

OPUS2

The Cranston Inquiry

Day 12

March 20, 2025

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1

Thursday, 20 March 2025

2 (10.00 am)

3 SIR ROSS CRANSTON: Well, good morning, everyone. Good
4 morning, Mr Whitton.

5 A. Good morning, sir .

6 SIR ROSS CRANSTON: There are a few questions from
7 Mr Phillips in a moment, but first of all, could you
8 read the affirmation ?

9 A. Certainly , sir .

10 MR STEPHEN JOHN WHITTON OBE (affirmed)

11 SIR ROSS CRANSTON: Yes, thanks very much indeed.

12 Mr Phillips , yes .

13 Questions by MR PHILLIPS

14 MR PHILLIPS: Good morning, Mr Whitton. You have provided
15 a witness statement to the Inquiry dated 11 November
16 last year, which consists of 50 pages. That's right ,
17 isn 't it ?

18 A. Yes, it is , sir . Yes.

19 Q. That's {INQ010137}. I think before I ask you any of my
20 questions , you have got an error that you would like to
21 correct in the statement. Could you do that now?22 A. Yes. Thank you, sir . Page 6, paragraph 15(a), it
23 refers to a date of 2018 in relation to when we started
24 putting a dedicated liaison officer into Dover
25 Coastguard. It was actually 2019. So, I apologise ,

1 sir , for that -- for that error .

2 Q. Great, thank you very much. Just so we have all got
3 an idea of the shape of the day, the Home Office has put
4 forward two separate corporate witnesses today and we
5 are going to hear from your Border Force colleague , as
6 he was then, Mr O'Mahoney, this afternoon .

7 A. Sir .

8 Q. Could you explain to us just at the outset how you have
9 divided the topics between you?

10 A. Yes, certainly , sir . My role as Head of Border Force
11 Maritime Command meant that in terms of the support to
12 the small boats issue in the southeast , I was the
13 strategic lead for the Border Force contribution to
14 the -- the at-sea operation. And that operation sat
15 within -- within the overall plan for tackling small
16 boats off Altair , which Mr O'Mahoney was the commander
17 for . So my operation sat within the overarching
18 campaign plan. So my evidence can concentrate on the
19 Home Office Border Force response at sea, whereas
20 Mr O'Mahoney can talk about the wider campaign -- plan
21 to tackle small boats.

22 Q. Thank you very much. Now going back to paragraph 1 of
23 your statement, if I may, {INQ010137/1} you say you have
24 been the Head of Border Force Maritime Command
25 since March 2019. Do you see there in the second line ?

1 So it 's about six years now; is that right ?

2 A. That's correct , sir .

3 Q. And you joined them just a little while before then
4 in November 2018, initially as an assistant director , is
5 that correct ?

6 A. Yes, sir .

7 Q. And before that, as you say at the bottom of this page
8 on the screen , you were in the police service for
9 32 years ending up as chief superintendent ?

10 A. That's correct , sir .

11 Q. Now, in this paragraph and elsewhere , but starting with
12 this paragraph you explain your role as Head of the
13 Border Force Maritime Command and identify the
14 responsibility to give advice and strategic direction to
15 a range of maritime operations and again, can we take it
16 that that 's correct ?

17 A. Yes, sir .

18 Q. Thank you. You say to us that you are not yourself
19 a professionally qualified or experienced mariner. So
20 just pausing there, would it follow from that that you
21 will be reliant on the advice , and indeed experience , of
22 others within the command for the practicalities of
23 maritime operations ?

24 A. Yes, absolutely , sir .

25 Q. Thank you. But I think it 's right , isn 't it , that you

1 have yourself been out on the boats, if I can put it
2 that way, and had some experience on sea, or at sea,
3 during the period of your command?

4 A. Yes, that's correct, sir. I have been within the
5 command now for, as I say, over six years and I do spend
6 time out at sea in various operations, support --

7 Q. Can you give us an idea of what you have done during
8 that period to get out on to sea?

9 A. Yes, certainly. There's been quite a focus in the
10 southeast and making sure I have been out to sea with
11 both in the early days with the cutters, coastal patrol
12 vessels and then the crew transfer vessels more
13 recently. So I have been involved in -- in migrant
14 operations and rescues in support of the crews.

15 Also spent time out in the Mediterranean when we had
16 crews deployed out supporting the search and rescue
17 operation in the Mediterranean, but also been out
18 involved with the crews on wider law enforcement
19 operations, round the rest of the UK.

20 Q. Yes. So just picking up one point on that. So you have
21 had, as it were, hands-on experience of search and
22 rescue operations in the Channel?

23 A. I have certainly been out as an observer. I have never
24 been out as part of the crew, but I would have been
25 observing and then obviously involved in lots of

1 debriefs and discussions about our operational response.

2 Q. Thank you. The next topic I want to ask you some
3 questions about, please, is the role of the Home Office,
4 or Border Force, in responding to small boats and, in
5 particular, the organisation or structure of it.

6 In your statement, you tell us at paragraph 7, if we
7 could have that on the screen, please, {INQ010137/3}
8 that Border Force is a law enforcement command within
9 the Home Office and that's obviously right.

10 You also say it's part of national operations,
11 slightly further down, do you see paragraph 8 there?
12 What does that mean, please?

13 A. Border Force is divided up into a number of regions and
14 the regions would deal with the -- you know, the
15 airports, the seaports and the sort of more traditional
16 Border Force work.

17 There is an overarching command, operations command,
18 which is a national operations command, which will deal
19 with the some of the specialist capabilities that will
20 cross across the whole of Border Force and that included
21 my command, maritime.

22 That has now changed. There is a new structure
23 that's been introduced in the last couple of months
24 within Border Force, but at the time and up until
25 recently, we were part of the national operation. So it

1 is a national capability .

2 Q. Thank you. And you explain in that same paragraph how
3 your maritime command vessels carry out a range of law
4 enforcement work. You mention surveillance , security ,
5 maritime interceptions and then you add this , that your
6 focus has also been on counter—narcotics , organised
7 immigration crime , people smuggling — if we can turn
8 over the page, please — {INQ010137/4} other smuggled
9 goods bound for the UK:

10 "We are responsible for delivering [Border Force]'s
11 maritime enforcement capability and in so doing, prevent
12 and disrupt organised crime from exploiting the UK's
13 territorial waters for illegal purposes including drug
14 trafficking , illegal immigration and modern slavery ."

15 So as you have said and as that list confirms ,
16 Border Force is primarily a law enforcement body?

17 A. Absolutely , sir .

18 Q. And its purpose, amongst other things , is to keep the
19 UK's borders secure and to identify and counter criminal
20 activity ?

21 A. That's correct , sir .

22 Q. For example, at the very end of this paragraph, you see
23 the last sentence of paragraph 8, when you are talking
24 about the cutters and then the CTVs — we will come back
25 to that :

1 "This allowed my cutters and ... [CPVs] to be
2 deployed to their core law enforcement role around the
3 UK."

4 And that was true in 2021; that was their core role
5 and it 's true today?

6 A. That's correct , sir .

7 Q. Thank you. Then again, in keeping with this , you say
8 that -- in the next paragraph, do you see at the bottom
9 of the screen , Mr Whitton:

10 "My role involves the operational delivery of
11 maritime operations in support of border security , which
12 is our top priority ."

13 And you then list the elements of what you describe
14 as your mission , (a) to (d), and we can see them on this
15 page, thank you very much, and on the next {INQ010137/5}
16 on the screen there on the right . And of course , the --
17 it 's no part of that mission , is it , to conduct search
18 and rescue operations ?

19 A. Not directly , sir . But as any maritime organisation ,
20 safety of life at sea will always be the priority . So
21 whether we are on a law enforcement operation or
22 proactive patrols or supporting the response to a search
23 and rescue , that would always be prioritised , as any
24 maritime organisation would do.

25 Q. Exactly , because Border Force vessels are like any other

1 vessels and the vessel and its crew and commander have
2 SOLAS responsibilities which are primary?

3 A. Absolutely, sir.

4 Q. Thank you. In terms though of search and rescue, you go
5 on to deal with that helpfully at paragraph 12 and, yes,
6 thank you, page 5 {INQ010137/5}. And there you make the
7 point that responsibility for the national search and
8 rescue capability and its policies rests with the
9 Department of Transport and you go on to explain, in the
10 next paragraph, about the statutory duty on
11 His Majesty's Coastguard in relation to that.

12 But as you have just indicated, your vessels, your
13 crews in Border Force, have SOLAS obligations just as
14 part of their maritime work; that's fair, isn't it?

15 A. Yes. Absolutely, sir.

16 Q. And then in 14 {INQ010137/6} you explain more
17 specifically, and fortunately for us, that in support of
18 the response to the small boat situation in the Channel,
19 BFMC has had an enduring role in supporting SAR.

20 Because I think it follows from what you have said
21 to me that search and rescue responsibility cannot be
22 completely abrogated to the coastguard, can it?

23 A. Not in terms of responding to the particular search and
24 rescue at sea, sir, no.

25 Q. Yes. But as we know, Border Force officers have played

1 a direct role in responding to vessels in distress by,
2 for example, tasking assets to assist ; that's correct ,
3 isn 't it ?

4 A. Yes, absolutely . And not just in the southeast in
5 response to small boats, but around the whole of the UK.
6 It 's not uncommon for my assets to be involved in search
7 and rescue elsewhere round the UK.

8 Q. No, and in the Channel specifically , we know that your
9 surface assets have been involved to a very large degree
10 over the years in conducting search and rescue
11 operations for small boats?

12 A. That's correct , sir .

13 Q. And that no doubt explains why if we go back in your
14 statement to paragraph 3, you say , on page 2
15 {INQ010137/2}, please:

16 "In broad terms I would describe my role as having
17 two main elements:"

18 Then, the first one:

19 "(a) border security ... "

20 Which we have talked about now, but then the second
21 one:

22 "(b) supporting the Home Office maritime response to
23 small boats in the southeast with the focus on
24 maintaining an effective rescue capability , and provide
25 a maritime law enforcement response where

1 appropriate ... "

2 That looks as though it's a statement of your role
3 and the makeup of it at the time you made the statement.

4 But was it also a fair statement of your role
5 in November 2021?

6 A. Yes. Yes, it would be, sir.

7 Q. Thank you. Now looking on in your statement to
8 paragraph 94 and I'm sorry to jump about a bit, page
9 {INQ010137/36}, please. You deal there -- and this is
10 in the section dealing with events in -- at the time
11 with which we are concerned. You deal there with the
12 circumstances in which the RNLI and Border Force might
13 be deployed to deal with search and rescue.

14 But you make the point, in the middle of the
15 paragraph that at that time, and I think you mean
16 in November 2021, approximately 90% of rescues were
17 being done by your command without the lifeboats being
18 needed. And is that your evidence today?

19 A. Yes, it is, sir, and throughout the duration of the
20 small boats issue in the southeast, my assets and
21 Border Force assets have dealt with on average about
22 90%.

23 What I can't comment on though is how many of those
24 would have also had the support of the RNLI in some form
25 around the operation, but actually 90% of those rescued

1 on average is by Border Force officers .

2 Q. Yes. So although His Majesty's Coastguard had the
3 statutory responsibility , in practice , the vast majority
4 of the work, the search and rescue operations , was then
5 being undertaken by Border Force?

6 A. Absolutely , and I think the point I would make with
7 that, sir , is that this was a border security issue in
8 the southeast and although within it was obviously
9 a significant search and rescue and SOLAS risk, it was
10 a border security issue .

11 And we provided the main response to that wider
12 border security role and obviously the search and rescue
13 within the capabilities of our vessel . But it was never
14 the full search and rescue capability required for the
15 southeast .

16 Q. Because as you said earlier , the core role , for example,
17 of the surface assets , was and remained law enforcement?

18 A. Absolutely , that was what the vessels were designed to
19 do.

20 Q. Yes. Yes. But what you explain in your statement, and
21 we will come back to this in a moment, is that -- and
22 this is paragraph 8 now, again , jumping back to the
23 beginning , page 4 {INQ010137/4}, four lines down:

24 "Since November 2018 ... [Border Force] vessels and
25 crews had been increasingly deployed to respond to the

1 threat posed by small boats crossing the Dover Strait
2 and the significant threat to life that this dangerous
3 activity poses."

4 Now with all of that in mind, Mr Whitton, can we now
5 look at a document which was drafted just after the
6 incident and this is {INQ007125/1}, please. Top
7 right-hand corner, the date you will see literally
8 a month after the incident, and the senior civil servant
9 responsible is Mr O'Mahoney who is giving evidence this
10 afternoon.

11 But we can see, for example, on the circulation list
12 at page 4 {INQ007125/4} at the bottom that you were very
13 much part of this. Were you involved in drafting the
14 submission, that you can remember?

15 A. I don't recall being directly involved in drafting, but
16 it would have been very likely that I would have seen
17 drafts.

18 Q. Yes.

19 A. And was certainly involved in the preceding discussions,
20 particularly throughout 2021, where we needed to be
21 looking at a different capability --

22 Q. Yes.

23 A. -- to respond to small boats in the southeast from
24 a search and rescue perspective.

25 Q. Yes, well you have seized exactly on the theme of the

1 submission, as we see. If we go to page 1 {INQ007125/1}
2 you will see the subject:

3 "Increasing surface assets for safety of life at
4 sea ... operations in the Dover Strait and moving
5 responsibility from Border Force to the Coastguard."

6 So it sounds from what you have just said as though
7 there had been discussions about the need for change
8 over months. This document didn't appear, as it were,
9 out of the blue?

10 A. No, not at all, sir, no.

11 Q. Thank you. We will come back to this document again
12 later. But if we could look, please, to page 2
13 {INQ007125/2} and paragraph 4 -- no, sorry of the same
14 document. Thank you very much. It says:

15 "Border Force ... provide all of the business as
16 usual surface assets deployed to search and rescue of
17 small boats in the channel. Approximately 50% of
18 [Border Force] Maritime resource is now based in the
19 English Channel and they respond to 89% of [search and
20 rescue] events. With the remaining 11% picked up by
21 RNLI volunteers. This has a significant impact on
22 [Border Force] Maritime's capability to conduct high
23 priority law enforcement work, including maritime
24 tactics against small boats, operations against the
25 smuggling of drugs and firearms as well as the wider

1 clandestine immigration threat."

2 So, first of all, that very much bears out the
3 evidence you have given in your statement about the very
4 high proportion of search and rescue work you were
5 doing, nearly 90%. In terms of the significant impacts,
6 the fifth line, it looks as though what the submission
7 is making clear is that this amount of search and rescue
8 work was detracting from Border Force's maritime law
9 enforcement operations; is that a fair summary?

10 A. Yes, it is. Yes, it is, sir.

11 Q. Thank you. And then looking then at 5, from this point
12 on you -- or the author of the submission is setting out
13 three options. This, I should have said, is
14 a submission addressed to the second permanent secretary
15 of the Minister for Justice, the Minister for Future
16 Borders and the Home Secretary.

17 In 5, it says:

18 "Maintain the status quo.

19 "To continue with current [Border Force] resourcing
20 levels and vessels. This would continue to see a 50%
21 reduction in law enforcement activity around the UK ..."

22 So not just in the Channel:

23 " ... with consequent negative impacts [on] border
24 security ."

25 And in the next paragraph, with -- it deals not only

1 with direct , but indirect costs in the second sentence ,
2 do you see :

3 " ... opportunity cost in diverting law enforcement
4 resources to SAR and an indirect cost from the
5 consequent increased harm to the UK."

6 So can we take it then that this is how you and your
7 senior colleagues in the command viewed the situation
8 immediately after this incident ?

9 A. That's correct , sir . And I think that could be
10 reinforced by looking at the period of time since we
11 have had a more bespoke, dedicated response in the
12 southeast , of the five crew transfer vessels , where
13 I have been able to get the bulk of the law enforcement
14 capability back into the rest of the UK. If you look at
15 the last year , it 's probably one of the most successful
16 years on record in terms of at-sea drug seizures and law
17 enforcement operations around the UK.

18 Q. So it 's taken a little time then to get the balance
19 right , but you think over the last year you have got it
20 right , is that fair ?

21 A. Since the -- the -- we, the more significant change and
22 approach where we introduced five crew transfer vessels
23 in March, April 2022 --

24 Q. Exactly .

25 A. -- that period up until this date, we've seen a gradual

1 increase because there was an element of re-skilling ,
2 rebuilding relationships around our wider law
3 enforcement role , but the results over the last 12,
4 18 months will reinforce how effective that has been.

5 Q. Yes, and we will come back to this , but I think you say
6 in your statement that it was when you had your
7 five CTVs deployed, that from that time you were -- you
8 felt you were providing a reasonable maritime search and
9 rescue response?

10 A. I -- just to expand on that slightly , sir --

11 Q. Yes.

12 A. -- I think that if you go back to when small boats
13 started to increase and became -- become more of
14 a significant problem, back in 2018/2019 --

15 Q. Yes.

16 A. -- our initial deployment profile which evolved into the
17 introduction of Operation Deveran, which was then
18 a dedicated commitment of a cutter and two coastal
19 patrol vessels , subsequently replaced by a crew transfer
20 vessel , that was very , very effective in -- in
21 supporting both the search and rescue requirements and
22 the wider border security role . But the problem
23 continued to -- to -- to increase, get significantly
24 worse. The profile of the boats we were rescuing
25 changed. So at the point we got into sort of 2021, that

1 was no longer sufficient .

2 Q. Yes.

3 A. So at the early days, and I think the other point for me
4 which is really important is that what we had within
5 Border Force maritime is quite a unique capability .
6 I had commercially qualified , very experienced mariners
7 who had a huge amount of experience in terms of working
8 in the Mediterranean, dealing with tens of thousands of
9 rescues and that experience was able to be transferred
10 back into the southeast .

11 But also the fact that they were law enforcement
12 officers and that gave you a unique capability , in terms
13 of being able to manage risk, being able to deal with
14 very challenging operations at sea, which is what our
15 core business is. So it provided quite a unique
16 capability , I think , to really tackle and develop the
17 response in the southeast , accepting the limitations and
18 that our core role is law enforcement.

19 Q. Yes, thank you. But this document -- going back to this
20 document, December 2021, this captures the view of you
21 and your senior colleagues , doesn't it , as to how you
22 were dealing with this huge increase which we know took
23 place during 2021?

24 A. That -- that's correct , sir .

25 Q. And the message, putting it very simply -- and again, we

1 will come back to this -- is that something needed to
2 change?

3 A. Absolutely, sir.

4 Q. Thank you very much. Now going back a little bit in
5 time, please, to -- during the history you have
6 described, to July 2019. Can we have, please,
7 {INQ006137/1}. This is, as it says:

8 "Small Boats Response: Lessons Learned
9 Review, June 2019."

10 First of all, can I just ask you, how did this
11 review come about?

12 A. Sorry, sir, you probably just need to remind me of the
13 details. There is a huge amount of material I have
14 been ...

15 Q. Of course.

16 A. Just ...

17 Q. We know from your statement that certainly by the latter
18 part of 2018, the small boat problem was beginning to
19 grow and we have heard a good --

20 A. Yes.

21 Q. -- deal of evidence about Operation Deveran etc, coming
22 in, in I think, 2019. This is a Home Office document --

23 A. Yes.

24 Q. -- and perhaps the best thing is we can look at various
25 passages of it together. But we will see that it set

1 out a number of key lessons for the Home Office to
2 improve responses to small boats in the Channel.

3 So if we start, please, at page 18 of the document,
4 paragraph 6.3.1, {INQ006137/18}, this is reflecting, as
5 it were, the consultation process that the reviewers had
6 undertaken. They had gone to the people who were
7 actually doing the work to seek their views.

8 Does that remind you, were you --

9 A. Yes.

10 Q. -- were you interviewed about it?

11 A. No, absolutely --

12 Q. Yes.

13 A. -- I'm very clear now about the process how this -- this
14 review came about at that point in time.

15 Q. Please tell us, how did it come about?

16 A. Well, we moved from, obviously 2018 into 2019 --

17 Q. Yes.

18 A. -- when the small boats problem had started to increase.

19 Q. Yes.

20 A. At that point, in those early stages, the operation,
21 from the Home Office's perspective, was actually being
22 fitted into normal business and there wasn't really a --
23 a properly fit for purpose structure that was able to
24 deal with what was a completely unprecedented problem
25 that, you know, was stretching all of us in terms of how

1 we would respond to that .

2 And this review was then commissioned within the
3 Home Office to actually just have a stocktake and look
4 at where we are, what have we done so far , in those
5 first sort of six , seven months? So fairly early stages
6 because there had been a number of initiatives that had
7 been explored such as whether we could return at sea
8 direct to France. A number of discussions I was having
9 with French colleagues around that. And this was
10 a stocktake in terms of an internal review , to talk
11 about -- to involve all the people who had been involved
12 at that point , to try and make some recommendation as to
13 how this operation would move forward.

14 Q. Thank you. And you will see , in 6.3.1, in the second
15 line :

16 "The contradiction of SOLAS (saving of life at sea)
17 versus a law enforcement approach did not sit well with
18 some members of Border Force but this did not seem to
19 reach the Gold Group."

20 So the senior commanders. And you will see
21 a quotation there from somebody who was obviously not
22 content at this point , second sentence:

23 "'The focus is SOLAS, which is Home Sec's view too.
24 We also have a Border Security role too, but this needs
25 to be tackled in the UK or in France, not the bit in the

1 middle. It is too dangerous.'"

2 So it look as though this tension between saving
3 lives at sea, on the one hand and law enforcement, was
4 a live issue amongst those who were actually doing the
5 work at the time?

6 A. Yes, SOLAS is always going to be the top priority within
7 any law enforcement and border security operation, as
8 well as of course those operations which -- which are
9 being coordinated as a search and rescue. So it 's
10 always going to be a difficult balance in relation to
11 the safety risks, as opposed to any law enforcement
12 objectives. And this was a border security risk to the
13 UK.

14 Q. Yes.

15 A. It 's I wouldn't, I wouldn't use the word " conflict ".
16 It 's something that has to be managed and balanced.

17 Q. But then you were part of the gold group?

18 A. Yes, I mean, at this point there was a huge number of
19 people involved --

20 Q. Yes.

21 A. -- in discussions around how the Home Office should be
22 responding to this problem.

23 Q. Yes.

24 A. And I was certainly part of those discussions. And
25 although the SOLAS and the search and rescue was

1 inextricably linked to the border security role , we
2 needed to -- to -- to work out the best way of balancing
3 that .

4 But also -- and certainly , my view at the time
5 and -- and continues to be , is that , you know , the risks
6 are significant at sea and the best way to solve the
7 problem is ashore .

8 Q. Yes , but in terms of this tension that is talked about
9 here and in the review , can you remember what steps were
10 taken after the review was issued or the report was
11 issued , to help to address that tension between law
12 enforcement on the one hand and saving lives at sea on
13 the other ?

14 A. I -- I think , sir , that this is what probably generated
15 the move towards the creation of the Channel Threat
16 Command which was a much more over -- you know , bespoke ,
17 overarching command , led by Mr O'Mahoney , to actually
18 start to corral and pull together the sort of whole
19 system approach to small boats .

20 Of course -- of course within that was a significant
21 element of the -- the safety side and that was
22 absolutely the priority within the Op Altair gold
23 strategy , but how we could get the whole system from the
24 investigative , working upstream , as well as the response
25 at sea , as well as what was happening within the UK . So

1 this was the early sort of discussions which created
2 that new structure which was absolutely needed.

3 Q. Yes. But in terms, then, of the very practical side of
4 this, when attending when your crews were attending
5 a small boat incident in the Channel, which was
6 prioritised ; was it law enforcement or SOLAS?

7 A. Absolutely SOLAS, as it would -- even if we were out on
8 a drugs operation, safety of life would always be the
9 priority .

10 Q. So when the cutter commanders, at the time we are
11 concerned with, in 2021 and their crew were interacting
12 with people on the small boats, were they treating them
13 as potential suspects, or as people requiring rescue?

14 A. They were treating them as casualties .

15 Q. Yes.

16 A. I've got no doubt around that and I think that's why as
17 the search and rescue demand increased, it meant that
18 the sole role of my teams was search and rescue at that
19 point in terms of the southeast. And we needed to
20 develop a more bespoke model from that, overlaid by the
21 law enforcement requirement in terms of the -- the
22 significant criminality that was underpinning these
23 incredibly dangerous journeys .

24 Q. Thank you. Well, taking the specific example of the
25 Valiant being tasked on the night in question, the

1 incident , we know there was somebody referred to as
2 a CFI on board that night whose role was solely forensic
3 and who was focused on law enforcement only .

4 Was there always , or usually , a Border Force officer
5 of that kind on board the cutters when they were tasked ?

6 A. Well, all of the crew on a cutter are law enforcement
7 officers .

8 Q. Yes.

9 A. So they are all dual role , they are all law enforcement
10 officers . What this was, is just bringing on
11 an additional capability with the focus of who wasn't
12 then part of the core crew, that could focus on some of
13 the evidential support, to support the wider law
14 enforcement investigation into the criminality behind
15 small boats .

16 Q. But that was my question really . Was there usually
17 someone on board who was not part of the crew with their
18 experience , but was simply there for law enforcement
19 purposes ?

20 A. In terms of small boats only , sir ?

21 Q. Yes.

22 A. As I recall , certainly we were -- we had got to the
23 stage -- and part of Op Deveran was to include people
24 from the investigative side because, although my crews
25 are all law enforcement officers , they are not

1 investigators . Whereas, we wanted people on board who
2 were then going to pick up the subsequent investigation ,
3 if there was any you know significant witnesses or
4 potential offenders or facilitators that were being
5 identified . So it was just trying to streamline that
6 process and support the effectiveness of the response at
7 sea .

8 Q. Thank you. Looking at the history which you have
9 explained in the context of this -- of the review we
10 were looking at together , can we go back to your
11 statement, and paragraph 15 please on page 6
12 {INQ010137/6}.

13 So do you see (c) there begins at the bottom of the
14 page, if we can turn over to page 7 {INQ010137/7},
15 please , because there you refer to -- at the top of the
16 page, the implementation of Operation Deveran, which we
17 have already talked about briefly .

18 You explain there that it was implemented in May
19 that year , and continued until March '22 when the MoD
20 took primacy.

21 So it was in force , being implemented, at the time
22 of the incident in November '21, wasn't it ?

23 A. Yes, it was, sir .

24 Q. And you then say :

25 "Although Op Deveran fully acknowledged our border

1 security role, it prioritised Safety of Life at Sea ...
2 and the humanitarian rescue of migrants from small boats
3 under the coordination of [the Coastguard]."

4 So can we take it from that, that at the time we are
5 concerned with, that was the position; that
6 Operation Deveran was striking the balance, if I can put
7 it that way, in that way?

8 A. Absolutely. Absolutely, sir. It was very clear that
9 safety of life was the priority, but it was -- it was --
10 it was the operation governing the Border Force maritime
11 response from the Home Office --

12 Q. Yes.

13 A. -- to a border security threat in the southeast.

14 Q. And so at the time we are concerned with,
15 in November 2021, and going back please to paragraph 3
16 of your statement on page 2 {INQ010137/2} and the two
17 elements to your role, the two main elements, as you put
18 it, can you help us with an idea of what proportion of
19 your time was spent on each of them, in November '21?

20 A. In terms of me personally, sir?

21 Q. Yes.

22 A. I would say at that point, 80, 90% of my time was spent
23 focusing on the southeast, but in terms -- from a law
24 enforcement perspective, in terms of how, from
25 a maritime perspective, we could deliver any change in

1 operation that would stop small boats from crossing .

