

OPUS2

The Cranston Inquiry

Day 6

March 11, 2025

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Tuesday, 11 March 2025

1
2 (9.58 am)
3 SIR ROSS CRANSTON: Yes. Good morning, everyone.
4 So, Ms Whitehouse, I wonder if you could read the
5 affirmation.
6 MS KAREN WHITEHOUSE (Affirmed).
7 Questions by MR PHILLIPS KC
8 SIR ROSS CRANSTON: Yes, thank you very much. Mr Phillips,
9 yes.
10 MR PHILLIPS: Now, Ms Whitehouse, you have provided two
11 witness statements to the Inquiry. The first is dated
12 8 November, last year, and I think it's 31 pages, the
13 second was provided to the Inquiry on Thursday evening
14 last week, 6 March — dated 6 March and consists of
15 five pages, is that right?
16 A. Yes, that's correct.
17 Q. Thank you. Can we start, please, with some questions
18 about your role and your professional background. At
19 the time of the event into which we are
20 enquiring, November 2021, you were a Border Force higher
21 officer employed by the Home Office, is that right?
22 A. Yes, that's correct.
23 Q. And you tell us in your statement and can we have it up
24 please, {INQ010135/1}, paragraph 3, that you joined the
25 Maritime Command Centre in July 2021, is that right?

1

1 A. Yes, that is right.
2 Q. So at the time of the incident you had been working
3 there for about four months.
4 A. Yes, that's correct.
5 Q. Before that, you tell us you had been employed by the
6 Home Office, I think since 2019, but in a different
7 role?
8 A. Yes, that's correct.
9 Q. In terms of your professional background, you had been
10 a police officer of some 22 years?
11 A. Yes, sir, that's correct.
12 Q. And you are still employed by the Home Office today, but
13 in a different role. You are a senior officer working
14 within the Joint Maritime Security Centre?
15 A. Yes, that's correct.
16 Q. Thank you. So now going back to the time with which we
17 are concerned, November '21, can I just ask a little
18 more about your role and responsibilities at that time,
19 and this is paragraph 4, page 1 of the statement.
20 Do you see there, you say:
21 "My day-to-day role at the time involved writing
22 reports, monitoring inboxes, ad hoc tasks as requested
23 by senior managers and looking after the BFM fleet,
24 which consisted of assets all over the [UK], not just in
25 the southeast/Dover area."

2

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

3

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

4

1 A. Yes.
 2 Q. — we know, for example, that some of the assets come
 3 from sub contractors, like 2Excel for example, who
 4 provided air assets.
 5 A. Yes, that's correct.
 6 Q. Yes. And there are also voluntary organisations like
 7 the RNLI, for example.
 8 A. Yes, that's correct.
 9 Q. So what I was saying is that not all the assets involved
 10 in search and rescue of small boats were owned by the
 11 Home Office, and that's correct, isn't it?
 12 A. Yes, that's correct.
 13 Q. Thank you. Was it necessary for you, in the role that
 14 you have described in your statement, to know what
 15 non-home Office assets were available?
 16 A. No, it was not my role to know what else was available
 17 during that time.
 18 Q. Okay. Wouldn't that have helped to give a clearer
 19 picture of the total range of assets available to be
 20 deployed?
 21 A. We did get notice of aerial assets at that time. But
 22 I would say that was it. We didn't have any involvement
 23 with the RNLI directly.
 24 Q. But your primary focus was on the Home Office assets?
 25 A. Yes.

5

1 Q. Is that fair?
 2 A. Yes.
 3 Q. Now, you explain in your statement the role you played
 4 in tasking Border Force assets when the coastguard
 5 requested it. And can we look, please, at paragraph 7
 6 of the statement and there, if you can see it in the
 7 fourth line, the sentence begins {INQ010135/3}:
 8 "I was the conduit between [the coastguard] and the
 9 BFM assets if the BFM assets were in port, rather than
 10 out at sea."
 11 So is that the distinction? Does control pass at
 12 the moment of deployment or is it when the vessel leaves
 13 port?
 14 A. Are you asking in relation to search and rescue?
 15 Q. Yes.
 16 A. That was generally the case. It wasn't to say that we
 17 didn't have any contact with our vessels once they were
 18 out at sea, but the responsibility of the search and
 19 rescue was led by the coastguard.
 20 Q. So once the vessel — once you had tasked the vessel and
 21 it was underway, control passed to the coastguard?
 22 A. Yes, that's correct.
 23 Q. Thank you. Then looking on in your statement to
 24 paragraph 59, the fifth line, please, {INQ010135/24},
 25 you say there, do you see:

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1 "My role was supporting [coastguard] responding to
 2 [search and rescue] events by deploying BFM assets, but
 3 [the coastguard] retained ownership of decision making
 4 around other available assets to render the fastest
 5 possible support to a vessel in distress. BFM assets
 6 were one piece of the jigsaw."
 7 So looking at that statement of the way things
 8 worked and taking it in stages, if I may, first
 9 question: were you the person who took the initial
 10 decision that a Border Force asset should be tasked?
 11 A. On the night of the 21st?
 12 Q. Generally.
 13 A. Generally. Yes, it was done in collaboration with
 14 home — whoever else was in the office with me.
 15 Q. Yes.
 16 A. But, yes, in general.
 17 Q. Well, in collaboration with anyone else who was in the
 18 office, did you have authority, when the request came in
 19 from coastguard, to task the asset or did you have to
 20 seek higher approval up the command chain?
 21 A. No, I didn't have to seek higher approval.
 22 Q. Thank you. Did you have the power to refuse a request
 23 from the coastguard?
 24 A. I cannot think of an occasion where I felt that that was
 25 necessary. If I felt that I couldn't task an asset

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1 immediately due to another reason, I would probably have
 2 gone to a more senior officer to make that request and
 3 discuss it with them.
 4 Q. Yes. Well, let's look at your statement at
 5 paragraph 30, {INQ010135/14}, eight lines down from the
 6 top, you see there is a sentence there beginning:
 7 "However, I cannot recall a single incident where
 8 this [which is the request from coastguard] was
 9 refused."
 10 So in practice, I think what you are telling us is
 11 they made a request and you tasked a Border Force asset?
 12 A. Yes, that's correct.
 13 Q. My question though was related to the question of power.
 14 In other words, had a situation arisen, and there wasn't
 15 one available for whatever reason, could you have said:
 16 no?
 17 A. I can't see an occasion where — during the events in
 18 the Channel where I would have said no.
 19 Q. No.
 20 A. There would have always been a vessel available and we
 21 would do our best to assist in any way possible.
 22 Q. Yes. Did you ever task an asset for search and rescue
 23 in the context of small boats without having a request
 24 come in first from the coastguard?
 25 A. No, I can't recall any occasions.

8

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

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

10

1 A. Yes.
 2 Q. Right. How did it actually work in practice? How did
 3 you manage to get to this position of being there
 4 waiting for them as they cross UK waters? How was that
 5 put into effect?
 6 A. Details passed to us by the coastguard for the area in
 7 which migrant boats had left France. We would try and
 8 plot --- we would plot up any co-ordinates given and try
 9 to the best of our ability to work out how long that
 10 might take. If the migrant vessel was followed by
 11 a French vessel, we could kind of see the progress that
 12 they were making.
 13 Q. Right. You talked about plotting co-ordinates. In your
 14 statement, you rather give the impression that you
 15 simply took down the co-ordinates that were given to you
 16 by the coastguard. Wasn't that a more normal situation?
 17 A. Yes, yes.
 18 Q. Because it sounds as though the plan, ie to meet them
 19 halfway, depends on knowing that the small boat is
 20 heading towards the median line, which means knowing its
 21 position and direction when in French water; is that
 22 fair?
 23 A. That would be the preference.
 24 Q. Yes, how did you get that information?
 25 A. Either from the coastguard, or from simply looking at ---

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1 looking at our monitors and looking at where other
 2 vessels were in relation to that migrant vessel, or
 3 supposed migrant vessel.
 4 Q. Yes, well, we have heard how very difficult it was to
 5 see the small boats on any form of monitor. We heard
 6 a lot of evidence about that yesterday.
 7 A. Yes.
 8 Q. And, as far as the coastguards were concerned, by
 9 definition, what you are talking about is a small boat
 10 in French water. So how regularly did you get
 11 information or co-ordinates about small boats on the
 12 French side?
 13 A. Back in November '21, we would receive information from
 14 the coastguard and it was quite difficult sometimes to
 15 work out what actually was going on. The information
 16 would sometimes be everything all at once, or nothing
 17 for a considerable time. So it was very difficult to
 18 work out where migrant vessels might be.
 19 Q. Yes. Whereas the plan, as you have explained it here,
 20 depends on having a good idea so you could get your
 21 asset out there to meet them at the halfway point?
 22 A. Yes.
 23 Q. So it was very unlikely, wasn't it, given what you have
 24 said about the inadequacy the coastguard information,
 25 that the plan often worked?

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1 A. It was a mixed success, I would say.
 2 Q. Right. More failure than success?
 3 A. I — I couldn't say exactly the figures.
 4 Q. Right.
 5 A. But back then, we would have many more beach landings
 6 than in latter years.
 7 Q. In other words, boats that got across?
 8 A. Yes, boats that had come across.
 9 Q. Which hadn't been intercepted therefore?
 10 A. That's right.
 11 Q. Because the other thing you would have to know, again,
 12 just thinking about how this plan would work in
 13 practice, is you would have to have an idea of the speed
 14 of the vessel, not just its co-ordinates and its
 15 direction, in order to assess how to get — when to task
 16 your asset to get to the median line. You would need
 17 the speed, wouldn't you?
 18 A. Yes.
 19 Q. And how often did you get that about a small boat?
 20 Ever?
 21 A. Rarely.
 22 Q. Yes. As a matter of interest, do you remember how long
 23 it would usually take the Border Force cutters to get to
 24 the median line from their berths in Dover?
 25 A. That would depend on — on where on the median line they

13

1 were going to. We often had migrants crossing from
 2 further down the French coast, and that could take hours
 3 for them to get down there. So there isn't an exact
 4 answer to that, I'm afraid.
 5 Q. No, well, that's exactly what you say in your statement
 6 if we look at paragraph 36, please, {INQ010135/16}. You
 7 say right at the beginning of the paragraph, do you see
 8 the first line:
 9 "It is impossible to say how long it would generally
 10 take a cutter to reach the median line from Dover ..."
 11 And then you give a whole series of reasons why that
 12 might be. But that, again, is rather a key question,
 13 isn't it? If you are really trying to meet them at the
 14 midway point, you have to also know how long your
 15 asset's going to get to go there.
 16 A. Yes.
 17 Q. And you have to know where, as you have just been
 18 explaining, on the median line you are talking about,
 19 because that makes all the difference?
 20 A. Yes.
 21 Q. Right. Now, you deal with the same point again in
 22 paragraph 18, if we can go back to that please, six
 23 lines down, {INQ010135/7}, do you see at the end of the
 24 line:
 25 "If a boat had been identified as it left France

14

1 then a [Border Force] vessel may not immediately be
 2 contacted by our staff ... in the middle of the
 3 night ... try not to interrupt their rest ... "
 4 Etc. And then this sentence:
 5 "There was deemed less risk to the migrants because
 6 they were in French waters and the French Coastguard
 7 would be aware (or would be made aware by [the
 8 coastguard]). It may be hours and hours before the
 9 migrant vessel got towards UK waters. [We] would
 10 continue to receive updates from [the coastguard] as the
 11 boat progressed and we would determine when it was
 12 appropriate to awake the crew and inform them of the
 13 updated position ... "
 14 So trying to draw the threads together, if you knew
 15 a boat was crossing, you wouldn't deploy an asset to
 16 respond immediately. You would wait, let them have
 17 their rest, see how the small boat was getting through
 18 French waters and then task at what seemed to be the
 19 appropriate moment; is that a fair summary?
 20 A. Yes, that is, yes.
 21 Q. But just going back over the points we have discussed,
 22 all of that depends on having pretty precise information
 23 about the various moving parts which I think you have
 24 told us you didn't often have, is that fair?
 25 A. Yes.

