of pressure
6 on those operations -- on that capability and resource
7 because of the very, very high numbers of crossings.

8 In the event, I do not think a CRIP was produced by
9 Cabinet Office.

10 Q. Thank you. Well, that answers that question.

11 A. Yes.

12 Q. If we scroll back to the first page of this email chain,
13 {INQ001055/1} we can see, I think, that you were
14 provided with the information that you had asked for.

15 A. Yes.

16 Q. Did this response provide you with reassurance about the
17 sufficiency of SAR resource, despite that bottleneck
18 that you have described?

19 A. So, yes, but not just -- not by any means just this
20 email exchange. My team worked very closely with
21 Claire's team throughout the period that small boats has
22 been an issue and concern, so from 2018 onwards.

23 So my team regularly spoke and liaised with Claire's
24 team, with Julie--Anne Wood, Helen McCaffery, as noted
25 there, but with many others as well. So on a day--to--day

1 basis, the team were speaking and communicating and
2 notably by this point, November '21, we had established
3 weekly huddles between those two teams, attended by
4 Claire and by me, so attended by senior civil servants
5 with relevance in this area, to ensure that we both had
6 a good level of understanding as to the pressures and
7 concerns in relation to all small boats issues.

8 Now that -- the formalisation in July '21, just
9 putting something in a diary to say a regular time and
10 point in the week. But actually that, a regular meeting
11 of some kind or meetings per week had gone on for some
12 time.

13 Q. Thank you.

14 A. I think from probably early 2020. And although --
15 I should add, although the focus of those meetings to
16 begin with were about engaging with Home Office
17 development of tactics at sea and then later turnaround
18 tactics, as numbers increased, they immediately took on
19 considering pressures, capability pressures on search
20 and rescue capability as well.

21 So our initial focus of working together to ensure
22 that HMCG and DfT were best representing HMCG and DfT
23 responsibilities vis--à-vis working with Home Office and
24 Border Force, but very much had that focus on -- on
25 search and rescue capability pressures. Because we

1 were -- we, DfT, were very aware and very engaged on the
2 issue of concern at search and rescue capability --

3 Q. Yes, thank you.

4 A. -- throughout that period. So these lines that were
5 produced were just to get a good level of -- assure that
6 we were at this point in time, were we were absolutely
7 clear with our description of what those pressures look
8 like. And they then -- that -- we had already built
9 an idea and lines like this, which is why I go to the
10 previous email we saw, which was based on the
11 information that we have spoken about beforehand.

12 Q. Thank you.

13 A. And then we built this down ready for -- ready for the
14 CRIP.

15 Q. Thank you. You tell us through your witness
16 statement -- and if you want to, we can look at it --
17 but you tell us that it's really at the tail end of 2021
18 that you first remember there being discussions about
19 resource and capacity within Coastguard, is that right?

20 A. Formally?

21 Q. Yes.

22 A. -- yes. So I think formally, my witness statement
23 contains reference to various different formal
24 submissions that were produced from autumn 2021 onwards
25 in relation to assets and search and rescue capability.

1 There is the 12 November submission and then
 2 the December submission.
 3 Q. Well, let 's be clear about this. You do deal with that
 4 in your witness statement.
 5 A. Yes.
 6 Q. Again, if you want to, we can look at it, it is at
 7 paragraphs 129–131 at page 47. {INQ010337/47} and you
 8 have set out for us there, helpfully, the history of
 9 a pair of joint submissions, Department for Transport
 10 and His Majesty's Coastguard. The first is dated
 11 26 November 2021.
 12 A. Yes.
 13 Q. It refers to an imminent table–top exercise which is due
 14 to take place on 2 December 2021. That did take place
 15 and resulted in a recognition, I think this is right,
 16 that maritime assets were being stretched to the limit;
 17 yes?
 18 A. So that's the reference to the phrase that was used in
 19 that --
 20 Q. Yes.
 21 A. -- in that exercise. Yes, it was.
 22 Q. Thank you.
 23 A. So if I may, just to finish on the kind of the progress
 24 of our concern and understanding on search and rescue
 25 capabilities. So formally, these submissions came up,

1 but this is from -- certainly from summer '21 onwards
 2 and the understanding of the 2022 projections, the very
 3 large projections in 2022 --
 4 Q. Yes.
 5 A. -- that the pace and focus picked up on our discussions,
 6 DfT and HMCG discussions, on pressures and capability of
 7 search and rescue, notwithstanding the 2021 numbers were
 8 increasing and were a problem and issue. So there are
 9 documentary evidence from I think early, so March '21
 10 when we are talking between HMCG and DfT where I am --
 11 where I make the point about our understanding and
 12 making sure that we are looking at and understanding
 13 capability vis-à-vis the increasing numbers.
 14 But what we are looking at here is the focus that
 15 had come about since summer, since those 2022
 16 projections.
 17 Q. Yes.
 18 A. And how we were -- how we built that over that period of
 19 time. And now we are coming to our series of formal
 20 submissions as we have at this point got a better
 21 understanding as to what we need to develop in terms of
 22 increased capability for 2022.
 23 Q. Thank you. Can I ask you a very discrete question.
 24 That submission, dated 26 November 2021, was that
 25 informed by the events of the 23 to 24 November 2021 or

1 is it happenstance that the submission goes in a couple
 2 of days afterwards?
 3 A. It is happenstance.
 4 Q. Thank you.
 5 A. And I know it might sound callous, but it was
 6 happenstance. I think just that description -- of that
 7 period of time we had been considering this and looking
 8 at this, shows that we had been thinking about that from
 9 a period of time. There is then the critical incident
 10 in Tug Haven and -- as well, which is a motivating
 11 factor.
 12 Q. Yes.
 13 A. As well. Now, of course we were not ignorant of the --
 14 of the fact that this terrible tragic incident had
 15 happened a couple of days later and we did consider and
 16 look at and -- and work out how to reference that within
 17 the submission. But actually, it's separately -- a few
 18 days separate that we put an advice note up to the
 19 minister on that incident itself.
 20 Q. Thank you. You have told us through your statement of
 21 a further submission following the table–top exercise.
 22 This one dated 14 December of 2021.
 23 Can we have that on screen, please, it is
 24 {INQ000846/1}. We can see reference to that table–top
 25 exercise, reference to the fact that the rising levels

1 of activities are placing a strain on both Border Force
 2 and Royal National Lifeboat Institution rescue boats.
 3 Recognition that should small boat activity continue to
 4 increase and include crossings on consecutive days
 5 similar to the high levels experienced to date, the
 6 availability of maritime SAR surface assets could be
 7 reduced, significantly increasing the loss of -- or the
 8 risk of loss of life. The submission represents
 9 recommendations and next steps arising or resulting from
 10 the table–top exercise.
 11 And the recommendation comes at paragraph 2, in the
 12 form of five bullet points. Two requests for agreement
 13 and three requests formats to be noted; yes?
 14 A. Yes.
 15 Q. The two points where agreement is sought: firstly, that
 16 His Majesty's Coastguard:
 17 "... should explore increasing additional maritime
 18 surface SAR assets in order to continue to meet the
 19 rising levels of activity and deliver our obligations to
 20 preserve the safety of life at sea."
 21 Secondly, that the Coastguard:
 22 "... should explore developing enhanced situational
 23 awareness capabilities."
 24 And then noting the Tug Haven bottleneck issue:
 25 "The importance [fourth bullet point] of welfare