2 Q. So most -- the vast majority of your time then was spent

3 on the law enforcement aspect of small boats and,

4 effectively , how to stop them?

5 A. Absolutely , sir , but I had the strategic lead for

6 Op Deveran which was our standard deployment there .

7 Q. Yes.

8 A. Which was a set resource with the ability to surge

9 additional resources if we should need.

10 Q. But it sounds as though that aspect, the effective

11 rescue capability wasn't taking up, of your personal

12 time, that much?

13 A. No, that wasn't my responsibility .

14 Q. Thank you. So, next topic please , the relationship with

15 the Coastguard. If an operation in which Border Force

16 assets were involved was under way, is it right to say

17 that the Coastguard took primacy?

18 A. If it had been declared a search and rescue and we were

19 then being tasked under their co-ordination, then the --

20 we would work -- we would be working directly in support

21 of them as the lead agency at that point, sir , yes.

22 Q. But of course , to the extent there was a law enforcement

23 element in what your crews were doing, Border Force

24 retained and remained in control ?

25 A. We remained in command of our own assets, but at the

1 point they were tasked to a search and rescue, they
2 would be working under the co-ordination of the
3 Coastguard, as would any other maritime vessel being
4 deployed to a SAR.

5 Q. Yes, and you set that out for us at paragraph 15(b) on
6 page 6 {INQ010137/6}, towards the end of the
7 subparagraph:

8 "Where a [search and rescue] [I assume incident] is
9 declared [Coastguard] is then responsible for
10 co-ordinating any SAR response."

11 So just so we are clear on this, the moment, as it
12 were, a tasking becomes a search and rescue incident,
13 the Coastguard takes over?

14 A. Absolutely, and that could happen within a law
15 enforcement operation we were running, if it suddenly --
16 it developed into -- we would have had to declare a SAR,
17 the Coastguard would then take primacy for co-ordinating
18 the appropriate support to that.

19 Q. And that's the sort of example you are looking at, at
20 the beginning of subparagraph (b), isn't it?

21 A. Not exactly, sir, insofar as this is about if they were
22 just out on patrol and they came across a vessel which
23 they felt was in distress or -- or -- or needed a SAR
24 response, they would immediately advise HM Coastguard,
25 as any other maritime asset would do.

1 That's separate to if we were already engaged on
2 a planned law enforcement operation.

3 Q. And in terms of the -- thank you, and in terms of the
4 moment at which the Coastguard took over, as it were,
5 the search and rescue aspect, how would that be
6 communicated or recorded?

7 A. Well, in a number of ways. Obviously, the Coastguard
8 would be recording the -- the -- all the information
9 and -- that was available around the -- those who were
10 considered in risk -- at risk at sea. And they would
11 obviously be recording their command and control
12 systems, the fact that we were then supporting that.

13 In terms of then the asset that was deployed, if,
14 for example, it was a cutter, the commander of that
15 cutter would be recording in the ship's log, they would
16 also be recording within their own notebook if they felt
17 that appropriate and it was practicable at the time, and
18 they would also be notifying my Maritime Command Centre
19 in Portsmouth to let them know that they had been tasked
20 and had been diverted or were going to support a search
21 and rescue.

22 Q. Thank you. And going back to the question of primacy,
23 or control. What about operations which, as it were,
24 from the start, are both search and rescue and law
25 enforcement operations, who's in charge?

1 A. Sorry, could you repeat the question again, sir, please?

2 Q. Looking at the question of command --

3 A. Yes.

4 Q. -- and imagining an operation where, from the start,
5 it's clear there were both law enforcement and search
6 and rescue elements, who would be in charge?

7 Border Force or Coastguard?

8 A. We always retain command of our own vessels, our own
9 assets -- assets. So we are in command of our own
10 vessels and obviously both, in terms of as an
11 organisation and the individual responsibilities on the
12 master of that vessel at the time.

13 But in terms of who had primacy for the response to
14 the incident, if it was a declared search and rescue, it
15 would be His Majesty's Coastguard.

16 Q. So at that point, your cutters, your crews, would be
17 effectively directed and controlled by the Coastguard?

18 A. Yes, I mean, they would use the word "coordinated", sir,
19 but yes, a similar principle.

20 Q. Of course. With the result that your personnel, who are
21 not trained for search and rescue operations and who
22 certainly weren't recruited for that purpose, are
23 effectively being directed, coordinated, however you
24 want to put it, to conduct search and rescue by
25 a different organisation?

1 A. Absolutely, which is standard practice in terms of --

2 Q. Yes.

3 A. -- safety of life at sea and responding to a search and
4 rescue. And although on the point you mentioned, sir,
5 around not trained --

6 Q. Yes.

7 A. -- these are professionally qualified mariners. The
8 masters of cutters are commercially qualified --

9 Q. Yes.

10 A. -- you know, to a high standard and that involves, you
11 know, training in -- in IAMSAR --

12 Q. Yes.

13 A. -- in maritime law. So they are very clear on their
14 responsibilities and their capabilities.

15 And within that, we had a huge amount of experience
16 which had been developed into our SOPs, so our operating
17 procedures around responding to search and rescue.

18 Q. So the latter was really training on the job which
19 Commander Toy talked about?

20 A. Yes. Training -- training on the job, but that was then
21 supported by, you know, the documented operating
22 procedures, reviews, and a sort of management governance
23 structure, through our safety management team and
24 through our command structure, that enabled to make sure
25 we were learning and we were developing, you know, the

1 best capability that we could within the limitations of
2 our assets which weren't dedicated search and rescue
3 assets .

4 Q. No, no. We will come back to training in a moment. But
5 certainly the evidence we have been given by your
6 officers is that there was no specific training they
7 received for small boat search and rescue in the
8 Channel?

9 A. Yes, I -- I -- you know, there was no dedicated training
10 course or -- or -- but what we did have, we did -- as
11 you say, there was some training when people went out to
12 the Mediterranean. It was limited, but there was an
13 assurance process to make sure that people understood
14 their roles and understood the equipment that we were
15 developing and the SOPs we were developing.

16 And that was regularly assured. So all of our SOPs
17 around things like, you know, migrant rescues, around
18 managing migrants on board, these SOPs were regularly
19 reviewed, involving the experience of the commanders and
20 those involved, as well as our safety team, as well as
21 the wider command.

22 Q. So you are saying, are you, that there were standard
23 operating procedures relating to this search and rescue
24 work in force within your command at the time of the
25 incident ?

1 A. Yes, we had Op Deveran and then that was supported by
2 a number of SOPs that had been developed, both through
3 our work in the Mediterranean and obviously the
4 experience that we were gaining through the -- you know,
5 the deployment to what was a significant challenge in
6 the southeast .

7 Q. Thank you. Looking, then, at the thing slightly more
8 broadly. The situation we have been discussion where
9 you were working together with the Coastguard and you
10 and your officers working out how to deploy your assets
11 to respond, relied , didn't it , on effective planning and
12 co-working between you, Border Force, and the
13 Coastguard?

14 A. Absolutely , sir . As any cross-agency operation
15 requires , you know, good understanding of each other's
16 capabilities , good communication and, you know, building
17 good relationships .

18 Q. Yes. And presumably you would also accept that the
19 greater the pressure on the small boats rescue work in
20 terms of number of boats, numbers of people, etc , the
21 more important that effective co-operation and close
22 working with other organisations became?

23 A. Yes, sir , absolutely .

24 Q. Now, let 's look, please , at your colleague
25 Mr O'Mahoney's statement at paragraph 16 {INQ010134/6}.

1 Because he makes the point here that as far as he's
2 aware, and he ought to have been aware, there was no
3 written agreement or memorandum of understanding between
4 the Coastguard and the Border Force at this time.

5 Is that also your understanding?

6 A. Yes, that's correct, sir. There was no -- yes, formal
7 agreement in terms of what capability we were providing
8 to search and rescue.

9 Q. Yes, so the question that arises is: how can you have an
10 effective operational relationship of this kind in these
11 difficult conditions without any governing document?

12 A. Well, I -- I suppose in terms of a response to a search
13 and rescue, the -- unless we are particularly declaring
14 a certain capability, which we don't do, as I understand
15 it, the RNLI will declare a set SAR capability, what we
16 do is we provide vessels that can be tasked, the same as
17 the Coastguard could call upon any passing ship or
18 pleasure craft for support.

19 Now that can then respond within the capabilities of
20 that vessel and that's a decision for the master based
21 on the circumstances at the time. But what we were
22 doing is regularly discussing our capability, our
23 limitations, around our search and rescue capability
24 with our colleagues within the Coastguard. And, you
25 know, I would say that was a very strong relationship.

1 We were constantly -- and certainly at the point we
2 moved into 2022, one of the things that the MoD did when
3 they took primacy under Isotope, is we -- we created
4 capability cards for every asset that was being deployed
5 in the southeast, which clearly set out the operating
6 parameters for that particular vessel. And so that's --
7 that was -- that holds good today in terms of, you know,
8 the capabilities of the crew transfer vessels that we
9 predominantly provide now.

10 Q. Just looking at some of the things you said then.

11 You were providing, at the time we are concerned
12 with, about 90% of the assets, or you were dealing with
13 90% of the incidents ?

14 A. (Nods).

15 Q. And what you are suggesting, I think, is that the
16 working relationship worked because you had regular
17 discussions. Again, you were, as it were, learning on
18 the job. But what if something goes wrong? What if,
19 for example, Coastguard requests you to deploy an asset
20 and you refuse? Where does that leave them without some
21 form of governing agreement?

22 A. But that could happen within any situation, if the --
23 because the final decision is that of the master of the
24 vessel that's being deployed, that they can offer
25 assistance if it is a search and rescue, without

1 unnecessarily endangering their own vessel or crew.

2 Q. Yes.

3 A. So that's always a judgment that they will make -- make
4 based on the circumstances. So there are circumstances
5 where a master could say: I -- I can't support this
6 safely.

7 Q. But that's to equate the commanders of your vessels with
8 the commander of any vessel in the Channel, who receives
9 a request from Coastguard to respond. What we are
10 looking at here is a very particular problem where you
11 were actually turning up for 90%.

12 A. Yes.

13 Q. In other words, the operation couldn't have succeeded at
14 all without your support. So it is a very different
15 situation, isn't it?

16 A. Yes, absolutely, but what that also shows was that
17 support that we were providing which was, you know,
18 primarily focusing in on -- on responding to taskings
19 through the coastguard, was very effective. And I --
20 and although every day we get -- when we get small boats
21 crossing, is one boat away from another mass fatality
22 incident and we are really, really clear about that.

23 There has been no fatalities linked to any of the --
24 well, in excess of 130,000 people that have been rescued
25 by my crews, which shows how effective they have been at

1 what they do and how they do it .

2 But again, making the point that we only provide one
3 part of the search and rescue capability because we have
4 limitations , we are not a dedicated rescue team. And we
5 will always need around that, in my view, the specialist
6 capabilities of people like the RNLI to deal with those
7 sort of more challenging higher risk incidents .

8 Q. But we know, at the time, you were not just any force
9 responding to Coastguard's request , but effectively
10 being relied on to provide the vast majority of the
11 assets -- that's fair , isn 't it ?

12 A. Absolutely , sir . Absolutely .

13 Q. Yes, and we know they had no assets of their own, no
14 surface assets of their own?

15 A. No, they don't, sir , no.

16 Q. So it was you and the RNLI, of which you were providing
17 the vast majority of -- of the responses .

18 The question though that arises from all of this ,
19 given that huge reliance on Border Force, is would it
20 not have been better to have had in place an agreement
21 between you which set out the respective
22 responsibilities and expectations , so that , for example,
23 Coastguard had some recourse should there be a refusal
24 by a Border Force commander?

25 A. In thinking about your question , sir , I am not sure what

1 difference that would have made.

2 Q. Thank you. So what we do know is that there was, as you
3 have said, a good deal of discussion and meetings about
4 this problem and can we look at, firstly, a meeting that
5 took place on 18 November 2021, and that's
6 {INQ009957/1}.

7 This is the Operation Deveran Joint Activity Review
8 Meeting, as you see. And if we could go, please, to
9 generated item 5 at the bottom of page 2 {INQ009957/2},
10 and if we can have this page and the next page up, that
11 would be excellent, {INQ009957/3}:

12 "It was recognised that both Border Force Maritime
13 and RNLI surface assets are functioning at the highest
14 level of their capacity to respond to the increasing
15 number of migrant incidents in 2021. For Border Force
16 Maritime, this situation is at a critical level which
17 will need to be resolved to ensure they remain an
18 effective responder in their main areas of
19 responsibility (i.e. Law Enforcement etc.) This may
20 come from an increase in their own assets, further use
21 of external contractors or a withdrawal from a focus on
22 SAR response. This last option may result in further
23 demand on existing declared [search and rescue] assets
24 and an increased risk of controlled / uncontrolled beach
25 landings, with a consequent impact on Immigration

1 Enforcement, Police and Coastguard Rescue Service ...
2 responders ."

3 So at this point, 18 November, as I said, there was
4 a discussion, wasn't there, as to how to manage
5 incidents with insufficient assets and a recognition
6 that your situation and your command was at a critical
7 level ?

8 A. That's -- that's correct, sir. We -- we -- we talked
9 about that that period from 2018 --

10 Q. Yes.

11 A. -- through sort of 2019, 2020. As we got into 2021,
12 person becoming increasingly concerned around, you know,
13 not only the -- the -- the capacity of our response to
14 deal with the demand, but there was significant issues
15 for me around the welfare of the crews, the -- the
16 pressure they were under, at all stages of the
17 operation, which is why we were -- we were working hard
18 to try and develop a -- a -- a more appropriate response
19 in the southeast. Not only to alleviate the demand
20 which had started to increasingly increase during 2021,
21 but also to -- to get the -- the cutters and
22 particularly the -- the coastal patrol vessels back into
23 wider UK-wide search and rescue. And that's why, as you
24 are aware, sir, we brought in, after a short trial,
25 Hurricane in -- in April that year --

1 Q. It was -- it was trialled in April, wasn't it?

2 A. And brought in July.

3 Q. It was deployed in July. Yes, thank you.

4 A. That's right, sir, yes, excuse me. And then we were
5 obviously working to try and develop the -- the -- what
6 we felt then was the -- the best model of using those
7 two transfer vessels.

8 Q. Yes. But it looks -- going back to what this actually
9 says, it looks as though what you were experiencing at
10 this point in November '21 is that the situation was
11 critical and there was a danger, wasn't there, that you
12 would be overwhelmed?

13 A. Absolutely, sir. And, as we know, that November '21
14 time was a significant -- you know, it was a hugely
15 challenging month --

16 Q. Yes.

17 A. -- in terms of numbers of crossings and what the crews
18 were dealing with across the board, including the RNLI.

19 Q. And none of the solutions which you have mentioned had
20 been put in place, had they, by the time of the incident
21 on 23 November?

22 A. No, we still only had one crew transfer vessel.

23 Q. Yes. So, with hindsight, wasn't it predictable that
24 something would go horribly wrong in November 2021?

25 A. We had recognised the -- the increase in demand. We had

1 recognised how much pressure the crews were under. But
2 you know, the incredible job they were still managing to
3 do, but the risks that underpinned that. And -- and
4 certainly anticipated that the numbers would continue to
5 increase into 2022. So there was absolutely
6 a requirement that had been identified , from an
7 operational perspective , to increase the -- well, not
8 only increase the number of assets available , but also
9 the type.

10 Because it was also about the fact that the types of
11 rescues would be going -- starting to go beyond the
12 capability of the vessels that we were using , the
13 cutters and particularly the -- sorry, the coastal
14 patrol vessels , so our smaller in-shore vessels , that
15 were restricted in how many they could safely take on,
16 on board.

17 Q. Yes, well , we know from other evidence that the numbers
18 of people on the small boats was beginning to increase
19 and became much, much larger and that still pertains
20 today. But just going back to the narrative , it looks
21 as though, at this stage -- and we saw it also in the
22 submission in December that we looked at -- you and your
23 senior colleagues were issuing warnings, but you weren't
24 in a position , yet , to put in place solutions ?

25 A. That's correct , sir . But again, I would reinforce that

1 the Home Office was not responsible for search and
2 rescue. That wasn't our primary role. But we were
3 obviously providing the main assets to support that.

4 Q. You were doing the work?

5 A. Absolutely, absolutely.

6 Q. You were in the best position to issue the warnings and
7 that's what you were doing?

8 A. But, absolutely. But also because we are not
9 a dedicated rescue capability, there was always going to
10 be limitations. We were never going to be the sole
11 solution with -- the Home Office, with the assets and
12 capabilities that we were providing.

13 Q. Thank you. Now, in terms of other meetings -- and
14 again, coming up closer to the incident, can we look,
15 please, at {INQ008328/1}. This is an email from you in
16 relation to the weekly scheduled small boats response
17 planning meeting, explaining that you were not able to
18 attend the meeting which was to take place later that
19 day.

20 And you say:

21 "It seems we have a weather window overnight on
22 Wednesday into Thursday which could be busy and we are
23 planning to ensure we have good Op Deveran coverage from
24 Border Force Maritime."

25 And if we look, please, then at the minutes of the

1 meeting that did take place later that day at 4 o'clock,
2 they are {INQ006329/1}, we can see under paragraph 1
3 there, your apologies are recorded. We can see that
4 there is a large cast of attendees including the Chief
5 Coastguard, Mr Mizen. But nobody attending from
6 Border Force; that's right, isn't it?

7 A. That's correct, sir.

8 Q. We have heard a lot about these migrant red days'
9 meetings. Was it your practice to attend them?

10 A. I did regularly attend them, sir, yes.

11 Q. And if you weren't available, did you normally send
12 a more junior officer from Border Force?

13 A. Occasionally, a deputy would cover for me, or in these
14 circumstances, where, you know, I gave fairly late
15 notice there was, there was no one covering me.

16 Q. No.

17 A. But I didn't have any concerns about that at that time,
18 sir.

19 Q. Right well, you said in the email we saw that you
20 thought it was going to be a busy time with a weather
21 window overnight Wednesday into Thursday. You don't
22 feel it appropriate to try and get somebody along to
23 this meeting?

24 A. I -- it -- it wouldn't be essential, in my view, because
25 it wasn't at that point -- and that meeting wouldn't

1 have changed our posture. We had — we had our
2 dedicated commitment to Op Deveran cutter, crew transfer
3 vessel, coastal patrol vessel, and a number of other
4 assets that were supporting the inshore response. And
5 the meeting would not have changed our posture.

6 If, however, outside of that, there would have been
7 anything else coming to my knowledge or my team's
8 knowledge around specific intelligence, or additional
9 issues we would consider, we would have considered them
10 at that point.

11 Q. Mr Phillips, just so everyone knows, you are going to
12 press on until about 20 past 11?

13 MR PHILLIPS: I am, yes. Thank you.

14 SIR ROSS CRANSTON: That's all right with Mr Whitton?

15 A. Certainly, sir, yes.

16 MR PHILLIPS: Yes, well presumably, if anything was
17 discussed of importance in this meeting which you
18 weren't attending, you would have to pick it up from the
19 minutes?

20 A. I wouldn't have been relying on the minutes. I would
21 have expected a call or someone to get in contact with
22 me. And most the people on those calls would — would
23 have had my mobile phone number, would have had direct
24 contact with my Maritime Command Centre. So the
25 relationship was very dynamic. It was — it wasn't

1 relying on -- the meetings were important, sort of,
2 check points, but there was a lot of business obviously
3 being done --

4 Q. Yes.

5 A. -- outside of that.

6 Q. Well, in your statement, and there is no need to go to
7 it, let's keep this on the screen, please, you say that
8 you don't remember receiving the minutes of this meeting
9 and you haven't been able to find a copy.

10 Do you have any memory of anybody making contact
11 with you after the meeting to raise any concerns?

12 A. No, I don't recall that, sir.

13 Q. Okay, thank you. In terms of the minutes if you go down
14 to the bottom of the page, we see the projected red
15 days, this is a comment from the Coastguard, are from
16 3 o'clock in the morning on the 24th to 9 o'clock in the
17 morning on the 25th.

18 And if we then go on, please, to {INQ001190/1}, we
19 can see an email which you didn't send or receive, but
20 it was sent by one of the attendees from 2Excel, one of
21 the aircraft companies providing aerial assets to
22 Coastguard, setting out the -- their take on what was
23 being discussed in the meeting, "There's significant
24 risk", do you see at the top of the page "in this
25 period". Again, is that something you remember having

1 flagged up to you after this meeting?

2 A. No, no, it isn't, sir.

3 Q. No.

4 A. It was, it was had been identified as, as a red window,
5 which was sufficient, particularly when we had seen the
6 amount of crossings that we had seen recently
7 through November that that was, you know, going to
8 result in all likelihood of a -- of a significant number
9 of crossings.

10 Q. So as far as you were concerned, there was nothing to
11 alert you to any particular problems coming up during
12 the period with which we are concerned?

13 A. No, they were all really challenging days.

14 Q. Thank you. Then some questions if I may, please, about
15 assets, their management and their adequacy. We have
16 talked about the extent to which Border Force was doing
17 the actual work. In terms of the assets, surface
18 assets, it's right, isn't it, that at the time of the
19 incident all the vessels used for search and rescue
20 other than the voluntary assets were owned by, supplied
21 by, Border Force?

22 A. The majority of the rescues were being undertaken by
23 Border Force vessels, yes, sir. The -- but of course,
24 with any search and rescue, there is -- it is a --
25 obviously a decision of the Coastguard as to whether it

1 wants to engage wider assets . Not just the RNLI, but
2 potentially other -- other shipping.

3 Q. Well, it looks in practice as though it was 90% your
4 assets , and about 10% --

5 A. Yes, that's correct .

6 Q. -- RNLI. There's no reference in any of the material
7 to, as it were, 3% passing vessels ?

8 A. No, no.

9 Q. So in reality , that was the situation . And although
10 Coastguard didn't own any of their own surface assets ,
11 as you have confirmed, they did own some aerial assets ,
12 didn't they?

13 A. That's correct , sir .

14 Q. Now can I just ask you some questions about that . If we
15 go to your statement at paragraph 18 on page 8, please ,
16 {INQ010137/8}, please, you see :

17 "[Coastguard] only has aerial assets directly under
18 their command and control – the helicopter and fixed
19 wing assets ."

20 So again, just to confirm . You, Border Force, have
21 no control over those aerial assets ?

22 A. Not those, sir , no.

23 Q. Right. And turning then to the night in question , the
24 first thing to get clear is you yourself were not
25 involved in , and took no part in , the Border Force

1 activity on the night in question, did you?

2 A. No, I didn't, sir.

3 Q. Thank you. You have dealt with what happened in your
4 statement between paragraphs 111 and 131, but that's
5 based on your reading of the documents thereafter, as
6 you explain?

7 A. That's correct, sir.

8 Q. Thank you. So far as the aerial assets on the night is
9 concerned then, and with that caveat about your
10 position, can we go to 113 of your statement on page 41
11 {INQ010137/41}.

12 There you say with the sensible caveat:

13 "I note from the documents that ... the
14 [Coastguard's] fixed wing asset ... "

15 Do you see the second line:

16 " ... was late taking off so that there was not [and
17 I quote] a complete maritime picture available."

18 Now, in fact, we know that the 2Excel aircraft
19 didn't fly that night at all; that's correct, isn't it?

20 A. That's correct, sir, yes.

21 Q. And you comment there, in the third line:

22 "This [ie late taking off] would be a concern for me
23 because the first objective of [the Coastguard] is
24 SOLAS."

25 What do you mean by that?

1 A. I think probably to slightly broaden that, my concern
2 would be the — there was a number of ways that small
3 boats were being identified and an important backstop to
4 that was good surveillance and good aerial coverage.
5 Because that would not only ensure that we could provide
6 effective support, but it would also make sure that
7 there was no uncontrolled beach landings, so vessels
8 weren't making it all the way to the UK undetected.

9 So although there was — obviously, the aerial
10 capability was only one part of the way that they were
11 being identified, it was a really important part because
12 at-sea vessels are not the best way to identify migrant
13 boats.

14 Q. Exactly what I was just going to suggest to you. And in
15 fact, you deal with this in your statement at
16 paragraph 19, if we could go to that, please, page 9
17 {INQ010137/9}. You have a comment there in the broader
18 context of search and rescue, do you see, about eight
19 lines down, the sentence begins:

20 "There are over 600 square miles of sea in the
21 Dover Strait and a distance of over 40 miles where MVs
22 were crossing into UK waters [and then this] and in my
23 opinion a good aerial surveillance capability provides
24 for more successful searches than that conducted by
25 surface assets."

1 That's effectively what you were just saying, isn't
2 it?

3 A. Absolutely, sir.

4 Q. And with that in mind, and going back to the paragraph
5 we were looking at, please, 113, page 41
6 {INQ010137/41} -- and it is point you have just been
7 making to me, you -- the absence of the fixed-wing asset
8 on the night would undermine your law enforcement
9 objectives, the point you made about untracked landings,
10 if I can put it that way, and you say there:

11 " ... in response ... "

12 Do you see, about eight lines down:

13 " ... to reduced aerial availability [Border Force]
14 could increase shoreside control, potentially by
15 deploying its RHIBs or jet-skis."

16 But that, presumably, is something in relation to
17 law enforcement and the business of looking at the
18 landings on the coasts, is that right? Rather than
19 search and rescue at sea?

20 A. Absolutely, the -- the sort -- the jet-skis and smaller
21 RHIBs, so the rigid hull inflatable boats that we
22 deploy, you know, they are not search and rescue
23 vessels. Although they can provide a rescue and have
24 done on many occasions in the past, they are not --
25 I wouldn't consider them part of our dedicated support

1 to a search and rescue. They are about surveillance and
2 patrols of the coastguard line.

3 Q. Yes.

4 A. To make sure any boats that hadn't been detected further
5 out to sea, were intercepted before they got to the
6 shore.

7 Q. And that sort of tasking to the RHIBs and jet-skis
8 that's something a law enforcement capability that
9 could -- presumably, your officers could have tasked
10 those assets unilaterally, they didn't need the
11 Coastguard's say so for that?

12 A. No, and that was part of our plan -- for most days is
13 to -- particularly red days, is to not only look at
14 the -- the primary response of the cutter, coastal
15 patrol vessel and crew transfer vessel, but any
16 additional assets that we were going to deploy. So
17 RHIBs --

18 Q. Yes.

19 A. -- and certainly, you know, on the -- the day in
20 question in November, there was additional daytime
21 capabilities. These were assets for the day though,
22 they were not assets to be deployed at night.

23 Q. At night, exactly. Now, in terms of search and rescue
24 and the non-availability of the aerial assets, we know
25 from the evidence that the Border Force officers who

1 were on duty were not aware of the absence of this air
2 cover and that put them at a disadvantage, didn't it,
3 because how could they make decisions about tasking if
4 they are not told that the aerial asset is not in
5 operation?

6 A. They weren't making any decisions around tasking in
7 terms of support to search and rescue, which was the
8 primary role of the -- the Op Deveran cutter and CTV and
9 CPV. That was a matter for the Coastguard.

10 Q. So it was also a matter for the Coastguard, was it, to
11 deal with the problems in not getting what you have
12 called the complete maritime picture as a result of the
13 absence of the air assets?