15

1 Q. Thank you. And all of this time the boat is in French
 2 water. So that, presumably, led to various
 3 consequences, but one of them you have identified is
 4 that there was, and I quote again:
 5 "... deemed less risk to the migrants because they
 6 were in French waters and the French Coastguard would be
 7 aware ... "
 8 Etc. Can I just ask you this: why would a small
 9 boat be at less risk in French waters than in UK waters?
 10 A. I think what I am trying to say there is that if the
 11 French coastguard were with the migrant vessel, they
 12 could be rescued or monitored or assisted by the French
 13 whilst they were in French waters.
 14 Q. So, again, the success of the plan depended on the
 15 French tracking the relevant small boat?
 16 A. Yes.
 17 Q. Literally shepherding them to the median line?
 18 A. Some of them.
 19 Q. Yes. Well, I was going to ask you that question. How
 20 often did that happen?
 21 A. I think it depended on the — on the day or night in
 22 question as to how many migrant boats versus how many
 23 French assets were available.
 24 Q. So it wasn't so much the fact that the small boat was in
 25 French water; it was that you hoped, at least, that the

16

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

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

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

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

1 A. Sorry, could you repeat that question?
 2 Q. Yes. Imagine a situation, there are a number of small
 3 boats there, a pretty normal situation. Didn't you have
 4 to have a grasp on what was going on with the various
 5 small boats in order to decide whether further
 6 Border Force assets needed to be deployed?
 7 A. Yes. As the information came in, there would be
 8 a discussion about whether we needed to deploy another
 9 Border Force asset or --- or request further help.
 10 Q. So that discussion, would that be internally, at
 11 Border Force, or with coastguard, or both?
 12 A. Both.
 13 Q. Both. And can you remember such occasions, ie where the
 14 number of boats was such that you had a discussion,
 15 whether internally or with coastguard, about whether you
 16 needed to deploy more assets?
 17 A. Yes.
 18 Q. Yes, thank you. And one final question about the
 19 location --- identification of the small boats. When you
 20 were dealing with these incidents, did you have
 21 a categorisation of them in terms of the level of
 22 urgency needed for the response? No?
 23 A. Sorry, you will have to repeat that question.
 24 Q. When you were dealing with these incidents, did you have
 25 a categorisation system denoting the level of urgency

21

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

22

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

23

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

24

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

25

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

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1 I was working on my own, with a colleague available who
 2 was working remotely. A team of colleagues would not
 3 have made the job easier because it could have caused
 4 confusion as to who was tasking which assets and
 5 updating which logs. The level of staffing might appear
 6 to be lower than expected to someone outside of the
 7 organisation, but in practice, it worked well."
 8 Well, just taking that in stages. We now know,
 9 because you have told us in your second statement, that
 10 in fact, he was working with you that night; that's
 11 right, isn't it?
 12 A. Yes, that's true.
 13 Q. Thank you. Now, on the basis of what you say in the
 14 next sentence, however, it looks as though what you are
 15 allowing for is that his presence in the office with you
 16 alongside you, might have caused confusion. Did it, on
 17 the night in question?
 18 A. No, I don't believe there was any confusion on the night
 19 of the 23rd November.
 20 Q. Right. So how would a team of colleagues have made the
 21 job more difficult and caused confusion?
 22 A. We divide up the tasks in the office. We had a system
 23 between Tom and myself, and I think the other teams were
 24 fairly similar, and that system was one did all the logs
 25 and that one, maybe, did all the communications on the

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1 phone and on the radio. And that, actually, when you
 2 have a third person come into that, that — that may
 3 cause confusion as to who is doing what.
 4 Q. So two was okay, but three would have been a crowd?
 5 A. Possibly.
 6 Q. Yes. Okay, and on night in question, are you saying now
 7 that one of you did the calls and one of you entered the
 8 information into the logs?
 9 A. Yes, that's —
 10 Q. And which was it?
 11 A. Sorry. So on the night in question, I believe that Tom
 12 made most of the phone calls, that's not to stay that
 13 I didn't make any phone calls, but I believe Tom made
 14 most the phone calls, and that I did most of the logs
 15 and updating emails.
 16 Q. Okay, thank you. Well, inevitably, we will be coming
 17 back to that. So in terms of your working arrangements
 18 in general then, the BFMCC is based in Portsmouth, you
 19 tell us in your statement, is that right?
 20 A. Yes, that is right.
 21 Q. And you have talked now about Tom Willows and his role.
 22 What was the difference between you, as a higher
 23 officer, and him as a — did you say, EO?
 24 A. EO, Executive Officer.
 25 Q. Yes.

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

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

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

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1 in November 2021, didn't that put rather a considerable
 2 strain on you both?
 3 A. It depended on the busyness of the shift. I think
 4 nights are always difficult, regardless of where you ---
 5 Q. Yes.
 6 A. --- work. But I would say that that was manageable.
 7 Q. So, no breaks at all, for the 11 hours?
 8 A. Well, you could take a break if you wanted to.
 9 Q. But it wasn't officially provided for?
 10 A. It was. I could have taken that ---
 11 Q. I see.
 12 A. --- that break at any time.
 13 Q. I see. So what do you mean then, by that first
 14 sentence?
 15 A. I guess that it wasn't set in that, you know, between
 16 midnight and 01:00 you are entitled to your break, or
 17 02:00 and 03:00. It was if we took a break, we were
 18 able to do so. If we hadn't managed to take a proper
 19 break, then it could be taken at the end of the shift.
 20 Q. Presumably, you could agree all that with whoever it was
 21 who was working with you?
 22 A. Yes.
 23 Q. So he or she could cover?
 24 A. Yes.
 25 Q. Okay. Right. Next questions, please, on the topic of

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

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

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

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

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

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

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

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

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1 "separate reporting process".
 2 And it looks as though the net result of this is
 3 that you, I think, produced a guidance document after
 4 that and indeed, after the incident, which we can see at
 5 {INQ002266/1}.
 6 So dated November, but I think finalised later than
 7 that and after the incident, in I think December,
 8 early December of 2021. It looks as though this
 9 document — do you remember producing it?
 10 A. Yes, I do.
 11 Q. Thank you. It looks as though this was you recognising
 12 that there was a gap in the framework of policies and
 13 procedures applicable to these sorts of search and
 14 rescue incidents and trying to fill it, is that fair?
 15 A. I am not sure that I completely recognised it. I think
 16 I was interested in the possibility of what might happen
 17 and, therefore, tried to plan what we would do in that
 18 situation.
 19 Q. Yes. Because I assume there wasn't an existing plan for
 20 mass casualties at sea?
 21 A. Correct.
 22 Q. Yes, thank you. And if we turn on very quickly, we can
 23 see your treatment of mass casualties at the top of page
 24 2 {INQ002266/2}, strategic priorities: save life,
 25 preserve public health, etc. Reference to SOLAS, which

1 we have talked about earlier. And the MCC's role,
 2 again, we talked about that, on page 3 {INQ002266/3} and
 3 indeed, on page {INQ002266/5}, your role — higher
 4 officer role?
 5 A. Yes.
 6 Q. Now, when you set that out in the draft plan which, as
 7 I say, was finalised after the incident, were you
 8 drawing on your experience of what had happened on
 9 24 November?
 10 A. No, sir. This particular pass — part here was taken
 11 from the other standard operating procedure that was
 12 already in existence. I didn't write this
 13 word-for-word. This was taken from another document.
 14 Q. Right. So this part, as it were, explained what you
 15 already knew about the nature of your role rather than
 16 something you had drafted yourself in the light of
 17 experience?
 18 A. Yes, that's true.
 19 Q. Thank you very much. So now, to the topic, please, of
 20 background information provided about the — about the
 21 incident on the night of the 23/24 November and in your
 22 statement at paragraph 46, page {INQ010135/20}, you
 23 refer to a document which we have at {INQ000566/1}, if
 24 we could look at the document, please.
 25 I assume this is a standard email you would have

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

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

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

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

1 Q. But does it fit into the pattern you have just been
 2 describing of intelligence coming in about the shift and
 3 about what was likely to happen?
 4 A. Yes, and no. I haven't seen an email quite like this
 5 before. It doesn't look familiar. But we would receive
 6 the intel logs with that type of information on it.
 7 Q. Yes. So you haven't seen this email before?
 8 A. Not that I can recall.
 9 Q. Okay. Well, you see at the bottom, for example, it
 10 talks about numbers in the hundreds ---
 11 A. Yes.
 12 Q. --- likely to come over and this sentence:
 13 "With this in mind [this is somebody within
 14 Home Office] you may wish to review your resource
 15 response in the UK."
 16 Now, can you help us as to whether any such review
 17 of resource response was undertaken that night?
 18 A. I --- I don't recall.
 19 Q. You don't remember?
 20 A. No.
 21 Q. In your statement at paragraph 43 you talk about the
 22 handover at the beginning of your shift, page
 23 18 {INQ010135/18}, please, at the bottom of that page,
 24 you say:
 25 "[The handover] probably took around half an hour."