1 issues including the mental health of all staff and
 2 volunteers involved in the small boats response."
 3 And then the consideration by Coastguard as to the
 4 development of an alternative SAR operating model.
 5 To the best of your knowledge and recollection, did
 6 you achieve the agreement that you sought through this
 7 submission?
 8 A. Yes, we -- we did from -- from the ministers --
 9 ministers at the time, Junior Minister with
 10 responsibility for aviation maritime security,
 11 Robert Courts and then the Secretary of State. Yes, we
 12 did get agreement to go forward. And if I may, I think
 13 the first -- the first submission flags to ministers we
 14 are thinking about -- to be aware we are thinking about
 15 these issues and we are going to put forward some more
 16 advice to you.
 17 Q. Yes.
 18 A. There is the 2 December exercise which gives us more
 19 ability, more detail, more idea -- I say "we", HMCG --
 20 more clear idea as to what those first operational
 21 capability improvements can be, could be. Hence, at
 22 this point in this second submission, we are seeking the
 23 agreement on the things that have, at that point, been
 24 identified as improvements to capability ready for 2022
 25 projected increases.

1 Notably, the aerial assets and other technology
 2 improvements, but noting that there are all these other
 3 issues that we are progressing as well. And to loop
 4 back round to your direct question, yes, we did have
 5 agreement from ministers to carry on with that.
 6 Q. Thank you. What you tell us through your witness
 7 statement is that the question of the acquisition of
 8 additional maritime surface SAR assets was overtaken, to
 9 a degree, by Operation Isotope?
 10 A. Yes. That is right. So by this -- throughout -- at
 11 this point, as we have seen, there is a -- a very good
 12 deal of effort and focus at working to determine what
 13 capability improvements will make a difference to
 14 improve search and rescue capability ready for those
 15 2022 projected increases.
 16 HMCG is, as you can see here, looking at what
 17 surface SAR assets might be needed in order to -- to
 18 manage that. That is in consultation with Border Force
 19 and in discussion with Border Force. And there is -- it
 20 goes to some discussion as to -- as to how that's best
 21 worked out between HMCG and Border Force.
 22 Q. Thank you. In particular, can I ask you --
 23 A. Yes, sorry.
 24 Q. -- was there thought at this stage about whether or not
 25 the MCA or Coastguard should own its own surface assets

1 or consider their purchase?
 2 A. Not at this very point, sorry, I think you were just
 3 getting to the point I was considering whether I needed
 4 to introduce. So not at this very point of this
 5 submission, but it very quickly becomes a discussion
 6 point and we have seen and the Inquiry has seen and
 7 looked at Home Office, Border Force, Mr Dan O'Mahoney's
 8 submission of late December --
 9 Q. Yes.
 10 A. -- on that issue. So it's not, as I remember it,
 11 an issue as to whether HMCG should be owning those
 12 surface SAR assets. It's just what does the SAR effort
 13 need in terms of additional maritime surface assets.
 14 Q. Thank you.
 15 A. HMCG, being highly knowledgeable, technical and engaging
 16 with Border Force on the issue.
 17 Q. Thank you very much. In terms of the need enhanced
 18 situational capabilities, you have told us through your
 19 witness statement and the Inquiry has received evidence
 20 about this already, that Project CAESAR came into
 21 existence and fruition and did provide the additional
 22 situational awareness through the form of additional
 23 aerial assets, is that right?
 24 A. Yes, that is right and I would note that that went
 25 through in incredible quick time. So noting the Inquiry

1 has heard evidence of the importance of aviation assets.
 2 Q. Yes.
 3 A. And that was identified as a -- as needing to be
 4 increased. And that -- that -- Project CAESAR went
 5 through and got agreement internally within DFT and then
 6 agreement from HMT in incredible quick time. So from
 7 there to February and then operationalised in March
 8 is -- is very significant for a -- the size and
 9 complexity of that project that we are -- we are looking
 10 at here.
 11 Q. Yes, thank you. Just so we are clear, that's 2021 into
 12 2022 --
 13 A. Correct.
 14 Q. -- that you are talking about? Thank you.
 15 I would like to look with you at the MCA's risk
 16 register --
 17 A. Yes.
 18 Q. -- for this same period that you have referred to
 19 already in your evidence and referred to in your witness
 20 statement. {INQ000167/1}, please. It starts at page 1
 21 with an entry from May 2020. And this is, is this
 22 right, a pretty standard form of risk assessment. It is
 23 a five-by-five risk matrix which looks at the likelihood
 24 and the impact of any particular eventual locates
 25 a score of 1 to 5 to each, multiplies the two together

1 to produce a figure, rates it red, amber or green
 2 according to severity, and then looks at the mitigations
 3 that might be --
 4 A. Yes, indeed. Indeed, we -- standard. I have one in
 5 relation to maritime security, lots of -- lots of
 6 divisions/directorates will operate similar. The
 7 different columns, I can't see the column headings, but
 8 I think one is "If untreated".
 9 Q. Yes.
 10 A. "If treated", or "Current trajectory", something like
 11 that, I forget.
 12 Q. Thank you and: where can we end up -- if we apply the
 13 mitigation, that we have identified --
 14 A. Correct.
 15 Q. -- where do we end up on the score?
 16 A. Yes.
 17 Q. Can we look, please at page 24 of this register,
 18 {INQ000167/24} and this is an extract from that same
 19 register dated November 2021, so the timeframe that we
 20 are looking at --
 21 A. Yes.
 22 Q. -- currently. And we have here a new risk identified,
 23 do you see that?
 24 A. Yes.
 25 Q. And the new risk is that:

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1 "HMCG may become overwhelmed due to unquantifiable
 2 levels of migrant channel crossing activity occurring
 3 during periods of good weather."
 4 Unmitigated score of "5 x 4", "20" in red. Target
 5 score "9 (3 x 3)" and the identified mitigations in the
 6 sixth column.
 7 A. Yes.
 8 Q. If they are put in place, will result in a score of
 9 "4 x 4"; 16, yes?
 10 A. Yes. Yes. So small boats, the previous risk we -- we
 11 see, which featured was relating to concerns around
 12 turnaround tactics, but this is a new risk that is
 13 inputted into the risk register from November '21. So
 14 that comes, essentially as the -- the description I have
 15 just given in terms of the experience of 2021 and the
 16 high level of pressure that search and rescue capability
 17 was coming under.
 18 But the understanding that the projections for 2022
 19 were significantly bigger and therefore, capability
 20 needed to improve. So I think that is why the timing
 21 comes about and this risk is entered at this point in
 22 the risk register.
 23 Q. Thank you. Did this entry -- were you aware of it at
 24 the time?
 25 A. Yes. Yes.