14 A. In terms of SOLAS --

15 Q. Yes.

16 A. -- and SAR, absolutely. In terms of any impact then on
17 border security then the -- the Op Altair and wider
18 operation would have considered that.

19 Q. So when you make the comments here about the air assets
20 being much more effective in identifying picking up
21 small boat crossings, that is -- that's, as it were,
22 a point you make, but it is a responsibility and
23 a difficulty for Coastguard? Is that a fair way of
24 putting it?

25 A. Yes. I think that it's -- there's two elements of it

1 because if you look at the — the — you know, there's
2 been a real focus from the Home Office's perspective to
3 develop the surveillance capability within the Channel.
4 And air assets is only one part of that and that's
5 then — I think the effectiveness of that has been
6 demonstrated in as much as — although we have seen some
7 significantly challenging days of crossings, there's
8 been no uncontrolled beach landings since sort of early
9 2022.

10 Q. Yes.

11 A. Because that surveillance now is very, very good.

12 Q. But that's very much with your law enforcement hat on?

13 A. It is, but we are working very closely with
14 His Majesty's Coastguard to make sure that the safety of
15 life, which is the overarching objective of the whole
16 operation, regardless which agency is leading, is — is
17 fully supported as well.

18 Q. Yes. Now in terms of the exchange of information about
19 asset availability, do you remember I told you what the
20 officers explained, that they weren't aware that this
21 air asset wasn't available, what has changed in the
22 arrangements between you and Coastguard
23 since November 2021?

24 A. Well, we have a — a much greater at-sea capability in
25 terms of the five crew transfer vessels and through what

1 was developed through the clandestine Channel threat
2 command and subsequently then, through Op Isotope with
3 the military and then -- now, Op Kirstead and the small
4 boats command, is a fairly -- is a very comprehensive
5 sort of command and control setup within the joint
6 control room at Dover. So it's inextricably linked,
7 which means that my Maritime Command Centre at
8 Portsmouth has a very limited role, if any role now,
9 in -- in supporting small boats' response. So it is all
10 joined up in the same location, people working together.

11 Q. So, in a sense, the problem of sharing information about
12 asset availability has been dealt by reducing your
13 officers' role within the overall operation?

14 A. My personal officers --

15 Q. Yes.

16 A. -- sir, but not the Home Office's officers and small
17 boats within Border Force. So we are one team, but it's
18 just a different part of that team now.

19 Q. So does co-location -- is that what you are saying, has
20 that improved the sharing of information about asset
21 availability ?

22 A. Partly. But also some significant developments in
23 technology and assets that had been deployed and the
24 systems that are supporting, then, the -- the joint
25 control room at Dover.

1 MR PHILLIPS: Okay. Sir, would that be a convenient moment?

2 SIR ROSS CRANSTON: Yes. Just 10 minutes then?

3 MR PHILLIPS: Yes.

4 SIR ROSS CRANSTON: Right, well, thanks very much.

5 (11.16 am)

6 (A short break)

7 (11.27 am)

8 SIR ROSS CRANSTON: Yes, Mr Phillips.

9 MR PHILLIPS: Mr Whitton, can we just go back a step. You
10 confirmed earlier that the Coastguard owned no surface
11 assets and I think in an exchange between us I suggested
12 to you that they owned aerial assets, but I think that's
13 actually wrong, their aerial assets came by way of
14 contract from companies such as 2Excel and Bristow, so
15 I just wanted to correct that.

16 A. That's correct, sir. Yes.

17 Q. Thank you. Now, in terms of other aerial assets we know
18 that there was an aerial asset which was tasked and
19 operated by the Home Office over the Channel and in the
20 vicinity of Incident Charlie on 24 November. It's
21 a fixed-wing asset from a company called RVL and the
22 Inquiry has heard evidence that neither of the
23 Border Force officers responsible for the management of
24 Border Force assets that night were aware of the asset,
25 so that's Karen Whitehouse and Tom Willows and so they

1 weren't aware that there was any possibility of redeploying
2 that asset for search and rescue purposes.

3 Can you say anything to assist us with how that
4 situation came about?

5 A. Yes, sir, although the -- there was no responsibility on
6 the officers working in the Maritime Command Centre at
7 Portsmouth to be considering redeploying any aerial
8 assets, or any other assets in terms of search and
9 rescue, so they -- they would have had no role in any
10 decision-making around that.

11 Q. That's helpful. So in terms of the limits of their
12 role, it was simply to respond to requests that came in
13 for tasking from the Coastguard?

14 A. In terms of search and rescue, it was just to make -- to
15 make the provision of an asset.

16 Q. Yes, thank you.

17 Now just staying with the question of assets and
18 this time going back to surface assets, can I ask you
19 some questions, please, about cutters. We know that at
20 the time of the incident, Border Force was relying
21 primarily on cutters as your responding asset for search
22 and rescue, that's correct, isn't it?

23 A. We had three different types of vessels that were
24 deployed at that time. We had the cutter, we had the
25 coastal patrol vessel and we had the crew transfer

1 vessel which was the new commercially provided charter
2 vessel that we had been using since July '21.

3 Q. Thank you. But is it fair to say, in terms of actual
4 work, that it was the cutters that did the majority of
5 it ?

6 A. No. I don't think that would be accurate, sir. I think
7 by that time, the crew transfer vessels we were trying
8 to focus on -- on -- to the times of greatest demand,
9 because they had greater capacity and that was exactly
10 why we were -- we had introduced them.

11 Q. Well, you say because they had greater capacity. But
12 wasn't it also because the cutters were simply not
13 suited to the tasking of rescuing migrants?

14 A. Well, all the vessels that we were using had
15 limitations. They weren't dedicated search and rescue
16 assets. The cutters had shown that they were very
17 effective within the rescues that they had been
18 conducting, but that was smaller boats, smaller numbers
19 of people, which they couldn't embark as quickly as, for
20 example now, the crew transfer vessel.

21 The same with the coastal patrol vessel. It had
22 a limitation in terms of, certainly, numbers and we
23 restricted the numbers on board to no more than
24 rescuing 50 and that became -- that was a stability
25 issue, as well as the ability for the crew to still

1 safely run that vessel in terms of any emergency
2 procedures or managing a large group on board.

3 Q. Okay. Well, let 's look at what Mr O'Mahoney has to say
4 about this , please . Can we look at {INQ010134/1} and it
5 is his paragraph 66, please , at page 24 {INQ010134/24}.

6 Do you see the second line :

7 "It was recognised from early on in the small boats
8 situation that cutters were unsuited to the task of
9 rescuing migrants."

10 Do you agree with him?

11 A. They were unsuited to the way that the problem had
12 evolved and was continuing to evolve in terms of the
13 numbers.

14 Q. Well, it says it was recognised from early on,
15 Mr Whitton.

16 A. I mean the -- the -- the cutters had provided a --
17 a good rescue capability for the vessels we had
18 initially seen coming across , which was, you know, sort
19 of 4, 5-metre RHIBs with maybe 14, 16 people on board.
20 They were very effective at that , but that wasn't their
21 core role .

22 Q. No.

23 A. As those boats got bigger , particularly as more people
24 were on board, that was absolutely then going beyond the
25 ideal operation for the cutter , in terms of search and

1 rescue .

2 Q. Okay. Well, let 's look in your own statement, please at
3 paragraph 21, page 10 {INQ010137/10}, thank you. Do you
4 see five lines down:

5 "Our maritime capability was based on effective
6 maritime law enforcement response and the vessels were
7 not designed nor equipped as dedicated rescue vessels or
8 to carry out mass rescues ."

9 That's correct , isn 't it ?

10 A. That's correct , sir , yes .

11 Q. Well, given what Mr O'Mahoney says about an early
12 recognition that the cutters were unsuited to the
13 tasking of rescuing migrants and what you have said
14 there , what steps were taken to address the issue ?

15 A. Well, we had -- we trialled and developed the
16 introduction -- and introduced the crew transfer
17 vessels .

18 Q. That was in 2021?

19 A. Yes.

20 Q. And you said the first one was operational by July?

21 A. July 2021, sir , yes .

22 Q. Was that the first step you had taken?

23 A. We had started trialling them in about March that year .

24 Q. Yes.

25 A. But that was the first time. At the point before that ,

1 the -- for me, at the early stages of the small boats
2 challenge , it was more about detracting from our core
3 law enforcement capability around the cutters , rather
4 than their capability because what we had is -- is a lot
5 of experience and some very effective working practices
6 within the constraints of what we were dealing with.

7 Q. Yes.

8 A. As we moved into 2021, it was absolutely then a --
9 a capability issue for all our vessels , which is with
10 why we needed another solution .

11 Q. Yes, and that's what you describe later in this
12 paragraph, do you see, a few lines down:

13 "This was initially realised ... "

14 The need to:

15 " ... develop a more bespoke maritime rescue
16 capability ... "

17 Do you see:

18 "This was initially realised that the deployment of
19 CTV Hurricane in July [as you have just said] after
20 a short trial ... which [we] started in March [21]
21 followed by an additional four CTVs ... "

22 And again, you have told us about this :

23 " ... in April 2022. This has been an effective and
24 enduring maritime [search and rescue] response since
25 that time."

1 So in other words, what you set out there has,
2 I think you are saying, been an effective and enduring
3 maritime response since then. But it follows, doesn't
4 it, that in November 2021, you weren't able to provide
5 an effective and enduring maritime search and rescue
6 response?

7 A. That wasn't our responsibility, sir, to provide an
8 effective search and rescue response.

9 Q. Well, it is something you have talked about here in your
10 evidence.

11 A. But what we were providing was our dedicated commitment
12 to Op Deveran and what we were finding is those vessels
13 were then increasingly being shown to be not suited. As
14 well as the need for us to be able to deploy in our
15 wider law enforcement role, we were never responsible
16 for determining what was the most appropriate search and
17 rescue response to the southeast. That sits with the --
18 His Majesty's Coastguard.

19 Q. Yes, but we have already seen in the submission, for
20 example, that was produced in December 2021, that you
21 were very concerned, to put it no higher, that on what
22 you then had, in terms of assets and resources, there
23 was a danger that you would be overwhelmed?

24 A. Yes, in terms of the individual assets that we were
25 deploying, not in terms of what was necessary for the

1 wider search and rescue response in the Channel. And
2 that was about focus on my responsibility to -- to my
3 crews and the operation that we were delivering in
4 support of the -- the wider response.

5 Q. Okay. Well, let 's look further on in your statement,
6 please , to paragraph 34 and another event that happened
7 in the immediate aftermath of the incident , at the
8 beginning of December, {INQ010137/15}:

9 "I recall a workshop with the chief coastguard with
10 all the relevant organisations present on
11 02 December ..."

12 This is about a week after the incident , and
13 I assume --

14 A. Yes, sir .

15 Q. -- it was held, at least in part , in response to what
16 had happened?

17 A. I don't recall it was held directly in response. But it
18 was absolutely held in -- in recognition of the
19 increasing challenge within small boats and the need to
20 get all the agencies together to look at how that
21 response needed to develop.

22 Q. Because all of the agencies were really struggling to
23 deal with the huge numbers of search and rescue
24 operations that they were having to deal with
25 during November '21?

1 A. And the preceding months before that, sir .

2 Q. And the preceding months before that, exactly, yes.

3 A. The whole of '21 was extremely busy. I think

4 August/September were also really busy months that year,
5 sir .

6 Q. Yes. And you say there that one of the conclusions of
7 the workshop which you describe as important was that
8 there needed to be 11 assets at sea to properly respond
9 to the increasing search and rescue activity .

10 Do you mean, by that, surface assets, or are you
11 including aerial assets?

12 A. That -- particularly that -- that particular comment
13 relates to surface assets, sir, but that was in terms of
14 the -- the whole search and rescue response, not the
15 contribution to that, that the Home Office and through
16 Border Force maritime were making. So that was the
17 whole capability .

18 Q. But the Border Force and maritime response was 90% of
19 the effort . We know that.

20 A. It was previously and it continued to be, but that
21 wasn't what that discussion was about. It was about --
22 in terms of providing the whole capability in the
23 southeast in terms of search and rescue, there was all
24 the organisations -- appropriate organisations
25 represented and it was obviously chaired by the chief

1 Coastguard, was to look at the whole search and rescue
2 in its entirety , of which we were just providing one
3 small part, accepting that it was the majority of the
4 rescues , because our role was around the border security
5 element.

6 Q. Do you remember whether that conclusion meant that there
7 needed to be more assets at sea, to respond to the
8 increasing search and rescue activity ?

9 A. That was certainly the conclusion of that workshop, sir .

10 Q. In other words, that at the time of the incident , there
11 were insufficient assets at sea?

12 A. The -- the workshop was to look at the optimum model for
13 dealing with the -- not only the -- the demand as it was
14 evolving , but what was anticipated to be the likely
15 consequences of 2022 when we were all anticipating that
16 the numbers would continue to increase .

17 Q. So you are saying you were only looking forward and not
18 back to the incident that had happened just a week
19 before, that's rather unrealistic , isn 't it ?

20 A. Well, I think it would have been both.

21 Q. Yes.

22 A. But, I -- as I say , I was -- I was part of that
23 workshop, of which there was quite a significant number
24 of people present . But I wasn't leading it , so I am
25 just trying to recall my perception of -- of what came

1 out of that.

2 Q. Let me help you with that because we have got a note of
3 it at {INQ009954/1}. You will see the purpose of the
4 workshop there:

5 " ... to bring the various organisations together who
6 are currently responding to small boat incidents in
7 the ... Channel. Two scenarios ... "

8 And then a third scenario. And if you look at the
9 outcome summary, and indeed, the rest of the document,
10 you will have to take it from me there is nothing there
11 about 11 vessels , or assets at sea, being needed. That
12 detail isn 't in here, so that must be something you have
13 remembered independently.

14 But if you look at the last full paragraph at the
15 bottom of the page, you will see what was, according to
16 this note, agreed:

17 "[It] was felt that there were insufficient maritime
18 surface search and rescue assets available and the
19 rising number of small boats crossing were making the
20 current levels of response unsustainable and increasing
21 the risk to loss of life ."

22 And does that accord with what you remember of that,
23 the conclusion of that workshop?

24 A. Yes, sir .

25 Q. Thank you. Then over to page 2 {INQ009954/2}, please

1 and paragraph 4:

2 "There was recognition that maritime assets were
3 being stretched to the limit and with the recent
4 increase in migrant activity volumes, if this were to
5 continue current maritime assets will be unsustainable
6 on the current trajectory to provide an adequate and
7 appropriate level of response. Those at the workshop
8 agreed to set up a working group to identify the user
9 requirements and specifications for additional maritime
10 assets ... "

11 Etc. And again, does that accord with your
12 recollection of the conclusion of those present at the
13 workshop?

14 A. Yes, that's correct, sir.

15 Q. Thank you. On the question of your cutters and that
16 particular surface asset, we have heard some evidence
17 now about response times, in other words, how quickly
18 the cutters could get out in response to a search and
19 rescue tasking, from the Coastguard. And both
20 Commander Toy and Karen Whitehouse told us that they
21 didn't know the average response time for a cutter to
22 reach the median line.

23 You say something rather similar in your statement,
24 if we go please to the statement at page 12
25 {INQ010137/12}, paragraph 25, you say, do you see in the

1 third line :

2 " It is difficult to say with any accuracy how long
3 a cutter would ordinarily take to reach the Median line
4 from Dover as there are numerous factors that would
5 affect the speed at which she could safely travel such
6 as her loading, the sea state, visibility , other
7 maritime traffic in the area and in particular the TSS
8 but from Dover Strait out to the median line is
9 approximately 11 [nautical miles]. "

10 Can we take it that at the time of the incident ,
11 in November 2021, you and your officers at Border Force
12 were not, as it were, using or working on an average
13 time to get them out to the median line ?

14 A. We were working to the 30 minutes' notice --

15 Q. Yes.

16 A. -- to sea, which is a standard deployment. Now, I can't
17 see any reason why we would start to map a response to
18 the median line because it wasn't about a response to
19 the median line , it was a response to whatever
20 coordinates we were given that we were tasking our asset
21 to. And what we would then be able to do and the
22 commanders of those vessels would be able to do, is make
23 a fairly good judgment, based on all the factors they
24 would need to consider , as how long it was going to take
25 them to get there .

1 So to give sort of average response times to places
2 at sea, from my view would have been of no value. So it
3 was about getting them to sea. They would then make
4 a judgment on how long it was going to take them to get
5 to the coordinates they had been given as to the start
6 point for their response and then it would be for — if
7 it was a search and rescue, the co-ordinating authority,
8 so His Majesty's Coastguard, to decide whether that was
9 sufficient or not or whether they would need to consider
10 alternative options.

11 Q. So it was, as you have just been saying, I think,
12 important for the Coastguard, the co-ordinating
13 authority, to know from your team from your officers,
14 given the coordinates that they were providing: there is
15 a small boat in this position, how long they thought, on
16 average, and allowing for all of the variables you have
17 indicated, the cutter or whatever it was, would get
18 there?

19 A. Yes. The coastguard would know where our asset was, so
20 they would know, in these circumstances, that the cutter
21 was at Dover. We would have been notified of the
22 request that they wanted us to task the cutter to
23 deploy. At the point that cutter then deploys, the
24 commander will then be looking at the co-ordinates they
25 had been given and then be having conversations on,

1 probably VHF, with the Coastguard as to how long it is
2 going to take them. That's then very much
3 a conversation between the master of the vessel and
4 His Majesty's Coastguard in terms of their response and
5 that would be direct .

6 Q. So in what part -- in all of that, what part do your
7 Border Force officers actually play? Is it really not
8 for them to form any view about how quickly their assets
9 can get to the coordinates they have been given?

10 A. No, it 's not their role , sir .

11 Q. I see .

12 A. And part of the reason for that is , well , 1) because we
13 are providing an asset to respond to a search and rescue
14 and what we are not, is we are not in possession of all
15 the information that's generated. We are not receiving
16 the 999 calls , we are not receiving the information
17 that's influencing any decision –making around that
18 response .

19 Q. But what you would know is where your assets were and
20 therefore , where they were in relation to the
21 coordinates . Surely , it was important that your
22 officers had an idea , at least , of how long it would
23 take from where the asset was to get to the coordinates ,
24 in order to form a view about what should be tasked ,
25 which vessel should be tasked ?

1 A. It wasn't our decision as to what vessels should be
2 tasked. What we were doing is providing a vessel and it
3 was then that the Coastguard's decision as to whether
4 that was appropriate in -- in the circumstances. Which
5 is why the communication between the master of the
6 vessel and His Majesty's Coastguard, at that point, is
7 really, really important.

8 Q. Yes.

9 A. Because that is that direct line in terms of: we are now
10 responding to a -- a SAR tasking or a Mayday and we can
11 give you our estimate of how long it's going to take us
12 to get there, based on our assessment of the conditions
13 at the time. That then helps you inform any further
14 decision-making you may make around a search and rescue.

15 Q. But are you saying then that the Coastguard would not
16 only request assistance from Border Force, but actually
17 say: we want you to deploy the Valiant or asset X. In
18 other words, to decide for themselves which Border Force
19 asset should be deployed?

20 A. No. They were coming to us asking for an asset.

21 Q. Yes.

22 A. They knew that the -- in these particular circumstances,
23 that Valiant was the primary responder.

24 Q. Yes.

25 A. And where it was. And we then, obviously, would make

1 the decision to make that asset available to them for
2 them then to decide. In these circumstances, they
3 wouldn't be coming to us saying: we want that rather
4 than that, at this stage.

5 Q. No.

6 A. Because we had already agreed what assets would be
7 available .

8 Q. But I am trying to work out what your Border Force
9 officers were actually doing when the request comes in.
10 If the request comes in: we need a vessel to go to these
11 co-ordinates because there is a small boat there. Was
12 it not their job to decide which Border Force asset was
13 most appropriate to be deployed to that search and
14 rescue?

15 A. No, we already had a plan in terms of Op Deveran and our
16 commitment to that night. We had the cutter as the
17 primary vessel and we had a coastal patrol vessel on --
18 you know, on standby, that was focused on the day.

19 The request to us is: we want you to deploy your
20 asset that you have got available , which was Valiant and
21 then my staff will make the decision : yes, we can
22 support that. And that vessel is now being mobilised
23 for you to then deploy .

24 Q. So there were no circumstances in which your officers
25 took their own decision about what was best suited to

1 the particular task they were being given?

2 A. Well, what they would be thinking about is knowing the
3 capabilities and limitations of the vessel. So, for
4 example, if you were going to be sending a -- one of our
5 coastal patrol vessels to a migrant event where we had
6 already identified there was 80 people on board, that
7 would be beyond the capability of that vessel.

8 So we would already be saying -- and although it
9 would be for the Coastguard to provide the additional
10 support, I would expect my officers to say: look, we
11 will send the CPV, but it's got limitations. You need
12 to be considering another asset because it won't be able
13 to rescue 80 people safely. Or if it does, it is going
14 to be outside of what we would consider its safe
15 parameters.

16 Q. But other than the case of capability then, you don't
17 think that a judgment call was -- fell to Border Force
18 to make in terms of which asset to tasking?

19 A. It wasn't our responsibility. But I would expect as
20 I would -- you know, we were -- we were dealing with
21 incredibly difficult circumstances and -- excuse me --
22 would expect the people to be supporting each other with
23 any advice or comments they felt would be helpful. But
24 it wasn't their decision.

25 Q. And in terms of where all this was laid down, ie the

1 respective responsibilities for tasking and Coastguard's
2 role and Border Force, we know that there was nothing in
3 writing, because you have told us?

4 A. Yes, you -- we were clear in terms of how we operated
5 and how we could operate and our operating procedures
6 and obviously Coastguard were the overall co-ordinating
7 authority .

8 We also developed -- perhaps being clear through
9 these -- I mentioned these capability cards, so that we
10 were clearly setting out for all agencies, particularly
11 when the military became more involved so that there was
12 real clarity around the capability of the vessels,
13 including what the RNLI provided. But that was just
14 sort of good practice as we were evolving .

15 Q. So were the capabilities cards which you have mentioned
16 before, which came in when the MoD took over primacy,
17 were they filling a gap?

18 A. I think they were -- they were identified as good
19 practice .

20 Q. Yes.

21 A. And it wasn't then relying on people automatic knowing
22 that. I mean, most people knew, but it was actually
23 making sure it was documented so everybody knew.

24 Q. It was something written down?

25 A. Absolutely .

1 Q. Which is actually helpful in an urgent situation where
2 everybody is under a lot of pressure?

3 A. Yes, of course, sir.

4 Q. Yes, thank you. Now, in terms of your personnel, your
5 workforce, can we look, please, at {INQ004359/1}. This
6 is a very hard to read RNLI internal report regarding
7 an incident on 20 November, so just a few days before
8 the -- our incident, if I can put it that way. You see
9 date of incident or event 20 November.

10 If we turn to page 2 please {INQ004359/2} and blow
11 up the text so that we can all read it. Thank you:

12 "Migration incident in the Dover Strait ..."

13 Do you see there? And the reviewer observations
14 include that there was accident in the vicinity of the
15 Sandettie Lightvessel and then I quote:

16 "RNLI Ramsgate were paged as UKBF [so Border Force]
17 assets were restricted due to their working hours and
18 Dover MRCC only had ... Valiant available at the
19 time ..."

20 And then further down, it says:

21 "Initial call from [name redacted] responding to the
22 page refused the tasking stating 'that if UKBF won't
23 attend then we won't go afloat either.'"

24 And then completing the reading, if we look further
25 down, in terms of the reasoning given for the absence of

1 Border Force assets , we will see:

2 "The reason UKBF are not out is due to their
3 restricted working hours and no asset available until
4 6 am."

5 Again, there is some more redacted.

6 " ... responded as saying ' it 's UKBF not doing their
7 job. We are volunteers . All their crew is paid to be
8 out [it 's] getting ridiculous '."

9 And we know about this particular incident , that
10 there was no one available to respond until your asset ,
11 the Hurricane , came online at 6 o'clock in the morning.
12 The Hurricane was delayed a further 40 minutes, you see
13 there the last full paragraph that we are looking at ,
14 unknown reason. And the search and rescue proceeded
15 successfully , it has to be said , after that .

16 So this is an example of an incident , on its face
17 anyway, just three days before the incident with which
18 we are concerned, where it seems that Border Force had
19 insufficient personnel and assets to respond. So just
20 looking at the points that are made in there , what does
21 it mean, please , by the reference to "working hours
22 restrictions " , what's that about?

23 A. Well, with -- with any -- with any organisation and
24 particularly a maritime organisation , we need to comply
25 with international law and we need to comply with

1 working time at sea for seafarers .

2 Q. Yes.

3 A. And that's about safety .

4 Q. Yes.

5 A. That's about safety . It 's not anything other than that
6 to ensure that crews are getting appropriate rest
7 periods . Now, I think for me the really important point
8 of -- when I read this, is that 2021 was one of the most
9 challenging years I think many of us had ever had.
10 I mean, I have been in law enforcement for almost
11 40 years . 2021 was one of the most challenging years
12 in -- in all my time within law enforcement.

13 We had a huge amount of pressure to try and develop
14 tactics and operations to try and prevent small boats
15 crossing , but also , we are trying to provide the bulk of
16 the support to search and rescue . And not only was --
17 and that pressure was right across the command and
18 I think , you know, other people have said , you know, as
19 organisations , us, the RNLI and other support
20 organisations , including the Coastguard, were on our
21 knees in terms of the pressure we were under and it was
22 getting hugely challenging and --

23 Q. So -- sorry.

24 A. -- this is a reflection of that , I think .

25 Q. So was it actually not an untypical problem at the time,

1 finding the right number of people and the right assets
2 available to deal with this massive pressure of search
3 and rescue?

4 A. Well, from a Border Force and Home Office perspective ,
5 I had the assets that I had.

6 Q. Yes.

7 A. And we were making the best use of those and we were
8 pushing them incredibly hard. And, you know, again , you
9 know, hugely proud of what they were achieving on
10 a daily basis .

11 Now, in terms of then the wider pressure on the
12 system around search and rescue in the southeast , we
13 were only part of that. That wasn't our responsibility .

14 Q. No. But obviously , from what you have said , and again ,
15 I think this is just common sense, if you had had more
16 assets at this point and more people, you wouldn't have
17 been so appallingly stretched ?

18 A. Absolutely , sir , but it was about the more assets
19 available to deliver the search and rescue requirement .
20 We were providing , yes , the bulk of that , but our role
21 was border security providing the law enforcement
22 capability for what was a border security threat to the
23 UK.

24 Q. Yes. Yes. Now, I want to explore with you whether --
25 how this worked out in practice in terms of your team,

1 your Border Force officers , because we have heard some
2 evidence from, for example, Karen Whitehouse, that staff
3 at the time, so in November 2021, were expected to work
4 through their 11-hour shifts without an official break.
5 Was that the situation then?

6 A. Well, I think we were -- it would -- it was -- we
7 were -- we were best endeavours in terms of, yes, you
8 know, crews were very, very rarely getting breaks,
9 working very, very long hours under a huge amount of
10 pressure in, in a very, very high risk environment.

11 Q. Yes.

12 A. Which is why we were trying to not only develop
13 a different capability , but also to rotate the crews,
14 get crews out into other parts of our work around the UK
15 because of the pressure they -- they were under. It was
16 hugely challenging and I certainly had many very, very
17 difficult conversations with vessel commanders about the
18 pressure they were under and we were very, very
19 conscious of that.