1 We don't have any records of what was --- what was
 2 contained in the handover. Were the details usually
 3 written down?
 4 A. No, sir. We didn't write the details.
 5 Q. So it was a verbal handover?
 6 A. Verbal handover.
 7 Q. What would it cover?
 8 A. If it was Deveran, it would cover assets available,
 9 whether any activity had started, whether any
 10 information had been sent out. It would give a current
 11 view of what was actually happening. It would cover the
 12 rest of the fleet, what they were up to. It would cover
 13 our resources in the MCC and anything else, you know,
 14 for that night-shift, if it ---
 15 Q. To take an example and going back to what we were
 16 discussing, would the non-availability of air cover have
 17 been something that might have been mentioned in
 18 a handover?
 19 A. Possibly, yes.
 20 Q. You should know that: we were expecting air cover, we
 21 haven't got any?
 22 A. Yes, yes that would be ---
 23 Q. So in terms of the working arrangements at MCC that
 24 night, the --- in your second statement, you have told us
 25 and this is paragraph 4, can we have that up please,

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

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

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

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

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

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1 Do you see that?
 2 A. Yes.
 3 Q. And my understanding is, but please confirm if this is
 4 correct, is that this is the entirety of your daybook
 5 entry for that shift, ie 23/24 November '21?
 6 A. Yes.
 7 Q. Thank you. At 01:12, there are simply co-ordinates and,
 8 as you explain in your statement, the time when they had
 9 been received by coastguard, in fact. Namely, 23:53, so
 10 about 80 minutes before you made the entry and I think
 11 you received them.
 12 Now in your statement, you say, at paragraph 49, if
 13 we could have that, please, it is page 21 of the
 14 statement, {INQ01035/20}, if we could zoom in on that,
 15 thank you, you describe the entry and you say you think
 16 you got those co-ordinates from the coastguard and that
 17 it -- the note in your daybook relates to a telephone
 18 call between you and the coastguard.
 19 And you go on to say in paragraph 50:
 20 "I do not have access to the initial call but it is
 21 possible that I asked for updated coordinates, noting
 22 the length of time ... [the point I have just put to
 23 you, that it was 80 minutes odd] an hour and
 24 20 minutes ..."
 25 Before the call took place.

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1 Now, in that part of your statement, you are talking
 2 in terms of "would have", do you see the fourth line:
 3 "I would have put the initial co-ordinates ..."
 4 Etc. Again, just to confirm, you have no
 5 independent recollection now of doing that?
 6 A. No.
 7 Q. No. So does it follow also that you don't know now,
 8 because we haven't got a record of the call, whether you
 9 took part in it?
 10 A. Yes, correct.
 11 Q. In other words, that Mr Willows may have taken the call
 12 and passed on the co-ordinates to you, which you then
 13 noted in your daybook; is that possible?
 14 A. Yes, that's possible.
 15 Q. Is it more than possible, is it likely?
 16 A. I -- I can't answer any further than -- than that.
 17 Q. No, and can you help with the question of the delay.
 18 You have made a note of it, as you say.
 19 A. Mmm.
 20 Q. Would you have been surprised to receive co-ordinates
 21 like this so long after they had apparently been
 22 obtained?
 23 A. Not necessarily, no.
 24 Q. Well, they show, if they are accurate, a boat which is
 25 either in or close to UK waters. And bearing in mind

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1 the plan we have talked about this morning, wouldn't you
 2 have wanted a lot more notice of that to get your asset
 3 out to meet the boat at the median line?
 4 A. Yes.
 5 Q. So this was far too late, wasn't it?
 6 A. If it's already in UK waters.
 7 Q. Yes.
 8 A. Yes, it's late.
 9 Q. The plan wouldn't work?
 10 A. Yes.
 11 Q. Of course not. Because by the time you got your first
 12 plan, we know it took two hours to get to the
 13 co-ordinates, the boat would have long been in UK waters
 14 and the plan wouldn't have worked?
 15 A. Yes.
 16 Q. Thank you. So let's go back to your daybook please,
 17 {INQ000565/1} at 01:24 and again, the entry you have
 18 made simply consists of co-ordinates and no other
 19 information. You don't tell us, for example, to which
 20 incident those co-ordinates relate, do you?
 21 A. No.
 22 Q. And again, are you able to assist, based on your actual
 23 recollection, who took the call which led to those
 24 co-ordinates being recorded?
 25 A. I am unable to tell you that.

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

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

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

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

1 actually don't know?
 2 A. Unless I hear those calls and hear the voices ---
 3 Q. Yes.
 4 A. --- I --- I don't know.
 5 Q. Yes.
 6 A. But I believe that when we split up the tasks to do for
 7 the evening, that Tom would have taken on the calls and
 8 the communications. But that's not to say that if he
 9 left the room for a break, that I wouldn't have picked
 10 up the phone or ---
 11 Q. No.
 12 A. But ---
 13 Q. Well, let's just take a specific example in your first
 14 statement, you said it was when that you first became
 15 aware of Charlie, the incident, when you received this
 16 call, the one we have been looking at the transcript of,
 17 at 01:24. So we know that's not true, but do you have
 18 any recollection now of when you first became aware of
 19 Incident Charlie?
 20 A. I have no recollection of that night. I can only go
 21 with the notebook entry.
 22 Q. Yes, and the notebook entry doesn't tell you very much,
 23 to be honest, does it?
 24 A. No.
 25 Q. Thank you. But again, using your memory such, as it is,

1 of the way things generally worked, assume a telephone
 2 call like this, assume information passed on to
 3 Tom Willows, how do we get from that moment to the
 4 tasking of the Valiant, which we know took place at
 5 01:30, so very shortly afterwards? Would you expect
 6 there to have been a conversation between Tom Willows,
 7 once he had got off the phone, and yourself in order to
 8 discuss what to do?
 9 A. Yes, we would have had a conversation.
 10 Q. Because, as we saw from the document you yourself
 11 drafted after the event, the mass casualty event, it was
 12 the higher officer's responsibility to decide on and do
 13 the asset allocation and tasking for Border Force
 14 assets?
 15 A. That was usual, but at that time, on that night,
 16 I didn't know that there was a mass casualty event.
 17 Q. Right. I see. So do you think it possible that
 18 Tom Willows himself tasked the Valiant?
 19 A. Do you mean verbally, picked up the phone to ---
 20 Q. Yes.
 21 A. Maybe.
 22 Q. But you can't say one way or the other?
 23 A. I can't say.
 24 Q. Now can we go back and look at the live update, and this
 25 is the one for 01:50, which we looked at briefly before.

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

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

1 had passed on to you recorded on this update?
 2 A. Not necessarily.
 3 Q. Or --- and nowhere else, in fact?
 4 A. Yes, not necessarily.
 5 Q. Okay. So then in terms of tasking the Valiant,
 6 certainly in your first statement you told us, at
 7 paragraph 53 {INQ010135/22}, second line, that you
 8 telephoned the Valiant. And again, are you sure about
 9 that? What's your position today?
 10 A. I believe that I would have called Commander Toy. But
 11 I --- I can't be certain because I don't recall
 12 specifically.
 13 Q. And in terms of the information you gave him, it looks
 14 as though you would have been reliant on Tom Willows
 15 passing it on, passing information on from the
 16 coastguard?
 17 A. Yes.
 18 Q. And I assume, going back to your daybook, at
 19 {INQ000565/1} thank you, you say, at 01:25:
 20 "Call to Valiant re event C."
 21 So event C, or Charlie, has now appeared for the
 22 first time in your daybook. There is no record of any
 23 other information passed on to Valiant. And I am
 24 assuming from what you have told us that there won't be
 25 any, or there was, no other record of any other

1 information?
 2 A. Correct.
 3 Q. No. If we go to Commander Toy's daybook {INQ00205/1}
 4 which we looked at yesterday in great detail, for the
 5 same moment, and that is --- remarkable, they have
 6 already got it --- his writing, if I may say so, is
 7 nothing like as clear as yours, but he did explain to us
 8 what it said. And it was:
 9 "Call from MCC, deploy to ..."
 10 And then there was a series of co-ordinates and then
 11 the rest of it, the rest of the entry was what he then
 12 did, which was effectively to summon the crew and there
 13 was going to be a "CFI", do you see, on board. That's
 14 in the second line?
 15 So it looks as though --- well, this daybook is
 16 also --- this entry is also free of the sort of
 17 information the coastguard passed on. In your first
 18 statement, paragraph 61, you say, this is page 25 now,
 19 please, {INQ010135/25}, thank you:
 20 "I [don't] recall receiving a physical description
 21 of [Charlie], but any relevant information I was given
 22 I relayed directly to [the] Valiant."
 23 And again, we have really only got your word for
 24 that, haven't we? Because it's not in your daybook,
 25 it's nowhere else at MCC and it's not in Commander Toy's

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

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

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

1 A. Yes, I can. And in hindsight, which is a wonderful
 2 thing, I wish I had written far more detail.
 3 Q. Okay. Can we turn, then, to the topic of the
 4 Mayday Relay and start by looking at the next tracker
 5 which went out, at 02:43. And we can see the covering
 6 email in standard form at {INQ000507/1}. Again, we saw
 7 the earlier one. The same thing and this time it's
 8 02:50. And we can see the tracker itself, or the log,
 9 I think you call it, or life update at {INQ000508/1},
 10 please, the second page, it is the spreadsheet, if you
 11 remember, {INQ000508/2}. And I think I am right in
 12 saying that the red type indicates new information since
 13 the last issue of the update, is that correct?
 14 A. Yes, that's correct.
 15 Q. Thank you. And you will see the red information for
 16 Charlie, Incident C, is:
 17 "Valiant attending. ETA 1 [hour] to location. Now
 18 a Mayday."
 19 A. Yes, I can see that.
 20 Q. So again, doing your best today, who do you think made
 21 that entry?
 22 A. Doing my best today, I would say that I made that entry.
 23 Q. Yes. So we know that, certainly by that stage, if
 24 that's right, that you were aware that a Mayday had been
 25 issued in relation to Incident Charlie?

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

1 Incident Charlie?
 2 A. I would imagine --- I can't remember my thoughts on that
 3 day, but I would imagine that I thought the situation
 4 had worsened in some way.
 5 Q. Yes, and it was sufficiently unusual, as you have
 6 explained, it had never happened before, it must have
 7 brought home to you, surely, that this was a more urgent
 8 than usual situation?
 9 A. At that time, four months into a new role, I am not sure
 10 whether I was expecting to hear a Mayday or not.
 11 Q. No.
 12 A. Since then, I, you know, can draw on my own experience
 13 since then, in that a Mayday is unusual.
 14 Q. Well, picking up what you have just said. If you were
 15 relatively new in the role and you have never heard
 16 a Mayday before, did you think to discuss this with your
 17 senior officer?
 18 A. No, no.
 19 Q. Why was that?
 20 A. Not that I recall. I --- I don't know. I can't answer.
 21 I don't know.
 22 Q. Because it didn't make any difference?
 23 A. Because the Valiant was still going, there was no
 24 further demand for Border Force.
 25 Q. Because --- in other words, because coastguard wasn't

1 asking you for more?
 2 A. Yes.
 3 Q. Did you think it would be a good idea to check that
 4 Valiant was aware of this change of status, that the
 5 incident was now a Mayday?
 6 A. I can't recall. I --- I --- possibly.
 7 Q. Did you take any steps to get any more information,
 8 having been told it was a Mayday?
 9 A. I don't recall.
 10 Q. No. Did you try to find out any more about the nature
 11 of the incident and what had led to the Mayday call
 12 being made?
 13 A. I can't recall.
 14 MR PHILLIPS: No.
 15 Sir, would that be a convenient moment?
 16 SIR ROSS CRANSTON: Yes. So just 10 minutes.
 17 (11.58 am) short break
 18 (A short break)
 19 (12.07 pm)
 20 SIR ROSS CRANSTON: Yes, Mr Phillips.
 21 MR PHILLIPS: We were talking about Mayday calls. One of
 22 the things which you will have learnt about Mayday calls
 23 is that there's an obligation on other vessels to
 24 respond to them, to go and assist; that's right, isn't
 25 it?