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1 Q. Was it factored into, did it underpin in any way either
 2 of the submissions that you referred us to, the
 3 ministerial submissions?
 4 A. They relate -- relate to each other.
 5 Q. Thank you.
 6 A. So absolutely. I was speaking to HMCG team, director
 7 Coastguard, and my teams were speaking to each other in
 8 relation to the risk and the need at this time for
 9 a risk to be properly represented on the risk register.
 10 And that -- and the work and the mitigations being taken
 11 forward that were summarised in the submissions. So
 12 I think at the time the risk is written down, there is
 13 some understanding as to what the capability
 14 improvements could and should be. But more work goes on
 15 to determine that, as represented and described in the
 16 bullets and the recommendations we saw in the submission
 17 just a moment ago.
 18 Q. Thank you. All right. We can take that off the screen,
 19 please. I want to ask you very briefly about the
 20 timeframe for Operation Isotope that you have referred
 21 to, already. That's the period of maritime primacy that
 22 the Inquiry has already referred to --
 23 A. Yes.
 24 Q. -- starting on 14 April 2022, running through to
 25 31 January 2023. MoD effectively taking primacy over

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1 all aspects of Government's operational response to
 2 small boats, illegal migration, but of course Coastguard
 3 retain the lead for search and rescue.
 4 A. Yes.
 5 Q. In that timeframe you have already referred us to some
 6 aspects of this. The independent review of Border Force
 7 took place and that -- in July 2022 -- did that
 8 recommend that Border Force and Royal Navy vessels
 9 weren't appropriate for providing an ongoing SAR
 10 function? You touched on this in your witness
 11 statement.
 12 A. Sorry. I was distracted just momentarily.
 13 Q. Of course.
 14 A. Can you give me the date and reference?
 15 Q. Yes, July 2022, the independent review of the
 16 Border Force had recommended --
 17 A. The Down(?) review, yes.
 18 Q. Yes?
 19 A. Yes.
 20 Q. Thank you. In September and November 2022, the
 21 Home Office made repeat proposals that SOLAS assets
 22 should be procured and managed under DfT and Coastguard
 23 ownership and again, you touch on that in your witness
 24 statement.
 25 You received -- or a paper was prepared, rather, for

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1 the MCA's sponsorship board by the director of
 2 Coastguard in October 2022 which was not supportive of
 3 the need for Coastguard to acquire its own surface
 4 assets, do you remember that?
 5 A. Yes, I remember it vaguely from the time, but also from
 6 the preparation here. Although, I can't bring it to
 7 mind right at this moment.
 8 Q. Thank you. Then shortly after Operation Isotope came
 9 to an end, the department approved, in principle,
 10 a business case — the MCA's business case, to procure
 11 its own surface SAR assets in the event of the
 12 withdrawal of Home Office operative boats;
 13 that's February 2023, is that right?
 14 A. Yes.
 15 Q. Thank you.
 16 A. Yes.
 17 Q. We can look at that, please. That's {INQ004304/1} and
 18 at page 1 we can see a document describing itself as the
 19 strategic outline business case, yes?
 20 A. Yes.
 21 Q. At page 5 of this document, {INQ004304/5}, we can see
 22 its purpose is set out — rather, at the "Background" is
 23 set out:
 24 "[Looking for] approval in principle to develop
 25 a requirement and commercial framework to procure

1 surface rescue assets in the English Channel, in the
 2 event of a planned withdrawal of Home Office operated
 3 rescue boats."
 4 Recognising, at the fifth paragraph under the
 5 background, the events both of 24 November 2021 and the
 6 17 December 2022. That background is followed by
 7 a section headed "Strategic Consideration" which again,
 8 recognise the potential that Border Force might withdraw
 9 its assets.
 10 Can I look over the page, please, to page 6,
 11 {INQ004304/6}, and at the paragraph that starts on this
 12 page:
 13 "The HM Coastguard Search and Rescue in the Channel
 14 (SARiC) project ..."
 15 Is that the project which this document relates to?
 16 A. Yes, it is the acronym that we see on the front page of
 17 the document.
 18 Q. It will:
 19 "... strategically offer a proportionate and
 20 appropriate service to conduct search and rescue in the
 21 channel that is focused on small boat migrant crossings.
 22 "This will fill the void left if Border Force
 23 withdraws its service ..."
 24 And then the next paragraph:
 25 "Incorporating this function as a core role of MCA

1 offers a unique opportunity to reposition and refine the
 2 search and rescue provision in the channel to provide
 3 tailored solutions driven by data and employ assets
 4 proportionately to reduce wastage and improve
 5 efficiency ."
 6 Is this the part of this paper where the benefits
 7 that might accrue from Coastguard owning and operating
 8 its own surface assets are identified?
 9 A. I think it is. I should say this is an outline business
 10 case —
 11 Q. Yes.
 12 A. — that was produced. So again, I have, of course,
 13 looked at this paper in preparation for the Inquiry, but
 14 I can't remember how much more detail goes on beyond
 15 this, in terms of — in terms of benefit, noting that it
 16 is an outline business case.
 17 Q. Thank you. Well, perhaps I will ask you a more open
 18 question. What benefits are you able to identify that
 19 could accrue from Coastguard owning and operating its
 20 own surface SAR assets?
 21 A. So I think the main point goes to it's an opportunity to
 22 reposition, refine the search and rescue provision. So
 23 the search and rescue provision per se, independent of
 24 who owns it.
 25 I don't think it makes a case that — that the fact

1 that it's owned by MCA is an improvement in itself.
 2 Q. Yes.
 3 A. So the points that you have picked up on, in terms of
 4 Isotope and the various other papers and discussions
 5 about who should own and operate the surface asset
 6 capability, shows a development over time. So Isotope,
 7 even in the submissions we were looking at earlier,
 8 Border Force and HMCG looked and determined that more
 9 surface assets were needed.
 10 It then became with Isotope coming in, that MoD
 11 managed and operated those additional surface assets and
 12 everyone recognised the improvement and benefit that
 13 that provided. With Isotope coming to an end, it
 14 naturally, across Government, became a discussion point
 15 as to those assets are important, they must continue.
 16 So that was the overall most important factor here is
 17 that with MoD who own the contract, ceasing to operate
 18 on small boats. That contract must be taken on by
 19 another organisation and then there is discussion about
 20 whether that is best and most appropriately taken on by
 21 Border Force or by Coastguard with, as I say, the most
 22 important thing being there is no interruption of that
 23 contract. There is no interruption of the availability
 24 of assets for search and rescue operations.
 25 We thought it appropriate and important that we