20 Q. Well, for example, on that topic , Mr Willows, I think it
21 was, told us that he was frequently working on his own
22 at BFMCC, covering the work of effectively , two people.
23 And is that another good example of how everybody was
24 stretched very thin at this time?

25 A. Yes, absolutely and -- but I also thought from

1 a command's perspective, looking at Border Force
2 Maritime Command, from 2015 we had had a big commitment
3 out in the Mediterranean and we were just starting to
4 rebuild our capability back in the UK, which included
5 the Maritime Command Centre, which only really went to
6 a sort of 24/7 capability probably in end of 2021.

7 So it was still evolving and we were still looking
8 at building the resources that we would need just for
9 our normal business, let alone the support we continued
10 to provide to the southeast. But alongside that,
11 obviously the joint control room, the campaign plan from
12 the Channel threat command was also developing and had
13 developed. Which was obviously putting in place a lot
14 of the infrastructure that was needed because one of the
15 big challenges -- we talked a lot about what happens at
16 sea, but the key for our resilience was how quickly we
17 could offload people and disembark people back ashore so
18 we can either get in to rest or get back out to the next
19 job. And that was a real focus in building capability
20 which the MoD massively supported when they -- when they
21 came in, in the following year.

22 Q. Well, you will see here, going back to the RNLI
23 document, that one of the -- as it were, the themes, the
24 complaints from the RNLI station at Ramsgate, is that
25 there was simply not enough Border Force assets. Were

1 you aware at the time, I assume you were, that things
2 had reached the stage where the RNLI were simply
3 refusing to assist for that reason?

4 A. Well, I was absolutely aware of the pressure that the
5 RNLI was under, as well as our own staff.

6 Q. Yes.

7 A. And how difficult that was. We were having a number of
8 conversations around how we could best manage that and
9 obviously, the workshop that was held back in the
10 beginning -- well, in December? In December, was part
11 of that -- the chief Coastguard getting everybody
12 together to say: let's all get round the table and
13 really try and work this through as a collective.

14 Q. And do you remember any specific -- taking any specific
15 steps to deal with the problem that was addressed --
16 that had come up here, whereby the lifeboat were
17 effectively saying: we are not going to help because
18 there aren't -- the Border Force assets are not pulling
19 their weight? Was that something you dealt with at the
20 time, do you remember?

21 A. Well, there was -- there was no question that the
22 Border Force assets were not pulling their weight.
23 As -- as I have mentioned, they were being stretched to
24 the limit in incredibly difficult circumstances and
25 doing a fantastic job.

1 Q. Just there weren't enough of them?

2 A. There just wasn't enough capability to support the whole
3 SAR response, of which we were only part. So it was
4 lots of -- well, predominantly, it was just us and the
5 RNLI, but we were both stretched to the limit.

6 Q. Well, that's the point, isn't it? That you have
7 explained that you were doing 90% of the work and they
8 were doing 10%. So for that 10%, you were relying on
9 them doing what didn't happen at Ramsgate?

10 A. Yes, but that, but a lot of that 10% was -- was dealing
11 with the rescues that were beyond our capability. In
12 terms of --

13 Q. In terms of the number of people, do you mean?

14 A. Not in terms of the number of people, but in terms of
15 the sea conditions at the time. You know, our
16 capability, and certainly the crew transfer vessels were
17 designed very much around, you know, the red days when
18 small boats were crossing on fairly benign conditions
19 and that's where -- so they could manage the rescue of
20 large numbers. What the RNLI provides obviously is the
21 very specialist capability, in terms of the much -- the
22 more challenging rescues particularly when the sea
23 states deteriorated.

24 Q. Yes, well, they could cope with all sea conditions --

25 A. Absolutely.

1 Q. -- and your vessels which were not primarily designed
2 for search and rescue, couldn't?
3 A. They couldn't rescue in all sea conditions.
4 Q. No. So looking, then, at the question of capacity for
5 a moment. Your statement, please, again on page 12,
6 paragraph 24 {INQ010137/12}. We can see here you are
7 talking about the capacity -- the maximum capacity of
8 the cutter and what should happen in circumstances where
9 there were more people than the maximum capacity, which
10 I think Commander Toy tells us was actually 100, and you
11 say there:

12 "However, embarkation of a number of migrants in
13 excess of the suggested maximum capacity might indicate
14 that additional mitigation measures should be put in
15 place, for instance, the provision of an RNLI lifeboat
16 on standby to assist."

17 So in the situation that we know pertained on the
18 night, where the information the Coastguard has there
19 were more than 100 people, potentially at least, in
20 those boats, are you suggesting that the right course
21 there would have been to contact the RNLI and task them
22 to give that assistance?

23 A. It would never have been our responsibility to task the
24 RNLI.

25 Q. That's not what I asked you. Are you saying that in

1 those circumstances, that would have been the right
2 course to take, based on your experience?
3 A. What -- what we did is that we set this sort of
4 suggested maximum capability of 100 people on the
5 cutters and that was based on a number of factors,
6 including the lifesaving equipment that the cutters were
7 carrying, the number of life jackets, the ability to
8 manage that number of people safely in terms of the size
9 of the crew. It -- it wasn't a hard and fast upper
10 limit.

11 But what the -- the -- the strong recommendation
12 was, what the guidance was, if you were getting close to
13 that capacity, or you hit that capacity, as the
14 commander of the vessel you need to consider what
15 additional mitigation needs to be put in place. Now,
16 you might decide none whatsoever. I am happy that the
17 120 people I've got on board, I can manage safely. It's
18 good visibility, the sea state's causing me no concern.
19 We are only 30 minutes from Dover. I am happy now to,
20 to -- to go into Dover.

21 But what they might decide is: no, I now need to ask
22 for additional support. They would do that through the
23 Coastguard. So it was a judgment. We were just asking
24 them to have that -- you know, make this those
25 considerations and to add to that, what we did is

1 debrief every job to make sure we were learning from
2 that, from where they were perhaps putting in additional
3 mitigation , which might have been not coming back in ,
4 staying where they are and perhaps putting some life
5 rafts out into the water.

6 Q. But what I think you are saying is that that call , that
7 decision , would be primarily for the commander of the
8 vessel to make?

9 A. Absolutely , in consultation with the Coastguard. We
10 would expect them to be having a conversation with the
11 coastguard around that .

12 Q. But in the particular example you have chosen to use
13 here in paragraph 24, where you refer to the provision
14 of a lifeboat on standby, did you have concerns, based
15 on the incident in Ramsgate, that that approach might
16 not work, because the station might simply refuse ?

17 A. No, because in the context of the point I am making, it
18 is the additional mitigation which could be that we are
19 going to send another one of our -- another one of our
20 vessels needs to be deployed there. It could be,
21 depending on the location , that we are going to deploy
22 some of the shore-based RHIBs that we had available out
23 to support the rescuing asset, just to provide some
24 cover should there be an emergency procedure or a man
25 overboard or -- or some other factor .

1 It wasn't -- I used it as an example rather than it
2 being a -- I suppose, an issue around whether the
3 lifeboats could or could not support that.

4 Q. Okay. Let's look at the levels of coverage that were
5 planned, at least, for the 24 November, together. And
6 that's {INQ000566/1}, please. You see the date of the
7 email is 12 minutes past 5 on the 23rd. Valiant is
8 listed as the primary responder. And Hunter also on
9 standby.

10 Then Hurricane, which I think was the first of the
11 CTVs you have mentioned --

12 A. That's right, sir.

13 Q. -- was available from 6 o'clock the following morning.
14 So on the 24th. And Safeguard, was that a cutter, was
15 that a CPV, what was that?

16 A. That was a RHIB, sir.

17 Q. Thank you, from 6.30. So on the face of this, there was
18 nothing, was there, to prevent Hunter being deployed by
19 way of back-up to Valiant on the evening of the 23rd?

20 A. If -- on that day, if the Coastguard had asked us if we
21 could have provided another asset, we could have
22 considered deploying Hunter.

23 Q. Yes.

24 A. If they had asked for another asset, but obviously that
25 would have then reduced the capability through the day.

1 Q. Yes. Well, on that topic, Mr Willows said he was
2 concerned that there would be insufficient Border Force
3 assets for the following day, so the 24th, if more than
4 one asset was deployed during the night, in other words
5 the night of the 23rd to the 24th?

6 A. (Nods).

7 Q. And this, in the context of the discussion which
8 I mentioned which took place between him and the
9 Coastguard representative, that the number of people
10 potentially in the small boats in the Sandettie
11 Lightvessel area exceeded the capacity of the Valiant.
12 But -- so bearing that evidence in mind and looking
13 at this table, we have seen Valiant and Hunter. We have
14 looked together at Hurricane and the other assets
15 available for the next morning, from 6 onwards and you
16 have -- we won't look at this now, but you have
17 confirmed the availability in your statement at
18 paragraph 107.

19 So looking at that, and given the availability of
20 Hurricane and other assets, if the Hunter had been
21 deployed, that night, the 23rd, to assist in the search
22 for Incident Charlie, would there have been a problem
23 with insufficient assets for the following morning?

24 A. I am -- I am aware that Hunter did deploy and carry out
25 a number of rescues during the day, the -- the following

1 day.

2 But I would go back to the -- to the point that

3 Hunter was on standby --

4 Q. Yes.

5 A. -- and Valiant was primary. And if there had been
6 a request to us to task additional assets in support of
7 whatever was going on at sea at the time, then we -- we
8 could have considered that. But it would never have
9 been our decision to make.

10 Q. No, but what you wouldn't have done is to say: thank you
11 for that request for a further asset, but we are worried
12 about availability for the next day. Because you can
13 see there were assets available for the next day?

14 A. What, in terms of the rest on that list ?

15 Q. Yes.

16 A. Well, no, because if you look at Safeguard, Juno5 and 6,
17 Athena and Artemis, they are RHIBs and tactical water
18 craft .

19 Q. Yes.

20 A. They are not going to go out and rescue large groups of
21 people. So they weren't going to provide a --
22 a credible sort of rescue capability .

23 Q. But Hurricane would have done?

24 A. Hurricane certainly would have done and Hunter was the
25 coastal patrol rescue --

1 Q. Yes.

2 A. -- so again, provide a rescue --

3 Q. Would and could have done?

4 A. Absolutely, they were there to support the search and
5 rescue.

6 Q. Yes, thank you. Now let's look, please, at things from
7 the Coastguard's perspective in the aftermath of the
8 incident. This is {INQ003735/1}, please. This is
9 an email chain. Again, of course, you weren't involved
10 in it and I doubt you have seen it until this Inquiry,
11 headed "Observations from [the 24 November]", sent on
12 the 26th, as you see, within the Coastguard.

13 And one of the points raised in the discussion of
14 what had happened is a concern about the lack of
15 available assets from Border Force. If we go to the
16 next page, please, {INQ003735/2}, the writer says he
17 would like to start, 1) with the lack of availability
18 from UK Border Force:

19 "It became very apparent ..."

20 Do you see there:

21 " ... during the day shift of 23rd November that the
22 24th was going to be a heavy day ..."

23 We have seen the material on that:

24 " ... asset availability was going to be stretched
25 for what had initially been prescribed as an Amber

1 forecast . With that in mind, matters were not helped
2 when the Valiant went off service and returned to
3 Ramsgate, effectively leaving us with only Hurricane and
4 Hunter to deal with the migrant operations during the
5 day. This is simply not sustainable for us to have to
6 work with high numbers of migrant calls with two
7 waterborne Border Force assets . The RNLI are already
8 stretched with crews becoming more reluctant ... "

9 And again, we have seen that:

10 " ... to turn out for migrant taskings ... I don't
11 know how this can be put to [UK Border Force], but
12 during Red and Amber days becoming more and more busy,
13 their need to have more officers from [UK Border Force]
14 trained in boat handling , and their deck crews to ensure
15 we have got adequate coverage for a 24–hour period must
16 be addressed ."

17 It looks , though, as though what the Coastguard
18 officer is saying here is that Border Force, in terms of
19 contribution at this very busy time, was seriously
20 under–resourced. Would you accept that?

21 A. Would I accept that there was not sufficient assets
22 to -- to respond at sea to , you know, the demands we
23 were seeing ? Absolutely .

24 Q. Yes.

25 A. Was that Border Force's responsibility ? Then I would

1 say no, it wasn't. And you know, our focus was very
2 much on, you know, developing law enforcement tactics ,
3 looking at how to prevent the boats from crossing , as
4 well as providing a — an agreed level of support to the
5 search and rescue , which was the cutter , the CPV and the
6 crew ... And that was the best we could do within the
7 resources that we had available .

8 And as has already been mentioned, sir , we have
9 already talked about how we were looking to try and
10 increase that capability with additional crew transfer
11 vessels .

12 Q. But that only occurred , in effect , after this event?

13 A. We were -- we were already looking at trying to -- to
14 put that in place .

15 Q. Yes?

16 A. As a command we were very, very keen to -- to deliver
17 that .

18 Q. But were you aware , at the time , of these sorts of
19 concerns within the Coastguard?

20 A. Absolutely but it was -- it's absolutely right for the
21 Coastguard to be considering that because it was their
22 responsibility to -- to -- to look at the -- the
23 capability in its wider sense of search and rescue , of
24 which what we provide within Border Force is only one
25 part of that . You have got the RNLI and I know that we

1 didn't have had very few incidents where any other
2 vessels got involved , they could have got involved . And
3 there was, obviously always, as there is in any search
4 and rescue , the opportunity to -- to ask for assistance
5 from another passing vessel .

6 Q. But so far as the UK government's response to the major
7 small boat problem, no part of that relied on passing
8 vessels , did it ?

9 A. It hadn't done, to my knowledge. But in terms of the
10 way that Coastguard would work, it could do, because
11 obviously they can -- if there is a Mayday, then, you
12 know, any vessels in the area should be offering
13 assistance if they can do safely .

14 Q. So you are saying , are you, that at this time
15 in November 2021, one of the assets available , or
16 resources potentially available to Coastguard, was
17 passing traffic ?

18 A. Absolutely .

19 Q. Okay, thank you. In terms, then, of the way in which
20 your assets were actually deployed, can we look back to
21 your statement, please , and paragraph 8, page 4, no
22 page 3, I'm sorry, {INQ010137/3}.

23 Here, you talk about, in the fourth line , do you
24 see :

25 "BFMC vessels carry out both reactive and proactive ,

1 intelligence –led maritime law enforcement operations
2 including ... "

3 And we talked about that earlier .

4 Moving on to paragraph 19 of your statement, bearing
5 that in mind, at the bottom of page 8, please ,
6 {INQ010137/8}:

7 "Although [Border Force] vessels historically would
8 carry out proactive patrols within the Channel, as the
9 number of [small boats, effectively] increased , it was
10 a judgment around resourcing and making the best use of
11 those resources , hence patrolling was significantly
12 reduced and vessels became more 'reactive '."

13 And again, just to complete the picture in terms of
14 your evidence , to 28, please , at page 13 at the bottom,
15 {INQ010137/13} thank you:

16 "When the response to small boats began [we have
17 talked about that] [the Border Force] had two cutters
18 deployed which we would rotate to provide 24/7
19 coverage."

20 So taking all that together and trying to see where
21 it gets us, the original plan then, when this problem
22 began in 2018, was to have two of your surface assets
23 patrolling proactively in the Channel looking for small
24 boats, is that correct ?

25 A. Yes. So over that, sort of, Christmas period of

1 2018/2019 into early part of 2019, we had -- yes, we had
2 a cutter -- 24 hours one would be on, 24 hours rest,
3 then it would go out to sea for 24 hours, and they would
4 rotate. And that was also supplemented at some point
5 during those early months with -- with one of the
6 offshore patrol vessels for the Royal Navy, through a --
7 a military aid to the civil authorities request, and
8 they were doing proactive patrols up and down.

9 But that was a very, very different scenario to what
10 then developed through 2020, 2021. Because what we
11 found in those days is that, you know, approximately --
12 roughly 50% of migrant vessels were already identified
13 within French waters. So they were already identified
14 well before they -- they got to UK waters and more often
15 than not, would have a French asset with them.

16 If they hadn't been identified by France beforehand,
17 then we would be getting 999 calls and then there was
18 a significant number within that remaining 50% that were
19 being identified through 999 calls. And then the others
20 were being identified through just passing traffic. You
21 have got, obviously, significant traffic in the
22 Dover Strait including cross channel ferries. So
23 actually, the migrant boats that were identified through
24 proactive patrolling of the cutters was very, very few
25 and far between. It wasn't the best way to identify

1 them and I think that, you know, there's been obviously
2 lots of discussion around why they are not the best
3 asset to -- to identify these small boats.

4 The best way to do it is to, obviously then, improve
5 the surveillance .

6 Q. The air?

7 A. From the air, or the shore, or other means.

8 Q. Yes.

9 A. But also as we got into the demand significantly
10 increasing , it was a better and more effective use of
11 the resource to be reactive than proactive . 1) because
12 the hours people were working and also , you never know
13 where the right place was going to be. And I think
14 that's reinforced if you look at what happens now, we
15 have got five dedicated crew transfer vessels which are
16 still dealing with 90% of the patrols . Only one of
17 those works nights , the other four tend to work days and
18 late . So only one is on nights .

19 On red days, there will be a consideration to put it
20 out proactively . But that's not an essential
21 requirement of it because the surveillance is so strong
22 now across the Channel in terms of identifying boats.

23 The best way to identify small boats is not through
24 proactive patrols with surface assets .

25 Q. But it sounds as though, in the considerations which you

1 say led to the ending of the patrolling , you were -- or
2 you came to be reliant on reports from the French. You
3 have just been describing how many small boats were
4 identified to you or to Coastguard by the French and in
5 some cases, as you have explained , escorting them to the
6 median line , is that fair ?

7 A. Yes, I recollect that in that -- in that -- those early
8 years , it was about 50% were always identified in French
9 waters, probably slightly higher in some circumstances.
10 Whether there was a French asset in attendance or not,
11 was another matter, but generally most -- most were
12 identified already in French waters.

13 Q. Yes, and you have also said that you had some reliance
14 on passing traffic . I am not going to go into that
15 again, but I think you have just said that you came to
16 expect that about 50% of the small boats would be
17 identified by the French. What about the other 50% if
18 you are not patrolling , how are you going to pick them
19 up?

20 A. Well, the -- the majority of small boats crossing the
21 Channel are not trying to avoid detection . So directly
22 they are in UK waters, they are going to be calling the
23 emergency services . So they will be calling 999. So
24 a significant number then outside of that would have
25 been identified by the -- the occupants of the vessel

1 themselves and then another proportion -- because this
2 is a really busy sea area, so vessels would be reporting
3 that they have seen a suspected small boat, whether that
4 be a cross-channel ferry, or a fishing vessel, or
5 another vessel transiting the traffic lanes, would have
6 been reporting that they have seen one and reporting
7 that to the Coastguard.

8 So through those three methods, the majority of
9 small boats were being identified at that time, and that
10 was then being enhanced by much better surveillance to
11 make sure that none were being undetected and ending up
12 as an uncontrolled beach landing.

13 Q. Well, we know, in the case of the incident with which
14 the Inquiry is concerned, that by the time Coastguard
15 had any idea that that small boat was on its journey, it
16 had reached, or nearly reached, UK waters, which
17 presumably means that the time that it then takes for
18 your vessels to get out, has to be measured from that
19 rather late information, in that case coming from the
20 French?

21 A. Well, I mean the -- the information that the Dover
22 Coastguard had would have obviously been developing at
23 the point they were initially notified of the incident
24 by the French.

25 Q. Indeed, but that's what I am getting at. If you rely on

1 the French, then if they don't, in a particular case,
2 give you fair warning, that a boat is in their waters
3 making its way towards UK waters, the system is
4 difficult to operate successfully, isn't it?

5 A. Well, I think it was a -- there was a number of ways
6 that small boats were identified, as I have mentioned
7 earlier. So -- and that was then being enhanced by
8 developing the -- the surveillance and aerial
9 capability.

10 Q. Yes. But just returning to the question of patrolling.
11 You say, in your statement in paragraph 19, and this is
12 on page 9, {INQ010137/9} some seven lines down, you say
13 that:

14 " ... if a vessel was only routine patrolling, it
15 could result in it being further away from the [search
16 and rescue] event ... "

17 Than if it had been at, you know, its berth in
18 Dover, for example. And later, you say:

19 "The evidence we had from patrolling showed that, in
20 practice, not many [small boats] were encountered during
21 patrols."

22 So you don't accept, do you, that if there had been
23 Border Force vessels out patrolling, they would have
24 been quicker to deal with search and rescue incidents?

25 A. Well, if -- if you have already got a vessel out at sea

1 and it is in the right area, then of course, the
2 response time to a tasking, of course, is going to be
3 quicker.

4 Q. Yes.

5 A. But it was actually what was realistically achievable at
6 this time with the assets that we had available, which
7 at this point, from a Border Force perspective, was the
8 cutter, the coastal patrol vessel and the crew transfer
9 vessel.

10 Q. Yes.

11 A. So actually, it wasn't efficient to be having them out
12 on patrol. But of course, if there had been several
13 vessels out there, permanently, then obviously, you are
14 going to reduce the response time.

15 Q. Of course. The situation, as you have explained very --
16 in detail, is that there simply weren't the resources
17 available to you, to have that sort of three or four
18 people out there all the time?

19 A. No. But we were developing our capability around -- it
20 was around law enforcement of border security, was our
21 main priority.

22 Q. Yes, well, just thinking then about the situation as it
23 was in November, so no patrolling. We know it took over
24 50 minutes from the tasking of the cutter, the Valiant,
25 for it to leave the port, leave the port of Dover and

1 there's been no suggestion that that was a particularly
2 slow or long period of time.

3 So you are adding about 50 minutes on top of the
4 time to actually get to the coordinates provided, to
5 assist with the search and rescue, aren't you?

6 A. Yes. The --

7 Q. Yes.

8 A. -- there are clear -- we are providing a very clear
9 capability in terms of 30 minutes' notice to sea.

10 Q. Yes.

11 A. And then whatever the response time is to the -- the --
12 the task we have been given.

13 Q. Yes. And then in terms of the task you have been given
14 and the way it worked in practice, can we go to
15 paragraph 16 of your statement, please, and here you
16 explain on page 7, {INQ010137/7} that:

17 "All suspected migrant events involving small boats,
18 on entering UK [territorial waters], are initially
19 assessed by [the Coastguard] as vessels in distress ... "

20 And then you explain about the IAMSAR provisions:

21 " ... as a situation where there is a reasonable
22 certainty that a person, vessel or other craft is
23 threatened by grave and imminent danger and requires
24 immediate assistance ... "

25 So there were -- as we have heard from other

1 witnesses , there were no, as it were, refinements ,
2 levels of urgency; they were all categorised as in
3 distress , is that correct ?

4 A. That's correct , sir .

5 Q. So that meant that in a particular incident , there was
6 no ability , was there , to distinguish between different
7 levels of urgency, in terms of response?

8 A. Well, not in terms of the -- the -- I suppose, the
9 definition in its simplest form, but obviously within
10 that definition , the people making the decision on the
11 response are making an assessment of that particular
12 incident , in terms of the -- you know, the urgency of
13 the response , the risks involved in it .

14 Q. Yes.

15 A. Which is a really dynamic situation . So -- and there is
16 no doubt that -- because of the demand, that issues were
17 having to be prioritised within a distress category .

18 Q. Yes. And it serves , doesn't it -- the fact that
19 everybody is within the same category and the importance
20 of the detail you have been describing it , serves to
21 underline the importance of the specific information
22 that Coastguard had to know how urgent, in other words,
23 within this overall category of distress , what the
24 particular urgency in any particular situation was?

25 A. Yes. The coastguard were having to make that difficult

1 decision .

2 Q. Yes, because there is a world of difference , in terms of
3 search and rescue , between a boat which is making its
4 way, the engine is working, it is underway. And another
5 one which is taking on water and where there are
6 already , for example, people in the water. It is
7 a wholly different search and rescue situation ?

8 A. It is , sir . But the moment people got into a small boat
9 to cross the Dover Strait , they were putting their lives
10 at serious risk . And although, yes, whether it was
11 making way, whether it had shipped water, whether the
12 sponson and the construction were still intact , could
13 change at a moment. And there was never any doubt,
14 really , around the potential risks that were involved at
15 every stage of that journey , although of course that
16 risk is going to change depending on the specific
17 circumstances .

18 Which is why you know for -- from my perspective and
19 also the perspective of my crews, they were in no doubt
20 about how quickly a situation can change, regardless of
21 whether the vessel was making way at that point ,
22 regardless of whether -- of where it was within the
23 Dover Strait .

24 Q. Yes, and that served , didn't it , going back to your
25 statement, to underline the importance of -- within the

1 IAMSAR definition there, immediate assistance? That's
2 the aim; that's what you have got to do in search and
3 rescue, isn't it?

4 A. Absolutely, sir.

5 Q. That's right. And we know, in fact, in this situation
6 that it took two hours for the Border Force asset to
7 reach the coordinates from the time that it was first
8 tasked in port. That isn't, is it, consistent with
9 providing immediate assistance?

10 A. That is consistent with providing the best response that
11 that vessel could provide.

12 Q. That's not the same this thing, is it, Mr Whitton?

13 A. It's not, but that's whether we were able to offer --

14 Q. Yes.

15 A. -- and provide when tasking Valiant to support the
16 incident. As to what the immediate assistance -- in
17 terms of making a decision around what immediate
18 assistance was required, that was a matter for
19 His Majesty's Coastguard.

20 Q. Thank you. Now, just picking up the point we have
21 touched on briefly on a number of occasions about the
22 development of this problem, the increase in the small
23 boats problem and we have seen that reflected in
24 the December 21 submission, the table-top exercise notes
25 we looked at earlier. And you recognise it in your

1 statement, for example, at paragraph 29, {INQ010137/14}
2 where you refer, on page 14, to:

3 " ... the numbers started significantly increasing
4 and the MVs [the boats] got larger. As a command we
5 were concerned about [the Border Force's] capacity to
6 manage the increasing numbers and the time officers were
7 having to spend at sea without rest ... "

8 And again, we have covered all of that and its
9 part --

10 A. Yes.

11 Q. -- as you explained, and you say there, to the
12 background to the introduction of the first CTV.

13 Just so we have got a clear picture and as you have
14 already pointed out, the November statistics were not
15 the first increased statistics of '21, it was a building
16 picture. During that period, up to November 2021, did
17 your command receive an increase in funding in relation
18 to its response to small boats?

19 A. Not directly, but we were part of a much bigger
20 operation in response to small boats and in terms of
21 the -- the Home Office's commitment through the Channel
22 threat command, so it was a much bigger discussion than
23 whether my command would be given more assets.

24 Q. But were you given more funding or assets in that
25 period?

1 A. No. The -- the CTV was the first additional asset .

2 Q. Thank you.

3 A. No additional people.

4 Q. Now, if we go back to the lesson learning review of 2019
5 and go please to {INQ006137/1}, and page 19 of that
6 document, {INQ006137/19}, do you remember we looked at
7 this a little earlier ?

8 A. Sorry, sir, can I just actually add something else to
9 that previous comment?

10 Q. Yes.

11 A. Is that we were given no additional assets to manage the
12 search and rescue response --

13 Q. Yes.

14 A. -- but we did get additional assets to develop our law
15 enforcement capability and some of our tactics .

16 Q. I see, right .

17 A. So there was additional specialist teams we developed
18 around the use of tactical water craft , around RHIBs,
19 that was additional capability that we were going into
20 the command. But it wasn't about search and rescue .