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

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

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1 Q. Not even based on your experience of other incidents;
 2 getting information like that doesn't make you think:
 3 well, I had better deal with this in a different way
 4 because it's more urgent?
 5 A. The only way we would have known that it was a Mayday is
 6 from the coastguard. And I would have assumed, at the
 7 time, that they had passed that information to Valiant.
 8 Because by that point, Valiant would have been under
 9 their control or direction to the --- to the incident.
 10 Q. I see. So again, it was --- it was the coastguard's job,
 11 really?
 12 A. Yes.
 13 Q. Yes. And is that why you say that even if you had had
 14 information like that been passed to you, it wouldn't
 15 have impacted your decision-making?
 16 A. Not at that stage.
 17 Q. Because actually, you had passed the responsibility to
 18 coastguard?
 19 A. Yes.
 20 Q. So it wasn't so much, as you say there, that you simply
 21 couldn't make the vessel go any faster, it was that it
 22 was out of your hands. It was a coastguard
 23 responsibility; is that a fairer way of putting it?
 24 A. Yes, yes.
 25 Q. Thank you. Now, in terms of Valiant and the time it did

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1 take to get to the asset -- to the incident, I'm
 2 sorry -- we know that it was deployed at about 01:30 and
 3 it took, in the end, about two hours to get to the last
 4 known location or co-ordinates.
 5 Can I just ask you this, again, drawing on your
 6 general experience, appreciating you can't remember what
 7 happened on the night, would you have been monitoring
 8 its progress during that two-hour period?
 9 A. Very likely .
 10 Q. And given what we know about the Mayday, and the sense
 11 of this boat really needing help, wouldn't you have
 12 recognised that two hours to get to the boat was too
 13 slow, in terms of a search and rescue response?
 14 A. I think the distance that they had to travel was --
 15 probably had an impact and I -- I can't answer that with
 16 any certainty.
 17 Q. Well, as you have said very frankly, you don't have any
 18 direct experience of search and rescue yourself?
 19 A. No, I don't.
 20 Q. You have never been out there on the water?
 21 A. Not during a search and rescue.
 22 Q. No. Now, we do know that there was a call from the
 23 coastguard to Border Force at 03:11, an important call,
 24 which I think was taken by your colleague, Tom Willows
 25 and you deal with this in paragraph 70 of your

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

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

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

1 Valiant wouldn't be able to take on all of those people
 2 because it exceeded its capacity?
 3 A. I know that their capacity is 100 ---
 4 Q. Yes.
 5 A. --- but Valiant would have done everything in their power
 6 to take 110. Between 100 and 110, that's not too many
 7 more.
 8 Q. Is that a situation you had actually had experience of?
 9 A. Yes, and since then.
 10 Q. Right. Well, we heard yesterday from Commander Toy
 11 about him waiting alongside the small boat for help to
 12 arrive, in effect, in the form of another responder, be
 13 it the RNLI or whoever else it was. But that meant that
 14 somebody somewhere had to task the other vessel to come
 15 to assist the Valiant. Now, that was something you
 16 ought to have considered, surely, whether Valiant needed
 17 help?
 18 A. Yes, yes. Perhaps, yes.
 19 Q. Yes.
 20 A. Yes.
 21 Q. But you have no recollection of that?
 22 A. No.
 23 Q. If we go back to the bottom of page 3 {INQ007602/3} you
 24 will see, in terms of the number of assets out,
 25 Neal Gibson is recorded as saying:

1 "That's the dream, isn't it, don't get more than one
 2 out."
 3 Now, was that an approach, ie that the dream
 4 situation was only to have to deploy one asset, that you
 5 were aware of, or had heard about at the time?
 6 A. No, I don't --- I don't believe so.
 7 Q. Do you agree with it?
 8 A. No. No, I don't.
 9 Q. No. And as far as you can remember, accepting all of
 10 the deficiencies in your memory, but was there anything
 11 to stop you tasking another asset on that night, had you
 12 been asked to do so?
 13 A. No.
 14 Q. No. And you say, if we go on to the very end of your
 15 statement, please, at paragraph 77, {INQ010135/31}:
 16 "It is very sad to think that the occupants of event
 17 'C' or anyone was out in distress in the Channel that
 18 night when we had resources out there (and could have
 19 sent further resources if asked) ..."
 20 And that's your evidence today, isn't it? Had you
 21 been asked to task more assets, you could have done so?
 22 A. Yes.
 23 Q. We saw that there were other vessels on standby and
 24 available.
 25 A. Yes.

1 Q. Thank you.
 2 But in the statement --- the first statement, earlier
 3 in the statement and at paragraph 60, you say, at the
 4 top of page 25 {INQ010135/25}:
 5 "Given that HMC Valiant was tasked to a single event
 6 at the time, I did not feel the need to task another
 7 vessel. One event ... [within] approximately
 8 30 migrants was well within the cutter's capabilities."
 9 But, of course, what we have just been looking at is
 10 the conversation later in the night, 03:11, where we are
 11 talking 110, not 30. So what you say there doesn't
 12 really apply, does it?
 13 A. At the start of the night when, Valiant is tasked to ---
 14 to a single event ---
 15 Q. Yes.
 16 A. --- there didn't --- it didn't seem that we needed another
 17 vessel.
 18 Q. But things changed.
 19 A. But things changed and yes, I could have called another
 20 vessel if asked to.
 21 Q. Yes, and with hindsight, do you wish that you had?
 22 A. I don't know where I would have sent the CPV if --- if
 23 I had asked it to come out. I didn't know that we were
 24 missing an event. So I wouldn't have had anywhere to
 25 send the CPV.

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

1 have seen the emails before. And then the update
 2 itself, please, at {INQ000541/1}.

3 And there is "C", again, the incident is open. And
 4 do you remember, we saw last time that there was red
 5 text for an update. This is the update after --- half
 6 an hour or so after the conversation with Tom Willows.
 7 And we can see, can't we, that none of the information
 8 that was passed on to him then is recorded in the
 9 update?

10 A. Yes.

11 Q. And again, I think you said, doing the best you can,
 12 that you think you would have been responsible for
 13 completing this update?

14 A. Yes.

15 Q. Thank you. One question, if I may, about the French
 16 authorities. You say in your statement, and it is 61,
 17 please on page 25 {INQ010135/25}, that you don't --- you
 18 didn't interact with any French authorities during this
 19 event. Just to check, is that based on the documents or
 20 based on whatever recollection you have?

21 A. We didn't directly liaise with the French, that was
 22 always through the coastguard. But we did have the
 23 update from them, from Gris-Nez.

24 Q. Yes.

25 A. And that was something that had started to happen around

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1 that time. I am not sure on the exact dates for that.

2 Q. Thank you.

3 A. But that was something that we came to receive, which
 4 was their --- I guess their tracker.

5 Q. Yes.

6 A. But I didn't speak to anybody ---

7 Q. No.

8 A. --- on the French side.

9 Q. And I think what you are saying is that if you wanted to
 10 make contact with the French authorities, it was done
 11 through coastguard ---

12 A. Yes.

13 Q. --- is that right?

14 A. Yes.

15 Q. Yes, thank you. Well, that takes us to the arrival of
 16 the Valiant at the last known location of Charlie and as
 17 we know from the evidence yesterday, that was at 03:27.
 18 Can we look back, please, at your daybook and the entry
 19 for 03:48 {INQ000565/1} so shortly after that. And can
 20 you just read what it says?

21 "M957" is how it begins.

22 A. Yes, and then it is the co-ordinates:
 23 "2 migrant crafts stopped in water. 40 POB,
 24 [persons on board], estimated. Believed [to be]
 25 Incident C [Charlie]."

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1 Q. Right. Can you now remember --- and I appreciate ---
 2 I think I know what the answer is going to be --- where
 3 you got that information from: believed incident
 4 Charlie?

5 A. Yes, I --- I can't answer that.

6 Q. And then the relevant spreadsheet at {INQ000572/1},
 7 please. This is the actual spreadsheet, not the
 8 covering email. And, again, to the right-hand side, we
 9 see the new information this time, at 04:50, is:
 10 "Vessel found and Valiant embarked a number of
 11 migrants."

12 So what you are recording on the tracker is that
 13 incident Charlie, the vessel C, on this, had been found
 14 and the Valiant had embarked a number of migrants and
 15 again, are you able to help us as to where that
 16 information came from?

17 A. No, I can't --- I can't answer that.

18 Q. And did it ever occur to you during the shift --- again,
 19 as far as you can recall --- that there was any doubt
 20 that the Valiant had found Incident Charlie?

21 A. I believed on that night that Valiant had picked up
 22 event Charlie.

23 Q. Yes. And is that why you say, at the end of your
 24 statement in paragraph 76, if we can have that, please,
 25 {INQ010135/30}, thank you:

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1 "I was confident that HMC Valiant had rescued all
 2 taskings."

3 In other words, at the end of the shift, as far as
 4 you were concerned, Valiant had gone to the incident,
 5 and had taken on board the migrants from that boat,
 6 Charlie?

7 A. Yes.

8 Q. Excuse me a moment. And we can see --- sorry, I should
 9 have got you to point this out for us --- if we can go
 10 back to the spreadsheet, I am so sorry. That was at
 11 {INQ000572/}, thank you, that now, new information is
 12 the Mike number we discussed before?

13 A. Yes.

14 Q. So we can take it, can we, that by this time, 04:50,
 15 that number had been issued?

16 A. Yes.

17 Q. Thank you. And at the end of your shift, you tell us,
 18 at paragraph 69 of your statement, if we could have that
 19 up briefly, please, {INQ010135/27} it ended at 07:30,
 20 the shift, and you handed over to another Border Force
 21 employee. And you confirm --- and not really
 22 a surprise --- that there are "no separate notes", do you
 23 see the fourth line, "of the handover"? And I imagine,
 24 from what you have just been --- do you see that? The
 25 fourth line of paragraph 69:

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1 "There are no separate notes of the handover."
 2 A. Yes.
 3 Q. Thank you. And I imagine that you won't be able to
 4 assist with what you might have told whoever took over
 5 from you at 07:30 about what had happened during the
 6 shift?
 7 A. No.
 8 Q. No. And my understanding from your first statement is
 9 that you were not working the next day, during the day
 10 while the recovery operation took place. And you say,
 11 in your statement, at paragraph 76, that {INQ010135/30}
 12 when you saw the news about the deaths in the Channel,
 13 you didn't realise that there was a connection between
 14 those deaths and your shift.
 15 A. I had no idea ---
 16 Q. Yes.
 17 A. --- until weeks or maybe months later, that event Charlie
 18 was not event Charlie.
 19 Q. Yes, well in your statement you say, first of all, at
 20 paragraph 71, that you were not interviewed by the MAIB,
 21 or involved in their investigation at all; is that
 22 right?
 23 A. Yes, that is right.
 24 Q. Yes. And the impression you give in this first
 25 statement is it wasn't really until the MAIB report was