1 prepared an outline business case, in case in discussion
 2 with Border Force, in discussion around Government it
 3 was decided and agreed that it should be HMCG/MCA rather
 4 than Border Force operating those. So we are getting
 5 ahead by developing this outline business case and we
 6 can see here, it is a draft; there are comments boxes,
 7 track changes ---
 8 Q. Thank you.
 9 A. --- on the document itself.
 10 Q. Approved, in principle then, in February 2023 and as you
 11 say it is an outline business case, but what's the
 12 status of that proposal and the approval currently?
 13 A. It wasn't taken forward at the time because it wasn't
 14 needed to, ultimately. Border Force determined, in
 15 discussion with HMCG, that they were best placed to
 16 continue operating those assets noting the dual --- you
 17 know, in effect, a dual importance and role for
 18 Border Force vis-à-vis small boats operations that there
 19 is a broader security and legal immigration concern and
 20 operation that they need to attend to as well.
 21 So that they are able to manage the search and
 22 rescue assets means that they also have an ability and
 23 control in that aspect as well.
 24 Q. Thank you.
 25 A. So it wasn't --- the outline business case wasn't taken

1 forward.
 2 Q. It wasn't taken forward. Are there any plans at the
 3 moment for that decision to be reconsidered?
 4 A. So the --- the contract operated by Border Force at the
 5 moment comes to an end at the end of this year. So
 6 there are already discussions ongoing between DfT, HMCG,
 7 Home Office and Border Force as to how that contract
 8 should be renewed.
 9 Q. All right. Thank you.
 10 A. With, again, the most important thing being those assets
 11 are needed for search and rescue capability, someone
 12 must operate.
 13 Q. There has to be continuity?
 14 A. Yes, yes.
 15 MS LE FEVRE: Thank you.
 16 Chair, I have about another half an hour. I am
 17 happy to continue and finish my questions, or it is
 18 quarter past 11, so ...
 19 SIR ROSS CRANSTON: Yes, I am just wondering --- are you
 20 happy to continue?
 21 A. I am very happy to continue.
 22 SIR ROSS CRANSTON: Yes. Continue, yes.
 23 MS LE FEVRE: Then I am going to ask you some questions
 24 about a different topic and that's oversight of the MCA.
 25 You were asked, and you answered questions in your

1 witness statement, about the process by which the work
 2 of the MCA is monitored, assessed, assurance provided.
 3 And you pick that up at page 57 of your witness
 4 statement {INQ010337/57} paragraph 163, if we can have
 5 that on screen. It starts right at the bottom of that
 6 page, "DfT oversight of the MCA" and then to
 7 paragraph 163 {INQ010337/58}.
 8 A. Yes.
 9 Q. "... DfT had a role in ensuring appropriate systems ...
 10 in place to deliver ... adequate and effective SAR
 11 service to respond ..."
 12 And then paragraph 164:
 13 "DfT had formal and informal mechanisms in place to
 14 provide oversight and assurance of the MCA's SAR
 15 systems; [those included] sponsorship governance
 16 structures and external audits."
 17 And you tell us that those mechanisms were effective
 18 in ensuring that DfT had sufficient oversight of
 19 His Majesty's Coastguard's performance of its SAR
 20 function, as the aspect of the UK arrangements for
 21 responding to small boats the DfT had an interest in.
 22 And in particular, you tell us the MCA Sponsorship Board
 23 was kept informed the challenges faced by the MCA in
 24 relation to small boats.
 25 All right. So at 165, you move on to the review of

1 the risk register and we have just looked at some
 2 extract of the risk register and in particular, the new
 3 entry in November of 2021:
 4 "... Sponsorship Board regularly [reviewing] the ...
 5 risk register."
 6 What does a regular review, in that context, mean?
 7 We know, as a board, it meant --- met quarterly, but what
 8 did regular review of the risk register mean?
 9 A. So it meant that there was a formal review at that
 10 quarterly board, but depending on actions, that actions
 11 would be followed up. If there were any further actions
 12 in relation to mitigating or looking closer at those
 13 risks or indeed, generally --- I think it is important to
 14 say generally --- the highest risks were attended to
 15 outside of the sponsorship board.
 16 So the sponsorship was concerned to be assured that
 17 the highest risks were being attended to appropriately.
 18 That's where you get the column in the right saying:
 19 this is the activity that's going on against those
 20 risks. And that was absolutely the case in relation to
 21 the small boats risk, represented by the contact that my
 22 group was --- my team was having with HMCG.
 23 It --- outside of the formal MCA sponsorship board as
 24 well, I think it's important to recognise the senior
 25 level regular interaction between the MCA and the

1 department as well, that acted as sponsorship, which
 2 was, at the time, twice a week discussions between
 3 director, maritime DfT and the chief executive MCA. The
 4 chief exec and the executive directors, regular meetings
 5 with the director general and then indeed, the meetings
 6 that the chief exec, and on occasion exec, had with
 7 minister for aviation maritime security as well or
 8 indeed, with the permanent secretary.

9 So the Inquiry has received papers -- evidence
 10 demonstrating when the chief exec raised issues -- the
 11 small boats issue with the minister, for example, or
 12 when that was discussed with the director general. But
 13 certainly, on a twice weekly basis, director maritime
 14 and chief exec MCA discussed matters of concern. For us
 15 as a department, ensuring that we are properly holding
 16 the MCA to account meant that the risks that were high
 17 on the risk register were discussed and brought up
 18 and -- and that we were assured they were being attended
 19 to appropriately.

20 Q. Thank you.

21 A. And that was the case.

22 Q. Just to push you a little further on this --

23 A. Yes.

24 Q. -- because you told us this is this sponsorship board
 25 that's particularly responsible for the oversight

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1 function and that part of its work was the regular
 2 review of the risk register and we have looked at
 3 that November 2021 entry in the risk register.

4 You have given us examples, at the end of that
 5 paragraph, paragraph 165, of the sponsorship board
 6 having considered the issue of small boats and the three
 7 documents that you refer us to, at the very end of that
 8 paragraph, are respectively, notes of October 2022,
 9 August 2020, and 2019, I think.

10 Sorry, 23 November 2021. 23 November 2020.

11 A. Yes.

12 Q. My question to you is: where is it that we see the
 13 sponsorship board considering the November 2021 entry?

14 A. So, the minutes -- I think the minutes throughout don't
 15 necessarily records all the discussion of each risk.
 16 But the highest risks, in my experience, from -- on
 17 occasions where I attended the sponsorship board and
 18 similar meetings, the highest risks were discussed and
 19 gone through.

20 I think there are examples where in the documents
 21 that say the sponsorship board looked at the small boats
 22 risk, but I appreciate it wasn't in relation to
 23 that November '21, I don't think.

24 Q. It is the November 2021 entry which is a new and high
 25 red-rated risk.

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1 A. Yes.

2 Q. Specifically arising because of the small boats issue.

3 And the documents that you have confirmed that you have
 4 provided to us through the witness statement don't touch
 5 on or incorporate reference to that entry in the risk
 6 register.

7 A. Yes. So I was not at that meeting, unfortunately, but
 8 from my experience, as I say from being at the
 9 sponsorship board and meetings similar, I would -- I am
 10 assured that the sponsorship board that met after the
 11 entry of that risk, looked at that risk as a high risk,
 12 a new entry. Those are two reasons a risk would be
 13 looked at and considered by the board.

