

To: (Second) Permanent Secretary
Minister for Justice and Tackling Illegal Migration
Minister for Future Borders and Immigration
Home Secretary

From: Name
SCS: Dan O'Mahoney

Date: 23 December 2021

Subject: Increasing surface assets for safety of life at sea (SOLAS) operations in the Dover Straits and moving responsibility from Border Force to the Coastguard.

Issue: UK Government has an inadequate number of surface assets to deliver SOLAs operations in 2022. This presents a significant threat to life. Moving provision to the Coastguard Agency will mitigate this threat and free up Border Force Maritime to focus on its core role of Maritime Border Security.

Timing: Routine. But an early response would help manage the greater risks being taken by migrants during the poor weather in the winter months.

Recommendations

That you:

- a) **Note** the capabilities and restrictions of each of the options available, and
- b) **Agree** to move responsibility for the delivery and operation of surface assets to support SAR operations in the channel to private contractors under the direction of the Maritime and Coastguard Agency (MCGA).

Discussion

1. **There has been a significant increase in the number of migrants crossing the Channel with the 2020/2021 yearly total already more than 25,000.** The increased volume of crossings is now regularly overwhelming existing BF Maritime and RLNI assets. The RLNI has already had to resort to the deployment of a mothballed asset in November 2021 and we anticipate crossing attempts in 2022 will exceed those in 2021.
2. **As small boat volumes are highly likely to increase in 2022, more surface assets are required to avoid a significant threat to life in the channel as well** as to mitigate the border security risk in the form of uncontrolled beach landings.
3. **The decision for BF Maritime to interdict small boat crossings was taken when, on average, around 100 migrants a month were crossing the channel.** BF have continued to support the MCGA coordinated search and rescue operation as numbers have increased but this is not the primary role of BF Maritime, and their fleet is not suited to the role.

4. **Border Force (BF) provide all of the business as usual surface assets deployed to search and rescue of small boats in the channel.** Approximately 50% of BF Maritime resource is now based in the English Channel and they respond to 89% of SAR events. With the remaining 11% picked up by RNLI volunteers. This has a significant impact on BF Maritime's capability to conduct high priority law enforcement work, including maritime tactics against small boats, operations against the smuggling of drugs and firearms as well as the wider clandestine immigration threat.

Option 1: Maintain the Status Quo.

5. **To continue with current BF resourcing levels and vessels.** This would continue to see a 50% reduction in law enforcement activity around the UK, with consequent negative impacts border security.
6. **There are no direct increased costs with this option.** However, there is opportunity cost in diverting law enforcement resources to SAR and an indirect cost from the consequent increased harm to the UK. This option is therefore not recommended

Option 2: Bolster the current BF effort with additional support from contractors under Home Office contracts and command

7. **Leasing additional vessels to support the SAR operation in the channel would enable BF to meet increased SAR demand.** In line with the current costs associated with leasing HMC Hurricane, which stands at £3,000 per day including crew. We estimate additional costs with this option of between £3m and £6m per year.
8. **This option would relieve pressure on the RLNI.** But it will not free up resources for law enforcement tactics, whether these are deployed to migrant vessels or the wider law enforcement tasks for which Border Force is responsible. This option is therefore not recommended.

Option 3: Return BF Maritime vessels and staff to border security work, and significantly increase the use of contractors, with MCGA contracting the resource as well as coordinating SAR operations in the Channel.

9. **MCGA are responsible for Saving of Lives at Sea (SOLAS) under statute and under this option they would fulfil this responsibility by leasing the assets needed to deliver SAR activity in the Channel.** An MOU and operational plan between DfT, Coastguard and Home Office would be implemented to support this and to ensure anyone crossing by small boat is brought to a port of our choosing for processing.
10. **There would be a substantial cost to this option and agreement would need to be found between DfT and the Home Office as to where this cost should fall.** Contracting vessels which are designed for search and rescue, rather than law enforcement activity will help to keep pace with demand. The Home Office would work with the DfT and MCGA to determine the likely number of vessels required to support the anticipated number of crossings in 2022.

11. Informal discussions at official level have commenced and MCGA are supportive of this approach. Therefore, this option is recommended. **Do you agree that the Home Office should formally engage with DfT and MCGA to progress this option and (subject to the views of DfT Ministers) move responsibility for the delivery and operation of surface assets to support SOLAS operations in the channel to private contractors under the direction of MCGA?**

Financial and Accounting Officer implications

12. The Home Office does not have funding for this activity and would either have to reprioritise, impacting on the ability to deliver other priorities, or approach HM Treasury for additional funding to cover the costs, if option 3 is pursued and agrees to cover some of the liability for the cost of the maritime contractor.