1 published that you understood the connection between the
 2 shift you did that night and what had happened to
 3 Incident Charlie?
 4 A. Yes, that's correct.
 5 Q. And we know that that didn't happen, the publication,
 6 until November 2023?
 7 A. (Nods).
 8 MR PHILLIPS: Well, thank you very much for answering my
 9 questions. Is there anything else you would like to say
 10 to the Inquiry?
 11 A. No. Thank you, sir.
 12 SIR ROSS CRANSTON: Well, thank you very much for your
 13 evidence, Ms Whitehouse. It has been very helpful.
 14 Mr Phillips, I am not sure if we would come back at
 15 1.30, or ---
 16 MR PHILLIPS: That sounds very sensible, sir.
 17 SIR ROSS CRANSTON: Is that acceptable by everyone else? It
 18 doesn't ---
 19 MR MAXWELL-SCOTT: We think so, yes. It is our witness.
 20 SIR ROSS CRANSTON: Yes, I know, yes. Mr Golden. Well,
 21 let 's assume 1.30 pm, unless there is some
 22 force majeure. Right, well, thanks very much.
 23 (12.33 pm)
 24 (The Lunch Break)
 25 (1.29 pm)

1 SIR ROSS CRANSTON: Well, good afternoon, Mr Golden.
 2 Alice Meredith will have some questions for you in
 3 a moment, but could you just read the affirmation.
 4 MR DOMINIC GOLDEN (affirmed)
 5 SIR ROSS CRANSTON: Yes, thank you very much. Ms Meredith.
 6 Questions by MS MEREDITH
 7 MS MEREDITH: Could you give the Inquiry your full name,
 8 please.
 9 A. Yes. Dominic Golden.
 10 Q. And you made a statement for the Inquiry which you
 11 signed on 24 October 2024. That statement was 37 pages,
 12 wasn't it?
 13 A. That's correct.
 14 Q. In November 2021, you were employed by the Maritime and
 15 Coastguard Agency, or the MCA, and your role was
 16 Aviation Tactical Commander, that's right, isn't it?
 17 A. That's correct, yes.
 18 Q. You worked in the Aeronautical Rescue Co-ordination
 19 Centre, known as the ARCC, which was based in the Joint
 20 Rescue Co-ordination Centre?
 21 A. That's correct, yes.
 22 Q. And you explain in your statement that you had joined
 23 the MCA as an Aviation Operator at the beginning of 2019
 24 and that after completing your aviation operator
 25 training, you were promoted to Aviation Tactical

1 Commander in April or May 2019?
 2 A. That's correct, yes.
 3 Q. Before joining the MCA, you had served for 33 years as
 4 a Warfare Officer in the Royal Navy?
 5 A. Yes, that is right.
 6 Q. And it is right, isn't it, this had given you
 7 operational and tactical decision-making experience
 8 which was relevant to your later role as an Aviation
 9 Tactical Commander?
 10 A. Yes, I believe so.
 11 Q. And then in June 2022, you returned to your previous
 12 employment as a Royal Navy Warfare Officer?
 13 A. That's correct.
 14 Q. Are you still in that role now?
 15 A. I am, yes.
 16 Q. And have you had any involvement in responding to small
 17 boat crossings in your role as Royal Navy Warfare
 18 Officer since 2022?
 19 A. I, for two years, worked at the Joint Maritime Security
 20 Centre, which is looking at all maritime security
 21 incidents, that range from illegal fishing through to
 22 counterterrorism at sea, which does include a little bit
 23 on migrant crossings.
 24 Q. Does your role now involve anything to do with ---
 25 A. No, I am now working to do with security in the

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

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

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

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

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

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

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

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

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

1 vessels as being in distress?
 2 A. Correct.
 3 Q. But in the back of your mind — and potentially, that
 4 may have had some impact on decision-making, was the
 5 fact that you were aware that you needed to task to all
 6 incidents and that the information about this incident,
 7 if it was a small boat incident, might be inaccurate?
 8 A. Yes, that's correct.
 9 Q. And you have described becoming aware of this potential
 10 exaggeration. To confirm, you would not have received
 11 any calls directly from callers in small boats. So any
 12 information about exaggeration would be something that
 13 you received secondhand from someone else, or through
 14 reports back about what had been found on taskings?
 15 A. Yes, I have the advantage that, effectively, the call
 16 collection in the maritime domain is sifted, for want of
 17 a better word, before it comes to me. So if there had
 18 been 99 calls to the maritime coastguard, the challenge
 19 that maritime coastguard had was to condense that to one
 20 request to my aviation team for a helicopter.
 21 Q. And you have explained that, I think, by — was it early
 22 2021, you said exaggeration became an issue?
 23 A. Yes.
 24 Q. And that was something that you were having to deal with
 25 in your decision-making and decide to what degree, if at

1 all, that should impact your tasking decisions. Did you
 2 see any formal coastguard document providing
 3 information, advice or guidance, or any policy or
 4 procedure which related to the issue of potential
 5 exaggeration and how you should respond to that?
 6 A. No, no formal documentation.
 7 Q. Was it your understanding that you had any role in
 8 assessing the veracity or reliability of information
 9 provided by small boat callers?
 10 A. No, I didn't have that role. But going back to the
 11 previous discussion we had about my — my role as the
 12 commander, as opposed to an operator who was operating
 13 in that reactive space, I think the commander's space —
 14 as I should have put in my statement — is I am in that
 15 one to six hours looking ahead piece about how I manage
 16 my resources.
 17 So I think having an awareness of it is wholly
 18 appropriate, but I am certainly not aware of any
 19 direction and would it influence my decision-making?
 20 No, but an awareness of it would certainly — would be
 21 a consideration.
 22 Q. And you have explained in your statement, both at
 23 paragraph 8 and 55, that despite the issue of
 24 exaggeration, all small boats were recorded and treated
 25 as boats in distress and responded to accordingly. Do

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

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

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

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

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

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1 A. No, certainly not.
 2 Q. --- writing?
 3 A. But I should point out, or you may well be coming to
 4 this, that's no different from how I would receive
 5 incident calls from the ambulance service, the fire
 6 service or the police, because there is no information
 7 exchange between their systems and ours. So it --- it
 8 doesn't really add much to --- in my opinion, doesn't add
 9 much delay to the sortie. And in many ways is
 10 preferential because when you are receiving a call, what
 11 we teach people is to take charge of that call. So
 12 rather than have, unfair on maritime colleagues,
 13 a lengthy dialogue, you can be more direct and giving
 14 the: what, where --- where is it? What do you want me to
 15 do? You can take charge.
 16 So actually, I --- I did not see being on two
 17 different systems a hindrance.
 18 Q. Albeit it would be right to say that you would only know
 19 the details about an incident that maritime chose to
 20 share ---
 21 A. Correct.
 22 Q. --- so there might be something recorded on their system
 23 that was relevant, but unless they chose to tell you,
 24 you wouldn't know anything about it?
 25 A. Absolutely and in this case --- sorry if again, I'm

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1 probably jumping ahead of where you wish to go with this
 2 question --- but being located in Fareham with the
 3 southern coastguard, I am not seeing any of Dover
 4 coastguard entry, unless it has been phoned in to my
 5 operators to make a record of it for ViSION 5.
 6 Q. And did you have any access to any other documents
 7 recording information about ongoing incidents? In
 8 particular, were you aware of a coastguard tracker
 9 recording small boat crossings and did you have access
 10 to that document?
 11 A. No, didn't have access to it. We have access to ---
 12 I mean, this is really irrelevant now, but mountain
 13 rescue run their own chat page. We have access to that.
 14 We have access to other systems to do with aviation
 15 round the UK. But not ---
 16 Q. Not that tracker?
 17 A. --- not that tracker.
 18 Q. And you wouldn't have access to logs on ViSION 4
 19 described as the migrant administration log?
 20 A. No, that's correct.
 21 Q. And that wouldn't have been sent to you in any other
 22 way?
 23 A. No.
 24 Q. And there was a network management log on ViSION 5 for
 25 aviation incidents which you would have had access to?

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

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

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1 Q. -- as well? Then we see at paragraph 36 at page
 2 15 {INQ009628/15}, you describe that there was RVL, an
 3 organisation which also provided fixed-wing provision to
 4 the MCA and then at page 16 {INQ009628/16} at
 5 paragraph 38, Tekever, who provided unmanned aerial
 6 vehicles, or UAVs, which delivered a similar function to
 7 the fixed-wing aircraft?
 8 A. That's correct. Yes.
 9 Q. And I think you indicate that the MCA had a contract
 10 with Tekever. Were you confident that this was the MCA
 11 rather than the Home Office?
 12 A. No, it was the Home Office. So, again, this is me
 13 trying to write a statement three and a half years
 14 after.
 15 Q. And you explain that although the Tekevers were not
 16 constrained by a requirement for diversion airfields
 17 like the fixed-wing assets, they were more susceptible
 18 to poor weather at their base?
 19 A. Yes, in fact, on the evening of the 23rd/24th, to
 20 highlight that, when they were able to confirm to me
 21 they were going to get airborne at 06:00, they were
 22 already stating that they were expecting to have to
 23 bring the drone back by 10:00 because of forecast rain.
 24 So they were very susceptible to weather.
 25 Q. I see. In a different way from the fixed-wing?

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

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

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

1 three hours, they are both far from ideal to conduct
 2 searches for small boats.
 3 I am really looking at Ministry of Defence
 4 fixed-wing for those very long range search and rescue
 5 operations out into the Atlantic Ocean and for
 6 helicopters, this is really -- I think Covid, when we
 7 had an awful lot of casualties that needed to be moved
 8 into -- into hospital transfers, where you can use
 9 effectively a -- a flying bus, for want of an awful
 10 expression -- and I am sure someone will have a go at me
 11 later -- so in terms of their search capabilities at
 12 night, you know, and what is the competency of the crews
 13 to go and do so, almost no, no and no?
 14 Q. And had you ever requested a tasking for small boat
 15 crossings?
 16 A. No, not for small boats. I believe -- and I can't put
 17 a date on it, there was -- I think was it 2022 when the
 18 MoD took --
 19 Q. Of course.
 20 A. -- over, they then initially allocated their own
 21 Kingairs to come down and support the small boat
 22 patrolling. But, but no, not -- not specifically into
 23 the search areas.
 24 Q. If I could ask you to take down this document and bring
 25 up document {INQ005198/1}, at page 1, you will see in

1 front of you the coastguard's operation EOS tasking
 2 policy. If we could turn to page 3 {INQ005198/3} and
 3 the top paragraph, this explains that the coastguard had
 4 a policy of tasking aerial assets proactively for safety
 5 of life at sea taskings, is that right?
 6 A. Yes, correct.
 7 Q. And those were called EOS tasking. And the document
 8 defines the policy by reference to what were known as
 9 Op Deveran weather assessments.
 10 A. Yes.
 11 Q. So those assess the likelihood of crossing attempts
 12 based on the weather. They could be highly unlikely,
 13 they could be likely, a realistic possibility, likely,
 14 which was referred to as 'amber days', or highly likely,
 15 which was referred to as 'red days'?
 16 A. That's correct. I believe, as a matter of fact, it is
 17 the wave height. So it's not so much the -- it is --
 18 the wave height is -- is where that is considered the
 19 most important factor.
 20 Q. And if we bring up, alongside this document, document
 21 {INQ00150/1}, I think you will see this is an example of
 22 an Operation Deveran weather assessment, in this case
 23 dated 23 November 2021.
 24 A. Yes.
 25 Q. And this is the type of assessment which is being

1 referred to?
 2 A. That's correct, yes.
 3 Q. And we can see -- I don't know if we can make it
 4 a little bit larger, but on the right-hand side there,
 5 yes, it's a little bit blurred, but we have an entry for
 6 23 November to 06UTC and on the right-hand side of that
 7 top line, the likelihood is "likely", amber. And then,
 8 on the row below, for 24 November, again, to the early
 9 hours of the 25th, we have an entry which is "highly
 10 likely" in red.
 11 A. Yes. Excuse me.
 12 Q. If you could remove document {INQ00150/1}, but leave
 13 the other document. At page 3 {INQ005198/3} then of
 14 this document, we see the section entitled "Criteria"
 15 and this explains that the policy was that a fixed-wing
 16 aircraft could be requested to conduct proactive
 17 surveillance patrols when Op Deveran assessments stated
 18 that the crossings were deemed as a realistic
 19 possibility or greater, or during periods where
 20 crossings were deemed unlikely but there was
 21 intelligence that was received, that the Tekever -- and
 22 the Tekever drone was unable to fly.
 23 And then at page 4 {INQ005198/4} if we turn to that,
 24 we have the tasking process, which is set out for the
 25 Op EOS process.