14 I think it would be a limitation in the minute
 15 rather than anything else that that was not recorded.
 16 And I know from the experience and working with the
 17 chief exec, Brian Johnson, Maritime Director at the time
 18 and with Director Coastguard, Claire Hughes at the time,
 19 that this was an issue that was discussed at the highest
 20 level, at the highest appropriate sponsorship
 21 accountability, meetings like the sponsorship board.

22 Q. Thank you. You next refer us to, as part of the
 23 assurance work, deep dive meetings, yes?

24 A. Yes.

25 Q. You pick this up at paragraphs 166 and following.

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1 A. Yes.

2 Q. I think it's right that you identify a sole deep dive
 3 meeting at which the small boats issue was canvassed or
 4 discussed, yes?

5 A. In relation to sponsorship, the sole deep dive meeting,
 6 yes. Yes, noting -- I think as you went to on those
 7 other papers that I think it's August and December 2020
 8 and then September and November '22 that the sponsorship
 9 board took papers on -- on small boats.

10 But yes, I think this is the sole one describes
 11 a deep dive.

12 Q. Thank you. You move on to tell us about the MCA's
 13 internal systems reviewing and reflecting on SAR
 14 arrangements. You pick that up at page 59 and
 15 paragraph 169 and following, {INQ010337/59} and of
 16 course, the Inquiry heard from Matthew Leat yesterday,
 17 a programme of ongoing self improvement, regular peer
 18 reviews of changes in process, internal reviews in
 19 relation to serious incidents with, if appropriate,
 20 elective peer review of those internal reviews.

21 Is that what you are referring to when you talk of
 22 the MCA's internal systems for reviewing and reflecting
 23 on its SAR arrangements?

24 A. Yes. Yes. There are -- if I just pause and read for
 25 a moment.

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1 Q. Of course.
 2 A. (Pause)
 3 Yes, it is -- it is an organisation where, in terms
 4 of search and rescue for HMCG training, exercising is
 5 very important, learning lessons is very important and
 6 they go about that and attend to that with a degree of
 7 seriousness. There are other accountability or checks
 8 in terms of reviewing and learning lessons in relation
 9 to the IIC code that I describe --
 10 Q. I will come to that.
 11 A. -- later, but I think, yes.
 12 Q. Yes, but that's -- have I fairly summarised the internal
 13 systems that you are referring to in this paragraph?
 14 A. Yes.
 15 Q. You tell us that the DfT isn't directly involved in
 16 those review or inspection systems, but you are aware of
 17 them.
 18 A. Correct, there are lots of reviews and inspections into
 19 various different incidents that, you know, whole of the
 20 UK search and rescue, for example our search and rescue
 21 capability and responses is involved in and we generally
 22 don't see all of them. But in relation to small boats
 23 and the 24 November '21, that being a very, very
 24 important incident we, of course, were in close contact
 25 and close discussion with them on that.

1 Q. Thank you. You move on, at paragraph 170 still on
 2 screen, to the MCA board, {INQ010337/60}. That's
 3 different to the sponsorship board, that's right, isn't
 4 it?
 5 A. Yes.
 6 Q. And its functions, you explain, is the highest
 7 decision-making corporate management group in the MCA.
 8 You tell us, through your witness statement, that it
 9 occasionally receives high-level briefings, relevant to
 10 the small boats issue, is that right?
 11 A. Yes. It has on occasions, yes. Yes.
 12 Q. And is that another layer that you refer the Inquiry to
 13 in respect of assurance and supervision of the work of
 14 the MCA?
 15 A. It is, absolutely. So, I mean, it is notable that the
 16 MCA's executive agency -- a key part of its -- of
 17 accountability on its objectives and performance comes
 18 about through that structure of the MCA board and its
 19 non-executive directors and non-executive chair. That
 20 is a -- you know, it's not necessarily a normal setup,
 21 but it is a setup important to the MCA and by
 22 consequence, HMCG, in order to give another layer of
 23 accountability and check and balance.
 24 Q. Thank you. And I think the example of a briefing that
 25 you have given the Inquiry appears at {INQ008042/1},

1 a monthly chief executive report dated 23 July 2020 and
 2 at paragraph 2, the issue of migrants crossing the
 3 Channel and the increase -- the dramatic increase in
 4 their numbers is referred to.
 5 I think this is the only point in this report that
 6 picks up the particular issue, and the paragraph
 7 concludes:
 8 "The solution remains very unclear ... it should be
 9 noted that, were the 3 Border Force cutters to focus
 10 only on interception outside SOLAS, there is not the
 11 lifeboat capacity to deal with the numbers of migrants
 12 crossing the channel."
 13 A. Yes, I think this is an example of a note pulled
 14 together, a chief executive report -- the chief
 15 executive, as I understand it, will have spoken to this
 16 note, so may have elaborated. Noting the date,
 17 of July 2020 when the numbers are first increasing, 2020
 18 when the numbers are first increasing.
 19 I think that is the context for the chief
 20 executive's language here in -- in this note.
 21 Q. Thank you. You move on then -- and back to your witness
 22 statement please, at paragraphs 174 and following,
 23 page 61 {INQ010337/61}, to tell us of the departmental
 24 review of the MCA, yes?
 25 A. Yes.

1 Q. And at paragraph 174, you tell us that:
 2 "[The department] conducts reviews of the MCA in
 3 line with Cabinet Office's guidance [on] 'Tailored
 4 Reviews: Guidance on Reviews ... Public Bodies' ... In
 5 the period immediately prior to 23-24 November 2021, DfT
 6 was in the process of undertaking what it referred it as
 7 a light-touch departmental review of the MCA ... sought
 8 to provide assurances that the organisation was well run
 9 with good governance and assurance, and strong
 10 leadership; and that [it] was carrying out its functions
 11 efficiently and effectively."
 12 Yes?
 13 A. Yes, yes that sometimes referred as tailored review, the
 14 departmental review --
 15 Q. Thank you.
 16 A. -- was underway at that point.
 17 Q. And paragraph 175 you produce the report. We will look
 18 at it in just a moment. But you finish that paragraph
 19 by saying that:
 20 "This review provided assurances to DfT that MCA was
 21 carrying out its wider operational duties effectively
 22 and efficiently, while also making recommendations for
 23 improvements."
 24 And you say that that report was never actually
 25 finalised or published; yes?

1 A. That's correct.
 2 So it was -- that report was interrupted by,
 3 in 2020, Covid, unfortunately. The work was done and
 4 progressed through to a written report, the -- the
 5 document that -- provided to the Inquiry and
 6 recommendations were made.
 7 When HMCG and DfT sponsorship came back around to
 8 considering the recommendations of that report and
 9 discussion in 2021 about -- the discussion in 2021 was
 10 about what has not -- what has been implemented, what
 11 has not yet been implemented, but remains relevant. And
 12 given that a period of time had gone past, it was
 13 determined that it wouldn't be relevant to publish the
 14 report because a number of recommendations had been
 15 implemented or had been overtaken by --
 16 Q. I see.
 17 A. -- by events.
 18 Q. So this report is of a type that would typically be
 19 published?
 20 A. Yes, yes.
 21 Q. Can we look at it then, please, {INQ008152/1}. Thank
 22 you. This is the report you have produced, is that
 23 right?
 24 A. Yes.
 25 Q. It's got a date at the foot of it, November 2021.