21 Q. No. So, you got more, as it were, but not for search
22 and rescue?

23 A. No.

24 Q. Thank you very much. Sorry. Then back to the review
25 and page 19 and paragraph 6.4.4. So this is in 2019, to

1 remind you:

2 "An additional complicating factor is funding ... "

3 This is the report's authors.

4 "Overseas Development Agency money paid for Cutters
5 in the Mediterranean and only funded for search and
6 rescue. No funding for Cutters in the UK has been
7 agreed and approximately 80% of the Maritime budget has
8 been sent on the small boats response and concerns were
9 raised about the future funding for work in the
10 Mediterranean. There is work underway in Border Force
11 to look at the complexities of this issue and deliver
12 a strategy, protocols and detailed instructions to
13 attempt to address these issues. This needs to be
14 looked at in the wider context of maritime activity in
15 the [Channel] ... "

16 Etc. It looks, from what you have now said though,
17 that that point, having been identified in the summer of
18 2019, what you have described for us is an increase on
19 the law enforcement side, but not, as it happens, in
20 terms of Border Force Command, your maritime command, on
21 search and rescue?

22 A. That's correct, sir. And this obviously was also around
23 the discussion around -- in terms of where was that --
24 where does that responsibility sit to fund an increased
25 search and rescue capability.

1 Q. Indeed. Yes, one can sense a very familiar jostling
2 between Government departments. That's absolute right ,
3 thank you. Now, page {INQ007125/1} next, please, and
4 that is the submission we looked at before on the
5 subject of increasing surface assets . And the question
6 of the need for more, as it were, is identified on the
7 first page as being that the UK government has an
8 inadequate number of -- do you see under "Issue" --
9 sorry , I should have said , second paragraph:

10 "UK Government has an inadequate number of surface
11 assets to deliver SOLAS operations in 2022."

12 There had been a prediction , hadn't there , that
13 a huge number of individuals were expected to cross in
14 the following year , making things , as it were, even
15 worse:

16 "This presents a significant threat to life . Moving
17 provision to the Coastguard Agency will mitigate this
18 threat and free up Border Force Maritime to focus on its
19 core role of Maritime Border Security ."

20 And, as we saw before , at "1" under " Discussion ":

21 "The increased volume of crossings is now regularly
22 overwhelming existing [Border Force] Maritime and RNLI
23 assets ."

24 And that, from everything you have said so far , is
25 a fair description of the situation , as you knew it at

1 the time?

2 A. Absolutely sir, yes.

3 Q. Thank you. And there were three options discussed, as
4 you see in the paper at page 2, please {INQ007125/2}.

5 "Option 1 ... "

6 Do nothing.

7 "Option 2: Bolster ... "

8 We have looked at that.

9 "Bolster the current [Border Force] effort with
10 additional support from contractors under Home Office
11 contracts and command."

12 And then:

13 "Option 3: return [your] vessels and staff to border
14 security ... and significantly increase the use of
15 contractors, with [the Coastguard] contracting the
16 resource as well as co-ordinating the [search and
17 rescue] operations ... "

18 So it looks as though this suggestion was,
19 effectively, to deal with the insufficiency of
20 Border Force assets by moving control and responsibility
21 to the Coastguard?

22 A. For the search and rescue, sir, yes.

23 Q. Yes, option 3, but we know, in fact, that wasn't
24 adopted, was it?

25 A. No, it wasn't, sir, no.

1 Q. And it looks as though the — if any of these options
2 was adopted, it was probably option 2, is that correct?

3 A. That's correct, and that came into fruition when the
4 Ministry of Defence took over as part of Isotrope.

5 Q. Yes, and that was in 2022.

6 A. Yes, in March/April.

7 Q. Now, dealing with the general topic, please, of the
8 challenges of small boat search and rescue work. We
9 know, first of all, that identifying the boats can be
10 very difficult and we have talked about that. They are
11 small, they don't have navigational systems, they often
12 don't have GPS. And yet, we also know, don't we, that
13 the success of a search and rescue operation depends on
14 having reasonably reliable coordinates to get there to
15 provide — and again, quoting IAMSAR — immediate
16 assistance. So that, presumably, was a continuing
17 difficulty of these operations, wasn't it?

18 A. Absolutely — well, the start has to be to locate the
19 vessel.

20 Q. Yes, and of course, the other problem, which again, we
21 have heard evidence about, is that the vessels move;
22 that's the point, whether they are underway or drifting.
23 So it was vital for an effective search and rescue
24 operation, wasn't it, to have updates — or updating of
25 the vessel's coordinates?

1 A. Absolutely, as much information as we can to try and
2 locate the vessel that's requiring assistance,
3 absolutely.

4 Q. Did you regard it as part of your officers' role to
5 proactively seek updates, further information about
6 coordinates?

7 A. No. It was very much the responsibility of the
8 co-ordinating authority to be working direct to any
9 task -- working direct with any tasked asset to a search
10 and rescue. I would certainly expect my Maritime
11 Command Centre in Portsmouth to be keeping an eye on
12 that because I think we were very conscious of busy the
13 Coastguard were and if there was anything else we could
14 add to support that, I would expect staff to do it. But
15 it absolutely wasn't their responsibility and I wouldn't
16 have expected them to try and intervene into that with
17 the risk of causing confusion between a very clear
18 relationship between the tasked asset and the
19 co-ordinating authority.

20 Q. So it was, as it were, Coastguard's primary
21 responsibility, but there may have been occasions where
22 they could make a contribution usefully, I mean "they"
23 being your officers?

24 A. Absolutely, sir.

25 Q. Thank you. In terms of distinguishing between the

1 various boats that were often in play, if I can put it
2 that way, in the Channel at the same time, we know from
3 the evidence that your Border Force officers were taking
4 calls from Coastguard regularly with information about
5 small boats and as part of their tasking requests. And
6 we have seen the transcript of a call, in particular,
7 between Tom Willows, one of your officers, and the
8 Coastguard at about 01:24 on the mornings of the 24th.

9 In terms of your side of those calls, was there any
10 guidance or policy available to your officers to deal
11 with the question of how those calls with Coastguard
12 should be conducted? What information should be sought
13 and obtained?

14 A. We had a standard operating procedure with the MCC
15 around migrant rescues and around the responsibility
16 then to notify and tasks our assets and make it
17 available to the Coastguard.

18 But in terms of then anything that would be straying
19 into, for me, command and control and decision-making
20 around making sure that asset was used in an appropriate
21 way in response to a particular incident, that -- that
22 that wasn't their role. So on that basis, there
23 wouldn't be any specific guidance.

24 Q. So they didn't have, as it were, a checklist of points
25 they had to cover in any such conversation?

1 A. Well, as I said, there was the Maritime Command Centre
2 SOP around migrant rescues, but it was more around
3 things they would need to consider in tasking the asset
4 and making it available.

5 Q. Yes, it was more about the asset, wasn't it, rather than
6 the small boat?

7 A. Yes, although you know, I would expect a -- you know,
8 a Maritime Command Centre and the officers in there to
9 be, you know, asking the right questions to help inform
10 the role they have got, in making a decision to support
11 the tasking. Such as, you know, yes, numbers, and the
12 location and things that were important, just in case it
13 was quickly identified by us that they weren't going to
14 be the right asset.

15 Q. Yes.

16 A. But --

17 Q. But at a later stage on deployment, it was also
18 important for the commanders of your vessels to have as
19 much information as possible about the vessel they were
20 looking for, so that they could identify that they got
21 as it were the right one? That's obvious, isn't it?

22 A. Yes, absolutely, I would expect to be given the best
23 possible situational awareness that there could be.

24 Q. Yes, well, you see Commander Toy who gave evidence to
25 the Inquiry told us that in November, he wasn't able to

1 tell whether the boat he encountered in the Channel was
2 the one he had been tasked to locate. And that
3 obviously is very unsatisfactory, isn't it?

4 A. What Commander Toy and any commander should be able to
5 do is report back the exact circumstances that they
6 found and they have encountered, which should enable
7 them to go back into the -- at the area which is -- have
8 got the oversight of the operation that's received the
9 999 call, has got the best situational awareness, to
10 make a judgment on that.

11 Q. And you mean, by that, the Coastguard?

12 A. Absolutely.

13 Q. Yes.

14 A. The Coastguard. But for -- for -- is it the commander
15 of the vessel's responsibility to say: the vessel I have
16 been sent to is the vessel I've got ...

17 Absolutely not. Because they are not in possession
18 of all the information.

19 Q. But how, then, will he know that he's complete the task
20 which was assigned to him, if he doesn't know it is the
21 right boat?

22 A. Well, what he will know is what he's done and he needs
23 to report that back accurately. And if there is things
24 he can do to support the Coastguard in reconciling that,
25 so for example, if there was particular 999 calls that

1 could be identified , then, you know, the crews could ask
2 questions to say, you know: did people make 999 calls?
3 Is there someone with a particular name, or
4 a particular -- who -- who -- who could be identified to
5 assist with that?

6 But it 's assisting the co-ordinating authority who
7 have got an incredibly difficult job of trying to
8 reconcile , you know, numerous emergency calls , numerous
9 pieces of information , with potentially lots of
10 different incidents crossing in extremely dangerous
11 circumstances .

12 Q. Yes. But it follows , doesn't it , from what you have
13 said , that the responsibility for determining whether
14 one of your vessels had completed the task to which --
15 which it had been assigned to , was with Coastguard?

16 A. Absolutely . And I think that 's reinforced by the fact
17 that the -- it's the Coastguard's decision to decide
18 that a search and rescue can be terminated , that it 's
19 been -- the assistance necessary has been offered .

20 Q. Thank you. Can I ask you this: at the time of the
21 incident , November '21, were your officers on the
22 cutters , your commanders and others, given any training
23 in identifying or distinguishing between different small
24 boats?

25 A. What they were given training in was -- was a number of

1 factors in terms of assessing the vulnerability of the
2 people on board once they got there. They -- there was
3 training around assessing the vulnerability of the
4 vessels in terms of its construction and any, you know,
5 problems with the vessels, any -- and thirdly, they were
6 obviously very, very experienced and also training
7 around assessing the environmental conditions at the
8 time. And those three factors will help them inform --
9 inform them as to how they conduct that rescue.

10 Q. Indeed. But on the specific question of identifying,
11 distinguishing between different small boats which, as
12 we have heard, is a significant problem they didn't
13 receive any training, I think is what you are saying?

14 A. Yes, I probably -- I am not understanding probably what
15 training they could have received around that because
16 what they weren't doing is they weren't managing the
17 calls, they weren't managing the emergency calls, to be
18 able to try and establish whether the vessel you were
19 dealing with was the vessel that -- or that wasn't their
20 role. But what they did get training in is what was
21 their role. And that was assessing the risks at the
22 time and providing the -- the best possible rescue they
23 could in the circumstances.

24 Q. And on the basis that you have explained, that all of
25 this is the responsibility of the Coastguard, did they

1 receive any training in what information Coastguard
2 would need to receive from them when they were on the
3 scene?

4 A. Not specifically to my knowledge, sir, no.

5 Q. No. Have they now, since November '21, received
6 training of these kinds?

7 A. Not specifically around that, sir, no.

8 Q. No, thank you. In terms of training more generally and
9 again, we touched on this earlier, we have heard before
10 your evidence, from three Border Force officers. Each
11 of them had considerable involvement in responding to
12 small boat search and rescue incidents and indeed, in
13 responding to this incident. They were making the
14 tasking decisions that we have been discussing.

15 But certainly, their evidence is that not one of
16 them had received any specific training at all in
17 relation to small boat search and rescue. Is that
18 right?

19 A. Sorry, sir, which -- which specific officers are we
20 talking about?

21 Q. We are talking about Karen Whitehouse --

22 A. Right.

23 Q. -- Tom Willows and Commander Toy.

24 A. Well, in terms of Tom and Karen who working in the
25 Maritime Command Centre.

1 Q. Yes.

2 A. There was no specific training around how they managed
3 the response to a search and rescue because that wasn't
4 their role. What they did have training around is as
5 law enforcement officers and how to plan and manage law
6 enforcement operations, but not around search and
7 rescue.

8 In terms of the vessel commanders, they have the
9 training that they have as professional mariners, in
10 terms of their understanding of IAMSAR, in terms of
11 maritime law. But also, what they had is considerable
12 experience.

13 Q. Yes. And has there been any change in that situation,
14 in terms of training, since the incident,
15 since November '21?

16 A. With the crew transfer vessels now, we have got a very
17 bespoke capability, in terms of the equipment they
18 carry, the lifesaving equipment they carry, the -- the
19 additional equipment that they carry to support rescues.
20 And the officers that are deployed on it go through an
21 assurance and training process to make sure that they
22 are properly prepared to undertake the tasking that
23 they, that -- that they deliver on those crew transfer
24 vessels.

25 Q. Can we, then, turn to a slightly different topic and

1 this , you deal with at paragraph 74 of your statement,
2 page 28 at the bottom, {INQ010137/28} you talk about
3 table-top exercises and:

4 "We had structured forums ... "

5 Etc. With our stakeholders , such as the RNLI and
6 the MCA. We did hear, though, in relation to the same
7 officers , the Border Force officers , that they had not,
8 themselves, taken part in joint exercises or drills . In
9 other words, where they were working in the exercise
10 with officers from the Coastguard or indeed, the RNLI.

11 Is that -- is that correct ?

12 A. Yes, there would have been practitioners from the team
13 that would have been involved in those exercises .

14 Q. Yes.

15 A. But actually , it wasn't involving , generally , the teams.
16 What the teams were involved in is the training we were
17 doing around law enforcement.

18 Q. Yes.

19 A. And developing tactics around that. But with any of the
20 table-top exercises and any of the bigger exercises that
21 we are involved in , including the mass casualty exercise
22 that the RNLI were running, that we went along as
23 observers to, we were bringing back the learning from
24 that and making sure we were incorporating it into our
25 operating model.

1 Q. Right. And bringing the position right up to date and
2 looking at the situation now in March '25, are
3 Border Force officers involved in search and rescue for
4 small boats, are they able to take part in joint
5 exercises of this kind with other stakeholders ?

6 A. It's been very limited to date because of capacity .

7 Q. Yes.

8 A. But we are continuing to look at opportunities where we
9 can get them more involved, in terms of the joint
10 exercises moving forward. But the — it's very
11 difficult to extract somebody that is — is so dedicated
12 to providing an operational response .

13 Q. I understand. Mayday Relays, then, quickly .

14 We know that neither of the two officers based at
15 Portsmouth that day, your Border Force officers , heard
16 the Mayday Relay, which as you know, was issued in this
17 case at about half past 2 and they said that they hadn't
18 received any training or guidance as to what to do in
19 the event of a Mayday Relay.

20 Can you explain why that was?

21 A. They have got no role in a Mayday Relay and they
22 wouldn't be monitoring the VHF where a Mayday Relay
23 would be.

24 Q. So as far as you were concerned there was no reason
25 whatever to give them that training ?

1 A. No, sir .

2 Q. Thank you. And can I take it from that, that is still
3 the position ; that those based in dealing with the
4 tasking at Border Force don't have training or guidance
5 as to how to respond to Maydays?

6 A. Not within the Maritime Command Centre, to my knowledge,
7 sir , no.

8 Q. Now then, on the question of recordkeeping , the evidence
9 that we have received shows that the recordkeeping on
10 the night by your officers was poor. Karen Whitehouse
11 accepted in her evidence that it was sloppy . And
12 Tom Willows, for example, didn't use his daybook for
13 a period of about eight months in the period 2021 to
14 2022.

15 Can I just ask you about that. Poor recordkeeping
16 obviously causes difficulties for the Inquiry in
17 investigating after the event and for the MAIB, for
18 example. But doesn't it also have an impact on the
19 time -- at the time because it means that there isn 't
20 a record of the sort of important information about
21 incidents that we discussed and for -- and no record of
22 what was said or discussed at handovers, for example?
23 Have you taken steps since the incident to improve the
24 position on recordkeeping ?

25 A. In terms of recordkeeping , we are a law enforcement

1 command and so I would expect accurate recordkeeping
2 around evidential issues , I would expect accurate
3 recordkeeping around the rationale behind decisions that
4 we are responsible for making and also recording
5 information that we then need to accurately pass on to
6 other people within that law enforcement operation .

7 Now, in terms of law enforcement operations , we have
8 got a very robust structure in terms of how we record
9 operations --

10 Q. Yes.

11 A. -- risk assessments, operational plans, and officers are
12 trained in being able to support that. And then all the
13 other rules of evidence around, you know, accurately
14 recording the time you are making your notes and rules
15 around that are clearly understood. In terms of the
16 responsibilities around our support to search and
17 rescue, that's very much dealt with now in the joint
18 control room, not within my Maritime Command Centre as
19 the bespoke structure that's been set up in support of
20 small boats down at Dover.

21 Q. So to the extent we are talking about search and rescue
22 recordkeeping , the solution is in this joint command, is
23 that right ?

24 A. Yes, although, it 's important that we keep records in
25 terms of the decisions and the actions that -- that we

1 are accountable for and need to be able to --

2 Q. Yes.

3 A. -- not --

4 Q. But insofar as you are concerned, therefore, the search
5 and rescue didn't fit into that category and therefore,
6 the law enforcement rules about recordkeeping didn't
7 apply?

8 A. Well, I would have expected people to record the
9 decisions they made and the rational for those decisions
10 and in terms of the particular incident, subject to the
11 Inquiry, that was about recording the fact that we had
12 made a cutter available to be tasked in support of
13 the -- the request from the Coastguard on that night.

14 Q. And are you --

15 A. As to any more than that, I wouldn't have expected much
16 more detail.

17 Q. So that was the limit of what was required, in your
18 view?

19 A. In -- in -- yes, in terms of whatever decisions we were
20 responsible for making.

21 Q. Thank you. Now, just on the question of trackers, we
22 have heard a huge amount of evidence about trackers,
23 Border Force trackers, Coastguard trackers, the ViSION
24 log, the French tracker, etc. And the evidence from
25 your officers, again, is that none of them had received

1 any training into how to go about inputting onto, for
2 example, the shared tracker which they had been given
3 access to just a few days before the event.

4 Is that correct, as far as you are aware?

5 A. Yes, there's -- there should only be one -- you know,
6 one overall document that's recording the operational
7 response to accident and that would have been what --
8 the system that His Majesty's Coastguard was managing.
9 The role within the Maritime Command Centre was to just
10 record additional information once the matter's been
11 resolved, such as people have been safely rescued onto
12 one of our vessels. And then the ongoing reporting to
13 support the landside response and to support the
14 internal briefing. It wouldn't have had any bearing or
15 any role within the command and control and
16 decision-making around a particular incident; it was
17 sort of follow up admin really.

18 Q. Okay.

19 A. So that's, for me, just basic recordkeeping to know that
20 we have been involved in the incident, these are the
21 number of people rescued, this is the makeup of those
22 people. And that we had communicated that to the
23 land-based response who were then receiving them at the
24 Tug Haven or Western Jet Foil for or whatever facility.

25 MR PHILLIPS: Thank you. Sir, we have got about 10 more

1 minutes, would you like to adjourn now or shall we
2 proceed?

3 SIR ROSS CRANSTON: I am just wondering about the shorthand
4 writer. Okay, yes.

5 MR PHILLIPS: Thank you. Just on this question of trackers,
6 could we turn up, please {INQ009957/1}. And this is the
7 minutes -- we have seen them before, I think -- of the
8 planning meeting, review meeting.

9 If we go to page 2 {INQ009957/2}, we will see at the
10 top item 3 was the Joint UK Migrant Incident Tracker and
11 there is an action there to share the tracker between
12 the Coastguard and the Home Office. It says, in the
13 second paragraph:

14 "It was also recognised that once the Joint Tracker
15 was able to be shared, there would need to be the
16 creation and/or the delivery of guidance notes to those
17 able to input into the Tracker to ensure that each are
18 person understands their responsibility with regard to
19 data entry and further sharing."

20 Do you know whether guidance notes were produced for
21 your officers? It sounds from what you have just said
22 as though the answer to that question is no?

23 A. Not that I am aware of, sir.

24 Q. No.

25 A. But it -- it quite possibly could have happened.

1 But, again, this was not about running the operation
2 or the command and control of the operation, which
3 I think is really, really important. This is a sort of
4 supplementary bit on the back of that, just to make sure
5 all data, all the information that was needed for sort
6 of future planning and reporting up was -- was recorded
7 and for the investigative side.

8 It was not to do with command and control which is
9 the critical part of that initial response.

10 Q. But are you aware that, at the time of the incident,
11 there were discussions between Coastguard and
12 Border Force regarding the problems that were being
13 experienced in co-operation where there was joint use of
14 the trackers?

15 A. I was aware that there was an ongoing, yes, work by my
16 team and Coastguard in terms of the best way to record
17 information post-event. But it was -- it was not to do
18 with reconciling all of the emergency calls with
19 incidents or the command and control.

20 Q. I see.

21 A. But I was aware of the ongoing discussions from -- just
22 to make sure, you know, it was -- it was joined up.

23 Q. Yes. But would it be right, in the light of your other
24 answers, that you would regard responsibility for that
25 and for the trackers as being with Coastguard?

1 A. Absolutely, sir, yes.

2 Q. Thank you. So then in terms of lesson learning and

3 improvements generally since the incident, is it right

4 that there was no review or internal investigation

5 within the Home Office in relation to Incident Charlie?

6 A. Not that I am aware of, sir. Obviously there was the

7 maritime accident investigation.

8 Q. Well, that was an independent investigation about

9 safety.

10 A. (Nods).

11 Q. My question was, was there an internal investigation or

12 review following this incident?

13 A. Not to my knowledge, sir.

14 Q. Do you know why that was?

15 A. No. I -- I wouldn't have been involved in those

16 discussions.

17 Q. No.

18 A. I'm not sure if Mr O'Mahoney can help at all with that

19 subsequently.

20 Q. Well, we have seen the internal review for 2019 and you

21 have explained to us what you thought were the

22 circumstances which led to that. But anyway, it looks

23 as though it may have been above your paygrade, as it

24 were, but it was --

25 A. Quite possibly, sir.

1 Q. -- decided that there wasn't going to be an internal
2 review. What process has Home Office or Border Force
3 undertaken to learn the lessons of this incident?

4 A. I think the focus from the Home Office's perspective is
5 around continuing to develop the ISR, so the
6 Intelligence Surveillance and Reconnaissance plan around
7 small boats, which I think Mr O'Mahoney can talk about
8 in more detail.

9 But the effect of that is now we've got very, very
10 good coverage of the -- that search and rescue region
11 for the UK in the southeast, which is, I suppose shown
12 by the -- that there's been no undetected beach landings
13 and migrant vessels are identified very, very quickly.

14 Q. Thank you. Then one final point on your statement.
15 This is paragraph 17 at page 8, please, {INQ01013718/8}.

16 You say this at the beginning:

17 "Of over 127,000 persons who have arrived in the UK
18 by small boat or been rescued en route in the Channel by
19 Border Force officers since 2018 there has not been any
20 loss of life during those operations directly involving
21 my teams ... "

22 And then you say:

23 " ... which, although we must not underestimate the
24 significant risks involved demonstrates the skills,
25 experience and dedication my team have in ensuring the

1 safety of migrants at sea when they are deployed to an
2 incident ."

3 But that statistic ignores , doesn't it , the people
4 who died in this incident on 24 November 2021?

5 A. It doesn't ignore them, sir , and, and, you know, any
6 fatality in the Channel, you know, hits all of us really
7 hard because we have given so much to try to save life
8 and protect people in what are incredibly difficult
9 journeys , dangerous journeys being facilitated by, you
10 know, serious organised criminals and it 's a huge
11 tragedy when anybody does lose their life as a result .

12 Now, in terms of the point I'm making is that my
13 teams have rescued tens of thousands of people in what
14 have often been incredibly challenging circumstances ,
15 which just makes testament to, you know, what they have
16 achieved in really difficult circumstances in no -- in
17 no way for me diverts away from, you know -- a single
18 loss of life in the Channel is an absolute tragedy but
19 it can happen any day.

20 What this shows is that generally the response has
21 been really effective based on the -- the -- the sort of
22 current threat .

23 Q. But in terms of the way you phrase this " ... there has
24 not been any loss of life ", would you, thinking about it
25 again, care to rephrase it ?

1 A. If that could be interpreted that, you know, I don't
2 recognise the huge tragedy of any loss of life then
3 absolutely .

4 But the point I was making is that, you know, there
5 are -- there are tens of thousands of people still alive
6 today as a result of the tremendous efforts by my team,
7 the RNLI and the people who have worked, you know,
8 tirelessly in support of the small boat problem and the
9 supporting agencies, His Majesty's Coastguard and all
10 the other assets around that.

11 But of course if that in any way could be
12 misinterpreted that this isn't a huge tragedy, when
13 there is a single loss of life, then absolutely I would
14 change it.

15 MR PHILLIPS: Thank you. Thank you for answering my
16 questions. Is there anything else you want to say to
17 the Inquiry today, Mr Whitton?

18 A. No, I don't think so, sir.

19 SIR ROSS CRANSTON: Mr Whitton, thank you very much for your
20 evidence. It has been very helpful. So thank you.
21 Shall we come back at about five minutes past 2.

22 MR PHILLIPS: Yes.

23 SIR ROSS CRANSTON

34 (1.06 nm)

25

1 (2.05 pm)

2 SIR ROSS CRANSTON: Good afternoon, everyone and good
3 afternoon, Mr O'Mahoney. Ms Woods has some questions
4 for you but first of all could you just read the
5 affirmation .

6 A. Yes.

7 MR DANIEL O'MAHONEY (affirmed)

8 Questions by MS WOODS

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

10 MS WOODS: Thank you, Chair.

11 Good morning, please could you give your full name
12 for the Inquiry record .

13 A. Dan O'Mahoney.

14 Q. Mr O'Mahoney, you have very helpfully provided a witness
15 statement to this Inquiry, which is dated
16 12 November 2024, and I believe that statement consists
17 of 45 pages of evidence, is that right?

18 A. That's correct .

19 Q. Thank you very much. This morning we heard from your
20 colleague Mr Whitton, who appeared as a corporate
21 witness on behalf of the Home Office. You have also
22 attended in that same capacity. Could you help us to
23 understand the distinction between your areas of
24 specialism, your evidence, and that of your colleague?

25 A. Yes. So I was the director of the clandestine channel

1 threat command. My job was to cohere the whole of the
2 UK's Government's response to illegal immigration in
3 small boats. As part of that, there was
4 a cross-government campaign plan. One of the pillars of
5 that plan was to control arrivals and within that, was
6 Operation Deveran, which Mr Whitton was the overall
7 commander of the maritime surface asset element of that.

8 Q. I am going to take a little bit of time in a minute to
9 go through those different structures to try to
10 understand how that works in practice and how it fits
11 together. Mr Whitton this morning essentially said that
12 his evidence was concentrating on the Border Force
13 response at sea, whereas yours was about the wider issue
14 of tackling small boats.

15 Is this a fair distinction ? You were working on
16 policy , structures , rather than the practical response
17 in the Channel, is that right ?

18 A. I was working on both. So I was working on the whole
19 Government response to illegal migration in small boats.
20 Some of that involved policy , a lot of it involved
21 international engagement and quite a lot of it involved
22 operations .

23 Q. Understood. Thank you very much. Before I begin asking
24 you questions , I understand there is a matter in your
25 statement which you wish to correct . Could I ask --

1 just one minute, I will bring the document up for you.
2 Could I ask we turn to your statement {INQ010134/1},
3 paragraph 114 which is page 37, {INQ010134/37} so we
4 have that on screen there for you?