1 Turning back to page 3 {INQ005198/3}, there are
 2 tracked amendments to the policy and would it be right
 3 to say that this reflects the temporary operating
 4 instruction that you refer to in your statement?
 5 A. I am just reading it now, but yes, that -- almost
 6 certainly, that ties in with that, yes.
 7 Q. And that was for end of day sweep-tasking, which was
 8 effectively, as I understand it, seeking to reconcile
 9 the migrant tracker with the recognised maritime picture
 10 found, is that right?
 11 A. That's correct.
 12 Q. Turning to the bottom of page 3, we can see that the
 13 arrangement was that there would be a -- an aircraft on
 14 scene from 09:30 on red days to support the coastguard
 15 and prepositioned at Lydd, or Southend on amber days.
 16 And that was to inform and support maritime operations?
 17 A. That's correct. In fact, I -- I -- I would go as far as
 18 to say not necessarily Lydd, somewhere on the south
 19 coast, but that's getting too technical. But an
 20 aircraft available on the south coast.
 21 Q. On the south coast. If we could remove this document
 22 and bring up {INQ009628/8}, this is back to your
 23 statement. And you address, in your statement, reactive
 24 taskings as well as these proactive taskings. So those
 25 would be the calls from the police, the maritime

1 coastguard, etc.
 2 A. Yes.
 3 Q. You explain that majority of those calls -- at
 4 paragraph 16 -- are straightforward and the factors that
 5 would be considered before tasking an asset, including
 6 whether there was a threat to life, or likelihood of
 7 serious life changing injury, whether using an aviation
 8 asset was the correct solution and whether a task could
 9 be met more effectively by using other emergency
 10 services.
 11 But you say one should give the benefit of the doubt
 12 in tasking. You also emphasise, at paragraph 17, that
 13 while SAR-H could solve many incidents, all flying came
 14 at risk and cost, another emergency service might be
 15 more optimum, and SAR-H might be the only solution to
 16 another competing request.
 17 So that was part of what you were thinking about as
 18 the Commander?
 19 A. Yes, very much so.
 20 Q. If we turn to paragraph 18, you explain that your role
 21 was focused on the looking forward and ensuring assets
 22 remained available to respond to potentially competing
 23 demands.
 24 If we move to page 21 of your statement at
 25 paragraph 53 {INQ009628/21}, you explain there that you

1 were becoming aware of the increased number of small
 2 boats in part due to increased fixed-wing tasking and
 3 request for SAR-H, including to assist in
 4 reconciliation, which I think we have seen in the
 5 temporary operating instruction.
 6 A. Yes.
 7 Q. You say that caused you concern because SAR-H time was
 8 being used up in reconciliation missions, which could
 9 catch you out if a later, subsequent, more traditional,
 10 request was received.
 11 Then if we turn to page 22 {INQ009628/22} at
 12 paragraphs 54-55, you also explain there that was
 13 an increase in small boats, an increasing likelihood of
 14 SAR-H being deployed to be involved in rescue, and you
 15 also had to consider the nationwide demand on SAR-H.
 16 If we look at the last sentence of paragraph 54, you
 17 say there:
 18 "No Commander wanted to be the focus of hindsight
 19 scrutiny by management when he was unable to provide
 20 a SAR-H to an incident in the North Sea, for example,
 21 because he had made the decision to pre deploy that
 22 region's SAR-H to Dover hours earlier."
 23 Then we see at paragraph 55 that you refer again to
 24 the awareness of exaggerated information.
 25 So it would be right to say, I think, that for you,

1 considerations of the requirement for SAR-H to be used
 2 elsewhere, factored into your decision-making?
 3 A. Yes, very much so. Yes.
 4 Q. And I think you have explained already that to some
 5 degree at least, awareness of potential exaggeration was
 6 a relevant factor for you?
 7 A. Yes, and I think, if I can just add a sentence there.
 8 So when that contract was made with Bristows from the
 9 military in 2016, the then considered optimum solution
 10 was 10 rescue helicopters, evenly spaced around the
 11 United Kingdom, based on statistical data over the
 12 previous 20 years.
 13 What we are seeing here now in 2021, is a sudden
 14 shift in the bias of -- of sorties that we are
 15 performing and at some point, you know, a rethink,
 16 possibly, of where we would wish to base those assets
 17 might need to be done.
 18 Q. And in terms of what sort of tasking it was, when you
 19 became aware that there was a small boat in the Channel
 20 and that was treated as being in distress, would you
 21 treat a request to accepted assets, without further
 22 information about the specific circumstance of that
 23 boat, as a request effectively for proactive
 24 surveillance tasking, or its equivalent, or as
 25 a reactive SAR tasking, that this was a SAR-H incident

1 that needed to be responded to?
 2 A. I -- yes, sorry, can I ask you to repeat that question?
 3 Q. If you were given a report that there was a small boat
 4 in the Channel --
 5 A. Yes.
 6 Q. -- with no further information as to what its
 7 circumstances were or why it might be considered to be
 8 in distress, beyond the fact it was a small boat, and
 9 you were asked to task to that, would you be considering
 10 that tasking, if it was to locate the boat, to be
 11 equivalent to a surveillance type tasking, or a reactive
 12 search and rescue to an incident, tasking?
 13 A. Okay, thank you. I would consider that a reactive.
 14 I think, if I can expand that further, it goes back to
 15 my comment earlier where, certainly, a SAR helicopter,
 16 the Crown jewel, as it were -- it can do a huge variety
 17 of tasks -- is that the best asset to deal with that
 18 incident?
 19 So if I had received, in the words you have used,
 20 that call from maritime, not wishing to add delay to the
 21 process, but I would be wanting to specify: why is it
 22 that the helicopter is deemed the best solution to the
 23 problem you have? And part of that decision process
 24 would be: how long would it take me from pressing the
 25 button on the desk and picking up the phone to get the

1 helicopter moving? At nighttime, we are talking
2 45 minutes. Then there is a good 30-minute transit out
3 to the Dover Straights, whereas, there may already be an
4 RLNI lifeboat or a Border Force cutter that's within
5 that sort of one hour 15 minutes, so therefore, the
6 helicopter is not necessarily the most appropriate asset
7 to deal with it.

8 So there is a whole range of factors that I am now
9 trying to consider to make that decision. But if
10 maritime has sold to me that, no, the demand for
11 a helicopter is to overcome speedy response, or to
12 overcome search of a reasonable-sized area at pace, yes.
13 Then my answer is going to be, yes, you can have the
14 helicopter. I can always call the helicopter back, but
15 you can never resend a helicopter if you are 20 minutes
16 late, if that makes sense.

17 Q. And you describe, in your statement, the increase in
18 small boat crossings and the impact that had. Did you
19 feel constrained in your ability to task, as you
20 considered would be appropriate, to small boat
21 incidents, due to limitations on resources available and
22 the need to reserve assets for other incidents?

23 A. Yes, yes. In -- I mention there the SAR helicopters as
24 being the Crown jewel because not only can they do
25 patrolling, they can do searching and they can effect

1 a rescue. Whereas, if I was to use a drone or
2 a fixed-wing aircraft, it can achieve the search and the
3 patrolling, but nothing else. So therefore, if the task
4 for an aviation asset was just merely to conduct
5 a patrol or a search, my preference, depending on the
6 timelines and the urgency, would be to try and use
7 another asset, to therefore preserve the hours on my
8 helicopter that I really wanted to keep in reserve for
9 something that could come along, that only they can
10 solve.

11 Q. So if you had an infinite number of SAR-Hs, you might
12 have tasked for of them to this type of incident?

13 A. Yes. Yes, of course.

14 Q. And you have also explained at page 23 {INQ009628/23},
15 paragraph 56 of your statement, issues that arose
16 because of the increased demand on resources, including
17 in relation to the fixed-wing assets. And we can see,
18 at paragraphs 57 and onwards, some of the steps that
19 were taken to address this. So intelligence and trend
20 analysis, identifying the peak of small boats and then
21 determining when the fixed-wing tasking would be, at
22 your paragraph 57.

23 The temporary operating instruction, which we have
24 already discussed, and having -- your paragraph 59,
25 I think, on further down, the Humberside SAR-H

1 helicopter prepositioned at Lydd on red days.

2 A. Yes. So I think this might lead into a question further
3 on this afternoon, but on a winter's evening, there
4 was -- and I hate to say the word "normal", but there
5 was an established battle rhythm of what time the boats
6 would typically set off and allowing for an average
7 speed of advance, there was a fairly accurate prediction
8 of what time they would cross into UK waters.

9 When you also factor in the flying time down from
10 Doncaster and factor in that on a 24-hour duty, the
11 crews of those fixed-wing aircraft wanted to swap out at
12 eight, there was and the optimum window of when to
13 spread your aviation assets to -- to deliver the best
14 effect in -- in providing approximate patrolling and
15 surveillance.

16 Q. But it would be right, I think, to say that in practice
17 the optimum surveillance solution could not always be
18 achieved because of various factors?

19 A. Correct, correct. Again, I mean no disparity to -- to
20 2Excel, but when, only two years previously, I believe,
21 they had got the contract to provide fixed-wing aviation
22 for the coastguard, that was predicted on so many hours
23 per month.

24 So an aircraft is -- is not measured in time, it's
25 measured in how many hours he flies. And suddenly, we

1 were almost doubling the hours these airframes were
2 flying, which meant that the mandatory maintenance on
3 these airframes wasn't now happening once a month, they
4 were almost once every couple of weeks. So this was
5 all, in turn, impacting. And the same with the UAV
6 Home Office drones, so their wear and tear was meaning
7 more and more gaps in the programme, due to the asset
8 availability.