1 A. Yes.
 2 Q. It's a departmental review. If we move on, please, to
 3 paragraph 1 on the next page, {INQ008152/4}, thank you,
 4 telling us the executive summary of the report.
 5 Can we go to paragraph 3, please. I am so sorry, in
 6 the centre of that page:
 7 "... Terms of Reference ... approved ... in 2018 ...
 8 in relation to accountability and governance ... the
 9 relationship with the Department only. It did not go as
 10 far as examining efficacy and efficiency."
 11 Do you see that?
 12 A. Yes. Yes, I do see that.
 13 Q. So when, in your witness statement, you told us that the
 14 purpose of this review was to give assurance that, in
 15 fact, the MCA was operating efficiently and effectively,
 16 that's exactly what this review didn't look at, is that
 17 right?
 18 A. It -- yes, I hadn't seen or -- I hadn't realised this
 19 sentence in itself. I think when you look at the report
 20 itself, when it looks at accountability and governance
 21 structures, it -- and recommendations around how those
 22 accountability and governance structures can be
 23 improved, I think that must go to a point of -- it's
 24 making -- you know, aiming to make things more
 25 efficient, but I appreciate that sentence there.

1 Q. Well, it's the sentence and a sentiment that is
 2 reflected elsewhere in this review. In fact, the report
 3 appears to be going out of its way to say it's not
 4 examining and isn't a review of efficiency or
 5 effectiveness.
 6 Do you think your witness statement might require
 7 a degree of reflection on that particular point?
 8 A. Can you just take me to the witness statement?
 9 Q. Yes, of course. So we will go -- let's just stay -- to
 10 your witness statement, or do you want to look elsewhere
 11 in the report?
 12 A. To the witness statement. I just wanted to see how
 13 I had described it in my witness statement.
 14 Q. Yes. Paragraph 175:
 15 "This review provided assurances to DfT that MCA was
 16 carrying out its wider operational duties effectively
 17 and efficiently ..."
 18 Do you see that?
 19 A. Yes.
 20 Q. And, at the end of paragraph 174:
 21 "... the MCA was carrying out its functions
 22 effectively and efficiently."
 23 What I am asking about, Mr Driver, is the apparent
 24 disconnect between those sentences in your witness
 25 statement and what the report appears to be at pain to

1 stress --
 2 A. Yes.
 3 Q. -- that's exactly what it wasn't doing.
 4 A. Yes, I appreciate that. I -- I -- I suppose I don't
 5 quite see the -- the exact aim of the statement within
 6 the report of: this does not look at efficiency and
 7 effectiveness, in that it was a departmental review that
 8 made improvements, suggestions as to how various
 9 different aspects of the relationship, accountability
 10 sponsorship could be improved. And to my mind, I think,
 11 that would also equal making it more effective and more
 12 efficient though.
 13 Q. All right. Thank you. Well, let's go back to
 14 {INQ008152/4}. If we can still stay on that first page.
 15 You see those two bullet points immediately beneath
 16 the bullet point we have just been looking at?
 17 A. Yes.
 18 Q. "It is important to note the following.
 19 "[That] the MCA will undergo a full review next
 20 year ... which will consider governance, accountability,
 21 effectiveness and efficiency."
 22 And that's 2022. Did that review take place? It's
 23 not produced in your witness statement.
 24 A. No it -- it didn't take place. So this is a fuller
 25 Cabinet Office review. Let me just read the reference

1 here. One moment.
 2 (Pause)
 3 Yes, so I believe this is a reference to Cabinet
 4 Office led, Cabinet Office timetabled review programme
 5 and that review did not take place. It is referring to
 6 it being planned for 2022. Am I reading that correctly
 7 to your understanding?
 8 Q. That's my understanding.
 9 A. Yes. So whilst that did not go ahead, there certainly
 10 was a lot of activity from a sponsorship and
 11 accountability improvement point of view. So instead,
 12 the director general put together an internal
 13 departmental review, which I think occurred in the
 14 beginning of 2023.
 15 So --- sorry, the --- the point I opened with,
 16 I think, that that is a Cabinet Office agenda and
 17 timetabling of the review. It did not go forward by the
 18 Cabinet Office. So ---
 19 Q. That was just my question, was whether that actually
 20 happened or whether it didn't happen. We haven't seen
 21 it.
 22 A. No.
 23 Q. And you are telling us it didn't happen?
 24 A. Yes, it didn't happen, so I appreciate instead there was
 25 subsequent activity when that didn't go ahead. Notably,

1 an internal review asked for by the director general ---
 2 Q. Thank you.
 3 A. --- in 2023.
 4 Q. I would like to look with you at the recommendations
 5 table that resulted from this review. You have referred
 6 to it already. It starts at page 8 of the report,
 7 {INQ008152/8}.
 8 Table of recommendations. "Form and Function":
 9 "... MCA functions [recommendation 1] are critical
 10 to government and in its current form as an Executive
 11 Agency of DfT (noting this review did not cover efficacy
 12 and efficiency) ..."
 13 And referring again to those aspects being for
 14 review the following year.
 15 Can we turn on to recommendation 6, please. I think
 16 that is a couple of pages further on, please. Thank
 17 you, {INQ008152/9}. There's a recommendation here that
 18 there should be alignment between its key performance
 19 indicators and its objectives in the annual business
 20 plan and we have looked at the KPIs for 2021 to 2022:
 21 "... so that it can measure, monitor and manage
 22 delivery. Differentiating between internal-facing
 23 management information and public-facing key performance
 24 indicators may help the organisation to drive
 25 performance in the areas that matter most. At the time

1 of ... review [this review], a considerable number of
 2 MCA KPIs were focused on business-as-usual activities or
 3 hygiene factors, thereby limiting the ability to provide
 4 a robust view for MCA outcomes and progress against
 5 Ministerial priorities."
 6 Yes?
 7 A. Yes, I think that --- I mean, we looked at a published
 8 document of MCA's KPIs and that is unusual. I don't
 9 publish my KPIs and most don't. So I think that that
 10 is --- I'm not hugely familiar with this aspect of
 11 improvement, for reference, but I gather that it is
 12 making that point that public-facing KPIs don't
 13 necessarily get into the nitty-gritty.
 14 Q. Well, if it helps --- and I am not going to push you much
 15 further on this --- but it is at page 35 of this same
 16 review, {INQ008152/35} that the report authors set out
 17 the analysis that underpinned that finding and that
 18 recommendation.
 19 A. Yes.
 20 Q. You will see key findings, indicating a need for greater
 21 sponsor input to the agreement of objectives, greater
 22 collaboration between the MCA and its sponsor in
 23 mutually agreeing submissions to ministers:
 24 "MCA's performance reporting could be more rigorous
 25 and provide a clearer view and reflection of the