5 A. Since writing this statement I have realised I was
6 indeed in Belgium for work purposes. But at the morning
7 of the 24th, I was actually in The Hague visiting
8 Europol and I travelled to Belgium at some point in the
9 afternoon.

10 Q. So in all other respects that paragraph is correct, it's
11 simply that you went to Belgium later in the day?

12 A. Correct.

13 Q. Understood, thank you very much. That can come down off
14 the screen. I want to ask you a little bit about your
15 own background and how you came to hold the role you
16 have told us about within the Home Office structures.
17 In fact, can we bring up the statement again
18 paragraph 2, which is on page 2, the bottom of page 2,
19 {INQ010134/1}. So you tell us there you first joined
20 the Home Office in 2014, and then jumping forward, you
21 say that you moved from the National Crime Agency
22 in February 2019. Can you tell us, in broad outline,
23 between first joining the Home Office in 2004 and that
24 2019 date, what was your professional experience and
25 background?

1 A. So I worked in a number of different roles in the
2 Home Office, in, -- in policing policy and then private
3 office .

4 I then held a number of operational roles in
5 Border Force. I moved to the National Crime Agency
6 in February 2019. I then went on to be the founding
7 director of the Joint Maritime Security Centre
8 until August 2020, following which, I was appointed as
9 the director of the Clandestine Channel Threat Command
10 in August 2020.

11 Q. Understood, thank you very much. As part of that
12 background, those 20 odd years within the Home Office,
13 did you have any practical experience of maritime
14 operations? Were you on a cutter, were you undertaking
15 search and rescue?

16 A. I have some maritime practical maritime experience .
17 Before I joined the Home Office, I was in the Royal
18 Marines and I served in a small boat unit there as well
19 as it being generally an amphibious light infantry
20 capability .

21 Whilst I was Director Joint Maritime Security Centre
22 and as the Director of the Clandestine Channel Threat
23 Command I -- I spent a fair amount of time at sea with
24 the various different Border Force maritime assets .
25 I also flew in each of the different aircraft types that

1 we deployed over the Channel and so had a good working
2 knowledge of what that looked like in terms of its
3 operational deployment.

4 Q. Given your background in the marines, is it fair to say
5 you had previous training or understanding of SOLAS
6 obligations , safety of life at sea, and the law
7 regarding that?

8 A. Not particularly because of my experience in the Royal
9 Marines, but as somebody who's served in a number of
10 different contexts around maritime security , yes.

11 Q. Thank you. Is it right that you no longer work for the
12 Home Office?

13 A. I am on a career break from the Home Office.
14 I currently work at the Post Office , where I am the
15 Interim Chief Operating Officer .

16 Q. You say Interim Chief Operating Officer . We can see in
17 your statement at the time you wrote this , that in fact
18 you were the Inquiry Director for Post Office Limited?

19 A. That's right .

20 Q. When did you change roles within the Post Office ?

21 A. In December last year .

22 Q. Thank you very much. Turning then to paragraph 10 of
23 your statement, {INQ010134/4}, I want to understand
24 a little bit about the role of the Home Office in terms
25 of the response to small boats in the Channel. So in

1 your statement here you explain that the Home Office was
2 and is the lead government department for illegal
3 migration, but you go on to explain that DfT is the lead
4 department for the safety of life at sea?

5 A. That's right.

6 Q. You then say the operational agency with the lead for
7 safety of life at sea is HM Coastguard and if we turn
8 over to paragraph 11 at the top of page 5, {INQ010134/5}
9 you explain that DfT is the lead department for
10 co-ordinating maritime interests across Whitehall. So
11 I want to understand a little bit about how that
12 intersects. So just taking that last point, that DfT is
13 the lead department for co-ordinating maritime interests
14 across Whitehall, how did what work in practice, given
15 that we know DfT didn't own maritime assets operating in
16 the Channel in response to small boats? What does that
17 co-ordination role look like?

18 A. So the Department for Transport is a policy department
19 and it's responsible for maritime interests across
20 Government, which include commercial maritime interests
21 and ports and so on, as well as international maritime
22 interests. The Home Office's lead responsibility is
23 illegal migration which, particularly in the context of
24 small boats, there is a big maritime component to it.
25 So it necessitated a lot of close working between the

1 Home Office and the Department for Transport and many
2 other Government departments and agencies.

3 Q. This morning in evidence we heard some discussion about
4 the use of the word "co-ordinating" and in particular ,
5 this morning we heard it applied to directing or tasking
6 assets in the Channel. Is it fair to say when you say
7 this in your statement, it doesn't mean that DfT was, in
8 practice , managing Home Office assets in the Channel
9 does it? It is a co-ordination and policy role?

10 A. It is a policy role and in discharging that policy role ,
11 it is necessary for DfT to work across a number of
12 different Government departments to co-ordinate and
13 cohere that work.

14 Q. Thank you. And you say in paragraph 11 that it is DfT
15 which ensures that the Home Office's aims are compatible
16 with international law obligations for SOLAS.

17 Do you accept that the Home Office itself is bound
18 by international maritime law obligations in respect of
19 SOLAS?

20 A. Sorry, could you repeat the first part of your question?

21 Q. So reading this paragraph, paragraph 11, we can see DfT,
22 in the second line , is the lead department for
23 co-ordinating maritime interests across Whitehall , we
24 have just talked through that. And that involves
25 ensuring that the Home Office's aims are compatible with

1 the core functions of HM Coastguard and compliant with
2 a range of international law obligations relating to
3 safety of life at sea --

4 A. Yes.

5 Q. -- UN Convention on law of sea. My question to you is
6 that obligation , the international law obligations for
7 SOLAS, they don't just sit with DfT do they? They
8 adhere to the Home Office and its work in a maritime
9 context as well?

10 A. That's correct , yes.

11 Q. Can you assist us with how then that responsibility sits
12 with DfT? Given, in practice , Home Office assets in the
13 Channel must comply with those obligations as well , how
14 is it DfT's responsibility for ensuring that the
15 Home Office's aims are compatible with that legislation ?

16 A. Yes, so what I think that sentence means is that the DfT
17 is the lead department responsible for overseeing the
18 work of His Majesty's Coastguard and in that respect ,
19 has a function to ensure the compatibility of the
20 Home Office's aims with the work of HMCG, and it is the
21 lead department with responsibility for all of those
22 different legal requirements in relation to maritime
23 security .

24 But, I mean, going back to your previous question ,
25 I absolutely accept the Home Office has an independent

1 responsibility and all of the operational parts of the
2 department have an independent responsibility to ensure
3 that our activity is in line with UNCLOS, SOLAS and the
4 SAR convention and COLREGS.

5 Q. Does it mean that, in practice, DfT was monitoring or
6 supervising the Home Office's compliance with safety of
7 life at sea obligations?

8 A. I wouldn't characterise it in that way. We had, and
9 continue to have, a very close productive working
10 relationship with DfT. And we are — we are both
11 concerned to ensure compliance with all of those
12 conventions and it is one of the concerns of DfT to
13 ensure that that's working in the way that it should.

14 Q. That's very helpful, thank you. Could we turn to
15 paragraph 15, please, {INQ010134/6}.

16 We can see at the top of that paragraph there:

17 "HM [Coastguard] describes itself as the national
18 maritime emergency service."

19 To be clear, Border Force itself is not a national
20 maritime emergency service, is that right? That is not
21 a way Border Force or Home Office would describe it is?

22 A. That's correct.

23 Q. We heard this morning in evidence that 90% of rescues in
24 the Channel were being undertaken, in practice, by
25 Border Force.

1 A. Yes.

2 Q. Is it wrong to suggest that in 2021 Border Force was, in
3 effect, undertaking the work of a maritime emergency
4 service in the Channel?

5 A. I wouldn't characterise it in that way. I think the
6 reason that Border Force are -- Border Force Maritime is
7 involved in the way it is in search and rescue in the
8 Channel is partly historic. In 2018, when the small
9 boats phenomenon first became a really significant
10 national issue, Border Force were deployed in -- in the
11 Aegean and there was a logical reason for Border Force
12 then to deploy to the Channel when the then
13 Home Secretary declared a critical incident in the
14 Channel. And have continued to serve there since.

15 It is the responsibility of any maritime
16 organisation and any ship deployed in any location to --
17 to prioritise search and rescue and support to the
18 Coastguard over other things. And given that the
19 Coastguard then and indeed, now, has no surface assets
20 and this is an illegal migration phenomenon, it makes
21 sense for Border Force to provide that service.

22 But I don't -- I don't agree that it's replacing or
23 doing somebody else's job.

24 Q. I did not intend to suggest that it was replacing
25 Coastguard or doing its job. But fair to say that the

1 Coastguard was undertaking functions of a national
2 maritime emergency service in the Channel and that work
3 was being conducted by Border Force assets and
4 Border Force personnel operating on those assets in the
5 Channel?

6 A. Yes.

7 Q. Is this a fair summary then of the broad structures ,
8 please do stop me if it 's incorrect : that DfT has the
9 statutory responsibility for this area of work, but does
10 not itself do the operational work in the Channel?

11 A. This area of work being search and rescue?

12 Q. Search and rescue in Channel, in response to small boats
13 in the Channel?

14 A. Search and rescue , yes. The response to small boats in
15 the Channel, no.

16 Q. Search and rescue in response to small boats in the
17 Channel?

18 A. Yes.

19 Q. Yes. Whereas HM Coastguard has operational
20 responsibility , but because it does not own surface
21 assets in the Channel, it does not undertake those
22 operations at sea in practice ?

23 A. It -- it doesn't. No, it doesn't have surface assets ,
24 so it can't deploy surface assets to search and rescue
25 in the Channel.

1 Q. Whereas the Home Office has no formal responsibility for
2 search and rescue, but in practice, was undertaking 90%
3 of those rescues in the Channel?

4 A. That's right, yes.

5 Q. Can you assist us with how that structure came about?
6 Why is it divided in that way, where formal
7 responsibility, operational responsibility and the
8 practical work are split across three different
9 departments?

10 A. Yes, certainly. I think it is the nature of Government
11 at a national level when complex issues occur that have
12 a national profile, that many different Government
13 departments will work together in this way. As I said,
14 part of the -- part of the reason that the operational
15 model is what it is, is historic, but also this is
16 primarily a phenomenon of illegal migration. The reason
17 that people are getting into these dangerous boats and
18 crossing the Channel is because they want to go to the
19 UK -- to migrate to the UK and therefore, this is
20 primarily an illegal migration problem.

21 If any organisation is to operate in the maritime
22 environment in order to deliver its aims, it is
23 absolutely clear that the primary risk in that
24 environment is safety of life at sea. So anything we
25 seek to achieve in -- in that area, any surface assets

1 we deploy, any surveillance capability that we deploy,
2 any people that we deploy, it is necessary for those
3 people and assets and capability to -- to be
4 multifunctional and for that capability to primarily
5 serve the needs of search and rescue.

6 Q. Thank you. Can I ask you a little bit then about how
7 your particular organisation, so first JMSC, JMOCC and
8 then CCTC sits within that structure.

9 So, first looking at JMSC. So you told us that you
10 held a role within the Joint Maritime Operations
11 Co-ordination centre. Can I ask, do you call that
12 J-M-O-C-C, or is it JMOCC?

13 A. It is called both, JMOCC is probably easier, yes.

14 Q. Within JMOCC, and is it right that JMOCC is a part of
15 the JMSC?

16 A. Yes. So when I was first appointed, I was director at
17 JMOCC, I think, for a short period of time. One of my
18 tasks -- or my primary task was to cohere the various
19 different units and capabilities at that location in
20 Portsmouth in Portsmouth, one of which was JMOCC, the
21 other of which was NMIC, the National Maritime
22 Information Centre. And to create something that was
23 greater than the sum of its parts. And in so doing,
24 create a single location for the UK where both
25 international and UK maritime security capability could

1 be fused in terms of the information and intelligence
2 feeds and that there could be some sort of co-ordination
3 capability for UK territorial waters.

4 Q. Is it right that there are three separate bodies which
5 sit within JMSC? So one is JMOCC, which you have just
6 told us a little bit about, the second was, do you call
7 it NMIC, the National Maritime Information Centre?

8 A. That's right.

9 Q. And the third was the Maritime Intelligence Bureau, is
10 that right?

11 A. Yes.

12 Q. Can we turn to paragraph 19 of your statement, please.
13 {INQ010134/7}. We can see there an explanation of the
14 purpose of the JMSC, and you say:

15 "[It] was created in 2019 to provide law enforcement
16 and security agencies with a common operating picture
17 across the UK maritime area."

18 Is it right that its purpose was to assist law
19 enforcement and security rather than search and rescue?

20 A. Not just law enforcement and security. All types of
21 maritime operational interest in -- in the UK, but not
22 search and rescue.

23 Q. Not search and rescue. Was it right that JMSC played no
24 role in relation to, I suppose, planning and preparation
25 for search and rescue operations?

1 A. That, that's right. There was at the time and may still
2 be a Coastguard liaison officer, co-located in the Joint
3 Maritime Security Centre, but that is more for creating
4 joint situational awareness than any tasking or
5 co-ordination role.

6 Q. Understood. Could you help us to understand the
7 difference between JMOCC and NMIC, those two bodies
8 within the JMSC? I know it is a lot of acronyms.

9 A. Yes, so JMOCC is an operational co-ordination function
10 and its remit is limited to the UK. NMIC is an
11 information and intelligence fusion function and has
12 both a UK and international scope.

13 Q. Understood. Was JMOCC undertaking work in relation to
14 the management of maritime assets, or the co-ordination
15 of maritime assets?

16 A. A limited role around the co-ordination of maritime
17 assets. So it's primarily around generating situational
18 awareness of threats and also where maritime assets are
19 deployed and what they are deployed on in UK waters. It
20 is rare for JMOCC to stand up a formal co-ordination
21 role and that normally only happens where the threat
22 that the UK government is required to respond to
23 outstrips the capability in a single organisation and
24 then it can, in certain circumstances, deliver a formal
25 co-ordination role.

1 Q. Understood. But ordinarily , in the course of normal
2 operations in the Channel, for example, it would not be
3 JMOCC that was co-ordinating Border Force assets , for
4 example?

5 A. No. JMOCC played -- I mean, really almost no role in --
6 in the small boats threats .

7 Q. That's very helpful , thank you. If we look at
8 paragraph 21, still on the screen there , we can see
9 reference to something called the Clandestine Operations
10 Response Team, or CORT. And we can see it was
11 a dedicated response team within immigration
12 enforcement, that's what the IE is , is that right ?

13 A. Correct .

14 Q. " ... a dedicated response team to address the increasing
15 numbers of small boats crossing the Channel."

16 Can you help us with what that means in practice ?
17 Were they focused on policy , were they playing any
18 operational role ?

19 A. They were an operational team within immigration
20 enforcement. So it might be helpful to explain the
21 three main operational parts of the Home Office that
22 were involved in this response were Border Force, which
23 included Border Force Maritime, Immigration Enforcement
24 which is a UK based operational capability that responds
25 to illegal migration threats in the UK, and UK Visas and

1 Immigration, which in the case of small boats, was
2 primarily concerned with finding asylum accommodation
3 for small boat arrivals .

4 So the CORT team was a team within Immigration
5 Enforcement. It was established , as it says, shortly
6 before I was appointed as the director of the
7 Clandestine Channel Threat Command and it formed the
8 core of the land-based response that dealt with migrants
9 as they arrived in the UK on -- on land from -- from
10 Border Force maritime and RNLI assets.

11 Q. Given its undertaking and operational role within the
12 Channel, but it sits within Immigration Enforcement and
13 not within Border Force, how did its work interact with
14 that of Border Force officers responding to small boats
15 in the Channel?

16 A. Well, I mean, this was really one of the reasons that
17 the Clandestine Channel Threat Command was created. So
18 to cohere both the operational elements of the
19 Home Office to a single strategy and a single plan. And
20 across Government as well, but in respect of the
21 Home Office, it was a much more of a command and control
22 relationship rather than across Government which is more
23 of a co-ordination and influencing relationship .

24 So at that time, the CORT team had a role to play
25 landside . I think it is probably fair to say that their

1 plans were -- could have been better aligned with
2 Border Force Maritime's plans, Kent Police's plans, the
3 Coastguard plans, etc. So one of the really early tasks
4 in the creation of the Clandestine Channel Threat
5 Command was to establish a single operational plan to
6 cover all of those agencies that I have just mentioned
7 and -- and some more, and that was under the plan called
8 Operation Altair .

9 Q. We can see that at the bottom of the paragraph just
10 there, 21. You say:

11 " ... at this point ... "

12 I think that's talking about June 2020, the time
13 when CORT was operational, you say:

14 " ... at this point, each element of the Home Office
15 and partner agencies were working mostly in isolation
16 without a unifying strategy and operational plan."

17 Is that what you were just talking about in terms of
18 could have been better working with other partners ?

19 A. That's right .

20 Q. At this point, you hadn't yet come into the role within
21 CCTC, you were in JMSC, in JMOCC, in fact?

22 A. That's correct , yes.

23 Q. Were you aware of and working with CORT and its
24 operations in respect of small boats, or were you
25 undertaking an entirely separate role at that time?

1 A. Given the CORT were a land-based organisation and I was
2 working in the Joint Maritime Security Centre, I don't
3 remember being aware of them and I wouldn't expect to be
4 aware of them.

5 Q. Understood. If we scroll down slightly to look at
6 paragraph 22, we can see the reference to CCTC being
7 created as a new command, again, within Immigration
8 Enforcement, to unify the Government's response to the
9 small boat situation .

10 Now, that was done in August 2020.

11 A. Yes.

12 Q. We can see in the paragraph above, CORT was formed
13 in June 2020. So was CORT only operational for
14 two months or so?

15 A. That would appear to be the case, yes.

16 Q. Okay and CORT then was absorbed into CCTC. We can see
17 that right at the bottom the page there .

18 A. Yes.

19 Q. I want to ask about how, in practice , CCTC unified the
20 different strands of the Home Office responding to small
21 boats. So CCTC sat within Immigration Enforcement, we
22 can see that in your statement there . But again,
23 Border Force played a direct role in responding to small
24 boats.

25 So how did CCTC work in relation to Border Force?

1 Did they have overlapping roles , did one manage the
2 other?

3 A. Yes, so the CCTC was established within Immigration
4 Enforcement so that I, as a sort of two—start director
5 had a line management chain into a director general and
6 that was the director general of immigration
7 enforcement, but I also had a direct reporting line into
8 the Home Secretary, who, at the time, was Priti Patel.

9 So I had — although I was line managed in
10 Immigration Enforcement, in reality , I had a much
11 broader role and was expected to work across any and all
12 areas of the Home Office that were required to deliver
13 the response and indeed, to co—ordinate across the whole
14 of Government and with international partners .

15 Q. So was the role of the CCTC primarily one of
16 co—ordinating other bodies within the Home Office?

17 A. It was — its role was to co—ordinate other bodies
18 within the Home Office and to co—ordinate across
19 Government and to lead with operational partners in the
20 international arena and to plug any capability gaps that
21 we thought was necessary and it was appropriate for the
22 Home Office to fill .

23 Q. Did the CCTC have its own staff , members of the
24 Home Office, for example, working directly for it ?

25 A. Yes.

1 Q. Did it have control over Border Force staff members who
2 were working on the same subject matter?

3 A. We — I, and we in CCTC, had a mandate to work across
4 all areas of the Home Office, not a direct command
5 relationship . So I would characterise our relationship
6 with Border Force Maritime, for instance , as being
7 a co—ordinating and influencing relationship rather than
8 a command and control relationship .

9 Q. Understood. Can we turn to paragraph 51, please . It is
10 page 19, if that assists {INQ010134/19}.

11 So just to give a practical example to try and apply
12 this . You can see at the third line down:

13 "HM [Coastguard] staffing of the JCR was 247, whilst
14 Home Office staffing usually began in the early hours of
15 the morning of a red day."

16 It is right , you are talking there about Home Office
17 staff physically being present in the JCR working in
18 response to small boats, is that right ?

19 A. Yes.

20 Q. Are those staff members, working in the JCR alongside
21 HM Coastguard, CCTC staff? Are they Border Force staff ?
22 Who are they?

23 A. At the time that the joint control room was established ,
24 which was late 2020/early 2021, I believe there was
25 a Border Force liaison officer from Border Force

1 Maritime and there would have been a number of CCTC
2 staff in there, or a member at least. There would also
3 have been a liaison officer from Tekever, who operated
4 the drone capability. And there would, at various
5 times, be somebody from Kent Police, particularly at the
6 beginning of an operational period and potentially
7 others as well.

8 Q. So members of staff from lots of different departments,
9 if I can call them departments --

10 A. Indeed.

11 Q. -- within the Home Office and also other stakeholders ?

12 A. Correct.

13 Q. And what about the staff who would have been located at
14 the MCC in Portsmouth in Portsdown? Are those CCTC
15 staff members operating there?

16 A. Those were Border Force Maritime.

17 Q. Border Force Maritime?

18 A. Yes.

19 Q. Looking there at some information about the JCR, if we
20 go to paragraph 37, which is page 13, {INQ010134/13},
21 you explain how the JCR was set up. You say it was
22 established in autumn of 2020 and located at the MRCC.
23 That's in Dover, isn't it?

24 A. It is, yes.

25 Q. It says:

1 "The JCR is a land-based location where the Home
2 Office, including CCTC, has direct access to necessary
3 communications and imagery to be able to effectively
4 undertake our role alongside HMCG, where HMCG is leading
5 and co-ordinating the response to SAR in the Channel."

6 Search and rescue in the Channel.

7 A. Yes.

8 Q. We have heard evidence in this Inquiry that Home Office
9 staff members, Border Force staff members, responsible
10 for managing assets alongside HM Coastguard in response
11 to calls from small boats in the Channel were based not
12 in the joint control room, but in Portsmouth.

13 If, as you say here, the JCR has access to necessary
14 communications and imagery to be able to effectively
15 undertake that role, why were the persons undertaking
16 that role in an entirely different site at the time?

17 A. So there were -- there were different roles. So the
18 people that were necessary to create the joint
19 situational awareness were based in the joint control
20 room and I believe at that time that included a liaison
21 officer from Border Force Maritime. Certainly, that's
22 my recollection.

23 The people that dealt with the tasking authority for
24 all of Border Force Maritime's activity, including law
25 enforcement were based at Portsdown in Portsmouth and

1 those were the people that I believe you heard evidence
2 from earlier in the Inquiry. But their -- their role
3 was not to generate situational awareness in terms of
4 the situation in the Channel. Their role was a national
5 role in tasking Border Force Maritime assets, including
6 for operations in support of the Coastguard in the
7 Channel, but also including any other law enforcement
8 deployments that they might undertake.

9 Q. So is the reasoning that their role was national rather
10 than specific to the Channel primarily?

11 A. National and multi-threat, rather than exclusively about
12 rescuing migrants in the Channel, but I should say, just
13 to repeat, Border Force Maritime had a liaison officer
14 in the joint control room at, I think, around this time
15 and then certainly, at various times during the life of
16 Operation Altair.

17 Q. So if we look at paragraph 38 on the screen, we can see
18 reference to a clandestine operations liaison officer,
19 HM Coastguard role. That's different to the liaison
20 officer you are talking about, is that right?

21 A. That is a member of His Majesty's Coastguard.

22 Q. That -- the COLO is a Coastguard role?

23 A. I believe so.

24 Q. There was also a role within Border Force Maritime which
25 was responsible for undertaking a very similar role,

1 a liaison role between the two agencies, is that right?

2 A. I wouldn't say it is a similar role to the COLO, if
3 that's what you mean.

4 Q. I wonder if you could help us to understand. So we have
5 seen reference to something called a CGLO, a Coastguard
6 Liaison Officer. Is that the role you are talking about
7 within Border Force?

8 A. I don't know whether that is the job title, but
9 I -- I just make the point that the COLO is a Coastguard
10 role.

11 Q. Yes.

12 A. And the Border Force Maritime liaison officer is --
13 works for Border Force. So therefore -- I mean, they
14 are both liaison officers so they are similar in that
15 respect, but they work for different organisations and
16 therefore have a different role.

17 Q. I understand that. I am trying to understand what the
18 arrangements were for liaising in a situation where
19 people who were working on tasking assets in a Channel
20 were at a different site. And you are talking about the
21 importance of the situational awareness picture there,
22 being able to work alongside HM Coastguard.

23 A. Yes.

24 Q. In those circumstances, that liaison role is critical,
25 isn't it?

1 A. And that -- yes, the one of the principles of joint
2 agency working is that, where possible, agencies should
3 be co-located and Border Force Maritime was co-located
4 and is co-located that joint control room now from what
5 I understand.

6 But the tasking authority for Border Force Maritime
7 assets was based in Portsmouth and that was a tasking
8 authority for all of their activity, including but not
9 limited to deploying in support of Operation Deveran.

10 Q. Okay. As part of your role within JMSC, so before you
11 went to the CCTC, were you involved in marshalling
12 information, situation reports and other information
13 circulated to stakeholders, to assist in planning?

14 A. That was and is one of the core roles of JMSC, yes.

15 Q. And at your -- at paragraph 47 of your statement,
16 page 17, please, {INQ010134/17}. We can see you talk
17 about one particular aspect of information sharing and
18 planning in advance, and that is Channel crossing
19 assessments.

20 Going down to 47, please, next page, thank you,
21 {INQ010134/18}, we can see there one of the priorities,
22 you say, for the efficient allocation of resources under
23 Op Altair was development of forecasting, essentially,
24 which we have referred to as a RAG rating, a red, amber,
25 green rating. Is that something you had involvement in,

1 in your role?

2 A. I commissioned that product when -- but that was when
3 I was director of the Clandestine Channel Threat
4 Command. I commissioned that product, yes.

5 Q. So it was something that came in after the CCTC was
6 created and as a result of your work through that
7 organisation?

8 A. That's my recollection yes. It was one of the very
9 early tasks that we undertook.

10 Q. Was the idea of that product that assessing the
11 likelihood of crossings in advance would enable better
12 planning, in order to meet resources and response
13 required?

14 A. Yes. So I -- as I think I say in the statement, this is
15 more than a weather forecast. It is a predictive
16 analysis product that uses historical data and recent
17 data on crossings, as well as data on wave heights and
18 weather conditions. And it gives the -- or it gave the
19 likelihood of crossings on three common areas of
20 departure on French beaches and also gave an assessment
21 of whether our aerial assets were likely to be able
22 to be deployed in any given operational period.

23 Q. Can you assist us with how the planning or the response
24 was different based on whether a day was classed as, for
25 example, red versus amber, what changed if a day was

1 red?

2 A. So if a day was red — so, it's probably helpful to say
3 that the — there were many different operational
4 planning meetings that happened at the strategic ,
5 tactical and operational level . So the CCTC had at
6 least weekly and sometimes more frequently meetings with
7 ministers to brief them on all of our work, which would
8 include operational readiness , we would then have a gold
9 call , which would happen at least weekly, sometimes more
10 frequently , which would be chaired by the gold commander
11 for Operation Altair . And then there would be further
12 meetings, including the red day call that the Coastguard
13 chaired , following that at an operational and tactical
14 level . All of which would be looking at this assessment
15 and other intelligence products that we had available to
16 us.

17 And that would be used to deploy land-based
18 resources which relied , at the time, very much on
19 flexible resources from Border Force Immigration
20 Enforcement to make sure that our land-based capability
21 was stood up and ready .