9 Q. And in your view, then, was there a need for an increase
10 in aviation assets, in particular fixed-wing aircraft,
11 to meet the increased demand?

12 A. Yes, I think. But already, there were -- I was aware
13 of -- of background policy looking at bringing in other
14 assets to do so. So, in the same way that fixed-wing
15 contract had, by good fortune, just been made with
16 2Excel a year and a half before the migrant boats --
17 sorry, the small boats came along, the same way that the
18 Home Office had that contract. And there was always,
19 options -- I know the coastguard has certainly brought
20 in, since my time, more UAVs, and they have brought in
21 additional fixed-wing aircraft under another contract to
22 provide that surveillance there. Or provide the
23 redundancy, would be a better word.

24 Q. Yes. But in relation to the workload at the ARCC, am
25 I right in understanding that, in your experience, that

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

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1 the start of your shift on the night of 23rd/24th, which
 2 would have been from 19:00 to 07:00 hours?
 3 A. That's correct, yes.
 4 Q. And if we keep that on screen, we can see that you were
 5 the duty supervisor and it shows that there were there
 6 was an individual who was on sick leave at the time and
 7 annual leave is also referred to there.
 8 A. Yes.
 9 Q. And in your statement you explain that there were
 10 five people on duty that night, with one trainee on the
 11 phones, one person sick, and one on annual leave?
 12 A. That's right.
 13 Q. If we bring up your statement again, so that's
 14 {INQ009628/24}, at page 24, we can see at paragraph 62
 15 just going to the bottom of the page, you explain that
 16 you were leading four aviation operators, including —
 17 on to the next page 25 {INQ009628/25} — a trainee, due
 18 to leave and a team member being off sick. You would
 19 have two on the radios and two on telephones. And you
 20 explain there, that you don't recall, at paragraph 63,
 21 taking a full break, that is an hour, because of,
 22 presumably, pressures on staff, as you explain.
 23 Would that have had any impact on your performance
 24 during that night and your able to respond?
 25 A. No, certainly not — the minimum of four operators is

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

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1 a quick shout and you need to sort of bring yourself
 2 back into the ops room to carry on.
 3 Q. On page 25 {INQ009628/25} at paragraph 64, you explain
 4 what happened at the start of your shift, that is that
 5 you reviewed weather information on Helibrief, the
 6 weather app that was used, and you say that visibility
 7 was forecast to be very poor and you anticipated that
 8 the large proportion of any taskings would be declined.
 9 So it would be right to say, I think, that at the
 10 start of your shift you were alive to the fact,
 11 potentially, that the fixed-wing aircraft might cancel
 12 shifts?
 13 A. Yes, very much so.
 14 Q. And their flights. And it is right to say there would
 15 be a regular conference call at 9 pm between you and
 16 a maritime representative from each of the stations
 17 across the country?
 18 A. Yes.
 19 Q. Ahead of that call, you explain in your statement, if we
 20 turn to page 26 {INQ009628/26} and paragraph 66, that
 21 before that call you spoke to the 2Excel Operations
 22 Controller — we have that transcript, but I don't think
 23 we need to go to it — he explained that they had
 24 a flight planned to depart Doncaster Airport at
 25 23:30 hours to be on scene at 00:30 hours. Is that your

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

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

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

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

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1 Q. At your paragraph 66, if we go back to your statement
2 again, which is {INQ009628/26} you also explain that you
3 spoke, that evening, to RVL and you were aware that they
4 were on tasking as well that evening?

5 A. Yes, that's correct.

6 MS MEREDITH: Okay. And I think, sir, I note that we are
7 approaching an hour. Would this be a convenient time to
8 take a break?

9 SIR ROSS CRANSTON: Yes. So, just 10 minutes, thank you.
10 (2.29 pm)

11 (A short break)

12 (2.39 pm)

13 SIR ROSS CRANSTON: Yes, Ms Meredith.

14 MS MEREDITH: Thank you, sir. Can we bring up
15 {INQ008822/1}, please. We have, there, a transcript of
16 a call that was led by you and David Jones.

17 It says there 24 November, but in fact, I think this
18 would have been 23 November 2021, at 21:00. If we turn
19 to page 4 {INQ008822/4}, you will see there David Jones,
20 the third entry down, says:

21 "Good evening, everybody. Tuesday 23 November.
22 2100."

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

1 that call. Your report starts with the weather. You
2 note that any precipitation is likely to come down as
3 snow. There may be quite thick fog and mist by the
4 early hours of the morning on the French and English
5 side of the Channel. And then you set out the aviation
6 assets, saying that you will have aircraft flying from
7 about 9.45 pm to 9 am on 24 November and a Tekever drone
8 going up at 05:30.

9 You conclude, I think at the end of this entry,
10 moving on to the next page, {INQ008822/8} that it is all
11 weather dependent, because if the weather goes out of
12 limits, that is going to happen.

13 So presumably, you are making sure that people are
14 aware that the fixed-wing aircraft could potentially
15 cancel due to poor weather?

16 A. Yes, that is what I am trying to convey. But there is
17 two parts to that. The UK -- those in the north, at
18 Belfast, Shetlands, there is -- if I recall rightly,
19 there was a frontal system lying Lands End through to
20 the Humber. So north of that, it's going to be snow and
21 sleet with poor visibility. So if the Belfast
22 coastguard etc, were calling in helicopters to come and
23 search, we were going to be very constrained on how to
24 do it. And for those to the south, in particular, my
25 audience here really being the Dover coastguard, yes,

1 there is fixed-wing. Plan A is in place still, however,
2 I -- I am beginning to speculate that we are going to
3 have an issue with the weather and being able to achieve
4 that mission.

5 Q. And your understand, I think, from your previous
6 evidence, was that there was no contingency plan that
7 could be put in place, in terms of having that picture?

8 A. No. Bear in mind, I am -- how shall I answer this? For
9 the commanders, it is about making informed decisions
10 based on information. There are a number of sources of
11 information -- I am going to use the word target queuing
12 here, but I don't mean target in a negative sense, but
13 there is a rhythm of bits of information that would come
14 through that evening and one of the key pieces to that
15 was provided by the aviation.

16 So if the aviation couldn't fly, what else were we
17 going to do? Actually, you know -- I am speculating
18 here really, but in my opinion, we had no alternative
19 sources of aviation. And even if we did, I don't
20 believe the weather was going to allow anybody else to
21 achieve mission success.

22 Q. And did you think you needed to convey, expressly that,
23 in this call: if weather does prevent 2Excel from
24 flying, I have no other alternatives to provide to you?

25 A. I could have done. Would it have done any harm?

1 Probably not, but actually, the audience for that is
2 really Dover coastguard, not the entire network.

3 Q. Did you make Dover coastguard aware at that stage by
4 another means?

5 A. I don't recall having done so, but I certainly --
6 verbally, I am fairly certain I discussed it with
7 David Jones, who was the Maritime Commander next to me.
8 And I know later on that evening when it really became
9 apparent we were going to have a problem, we had that
10 conversation.

11 Q. So your recollection is that at around the time of this
12 call, you would have verbally spoken to David Jones and
13 explained: I don't have a backup; I don't have a plan B?

14 A. I don't believe I said that I don't have a back-up plan
15 to him. I don't think I made assertion to him. I think
16 in my own mind I am now beginning to scratch my head to
17 think: what else can I do to provide the information?

18 But part of me is reassured, at this stage --
19 I mention there, there was several sources of
20 information. I will be a bit generic here and I don't
21 mean to be flippant, but the battle rhythm would start
22 with a -- the French providing a warning that people
23 were now mustering on the beach, the French then are
24 providing the boats are setting off, the French
25 potentially having boats accompanying or monitoring

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

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

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

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

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

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

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

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

1 the narrative, is almost certainly a conversation that
2 I either overheard, or was part of, between maritime ---
3 because clearly I've got from somewhere that they have
4 reported --- where did I get the information that there
5 was upwards 11 boats? Well, that's clearly --- I have
6 overheard or been informed that that's coming --- that's
7 through.

8 So this is now the transition from the amber
9 evening, where there was --- what was it, likely
10 crossing, to now confirmation that they were crossing.

11 Q. And if we have a look at the third page of this document
12 {INQ007824/3}, we can see, as we go through your text
13 there, that you say:

14 "I'm thinking now about calling the SAR captain at
15 Lydd to get him out of bed to give his thoughts as to
16 the weather."

17 That, I think, is the reference to the SAR--H, the
18 SAR ---

19 A. Yes, it is. Yes.

20 Q. --- helicopter. And you say:

21 "We're beginning to get the 999 calls now from the
22 guys in the boats claiming they have no idea where they
23 are. But that's just the normal SOP."

24 What did that refer to?

25 A. So, I am now trying to --- I have just said, this is the

1 transition from amber where we have no certainty that
2 there were boats coming, to now the information is
3 beginning to arrive that boats are coming. So part of
4 that process is a call from the French, albeit it would
5 appear to be late in coming and also now, again, I am
6 hearing in the background while I am making this call,
7 that --- I can hear a discussion of maritime, saying that
8 the first of the emergency calls are beginning to
9 arrive. But we would expect that because they always
10 make the 999 calls.

11 Q. And when you say "claiming they have no idea where they
12 are", is there a suggestion there that they did know
13 where they were, but ---

14 A. No, not at all. They won't know where they are. How
15 could they? They have no navigational aids. But that's
16 why we are trying to generate aviation to go and find
17 out where they are.

18 Q. There is then a discussion between you and the 2Excel
19 pilot, which explores potential limitations on the
20 ability of diversion airfields ---

21 A. Yes.

22 Q. --- and a discussion about limitations on visibility. As
23 it your consideration, at this stage, that even if
24 2Excel could safely operate with a sufficient diversion
25 airfield, there would be no benefit in them doing so due

1 to the reduced visibility?

2 A. Yes, my understanding at the time was that for them to
3 operate at night over the sea, they had to have
4 3,000-foot clearance between the surface of the sea and
5 the lower end of the cloud limit. The weather tools
6 I was having, was suggesting that the weather was
7 possibly as --- the cloud base was as low as 1,000 feet
8 so --- I am always putting words into his mouth with
9 a leading question, but I am suggesting that the weather
10 on scene, from what I can see from the systems in front
11 of me, was suggesting that regardless of diversion
12 issues, I think the weather on scene was going to be ---
13 it would be unable to execute his mission successfully.

14 Q. In considering tasking the SAR--H R 163, is it right to
15 say that that could operate at a different altitude so
16 it could potentially have visibility and contribute to
17 the ---

18 A. Yes, he could certainly --- he would be more comfortable
19 at the speeds he flies, operating beneath the cloud base
20 of 1,000 feet.

21 Q. And if we turn to page {INQ007824/6} of this document,
22 we have there, in the middle of the page 6, your text,
23 where you say:

24 "I'm not going to waste and take risk if it's a, you
25 know, the return for the effort is minimal risk versus

1 reward."

2 And you go on to say:

3 "I think we don't know yet whether this is going to
4 be an all-day armada, or whether it's just going to be
5 a wave that's coming across now, and the rest of them
6 are going to wait for tomorrow."