1 progress [the] MCA has delivered.
 2 "Due to the considerable number of KPIs and other
 3 measures, it is difficult to know which are high
 4 priority. Some are business-as-usual activities which
 5 do not merit KPI status."
 6 So that's the analysis of the report that underpins
 7 the recommendation, do you see that?
 8 A. Yes. Yes, I do, yes.
 9 Q. And you tell us, helpfully, through your witness
 10 statement that this review, report was noted and was
 11 discussed by the MCA board. You tell us
 12 in October 2021. Can we have {INQ008153/1}, please.
 13 Those should be the minutes of that meeting. And we can
 14 see, do you see starting at paragraph 3 reference to
 15 that tailored review?
 16 A. Yes.
 17 Q. Now just called the DfT review of the MCA.
 18 If we look over onto page 2 of this document,
 19 please, {INQ008153/2}, we can see --- it's referred to
 20 here as recommendation 8, so the last but one bullet
 21 point on that page. This is the response in relation to
 22 key performance indicators. So:
 23 "In response to [that recommendation], we can simply
 24 differentiate in the annual Business Plan between [KPIs]
 25 that are externally-facing or are relevant to the

1 internal running of the Agency."
 2 That appears to the Inquiry to be the whole of the
 3 response to the DFT's departmental review and its
 4 concern about the KPIs and how they were being
 5 identified and followed up. Do you think this response
 6 is a good enough response to the department's analysis?
 7 A. Well, I can certainly see here that it is only a small
 8 description --
 9 Q. Yes.
 10 A. -- and mention in a -- a longer -- a longer note. But
 11 I think it is indicating that there was an approach and
 12 certainly an acceptance of the recommendation, first of
 13 all. And that there was a considered approach as to how
 14 that recommendation should be met. I know though,
 15 separately, the sponsorship team within DFT and HMCG
 16 have worked generally on the point about -- on this
 17 point about ensuring that there is a -- a relevant --
 18 a more relevant level of key performance indicator, or
 19 way of understanding performance indicators separate to
 20 those that are published.
 21 I think it goes to the point that I was just getting
 22 at, that published KPIs don't necessarily get all that
 23 you want -- all what one wants from DFT's point of view
 24 in terms of holding MCA to account, perhaps because of
 25 classification or other sensitivity.

1 I don't -- that I -- that, I don't know, but there
 2 could be several reasons as to why what is described at
 3 high level in a published document might not be enough
 4 for a sponsorship relationship between a department and
 5 its executive agency.
 6 Q. All right.
 7 A. And I think that's been a focus in the sponsorship team.
 8 Q. Thank you. And then the sixth limb -- we can take that
 9 off the screen, please. The sixth limb of assurance you
 10 refer to is the IMO triple C, C audit. Is that?
 11 A. III C.
 12 Q. III C, okay. And your witness statement picks this up
 13 at page 62 and paragraph 177 and following.
 14 {INQ010337/62}. Mr Leat told us yesterday about the
 15 III C code and said this is an audit that takes place
 16 every five years.
 17 A. Yes.
 18 Q. And undertaken by the IMO, is that right?
 19 A. Yes. So it is the IMO's instruments implementation code
 20 audit. So the IMO, International Maritime Organisation,
 21 a UN body. It owns lots of the international regulation
 22 in relation to -- in relation to maritime. And the UK,
 23 being a signatory of various of those instruments, is
 24 inspected as is every country in a similar position by
 25 the IMO on a regular basis.

1 Q. Thank you. By "regular", Mr Leat is right, is he, every
 2 five years?
 3 A. Yes, yes. I think that is IMO's standard approach --
 4 Q. Cycle, thank you.
 5 A. Yes.
 6 Q. Are the audits typically published or not published?
 7 A. I -- I think not published, but I am not absolutely sure
 8 on that point. My apologies. Whilst I've seen the
 9 documentation, as you ask the question, I am not
 10 absolutely sure, sorry.
 11 Q. Thank you. You tell us at paragraph 178 that the audit
 12 was carried out remotely between 14 and 28 October 2021.
 13 And finalised early in 2022, yes?
 14 A. Yes, I think remotely is unusual. It was another
 15 hangover from -- from Covid. So normally, there would
 16 be a team in the -- the state subject to the assessment,
 17 so in this case the UK, but in this instance it was
 18 remote.
 19 Q. Paragraph 180, you tell us that in your estimation, the
 20 audit process will include a review of the operational
 21 learning systems MCA have in place for SAR, including
 22 incident reviews, yes?
 23 A. Yes. Yes.
 24 Q. What does the phrase "In my estimation" mean in this
 25 context?

1 A. This was my best language to describe the fact that
 2 I don't know the detail of the III code audit, but it
 3 was my understanding -- my understanding, my estimation,
 4 was that it would include that as an aspect: is this an
 5 organisation that carries out things like reviews on
 6 SAR -- in its SAR function?
 7 Q. Thank you.
 8 A. Nothing more than that. My best -- my best effort at
 9 appropriate language there.
 10 Q. Best estimation. Not quite --
 11 SIR ROSS CRANSTON: I am just wondering. I'm just worried
 12 about the shorthand writer.
 13 MS LE FEVRE: Yes, Chair. I share the concern.
 14 I probably have about six or seven more questions
 15 for the witness, but I can happily break now, if that is
 16 better for the shorthand writer please.
 17 SIR ROSS CRANSTON: Okay. Let's just have a short break
 18 then. In other words, we will be back at noon.
 19 (11.53 am)
 20 (A short break)
 21 (12.00 pm)
 22 SIR ROSS CRANSTON: Yes, Ms Le Fevre.
 23 MS LE FEVRE: Thank you. Mr Driver, I was about to ask you
 24 some questions about the III C code audit.
 25 A. Yes.

1 Q. And that is {INQ008173/1}. Now, you have already told
 2 us, Mr Driver, this isn't a scheme you are yourself
 3 personally closely familiar with, is that fair?
 4 A. Sorry?
 5 Q. You are not personally closely familiar with this audit
 6 scheme, is that right?
 7 A. No, I am not. So the scheme is supported when MCA go
 8 through this process, the incident is -- is closely
 9 involved in supporting them through that and contributes
 10 to that, but that is outwith my team and my experience.
 11 Q. Thank you. Well, I will just look at a very few aspects
 12 then, with that observation in mind. Can we look at
 13 page 3 and paragraph 1.1, please. {INQ008173/3}.