22 It would inform the deployment of surveillance and
23 aerial assets . So we wouldn't fly missions when it was
24 unlikely that crossings would happen. And it would
25 inform our readiness for maritime assets as well .

1 Q. I think we can take this off the screen. Was there any
2 formal structure to the response to RAG ratings? So for
3 example, were there minimum requirements for the
4 provision of assets or personnel, or aerial coverage, in
5 response to a red versus an amber day? Was there any
6 policy which set out how the response should be
7 different based on that assessment?

8 A. It -- it wasn't a rigid, set in stone, operational model
9 and it would change based on lots of different aspects,
10 including things that might be happening elsewhere in --
11 so, you know, for policing, for Border Force, for
12 Immigration Enforcement, these were multi-functional
13 people and multi-functional assets, as were the aircraft
14 and -- and other aspects of the deployment.

15 So it certainly wasn't set in stone, but there was
16 a lot of planning that went into it and there was a very
17 regular drum beat of meetings that gave assurance around
18 whether we thought we had the optimum deployment of
19 assets, based on what was available at the time.

20 Q. So rather than being set in stone, it was a matter for
21 the individual judgment and discussion of those
22 attending planning meetings?

23 A. That's right.

24 Q. Thank you. I want to understand a bit more about your
25 specific role within the CCTC, if I can. We don't need

1 to go to it, but in your statement you say that your
2 primary responsibility was making small boat crossings
3 unviable. That's at 23 of your statement.

4 Could we turn to a document called {INQ001960/1},
5 please. This is a letter dated 12 August 2020, I think
6 addressed to you from the Home Secretary, on your
7 appointment to your role as the first director of the
8 CCTC?

9 A. Yes.

10 Q. We can see that it mirrors there, in bold, what you have
11 said in your statement, that your key objective will be
12 to make small boat crossings of the Channel unviable.

13 Can I ask what your understanding of that objective
14 was, what did it mean to make crossings of the Channel
15 unviable?

16 A. So, I and the Clandestine Channel Threat Command
17 interpreted that through the campaign plan, which we
18 formulated very early on in the creation of CCTC. And
19 that described the different pillars of activity that we
20 needed to undertake if we were to get to the point where
21 migrants were making a different decision about whether
22 to cross the Channel or not, organised crime gangs found
23 it too difficult and not profitable enough to operate in
24 northern France, to completely control the maritime
25 environment and save lives and so on.

1 So it is, it's not a short form response in terms of
2 what unviable means, but the campaign plan articulated
3 that in quite a lot of detail.

4 Q. If we turn over the page, {INQ001960/2}, we can see
5 a list of different objectives and taskings for you as
6 part of that role, quite a long list of different areas
7 of focus.

8 A. Yes.

9 Q. Were these matters you were working directly on in your
10 role or were you delegating to different department
11 leads with specific responsibilities ?

12 A. So I -- I was overseeing all of this work at a strategic
13 level, but I delegated different elements of it to
14 different directors within my team and through
15 relationships that we had across Government.

16 Q. If we go to the sixth bullet point down, we can see that
17 one of your areas of work was to:

18 "Be responsible for the direct tasking and
19 co-ordination of all Home Office operational
20 capabilities dedicated to tackling Small Boats and other
21 forms of clandestine entry."

22 And then you can see there, it lists responsibility
23 for :

24 "Border Force maritime assets in the Channel
25 assigned to small boats activity -- currently one cutter

1 and two ... CPVs [and it says] operational
2 accountability [continues] to rest with [the]
3 commanders)."

4 A. (Nods).

5 Q. Looking below that, we can see that you were responsible
6 for acting as the overall Home Office lead engagement on
7 small boats issues with other maritime agencies,
8 including the MCA and other organisations.

9 A. Yes.

10 Q. Is it right, therefore, that your work directly touched
11 on the practical operational response to small boats in
12 the Channel?

13 A. Very much so, yes.

14 Q. And that you were responsible for leading on engagement
15 with the MCA in relation to that area of work?

16 A. Yes, that's right and I had an extremely good
17 relationship with the MCA, probably the best operational
18 relationship I had across all of those responsibilities
19 that you see there.

20 Q. And how did you communicate with the MCA? How did you
21 build that relationship?

22 A. I would say, I had regular meetings with the exec team
23 at the Coastguard agency, relatively informal ones, but
24 they were also part of the governance of the delivery of
25 our campaign plan. And we -- all of those planning

1 meetings that I just mentioned, bar the ministerial
2 meetings, there would be a Coastguard presence at those,
3 from what I remember. And then, you know, a series
4 of -- you know, we were co-located at the Coastguard MCC
5 in Dover, so we had informal contact with the Coastguard
6 on a daily basis .

7 Q. Could we turn back to your statement, please , page 9,
8 paragraph 26, {INQ010134/9}. You are telling us about
9 the taskings you were undertaking as part of your role
10 in the CCTC and you say:

11 "One of the key lines of effort ... was to 'control'
12 the maritime environment in the Channel ... "

13 What does "control" mean in that context?

14 A. Well, when I was appointed in August 2020, the -- the
15 operation in the Channel was getting -- it was getting
16 to the point where it was difficult to know where all of
17 the boats were in the Channel, where they were landing,
18 how we were going to disembark migrants from boats onto
19 the land. I remember very clearly a day that I went
20 down there in the summer and we had, I think , six or
21 seven beach landings simultaneously , you know, from
22 Folkestone all the way down to Dungeness and it was
23 pretty chaotic , in truth .

24 And so a really early priority was to grip that and
25 control it , to generate really clear situational

1 awareness of what was going on in the Channel, to
2 improve co-ordination and communication between all of
3 the different agencies that were responsible for
4 different parts of it and ensuring that the -- the --
5 every stage from intercepting migrants close to the
6 median line, through to point in which we were moving
7 them into asylum accommodation was a continuous and
8 smooth process.

9 Q. And we can see that, sort of, elaborated in this
10 paragraph. You say:

11 "In order to achieve this ..."

12 So four lines down:

13 "... it was necessary to deliver changes in the UK
14 government's ability to ..."

15 And then you list a number of, sort of, tasks that
16 would help you to control the maritime environment in
17 the Channel.

18 A. That's right.

19 Q. So you mention delivering changes in the UK Government's
20 ability to identify the location of vessels in the
21 Channel as early as possible.

22 A. (Nods).

23 Q. Then the second is to continue to track them, once
24 identified. So that's going to that situational
25 awareness you were talking about, is that right?

1 A. Yes, and it's fair to say of all of those different
2 tasks, different agencies have different levels of
3 priority attached to those. So identifying vessels in
4 the Channel and intercepting them is, you know,
5 something that's extremely important to the Coastguard
6 agency, it is very important to the Home Office.
7 Conversely, whether a boat lands in an uncontrolled
8 fashion on a beach or not, less of a concern to the
9 Coastguard because they may well do that completely
10 safely .

11 Much more of a concern to Kent Police and the local
12 community and a great concern to us in Immigration
13 Enforcement because it spread our people and assets over
14 a huge area as we sought to — to collect all of those
15 migrants and move them to a central location .

16 Again, collecting intelligence from — to begin the
17 process of prosecuting facilitators and the people who
18 put those migrants in such a dangerous situation in the
19 first place, very important to the Home Office, very
20 important to the National Crime Agency, much less so to
21 others .

22 And so all of the assets that we used, whether they
23 were aerial assets, surveillance assets, surface assets
24 and the people, needed to be balanced across all of
25 those priorities . Hence the need for interoperability

1 and the joint control room, the co-ordination structure
2 that was provided Operation Altair and all times
3 recognising that safety of life at sea had primacy over
4 everything else .

5 Q. And we can see, if we go on to another one there , which
6 is to:

7 " ... have sufficient surface assets to intercept and
8 rescue the vessels ."

9 It 's fair to say, that 's one that was a priority for
10 both the Home Office and HM Coastguard, is that right ?

11 A. Yes.

12 Q. Can you help me to understand what was achieved in
13 relation to each of those different aspects in your time
14 at the CCTC? So talking about from when you were
15 appointed August 2020, through to the night of
16 Incident Charlie , November 2021. Starting with the
17 first one: identifying the location of vessels in the
18 Channel. What steps were taken by the CCTC to improve
19 that capability to gain situational awareness in the
20 Channel?

21 A. Yes, I think it 's important to say, and I think
22 Mr Whitton sort of alluded to this in his evidence this
23 morning, that surface assets are extremely important,
24 but they are not the game-changer in terms of
25 controlling the maritime environment. The game-changer

1 is surveillance and technological surveillance . And in
2 fact , when I was appointed , the first appointment that
3 I made in my team was a Chief Technology Officer to
4 deliver on these requirements , and we defined them very
5 early on.

6 And we got to the point , I would say , probably in
7 mid–2022/late 2022 when most of those aspects were in
8 place and we had a level of situational awareness that
9 started by predicting with a very high level of accuracy
10 where boats are going to leave from France and when , to
11 have complete situational awareness of where all the
12 vessels are in the Channel and to be able to continue to
13 track them. And that is delivered today by
14 a combination of the assets that were — the aerial
15 assets that were planned to be deployed on the night , so
16 two 2Excel aircraft operating early in the night right
17 on the median line , two further 2Excel aircraft
18 operating slightly later in the night over UK
19 territorial waters. And then two UAVs , drones ,
20 operating much closer to the shoreline in the daylight
21 hours .

22 So that that was already in place in November 2023
23 and it is extremely unfortunate that on the night , none
24 of those assets , apart from one of the drones for
25 a short period of time , was actually able to deploy . So

1 all of those were in -- in place.

2 We were also developing, at some considerable pace,
3 a predictive intelligence capability which is in place
4 today, shore-based persistent detection capability --
5 and by " persistent ", I mean it is always there, rather
6 than something that is flying on a -- high risk periods
7 of time. And some other drone capability that could be
8 deployed from -- from the back of boats.

9 And indeed, further tasking lines on those existing
10 drones that were in place in November. We now have
11 additional tasking lines from those and a third drone,
12 the AR4, which is now operational. So it is a very
13 comprehensive surveillance capability . And, I mean, it
14 would be unwise to talk in absolutes, but I think it 's
15 fair to say if these circumstances that happened on the
16 night of the 23 November happened again today, one could
17 provide a fairly high level of assurance that the
18 outcome would have been different . Cold comfort,
19 I know, to the -- to the families of those who died that
20 night, but I make the point to illustrate that we were
21 on a trajectory of capability development at that point
22 in time. We had delivered a lot of that surveillance
23 capability in November 2021.

24 But the key element that was not in place was the
25 surveillance capability that was both persistent and not

1 affected by low cloud, which is in place today.

2 Q. And by that, you are referring to, for example, aerial
3 assets that were able to conduct surveillance in adverse
4 weather conditions, is that right?

5 A. Correct.

6 Q. I want to ask a little bit about surface assets, if
7 I can.

8 We know, we have heard in evidence, that
9 Border Force owned and deployed the assets used for
10 search and rescue in the Channel by HM Coastguard, but
11 as you have just been discussing, capability development
12 fell within the role of the CCTC, is that right? It was
13 part of your role developing the capabilities you have
14 just been telling us about?

15 A. I mean, a lot of the capability development I referred
16 to was a shared endeavour between us and the Coastguard.
17 And in fact, the -- although we were deploying some of
18 those aircraft ourselves through a direct tasking line,
19 they were on a contract that was owned by the
20 Coastguard, so it was very much a joint endeavour.

21 Q. Understood. I want to ask you specifically about
22 cutters, if I can. Could we turn to page 24 of your
23 statement, paragraph 66 {INQ010134/24}. So you give us
24 a little context about cutters. You say:

25 "From 2018 to early 2021, [Border Force] cutters

1 and ... CPVs provided coverage for migrant operations in
2 the Channel."

3 That's coastal patrol vessels .

4 You say:

5 "It was recognised from early on in the small boats
6 situation that cutters were unsuited to the task of
7 rescuing migrants."

8 Then you tell us a little about the reasons why they
9 were unsuited . They were designed for law enforcement,
10 they had limited deck space, they didn't have much
11 sheltered accommodation, so people who were being
12 embarked were often exposed to the elements. And you
13 say :

14 "CPVs, which came into service in 2016 and 2018,
15 were similarly ill equipped for migrant rescue . [And]
16 accordingly , new solutions were being explored ... "

17 If it was recognised by the Home Office, from early
18 on in that period , that cutters were not suitable for
19 search and rescue , why were we still reliant on cutters
20 as a significant part of that search and rescue response
21 three years later , in 2021?

22 A. Yes, so I would say that the CPVs and the cutters --
23 I mean, it is a fact , neither of those vessels were
24 designed for migrant rescue . They had some
25 characteristics which were helpful . They were pretty

1 fast , both of them for instance , but actually the fact
2 that they are fast is a disadvantage in that it means
3 they are not very stable . So they can get out to sea
4 relatively quickly . They are not particularly stable
5 and actually getting migrants of their boats and onto
6 CPVs and cutters is quite -- is quite challenging .

7 I think given those limitations , from 2018 to
8 probably early 2020, Border Force Maritime did a pretty
9 good job with them and they were good enough for the
10 job . But by the time I was appointed in August 2020, it
11 was becoming more challenging and we set about looking
12 for alternative models pretty much as soon as the CCTC
13 was established . The first proposal that we worked
14 through is emergency rescue vessel , which we were pretty
15 close to deploying , but -- but ended up going with
16 a different alternative in -- in the end .

17 Q. I am going to ask you about that in due course .

18 A. And so the -- the CTV was -- was made available and that
19 was both because it was much more suitable . It had
20 a bigger are deck space, it was still pretty fast , but
21 it was very stable . But also market availability was
22 an important factor , so these are the same vessels as
23 take commercial organisations out to wind farms and that
24 sort of thing and there are lot of them in the market .
25 So it was -- it was easier to deploy those more quickly .

1 Q. Just coming back to that question. If it was recognised
2 early on that they were unsuited -- the cutters were
3 unsuited, I mean, you say there new solutions were
4 explored between 2020 and 2022. Why weren't steps
5 taken, once the recognition was there that they were not
6 suited, to obtain alternatives to use for search and
7 rescue? We are in a situation where the cutters were
8 still the primary relied upon response asset for search
9 and rescue three years down the line. How did that come
10 about?

11 A. Yes, so I think the point I am making in my statement
12 really is that they are not designed for that task, but
13 as I have said, I think that all of those limitations
14 accepted, Border Force Maritime did a good enough job
15 with them up until about 2020 when the strain was really
16 starting to show and the numbers started increasing
17 quite dramatically.

18 And so when I was appointed and the CCTC was created
19 we set about finding a replacement very quickly and we
20 deployed the CTV as a trial because of course, it had
21 never been used in this type of environment before,
22 in -- in sort of spring/summer 2021.

23 Q. I might be able to assist you there. If we turn to the
24 next page, 25 {INQ010134/25} and look at paragraph 69
25 you tell us there about the CTV and you say it was

1 brought into live service in July 2021. I think we have
2 heard some evidence that it was being trialled in April
3 of 2021.

4 A. That's right.

5 Q. Can you help us with the difference between a CTV and
6 a CPV?

7 A. Yes. So the CPV is a relatively small, fast vessel.
8 It's -- it's sort of like a large RHIB, that's a rigid
9 hull inflatable boat, but it has a structure on it.

10 They were used, as I understand it, originally to
11 transport people out to oil rigs. So again, they are
12 pretty fast, but they are really unstable, in terms of
13 they roll a lot in the water. Sorry, "unstable" is
14 probably the wrong word. They roll a lot in the water,
15 so they are not -- they don't have great stability.
16 They are very light.

17 A CTV is twin-hulled platform. It's much larger.
18 It has a much higher wheelhouse and crucially, it has
19 sheltered accommodation -- well, I say accommodation.
20 There is space inside it to accommodate migrants, which
21 there isn't on a cutter or a CPV.

22 Q. Now we know that in practice on the night of the 23 to
23 24 November 2021 the CTV was not available and in fact,
24 the assets that were available, there were no drones, no
25 CTV, there was a cutter, the Valiant, which we have

1 heard about, and a single CPV which I think is called
2 the Hunter, which would be potentially available for
3 deployment. Are you able to assist us with how that
4 situation came about? That despite this work to try and
5 improve capabilities , on that night when it came down to
6 it , there was only one cutter and one CPV available?

7 A. Well, I think Mr Whitton has sort of dealt with this
8 partially in his evidence. The -- I mean, there was
9 a -- it's worth sort of explaining that the point in
10 time in November 2021, there was an increase ,
11 undoubtedly, in the number of migrants arriving in the
12 UK by small boat throughout that year. But that point
13 in time in November was extremely unusual in terms of
14 the number of boats, 209, that crossed in November 2021.
15 More boats crossed in November 2021 than in any month in
16 the history of small boats arrivals , despite the fact it
17 was a winter month.

18 And so the deployment of Border Force Maritime
19 assets that you have just described throughout most of
20 that year was adequate. It was -- we were starting to
21 feel pressure , absolutely , but the expectation was that
22 when we went into the winter months there would be an
23 easing of the numbers because that's what had happened
24 in every other year. We actually had extremely accurate
25 predictions of the number of migrants that had crossed

1 the Channel in any given month, to sort of minus 3%
2 accuracy, and that proved to be completely inaccurate
3 in November 2021.

4 So we, of course, had started thinking about what
5 the deployment pattern for the following year might look
6 like and we had discussed alternatives with ministers at
7 that point, but we hadn't deployed them yet because,
8 frankly, we did not expect November 2021 to be quite as
9 exceptionally busy as it actually was.

10 MS WOODS: I do want to ask you very briefly about drones.

11 I am mindful of the time. I think I can do that very
12 briefly and then we can turn for a break, if that is
13 suitable, Chair?

14 SIR ROSS CRANSTON: Yes.

15 MS WOODS: Thank you. If we can turn to paragraph 70 of
16 this page, you can see it down the bottom there, you
17 talk about UAVs, unmanned aerial vehicles, otherwise
18 known as drones.

19 And you tell us that drones were contracted from
20 a company called Tekever, that they were -- you tell us
21 about their equipment. And that they were used to
22 locate migrant boats and produce images of suspected
23 facilitators and boats and migrants themselves.

24 You go on to tell us, I don't think we need to turn
25 to it, essentially, that they could update Border Force

1 officers in realtime when they found vessels at sea?

2 A. They could update anybody who was in the JCR, which
3 would include Border Force officers , yes.

4 Q. Once again, we know that the drones weren't available on
5 23 to 24 November. I want to understand what the Plan B
6 was. What would the Home Office do, when that
7 capability was not available on a given night , what was
8 the backup, or the alternative ?

9 A. For completeness, I think one of the drones did fly for
10 a short period of time at 07:30 in the morning of the
11 24th.

12 Q. In the morning. But I am talking about the overnight --

13 A. But in the period in question , you are absolutely right ,
14 they didn't fly .

15 And the Plan B, as the MAIB described it , is a very
16 important question . That Plan B is in place today, in
17 terms of the much more sophisticated aircraft capability
18 that we have flying over the Channel and the challenge
19 really was how you could a) fly when there is low-lying
20 cloud, how you could actually take off from an airport
21 in low-lying cloud , and then how you could see through
22 that cloud to deliver that capability .

23 That, that Plan B is delivered today through that
24 more sophisticated aerial asset and through the
25 shore-based persistent surveillance that I described

1 earlier . I think it is fair to say that the -- the
2 technical challenge of delivering that was immense and
3 we went all over the world, spoke to companies --
4 technology companies all over the world, spoke to
5 military , and all sorts of things to actually get to the
6 point where we could find a capability that could
7 deliver that reliably . It is a regret that that was not
8 in place in November 2021, but we were developing and
9 trying to deliver that capability at some pace.

10 Q. So is it fair to say that on that night, that capability
11 was being developed, it was in train, but actually in
12 the moment, there was no Plan B which could be deployed
13 in the event that the drones couldn't be used?

14 A. That's correct.

15 MS WOODS: Chair, if that's a suitable moment for a break?

16 SIR ROSS CRANSTON: Yes. So just 10 minutes. Thanks very
17 much.

18 (3.06 pm)

19 (A short break)

20 (3.16 pm)

21 SIR ROSS CRANSTON: Yes, Ms Woods.

22 MS WOODS: Thank you very much, sir. I want to understand
23 a little , if I can, about what was known within the
24 Home Office about the situation in the Channel and the
25 increase in small boats over time. Could we turn to

1 your statement, page 23, paragraph 64, please ,
2 {INQ010134/23}. You say there:

3 "Having commenced my CCTC role in the summer of
4 2020, my initial assessment was that the problem of
5 small boats would continue to get worse without
6 a significant shift in our approach across operations ,
7 communications, policy and legislation ."

8 And you say:

9 "Given the number of red days would decrease in the
10 winter, any red day should be expected to be busy with
11 a surge of crossings ."

12 Earlier , I think you mentioned that the expectation
13 in general was that winter would be less busy, there
14 would be a decrease in the winter in terms of crossings
15 because of the weather, is that right ?

16 A. Yes, and that has proven to be the case, I think , in
17 every other year , bar 2021.

18 Q. And what you are saying here is that you anticipated
19 that, given the fewer favourable days available in the
20 winter for crossing , the expectation was that where
21 a red day arose in the winter, it would be busier . You
22 say :

23 "Given the number of red days would decrease in the
24 winter ... "

25 A. Yes.

1 Q. " ... any red day should be expected to be busy a surge
2 of crossings ."

3 A. That's right , yes.

4 Q. Is it fair to say this means that the crossings in the
5 winter were more concentrated into those fewer days when
6 it was possible to cross , because of the conditions ?

7 A. That's right .

8 Q. This is something you recognised in 2020 when you first
9 joined the CCTC. We know that in preparation for that
10 winter , for December 2020, you drafted a submission for
11 the Home Secretary.

12 A. Yes.

13 Q. Can we turn to that submission . It is {INQ008338/1} .
14 So we can see your name up there in the top corner and
15 the date, 3 December 2020, and if we turn to page 2
16 {INQ008338/2} , looking at paragraph 3, we can see a very
17 similar assessment here:

18 "Our professional assessment of clandestine activity
19 over the winter period is that we will see an increase
20 of small boats arrivals , likely concentrated on a single
21 day with favourable conditions ."

22 So you are saying the same thing to the
23 Home Secretary, essentially : we think it is going to
24 increase in general and we think in the winter months,
25 it is going to be more contract concentrated on the days

1 when conditions are favourable. Is that right?

2 A. It's -- it says that the -- there will be an increase on
3 a single day. It doesn't say it would necessary in
4 general, I don't think.

5 Q. You say:

6 "Our professional assessment of clandestine activity
7 over the winter period is that we will see an increase
8 of small boats arrivals ..."

9 A. Sorry, yes, it does say that.

10 Q. Yes.

11 A. Yes.

12 Q. If we can turn to page 13 {INQ008330/13}, please, we can
13 see there is a section talking about what happens at
14 sea. You say the response by Border Force maintained
15 throughout the year, doesn't change in winter. Then it
16 talks about some of the specific risks of crossings in
17 the winter time. It says:

18 "Given the increased risk of hypothermia during the
19 crossing attempts in winter it is imperative that events
20 are responded to quickly."

21 So it was recognised as early as 2020 that crossings
22 in the winter entailed greater risk to the persons
23 crossing because of hypothermia, is that right?

24 A. Yes.

25 Q. And you go on to say:

1 "The availability of aerial surveillance assets
2 significantly enhances the operational co-ordination [of
3 the MCA] facilitating the quick identification of
4 vessels ."

5 I think that touches on what you were saying before
6 about the importance of situational awareness and the
7 role which aerial surveillance plays in that, is that
8 right ?

9 A. Yes.

10 Q. Essentially , it is easier to find small boats in the
11 Channel if aerial assets are available for surveillance ?

12 A. Yes.

13 Q. And it acknowledges there , the topic we were talking
14 about immediately before the break, that there would be
15 days when aerial assets could not be deployed . There,
16 it says due to poor visibility .

17 A. Yes.

18 Q. In those instances , it is likely we will see beach
19 landings ?

20 A. Yes.

21 Q. So even a year in advance, it was known that where the
22 aerial surveillance wasn't able to be in place , due to
23 weather for example, that the result would be
24 a detrimental impact to the situational awareness , or
25 the recognised maritime picture in the Channel?

1 A. Yes.

2 Q. You set out there, in the next paragraph down, the
3 standard deployment. You say:

4 "We have a standard deployment of one Cutter (with
5 10 crew) and 2 Coastal Patrol vessels (with 5 crew on
6 each) available in the South East everyday throughout
7 the whole year working from both Ramsgate and Dover."

8 And you go on to talk about how it is different for
9 red days and a second cutter which can be deployed
10 within 12 hours if operationally necessary?

11 A. Yes.

12 Q. And four RHIBs in addition, working out of Dover on red
13 days when the risk of crossings was high.

14 Can I ask, you talk about this being the standard
15 deployment. What did that mean? Was that a minimum
16 requirement? Was it a target to be met by Border Force?
17 Was it the expectation for, sort of, every day of the
18 year as you say?

19 A. I -- I mean I think it means -- what it -- what it says
20 there. Standard deployment was a cutter and two coastal
21 patrol vessels and at that time, that was considered
22 sufficient to respond to the level of demand that we
23 were experiencing.

24 Q. Was it, therefore, a target to aim for, sufficient level
25 of provision, or was it a minimum requirement that had

1 to be met in order for safe provision of response to
2 search and rescue?

3 A. It was the standard deployment at -- at the time.
4 I wouldn't recognise it as being a minimum deployment or
5 a target to reach, it was the standard deployment that
6 was considered adequate for the demand that we were
7 experiencing at the time.

8 Q. Did the Home Office, or CCTC, or Border Force track
9 whether that standard deployment was being met over
10 time? Did it monitor days when there was -- that
11 standard was not met?

12 A. So, as I said earlier , there was a very regular rhythm
13 of meetings, operational co-ordination meetings, at the
14 strategic , operational and tactical level and had those
15 requirements not been met, or more importantly , had
16 those requirements proved to be inadequate, we certainly
17 would have known about it and we would have sought to
18 adjust the deployments.

19 Q. We know that on 23 to 24 November, overnight, that the
20 standard deployment there -- listed there , was not met.
21 What was the response by the Home Office? What should
22 have been done where that standard deployment couldn't
23 be met on a given day? Particularly a red day, as the
24 23 to 24th became?

25 A. So I think that -- can you remind me of the date of this

1 submission?

2 Q. Yes, of course. This is a submission from the
3 3 December 2020.

4 A. Yes. So I think that the standard deployment had
5 changed by November 2021. So we had -- so we had
6 a cutter, a coastal patrol vessel and a CTV on that
7 night. So I wouldn't -- I wouldn't agree that the
8 standard deployment wasn't met. It was different at
9 that point.

10 Q. We know that there was no CTV that night. There was one
11 cutter and one CPV, so even applying this --

12 A. I think the CTV was available later in the --

13 Q. I think during the day, but not overnight is what we
14 have seen. We can bring it up, if that's helpful.

15 A. I would define the deployment period as from the early
16 hours of the morning, in the night, through to daylight
17 hours. And we need to cover the entire period because
18 a lot of the boats would commonly be landing right up
19 until, I would say at this time, probably around midday.
20 And then, as the small boat threat evolved, even into
21 after the afternoon and early evening.