7 In terms of the use of that term "armada", you say
8 you were not certain whether it be one wave of small
9 boat activity or whether there would be significantly
10 more. Armada, it means a fleet of war ships. Is that
11 what you thought?

12 A. No, what I am trying to say there is --- again, this is
13 all about preservation of assets. We are aware, or I am
14 aware, that they --- up to 11 boats. Have those 11 boats
15 come in one wave, or actually are we now seeing the
16 beginning of a trickle --- well, trickle is perhaps the
17 wrong --- a flood of vessels that are now going to carry
18 on into the early hours of the morning?

19 Q. And that particular terminology that you used, "armada",
20 was there a particular reason you used that term?

21 A. It's 2 o'clock in the morning, you know, I mean, I am
22 sure we are going to find other words I have used that
23 come to mind, but no.

24 Q. And if we go to page 7 {INQ007824/7}, we can see there,
25 there is an entry from you, again, the second entry

1 down, and you say to the 2Excel pilot, towards the end
 2 of that paragraph:
 3 " ... surprise surprise, you know, the plan doesn't
 4 always work. So what's our plan B?"
 5 And you say earlier in that section:
 6 "... we've dropped back into the assumption that we
 7 are always going to get aircraft ..."
 8 But you know now that that may not be the case. In
 9 terms of a plan B, who did you understand was
 10 responsible for it?
 11 A. That's a rhetorical question by me. This is me now
 12 speaking one-to-one with an individual and I am almost
 13 thinking out loud: where am I going now? I'm really
 14 running out of options. I've got one option left in my
 15 back pocket. Irrelevant -- the 2Excel pilot doesn't
 16 need to know that. That's a rhetorical question from
 17 me: right, where am I going, plan B?
 18 Q. In terms of your plan B, at that stage, it was SAR-H?
 19 A. It was going to hopefully be SAR-H. I have still got to
 20 make that hard sell to the captain of Rescue 163 at
 21 Lydd.
 22 Q. And in your statement, you have explained, again, how
 23 you -- why it was that you believed small boats would
 24 reach the waters around 3 o'clock. So at this stage,
 25 were you considering any urgency in trying to get the

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

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

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

1 comfort of a heated ops room trying to persuade
2 a gentleman that's just been asleep to get up and put
3 his life and his crew on the line, to go and fly in what
4 I would consider extremely marginal conditions.

5 So in the cold light of day, a very unwise choice of
6 words. But I am just trying to make a hard sell to him
7 as to why I think he should go out and I am beginning to
8 sort of introduce into the conversation all the normal
9 triggers, the thresholds that would need to be crossed
10 to make this a mission to go.

11 At this 02:25 call, I am not scrambling the
12 aircraft, I am not directly tasking him, although that
13 comes later because I have more evidence at 02:50 that
14 we are now really dealing with boats in distress.

15 This is purely dealing with I believe that we have
16 up to 10 or 11 vessels having been reported to us. I am
17 now trying to persuade him not to go out and rescue, not
18 to go out and do a search. I merely want him to fly and
19 do a patrol, but at considerable risk in very poor
20 conditions.

21 Q. The choice of phrase would perhaps appear to be
22 a reference to a belief that some of the calls were
23 exaggerated, would you agree with that?

24 A. Yes.

25 Q. And I am not sure I fully understand how suggesting to

1 the SAR helicopter pilot that calls were being received
2 that were potentially exaggerating their situation would
3 assist in persuading him to operate ---

4 A. No.

5 Q. --- in a situation where you say he was potentially
6 putting himself and his crew at risk?

7 A. But the threshold --- I am --- I am now raising the point
8 that from just one source of information --- remember,
9 I referred earlier to numerous bits of information to
10 make informed decisions. So the only information that
11 I had up to that point was there were upwards of 10,
12 11 vessels crossing. I am now, I believe, aware that
13 there are now some of the 999 calls being received by
14 Dover. So there's two bits of information there.

15 So the fact that I have added on a flippant comment
16 is, in a one-to-one conversation --- I agree now with the
17 cold light of day is irrelevant. But I am trying to get
18 across to him that two pieces of information in that
19 decision matrix as to why I am asking him to go, have
20 now been crossed.

21 Q. And if we turn now to page 6 {INQ010687/6} of that
22 document, there's a further discussion there and in
23 relation to distress, you say at the bottom of the page:

24 "There's an option ... we've had that discussion,
25 I appreciate I've dragged you out. [You say] the option

1 is now we wait, and we have the discussion again, when
2 I get the distress call come in. It may well be they
3 don't call us for distress, but I suspect their SOP is
4 just dial 999 when they deem they've got halfway
5 across."

6 So, first of all, do you understand you have started
7 receiving 999 calls at this stage?

8 A. I can't remember. I believe so. If I have put that ---
9 if I mentioned that in the phone call, then yes, I must
10 be aware of it.

11 Q. And when you say "when I get the distress call come in,"
12 is it right to say that even if there were no 999 calls,
13 because of the policy of the coastguard, those boats
14 that you knew were in the Channel were to be treated as
15 being in distress, regardless of the position on 999
16 calls?

17 A. Yes. So what this one-to-one conversation is not
18 highlighting is a subtle nuance. This phone call
19 between myself and the captain of 163 is trying to
20 persuade him to go and fly a mission. As of yet,
21 I haven't been requested by maritime to generate this
22 flight. So this is me, off my own back, wanting to get
23 something going. And whilst he is now getting himself
24 ready because it takes 45 minutes from sort of taking
25 this call to getting moving, I am assessing that at some

1 point, that formal distress request will come through
2 from the maritime coastguard which will, effectively,
3 endorse being allowed to task him.

4 The rules are --- I am trying to clear my back and
5 clear his back that this is a request for a mission that
6 is slightly outside the normal because it's not in
7 response to a direct request for a SAR asset. This is
8 a --- me making an assumption that we are going to need
9 something flying and I am asking him to go.

10 Q. So am I right in understanding your understanding at
11 this point was you could not task the SAR-H helicopter
12 without a 999 distress call? It was insufficient
13 effectively to know that there were small boats in the
14 Channel, there needed to be a call to expressly state
15 one of them was in a greater state of distress?

16 A. Correct. So there is a document that the helicopter
17 crews fly under, I think it's called CAP 999, I can't
18 remember its title, it allows them to fly not outside
19 the rules of aviation but effectively it's like putting
20 a blue light on and being able to drive through lights.

21 To achieve --- for him to fly that mission under the
22 rules of Cap 999 he technically has to be responding to
23 a tasking request from me that is in response to a call
24 for assistance. At this point, at 02:20, this is still
25 myself trying to generate an aircraft to fly a patrol

1 without that direct request from maritime to respond to
 2 a distress .
 3 But I am saying there that I have no doubt that
 4 between now and you walking out to the aircraft to get
 5 flying we will have received that distress call .
 6 Q. Then just continuing below that, the paragraph at the
 7 bottom of the page and moving on to the next page, if we
 8 can have them side by side, you say there:
 9 "To put it into context Border Force at the moment,
 10 they've only put one vessel out because not far off from
 11 the mark from what you said. Until we can convince them
 12 that there are people in real danger they are not
 13 prepared to bring in their crews who are pretty
 14 knackered anyway to go. So, all this is (inaudible) so
 15 it's potential."
 16 So just to understand that. Was it your
 17 understanding at this stage that Border Force was not
 18 willing to put more assets out into the Channel?
 19 A. Again, I --- I am not maritime. I can't comment. But all
 20 I will offer as a suggestion here is that this was an
 21 amber night, having had a red night I think previously
 22 whenever. So this is, I would speculate that this is
 23 Border Force trying to conserve their resources rather
 24 than put out the maximum number of boats every night.
 25 They are reacting to red nights, but on amber nights

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1 they would reduce that resource on task. But I am
 2 not --- I am speaking now on behalf of Border Force and
 3 maritime. That's not my remit to do so.
 4 Q. If we turn now to {INQ007389/1}, you will see that this
 5 is a call, a further call between you and the captain of
 6 the R 163 Christopher Trubshaw and this is at
 7 02:41 hours.
 8 If we turn to the top of page 3, we can see there
 9 that you confirm or he confirms with you:
 10 "So we'll have an agreement with yourselves
 11 an hour--and--a--half on that patrol line, see if we can
 12 find stuff ..."
 13 Do you see that?
 14 A. Yes.
 15 Q. You give him, in the next section, an initial start and
 16 finish point.
 17 A. Yes.
 18 Q. And then you describe, towards the bottom of that
 19 paragraph, that there are calls coming in. So the last
 20 couple of sentences of the first paragraph:
 21 "One, we will possibly cross into (inaudible) so the
 22 first couple of calls, as you can imagine, are coming in
 23 now, of sharks with lasers surrounding the boats and
 24 we're all dying type thing coming in. So legally, we're
 25 now dealing with a distress."

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

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1 might undermine the likelihood that he would consider
 2 this was an event he should attend given the risk to
 3 himself?
 4 A. No, not really.
 5 Q. Do you think it would have been helpful for you to find
 6 out before speaking to him what the details of the calls
 7 that were coming in on 999 were?
 8 A. No. All I needed to know that there were now 999 calls.
 9 So in that queue of information we are now, I now
 10 have certainty that the French have told us there are
 11 11 boats. I now have hearsay, from listening to the
 12 maritime conversations in my ops room, that the 999
 13 calls are being received.
 14 Q. So that I can understand how this all fits together, if
 15 you had received information about a boat in the Channel
 16 that was not a small boat, that was in distress and that
 17 had come in through a 999 call, am I right in
 18 understanding you could have immediately scrambled
 19 a helicopter ---
 20 A. Yes.
 21 Q. --- because those conditions would have been met?
 22 A. Correct. But both of ---
 23 Q. But your understand was that is for a small boat in the
 24 Channel the fact of knowing it was there was not
 25 sufficient in this situation for you to request R 163 to

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

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

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

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1 Q. And if you had been told at an earlier stage of the
 2 evening that there was a boat taking on water or there
 3 were people in the water, would you then have treated
 4 that or understood that to be a true SAR incident from
 5 that point?
 6 A. Yes, absolutely.
 7 Q. Were you ever, during the course of the evening, told
 8 that there was a boat taking on water or people in the
 9 water?
 10 A. No.
 11 Q. By the end of the call that we have been looking at, and
 12 we can take that document down now, the R 163 had been
 13 tasked to conduct effectively a surveillance flight, is
 14 that right?
 15 A. Yes, I --- I use the word "patrol". But, yes,
 16 surveillance flight I think is I think what I used in my
 17 narrative at the time.
 18 Q. And that was almost three hours since you had first been
 19 notified of the 2Excel cancellation of the first flight?
 20 A. Yes, the 11.30 cancellation, yes.
 21 Q. And two hours since you'd discussed the dangers of
 22 a lack of recognised maritime picture with a maritime
 23 Tactical Commander?
 24 A. Yes.
 25 Q. At the time of the call at 02:41, there had been

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

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

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

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

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

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

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

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