14 We can see there set out what the audit scheme is:
 15 "[An assessment of] the extent to which a Member
 16 State complies with its obligations set out in various
 17 IMO instruments to which it is a Party."
 18 Paragraph 1.3 on the same page, as you have already
 19 told us, this was a remote audit taking place over
 20 a fortnight. Four auditors drawn from across the world.
 21 And at 1.8, please, just scrolling down, we can see
 22 that there are a range of bodies involved in the
 23 process. It's not simply the MCA.
 24 A. No.
 25 Q. Or the department. It is the full spectrum of entities

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1 involved in compliance with those international
 2 obligations that are being looked at through this audit,
 3 is that right?
 4 A. Yes, yes.
 5 Q. Thank you. At page 17 then, please, {INQ008173/17}, we
 6 can see at paragraphs 9.8 to 9.10, the observations and
 7 commentary in respect of search and rescue services.
 8 That tells us about the Coastguard Act, it tells us
 9 about the network of nine maritime rescue co-ordination
 10 centres and so on. That the Coastguard maintain
 11 continuous monitoring of its VHF and MF DSC frequencies.
 12 It tells us some aspects of the emergency telephone
 13 system, distress alerts, the co-ordination of maritime
 14 search and rescue units. Operated by charitable
 15 organisations and the aeronautical SRUs. And then it
 16 goes on to comment on the Gibraltar Port Authority and
 17 the Port Authority of the Cayman Islands.
 18 At page 22, please, {INQ008173/22} paragraphs 9.43
 19 to 9.45, the auditors make some observations about the
 20 processes for evaluation and review. So far as
 21 Coastguard's concerned, that's the second two of those
 22 paragraphs, conducting regular standards performance
 23 reviews. Those sound like the reviews that you have
 24 referred us to separately. And an annual programme by
 25 an Independent Standards Team.

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1 Do you know anything about the Independent Standards
 2 Team?
 3 A. Just give me the --
 4 Q. 9.44, the end of the first sentence, the second line of
 5 that page -- of that paragraph.
 6 A. I think the Independent Standards Team are the team that
 7 I think Mr Leat described yesterday, yes --
 8 Q. Thank you.
 9 A. -- so I'm familiar with them and indeed interacted with
 10 them on a regular basis.
 11 Q. Thank you very much. And then the processes for
 12 external audit reviews, The UK Government Internal Audit
 13 Agency, what's the GIAA, do you know?
 14 A. So as, as described, the Government Internal Audit
 15 Agency which as a function its modus operandi is to go
 16 to Government departments and investigate and audit
 17 various different aspects of those Government
 18 departments.
 19 Q. Do you know what -- when the UK GIAA was last involved
 20 with Coastguard, with the MCA?
 21 A. I do not know, no. I know that DfT, at departmental
 22 level, there were a number of audits per year in DfT as
 23 there will be in every Government department, but
 24 I don't know when last that was HMCG.
 25 Q. Thank you. And 9.45, reference to training and

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1 exercises conducted by Coastguard for SAR being
 2 subjected to operational learning reviews by separate
 3 teams or independent entities. And is your
 4 understanding of that paragraph that that refers again
 5 or reflects Mr Leat's evidence to the Inquiry yesterday;
 6 internal work to self improve and peer review electively
 7 as appropriate?
 8 A. Yes.
 9 Q. Thank you. If we move on to the programme for this
 10 audit, it starts at page 39 of the document, just to
 11 introduce it, {INQ008173/39}.

12 So this is Annex 1 and the audit programme broken
 13 down by session and by day and by participants.
 14 It's at page 53 and the afternoon session on
 15 page 53, {INQ00817353} that we can see search and rescue
 16 services and radio communications looked at. That's
 17 a session that lasted I think for an hour and a half,
 18 15:30 to 5 o'clock in the afternoon and what we know
 19 about the methodology for auditing so video calls,
 20 documentary review, and a documentary and data review?
 21 A. Yes.
 22 Q. And just for the sake of completeness, turn back to
 23 page 51, please, {INQ008173/51}. And we can see there's
 24 a morning session on that day, 11:00 to 12:00, looking
 25 at coastal state activity generally and then review of

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1 the policies for implementation and evaluation review
 2 and improvement. And in the afternoon, an hour's
 3 session looking at the safety of navigation systems and
 4 training around that.
 5 That appears, to the Inquiry, to be the whole
 6 programme within this audit that touches on auditing of
 7 the search and rescue functions within MCA. You may not
 8 feel it possible to comment on that because you are not
 9 intimately familiar with the process.
 10 But this is, is this right, the only external
 11 auditing, or mandated auditing, to which His Majesty's
 12 Coastguard through the MCA is and was subject?
 13 A. I will have to say, I am not absolutely sure. MCA and
 14 HMCG will be best placed to answer that. I know it is
 15 a significant one --
 16 Q. Thank you.
 17 A. -- and I am not sure that I know of any others.
 18 Q. Then I will put my question that way: it is the only
 19 external audit to which you have referred us?
 20 A. Yes. Separate to peer-to-peer review system, that was
 21 a feature of the 24 November incident, in that MCA, HMCG
 22 were subject -- invited to peer review via US
 23 Coastguard. But that is a facility that exists and can
 24 be used in any aspect or incidents, that peer review
 25 system.

1 Q. Thank you. We can take that off the screen, please.
 2 For the sake of completeness and within your witness
 3 statement, you also refer us to the work of the MAIB and
 4 of course, an independent branch of the DfT and
 5 responsible for investigating marine accidents involving
 6 ships --
 7 A. Mm-hm.
 8 Q. -- in UK territorial waters.
 9 That's a responsive organisation, or reactive in the
 10 sense that it only investigates where there is an issue,
 11 an accident to investigate, is that right?
 12 A. Yes, yes.
 13 Q. So it's not a proactive system of investigation?
 14 A. No.
 15 Q. No. And you then refer us, finally and for the sake of
 16 completeness in your witness statement, to a range of
 17 internal meetings, some of which you have referred us to
 18 already in your oral evidence, some of which are minuted
 19 and some of which are perhaps not minuted, yes?
 20 A. Yes.
 21 Q. And is it fair to say that that is now the entire
 22 picture of assurance that you present to the Inquiry on
 23 behalf of the DfT, in respect of oversight of the MCA?
 24 A. Yes, I think we have covered all the significant levels
 25 of assurance, yes, I think that is correct.

1 I would separately add, which is not a mechanism
 2 itself, but the MCA is led by a senior civil servant
 3 chief executive that has -- is accountable to up through
 4 the line management chain and to the Secretary of State
 5 for ensuring that they meet the objectives of the
 6 organisation and all aspects and facets of its business
 7 plan. So that line management function, which is common
 8 throughout the Civil Service, means there is a -- there
 9 is a level there of accountability as well, that the
 10 function of delegating authority through to that chief
 11 executive heading up that organisation is common to --
 12 the function of delegating authority is common to how
 13 the Civil Service operates and is relevant in this
 14 instance in relation to accountability as well.
 15 MS LE FEVRE: Thank you, Mr Driver.
 16 Chair, I have no further questions for Mr Driver.
 17 SIR ROSS CRANSTON: No. Well, thanks very much for your
 18 statement and evidence, Mr Driver. I think we might
 19 have to write to the department to fill in some of the
 20 gaps, but thank you very much.
 21 A. May -- sorry, Chair --
 22 SIR ROSS CRANSTON: I shall write to you.
 23 (12.12 pm)
 24 (The Inquiry adjourned until 10 o'clock,
 25 on Wednesday, 26 March 2025)

1 I N D E X
 2 MR JAMES DRIVER (Affirmed)1
 3 Questions by MS LE FEVRE1
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