Delivery assessment:

13. **Option 1: no commercial considerations unless BF wishes to expand the fleet (buy or charter).** In the event buying is preferred a full procurement process would likely be needed (6 months minimum in normal circumstances plus any supplier build/deliver time). However, this might be procured sooner if urgency is justified (4 months). In the event chartering is considered the best option (or if short term while we procure) there is a route to market through an MoD commercial solution. Volumes/timelines would need to be further explored (approx. 1 months needed to award a contract via this route).
14. **Option 2: Chartering vessels, or crewed vessels can be sourced through an MoD commercial solution.** Volumes and timelines would need to be further understood to test whether the market could respond to all demands timely. See Option 1 comments re: timelines.
15. **Option 3: Chartering search and rescue vessels may be supported through the MoD commercial solution, but this needs to be explored further.** There may be other options using MCGA or DfT routes to market (previously we haven't identified any enabled for HO use, but if the purchasing authority is MCGA or DfT other options may emerge).
16. **The key commercial consideration if the HO is to buy or charter, is to openly compete any requirements through a full, standard procurement process unless an existing wider Government deal enabled for the HO use can be utilised (and which has been competed compliantly).** This will also drive value for money. Opportunities to source more quickly need further investigation.

Devolution and Union

N/A

Legal considerations

LPP

Public sector equality duty and vulnerable individuals

18. **PSED: We do not consider that your duties under section 149 Equality Act 2010 require you to take account of any additional information.** The decision to change the authority providing the SAR response will have no impact on people.
19. **Vulnerable Individuals:** We do not consider that this proposal is likely to create risks for vulnerable individuals or groups. By improving the SAR effort and enhancing the border security capability of BF Maritime we will improve our safeguarding of vulnerable individuals.

Public, parliamentary and stakeholder handling

20. Outsourcing of government operations and the costs of Border Force's response to the small boats crisis receive frequent critical attention from the media. Against a narrative of the government needing to do more to stop small boats, the recommended Option 3 will likely be reported on critically if costs enter the public domain. Reporting will be driven not just by the cost to the taxpayer, but also as an indication of Border Force lacking the capacity or investment to respond to these challenges, despite the £700 million of funding in October's budget to improve the safety of Britain's borders (as carried in the Express and Mirror).
21. Any procurement process, or other commercial arrangement published through transparency arrangements, will clearly be of staff, stakeholder and media interest. Communications colleagues will monitor the progress of these recommendations and work closely with operational, DfT and MCGA colleagues to prepare appropriate handling as they develop.

Circulation List

Special Advisers: Permanent Secretary; [Name], [Name], [Name]
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Quality Assurance

Please complete the following before submitting. Where this is not completed, the submission may be returned.

	Yes
As the author of this submission, I have checked it for quality (including length, spelling and grammar), as has a member of the Senior Civil Service.	<input checked="" type="checkbox"/>
I am confident that the contents of this submission are accurate and have been prepared in line with the Civil Service Code.	<input checked="" type="checkbox"/>
I have received and included relevant legal advice.	<input checked="" type="checkbox"/>

I have considered the implications for the rest of the Home Office.	<input checked="" type="checkbox"/>
I have considered the impact on people with protected characteristics, as per the Public Sector Equality Duty and this has been reflected in the advice. If necessary, an Equality Impact Assessment has been completed.	<input checked="" type="checkbox"/>
I have considered the impact on vulnerable individuals.	<input checked="" type="checkbox"/>

I have considered the following and included advice where necessary, in consultation with the appropriate teams:

	Yes	N/A
Whether there are Accounting Officer implications (and if so, clearance has been sought from the Permanent Secretary).		<input checked="" type="checkbox"/>
For projects costing more than £1m, advice on its feasibility has been prepared.		<input checked="" type="checkbox"/>
Union and devolution issues.		<input checked="" type="checkbox"/>
Media and stakeholder handling.	<input checked="" type="checkbox"/>	
Parliamentary handling.	<input checked="" type="checkbox"/>	
International engagement and handling.		<input checked="" type="checkbox"/>
Financial implications	<input checked="" type="checkbox"/>	
Digital, Data and Technology implications (SCS clearance required).		<input checked="" type="checkbox"/>
Changes to primary or secondary legislation, including the immigration rules, have been agreed with the [HYPERLINK "https://horizon.homeoffice.gov.uk/section/tools-and-guides/working-ministers-private-offices-and-parliament/about-parliamentary-business"].		<input checked="" type="checkbox"/>
The deliverability of the proposal has been assessed with the Portfolio and Project delivery team, and the Commercial team.	<input checked="" type="checkbox"/>	

Submissions that refer to statistics, numerical data, analysis, research or modelling – or containing documents or correspondence with such material for external publication - must be cleared at SCS level by HO Analysis and Insight. This also applies where development of the proposal in your submission has been supported by any research, evidence or analysis. Submissions that contain scientific advice must be cleared at SCS level by HO Science.

	Yes	No	N/A
Has the use of analysis, evidence, data or other statistical information been agreed by Home Office Analysis and Insight?			<input checked="" type="checkbox"/>
Has all scientific information in this submission been agreed by Home Office Science?			<input checked="" type="checkbox"/>