22 So there were three -- there were three assets
23 available, one of which was a CTV which had a higher
24 lift capacity than the assets that we are looking at
25 here and we had to deploy them in a way that ensured

1 that we had coverage across the whole of the operational
2 period, not just the night.

3 Q. So to be clear, when you talk about a standard
4 deployment, that's not for a shift, that's for a full
5 24-hour period?

6 A. Well, it's for the period in which small boats are
7 likely to be in UK waters, which is both night and the
8 day.

9 Q. I am so sorry. I am sure it's me misunderstanding.
10 Could you assist me with what the period for a standard
11 deployment of this kind is?

12 A. Yes, of course.

13 Q. Is it a set period of time for a given day, is it
14 a 24-hour period? How does it work?

15 A. So it's dynamic depending on when small boats enter UK
16 waters. So typically around this time, I would
17 estimate, based on what I've seen around the aerial
18 deployments and when they were in -- when they were
19 deployed, we were looking at an operational period of
20 around midnight to 01:00 am and that might extend up
21 to midday the next day, in daylight hours, but
22 I -- I give that as an example rather than telling you
23 exactly what the deployment period was at that time.

24 And also it was reactive. So we would be relying --
25 so the first deployment of a Border Force vessel would

1 occur when we became aware that there was a small boat
2 entering UK waters and then those deployments would
3 continue and as I said, sometimes into the early evening
4 and even -- you know, even the operational periods would
5 sometimes run into each other. So you would have
6 a 24-hour period.

7 That's why we don't deploy all three of assets at
8 the same time because as soon as you deploy them the
9 clock starts ticking on the hours that the crews are
10 able to operate safely and if you deployed all three of
11 them at the beginning of the night, you would then have
12 none later in the day.

13 Q. Understood. So if the period changed, based on when the
14 small boats were likely to arrive, and was determined on
15 an ad hoc basis, how could you plan for a standard
16 deployment, not knowing in advance what those times were
17 likely to be?

18 A. So what the standard deployment is describing is the
19 vessels that will be available when they are required in
20 any, let's say, a 24-hour period for the sake of
21 argument. But they would be deployed when required on
22 a reactive basis. And that's also the reason that we --
23 you know, we didn't patrol proactively. Because if we
24 had sent one of these vessels out, or Valiant out
25 proactively in anticipation of a small boat arriving,

1 we -- we then start burning through the crew's hours as
2 soon as they go out to sea and there may not be any
3 boats there for them to rescue or intercept , or as
4 Mr Whitton said this morning, if that vessel happened to
5 be in Dungeness and the first small boat is up near
6 Folkestone or somewhere, then you could be three hours
7 away or maybe -- you know, more -- you know, you could
8 be in completely the wrong place. So you would be
9 burning up sea hours for no benefit whatsoever.

10 Q. What was the plan for when the standard deployment
11 couldn't be met?

12 A. Well, in this case, it was the standby cutter , I think
13 it says there :

14 "In addition , we have a second Cutter (with 10 crew)
15 available to be deployed [in] the area within 12 hours
16 notice if operationally necessary ."

17 Q. I think that is part of that standard deployment
18 provision . It is saying : we have a standard deployment
19 and you have the cutter to be deployed . I am saying
20 when you couldn't meet that requirement , and we have
21 heard that was a reoccurring problem during 2021. There
22 were strained resources and it was often difficult to
23 ensure there were sufficient personnel or assets .

24 If that standard deployment couldn't be met, what
25 should Border Force be doing, what should Home Office be

1 doing?

2 A. Border Force has a larger fleet than what's detailed
3 there and we would -- and we did -- we would have
4 conversations with Border Force Maritime and my
5 operational commanders would have conversations with
6 Border Force Maritime on an ongoing basis. And it might
7 be necessary to deploy another asset in from another
8 location around the UK and they did that on occasion.

9 Q. Okay. Looking at the submission, we can see quite a few
10 of the risk factors which did, in fact, eventuate
11 in November 2021. Winter, the cold, the increased
12 crossings on a red day, and the increasing crossings
13 over time, recognised about a year in advance.

14 Now, we know, of course, that the number of small
15 boats increased even more dramatically than I think
16 anybody expected in the course of 2021. But looking at
17 your statement, I don't think we need to turn to it, but
18 paragraph 78 you say month by month, the CCTC accurately
19 predicted arrivals for the entire year of 2021 up
20 to October.

21 It was foreseeable, wasn't it, that more assets
22 would be required by the end of 2021 than those which
23 were available in 2020?

24 A. What we foresaw was that in 2022 we would likely need
25 more assets. What we definitely did not foresee, and

1 I -- I am strongly of the opinion it was not
2 foreseeable , just how unusual the level of boats and
3 migrants arriving was in November 2021. It is -- it has
4 still , to date, not been matched despite the overall
5 numbers in a year being much higher, there has never
6 been a month where 209 boats have crossed the Channel.
7 We did not foresee that and I would argue it was not
8 foreseeable .

9 Q. The risk from the winter months, the overall increase in
10 the number of crossings and the increase on red days in
11 winter , was foreseen , wasn't it ?

12 A. I mean, I am looking at this submission now and thinking
13 all of those things are self evidential true . What is
14 not foreseen is the scale of the numbers. So, you know,
15 is the risk higher in winter? Of course, that is
16 a common sense deduction that you can make. But
17 applying right number of assets and people to the scale
18 of the threat is a much more difficult thing to predict
19 and despite the fact that we were very good at
20 predicting numbers at that time, we did not predict what
21 happened in November 2021.

22 Q. I appreciate the scale of the increase in that month was
23 not predicted , but as we have seen in this submission ,
24 the fact that there would be a general increase was
25 predicted . And I want to understand what was done to

1 obtain more assets in preparation for that recognised
2 increase ?

3 A. So I -- I agree that we predicted that crossings would
4 be clustered around the red days where crossings were
5 possible . I mean I am, I'm -- I certainly -- I mean,
6 I am reading it and thinking , you know: did we say that
7 crossings would increase generally through the winter
8 months? I mean, I wouldn't agree with that. I don't --
9 that wasn't the sense that I was certainly giving at the
10 time.

11 I can see how that might be intended from that , but
12 I -- certainly none of our models said : you should
13 expect more arrivals in the winter . Because that
14 generally had never happened and has never happened
15 since .

16 Q. If we go back to page 2, paragraph 3, {INQ008330/2}, it
17 does say that in terms, doesn't it ?

18 A. I can --

19 Q. "Our professional assessment of clandestine activity
20 over the winter period is that we will see an increase
21 of small boats arrivals ... "

22 A. Yes, I am reading that now and I can see that that is
23 what it says. But I think in general terms, that is not
24 what we were predicting or planning for . In every other
25 year, before and since , the overall number of arrivals

1 and then overall number of boats has decreased during
2 the winter, but it's certainly true that they tend to
3 cluster around the few red days that are available.

4 But I would just go back to what I said earlier,
5 that November 2021 was a complete anomaly and I -- I --
6 I don't think -- my professional opinion is that it was
7 not predictable what happened on that -- in that month.

8 Q. Winter or summer, it was predicted and recognised in
9 2020, that there would be a steady increase -- or
10 continuing increase, perhaps not steady, but
11 a continuing increase in the number of crossings?

12 A. Yes.

13 Q. I want to understand what was done in that period to
14 obtain additional resourcing, to meet that increased
15 demand?

16 A. Yes. Well, I mean, a huge amount was done over that
17 period. I have talked about the surveillance
18 capability, both aerial surveillance, intelligence
19 capability and other things. So a huge amount was in
20 place in November 2021 that was not in place at the time
21 that I wrote this submission, particularly in terms of
22 aerial surveillance.

23 Q. Just --

24 A. We also had a crew transfer vessel that we had brought
25 in to service and we had also explored a number of other

1 capabilities which we eventually ruled out. We had
2 built the Western Jet Foil, which was a much more fit
3 for purpose landside accommodation site. So a huge
4 amount had been done in the 12 months between -- or the
5 11 months between the submission being written
6 and November 2021.

7 Q. I am really asking about surface assets because we heard
8 from Mr Whitton this morning that in that period from
9 2018 through to November 2021, that single CTV was the
10 only additional surface asset obtained in that period of
11 time. Why isn't this submission, or the other
12 submissions that have been disclosed to the Inquiry, why
13 isn't it asking for additional assets, additional
14 funding, additional resourcing?

15 A. Well, I think during 2021, and for most of the year, the
16 asset surface provision was sufficient for what was
17 being experienced. It -- it certainly didn't feel
18 sufficient in November 2021 and you have heard a lot of
19 evidence to support that. But as I say, if I had known,
20 if we had known, and if we had predicted what was going
21 to happen in November 2021, I am sure we would have
22 been -- we would have been introducing additional
23 capability for surface assets more quickly than we
24 actually did.

25 Q. Your submission -- I think, in fact, it is best to go to

1 it in your statement. Can we turn to your statement at
2 page 25, paragraph 68, please, {INQ010134/25}. But both
3 that submission and your statement refer to your efforts
4 to obtain something called an "ERV", an Emergency Rescue
5 Vehicle and I think you raised this earlier in evidence
6 and I mentioned we would come back to it. So it
7 explains there, in 68, you say:

8 "CCTC explored an entirely new operating model for
9 migrant rescue ... with the introduction of an emergency
10 rescue vehicle ..."

11 You say it could be:

12 " ... used as a 'mothership' with a number of tasks
13 previously conducted on shore being moved [onto the
14 ERV], which would be positioned in the centre of [and]
15 operating area, close to the median line."

16 You say that that meant that the amount of time
17 Border Force vehicles spent at sea could be increased
18 because it was reducing the transits back and forth from
19 Dover and alleviating pressure on the shore facilities .

20 Can you tell us a little bit about this ERV? Was
21 this a project you initiated when you came to the CCTC?

22 A. Yes. So we were looking at capability development in
23 a number of different areas, shoreside, in terms of
24 surface assets, in terms of aerial assets, as I said
25 earlier. This was a concept which could solve a number

1 of problems at the same time. So the infrastructure at
2 Tug Haven, as my statement says, was entirely inadequate
3 for the purpose we needed it for. Offloading migrants
4 at Tug Haven was extremely difficult and slow, and we
5 recognised that the transit time from Dover out to the
6 operational area and back again was something that we
7 could potentially reduce with this platform.

8 So this was a very big or relatively big ship with
9 a flat –deck where we could replicate some of the
10 processes that we conducted at Tug Haven at sea and the
11 model was predicated on the basis that as you noted in
12 my statement that the rescue vessels could spend less
13 time transiting , depending on where the migrant vessel
14 actually was.

15 Q. Does this mean that it was a vessel which could take
16 a larger number of people disembarked from small boats?

17 A. That's right , yes.

18 Q. So effectively , they could be rescued by the rescue
19 vessels and then dropped off on the ERV and some
20 elements of the processing could be undertaken there?

21 A. Correct .

22 Q. I want to look at another document, please -- actually,
23 no, let 's stay here if we can, apologies . You explain
24 here that this proposal was not approved by ministers ,
25 at the end of that paragraph, and therefore did not

1 progress to live operational delivery . And I think we
2 can just do this on the basis of your statement. Are
3 you able to say anything about why that didn't progress ?
4 I think you said earlier this morning that it got quite
5 advanced, you went a long way in pursuing this as
6 an option .

7 A. That's right .

8 Q. What happened?

9 A. So my understanding at the time was that ministers felt
10 that it would, effectively , act as a magnet for
11 migrants. Because it was such a large visible platform ,
12 that it might in fact encourage migrants to cross the
13 Channel rather than deter them.

14 Q. When you say "encourage to cross the Channel", do you
15 mean those who had already set out would seek to go to
16 the ERV, or do you mean it would not act as a deterrent
17 to crossings in the Channel?

18 A. I think both, yes .

19 Q. And --

20 A. That was my understanding at the time.

21 Q. -- part of your role was to ensure that crossings were
22 not viable . Was it considered that this was counter to
23 that objective ?

24 A. That was my understanding of the response from ministers
25 at the time, yes .

1 Q. Thank you. Could we turn, now, to {INQ007125/1}. This
2 is a submission we looked at this morning with
3 Mr Whitton, a submission dated 23 December 2021, so we
4 are moving forward in time somewhat. And we can see
5 your name up the top. What does "SCS" mean next to your
6 name?

7 A. Senior Civil Servant.

8 Q. Was this a submission which you played a role in
9 drafting?

10 A. I would have thought so, yes. Yes.

11 Q. We can see it's gone out in your name but would you have
12 seen drafts and preparations of this?

13 A. Absolutely, yes.

14 Q. We can see the issue is set out there on page 1:

15 "UK Government has an inadequate number of surface
16 assets to deliver SOLAS operations in 2022. This
17 presents a significant threat to life."

18 And the proposal then is to move provision to the
19 Coastguard agency to mitigate this threat, free up
20 Border Force Maritime to focus on its core role of
21 border security.

22 This seems to mark a different -- a different
23 concern being raised with the Home Secretary at this
24 time compared to the submission we looked at from a year
25 prior. This is the first time we are starting to see

1 concerns being raised about an inadequate number of
2 surface assets . When was that recognised? When did
3 that first start to be raised ?

4 A. I think , as 2021 went on and we started modelling what
5 we thought was going to happen in 2022 based on the
6 increasing amount of data we had available and the
7 improved intelligence , we recognised that this threat
8 was going to get worse and the numbers were going to
9 increase and if that was the case, the -- the asset
10 provision that we had, in terms of surface assets , which
11 was already proving to be put under a significant amount
12 of strain was going to be insufficient the following
13 year .

14 Q. We can see that reflected at paragraph 1 under
15 " Discussion " there :

16 "There has been a significant increase in the number
17 of migrants crossing the Channel with the 2020/2021
18 yearly total already more than 25,000 . "

19 You say :

20 "The increased volume of crossings is now regularly
21 overwhelming existing [Border Force] Maritime and [RNLI,
22 I think that 's meant to be] assets . "

23 A. Yes.

24 Q. You say RNLI has resorted to the deployment of a
25 mothballed asset :

1 " ... we anticipate crossing attempts in 2022 will
2 exceed those in 2021."

3 Looking down at "3", we can see you saying that:
4 "[Border Force] have continued to support the MCGA
5 coordinated search and rescue operation as numbers have
6 increased but this is not the primary role of
7 [Border Force] Maritime and their fleet is not suited to
8 the role ."

9 This was something that was clearly recognised here
10 in December 2021. Presumably, this submission comes
11 against the background of discussions with senior
12 colleagues , meetings and planning? When was it first
13 recognised that this is not a fleet that is suited to
14 the role of search and rescue?

15 A. I think as I said fairly early on in the small boats
16 phenomenon, it was recognised that fleet that we were
17 using was designed for a different task, but was
18 adequate in the first few years for delivering what we
19 needed it to. I think as 2021 went on, it became much
20 clearer that we needed a different type of surface asset
21 to deliver the lift capacity that we needed to and to
22 mitigate the weather-related hypothermia risk that
23 happened in the winter. And frankly, we just needed
24 more boats.

25 Q. Turning on to page 2 {INQ007125/2}, we can see the three

1 options that we discussed in evidence this morning with
2 Mr Whitton. Option 1, maintaining the status quo;
3 option 2 bolstering the current effort by Border Force
4 with additional support from contractors, but remaining
5 under Home Office contracts and command; and then
6 option 3, returning Border Force Maritime vessels and
7 staff to border security work while significantly
8 increasing the use of contractors and essentially,
9 passing responsibility for that work over to
10 HM Coastguard. And it's clear here that it is that
11 third option which you were endorsing in this
12 submission?

13 A. (Nods).

14 Q. My first question is: were there discussions with
15 HM Coastguard about this proposal to shift
16 responsibility, this option 3?

17 A. Yes.

18 Q. And what was the position of HM Coastguard, as you
19 understood it from those discussions?

20 A. I think, ultimately, this was always going to be
21 a ministerial decision. It was an extremely high
22 profile subject that involved a number of Government
23 departments. And whether that responsibility was going
24 to shift from one department of the Home Office to the
25 Coastguard and therefore the Department of Transport was

1 always ultimately going to be a ministerial decision .
2 So we had conversations at an operational level ,
3 a senior operational level about whether this could be
4 a viable option and we — we discussed how we would
5 execute on the plan if ministers approved it .

6 But I don't think there was a very strong feeling in
7 either organisation about which was the right course of
8 action as such from an operational point of view because
9 really what I was concerned about and I am sure what the
10 Coastguard were concerned about was that we had
11 sufficient assets to save lives in the Channel, you
12 know, who actually was responsible for those is really
13 a — a political decision .

14 Q. Did you believe at the time that option 3 was the right
15 cause of action to achieve that?

16 A. I think it was very finely balanced. I think the reason
17 that we recommended that course of action was because,
18 you know, we were sort of getting to the point where the
19 Home Office would have, you know, in — in procuring
20 a large number of CTVs which have no other role apart
21 from saving lives at sea, we were sort of crossing the
22 line where we were saying: you know, we are in this for
23 the long-run here, and we are going to procure a set of
24 vessels that have no law enforcement role or very, very
25 limited law enforcement role and moving it to

1 HM Coastguard could allow more of a long-term capability
2 investment .

3 That said , it wouldn't be a quick process , you know ,
4 Border Force Maritime was well suited to deliver this
5 capability because it had all of the assurance and
6 health and safety and training and governance that 's
7 required to operate maritime vessels and the Coastguard
8 didn't have that because -- and doesn't have that
9 because it doesn't operate any maritime vessels . So
10 if -- if it were the right answer , you know , it would
11 have taken a very long time . And hence , I go back to
12 the point I made earlier for me , as an operational
13 commander , my priority was to make sure that we had
14 sufficient assets and we didn't , at the time .

15 So really it was finely balanced . Either of these
16 recommendations I think would have given us that .

17 Q. In fact we know that option 2 , we heard this morning ,
18 was the option which was adopted .

19 A. Well , I think just to clarify that point . I mean
20 that -- that is what happened . I don't recall getting
21 a formal response to this submission . That's not to say
22 that I didn't , but in fact , it was superseded by
23 operational primacy of the Ministry of Defence . And
24 therefore , you know , whether option 2 was actually
25 approved or not is a moot point . We went on to have --

1 we contracted five CTVs, we still have five CTVs, but
2 the decision-making around that and the options analysis
3 around that, from my recollection, was superseded by
4 military primacy.

5 Q. You have anticipated exactly my next question. So was
6 there a positive decision within the Home Office to
7 choose one of these three options, or was it the default
8 because events overtook it with Operation Isotope?

9 A. As I say, I don't remember getting ministerial decision
10 on the submission. I suspect it was superseded by
11 military primacy.

12 Q. I appreciate that you have now left the Home Office and
13 do say if you are unable to answer. But I want to ask
14 whether it remains your view that responsibility for
15 search and rescue in this way and the ownership of
16 assets or the contracting of assets should move from
17 Border Force to HM Coastguard?

18 A. I --I don't think I said that was my view. I said from
19 an operational commander's point of view, my priority
20 was making sure we had sufficient assets and which
21 Government department they belong to is less relevant.

22 Q. We can see in the submission, you have endorsed the
23 third option rather than the second. It doesn't say it
24 is equivocal, both will achieve the same outcome and the
25 only priority is to ensure there are sufficient assets.

1 Why here have you endorsed 3 rather than 2?

2 A. Because I am making a recommendation to ministers and
3 I can see that there is a presentational or political
4 aspect to this as well.

5 Q. And would you still endorse 3 over 2, in terms of that
6 decision-making?

7 A. As I said, hypothetical question. I haven't been in the
8 Home Office for a year, so I can't really answer it.

9 Q. Understood. If we could go back to your statement
10 please to paragraph 90, {INQ010134/32}, thank you very
11 much. We can see you are talking about this submission,
12 in fact, we don't need to go backwards, but this is
13 talking specifically about that submission
14 in December 2021. And you say:

15 "I did not perceive the lack of suitable assets at
16 the time of this submission as being related to an
17 inability to access sufficient funding."

18 My question is, was that a reason why -- I should
19 rephrase that. My question is: if assets had been
20 requested, are you confident that they could have been
21 provided within the funding arrangement which was in
22 place?

23 A. Yes. I mean, to be entirely transparent, for most of
24 the time that I was director CCTC, we didn't have
25 a formal budget line. I didn't often find that funding

1 was a barrier to delivering the capability that we
2 needed because it was such a huge priority for the
3 Home Office and for Government.

4 Q. Understood. In this paragraph, you go on to say:

5 "[Border Force] found itself providing more [search
6 and rescue] support because of the huge increase in
7 crossings and because of the limited number of assets
8 available from other agencies, in particular, the RNLI.
9 As it became clear that the number of crossings would
10 continue to increase, it was time to plan for the
11 future, to increase the resources available to meet the
12 increasing demand."

13 Stepping back, the time to plan for the future was,
14 in fact, 2020 or before then, when it first became
15 evident that the crossings were going to increase,
16 wasn't it? Not 2021 in the wake of Incident Charlie?

17 A. Yes, I mean, we were always planning for the future.
18 I think the point that I am making in the statement here
19 was really that there became a point in November 2021
20 where we were -- we were planning for 2022 and I think
21 it was the first point at which it became self-evident
22 that we needed a dramatic increase in our lift capacity
23 for surface assets.

24 Q. Understood. Can I take you to another document now
25 {INQ009671/1}, please. This is the independent review

1 of Border Force which was undertaken by Alexander Downer
2 and it was published, as we can see there, in July of
3 2022.

4 This report is extensive and there are a broad range
5 of recommendations contained within it. I particularly
6 want to ask you about page 43, paragraph 10.1. Forgive
7 me, it is page 43 down the bottom. No, apologies,
8 that's page 39. The numbering is different to the
9 numbering on screen. If we can go to paragraph 10.1,
10 apologies to Ankit.

11 So it is two further pages along {INQ009671/47}.
12 There we are.

13 "Recommendations". These are recommendations in
14 relation to small boats in the Channel.

15 A. Yes.

16 Q. And the first recommendation made by the independent
17 reviewer is that:

18 "Border Force Maritime should not be providing an
19 ongoing search and rescue function in the English
20 Channel. Neither Border Force nor Royal Navy vessels
21 are appropriate to this tasking. Appropriate vessels
22 and crews should be sought under contract to conduct
23 this task."

24 And if we look at the paragraph underneath, we can
25 see that he is saying essentially what that submission

1 we were just looking at from December 2021 was saying;
2 that the vessel should be under the command and control
3 of either the Coastguard or the Royal Navy.

4 A. (Nods).

5 Q. This is some time down the track, six months down the
6 track. This is post Operation Isotope, post the
7 introduction of some new CTVs coming in and yet still,
8 at this stage, we have an independent external reviewer
9 who is making a recommendation, a formal recommendation
10 to the Home Office, that that option 3, the transfer of
11 responsibility for search and rescue, should be
12 considered.

13 A. Yes. So I think, that -- at the point that Mr Downer
14 was actually conducting this review, ie before it was
15 published. It was slightly earlier on. I can't
16 remember exactly how long it took to -- to publish it,
17 but the timeline was probably slightly different. I met
18 with Mr Downer, I think, on three occasions and -- and
19 took him out in Dover to show him the operation.

20 And he -- he made these comments to me and
21 I reassured him that we were already contracting these
22 vessels, so we had done -- so, one part of his
23 recommendation.

24 I mean, ultimately this was a -- this was a review
25 commissioned by the Home Secretary. The recommendation

1 that he's making here is, I think, a political decision
2 rather than an operational decision. It's not something
3 for -- for officials. But yes, I can see -- I can see
4 the logic for it and mirrors, to an extent, the advice
5 in that submission, yes.

6 Q. Are you able to tell us anything about the outcome of
7 this report? Were the recommendations approved,
8 adopted, put into place?

9 A. I think a number of them were. I can't say with
10 absolute certainty whether all of them were accepted,
11 but I know the majority of them were.

12 Q. I think we know that this one was not because this is
13 not --

14 A. Indeed.

15 Q. -- the change which has been made.

16 Are you able to tell us anything about why that was?
17 Were you involved in discussions or decision-making
18 about this recommendation?

19 A. So as I said a moment ago, the military primacy sort of
20 superseded the decision-making at the point that I had
21 written the submission we were just looking at.

22 Military primacy then ran for most of the following year
23 and when we -- when operational and strategic command
24 was handed back to the Home Office, I don't recall the
25 issue surfacing again.

1 And it wasn't sufficiently important at that
2 particular moment in time for us to readdress it. We
3 had what we considered to be sufficient level of surface
4 assets and we had other priorities, I think, at the time
5 to concentrate on.

6 Q. I do want to ask you a little bit about military
7 primacy, if I can. Can we turn back to your statement,
8 please, the bottom of page 19, paragraph 52,
9 {INQ010134/19}.

10 So we can see you explain something called
11 Operation Isotope and you say:

12 "Op Isotope was MoD's plan for military primacy and
13 control of maritime counter migration operations."

14 Can you explain Op Isotope to us in lay terms?

15 A. So we were informed in December 2022 that the
16 Prime Minister had directed that the military should
17 take overall command of small boats operations. Overall
18 and we set about working out the optimal way in which to
19 do that.

20 The Home Office command structure, essentially,
21 slotted in under the military command structure. In
22 a large part, the operation continued to be delivered as
23 it had been before, but the military provided some
24 resource on the ground, at the Western Jet Foil and
25 thickened our headquarters' functions and command and

1 control functions, which is a role that they are
2 extremely good at.

3 But in a large part, as I say, the -- the operation
4 itself continued to be delivered in a very similar way
5 with similar people and similar assets to how it had
6 been before. There were some additional assets, but
7 they didn't conduct migrant rescue, they didn't
8 contribute to the ISR capability that we had in place
9 and were continuing to develop. But it was, you know,
10 very welcome to have additional people in our command
11 structures and there was a lot of skills transfer that
12 happened during that period as well.

13 Q. If we turn over the page and look at paragraph 53,
14 please, {INQ010134/20}, we can see you saying
15 essentially what you have just told us, which is:

16 "Whilst primacy for the operational response ...
17 rested with MoD between [that period], [it] did not lead
18 to any material changes in ... frontline operational
19 response to Channel crossings."

20 You are saying the same personnel were doing the
21 same activities in the same way and operations were
22 managed much as they had been before. You say:

23 "The main contribution of MoD primacy was to add
24 personnel to command and control functions."

25 Is that what you were just telling us in terms of

1 the changes, shoreside for example, and the change in
2 the leadership structure ?

3 A. Yes.

4 Q. I want to understand the impact of Isotope . So if we
5 could turn to {INQ009649/1}, please. This is
6 a statement provided to the Inquiry by the Ministry of
7 Defence. If we turn to page 2 {INQ009649/2},
8 paragraph 1.8, please , we can see that Op Isotope is
9 described there in much the same terms. It explains at
10 the very bottom of that paragraph that it took place
11 against a particularly challenging backdrop. There was
12 a near doubling of migrant arrivals from 28,526 in 2021
13 to 45,755 in 2022. So there is a significant increase
14 in the number of crossings in that period .

15 A. (Nods).

16 Q. But this witness says that the number of uncontrolled
17 landings , just above, has decreased in that period from
18 39 in 2021 to seven in the period when Op Isotope was
19 operating . You say in your statement, we don't need to
20 go to it , paragraph 80 you say that the number of deaths
21 decreased significantly metre period of Op Isotope as
22 well , from 34 dead and two missing in between to just
23 four dead in one incident in the period of Op Isotope.

24 A. Yes. Although, just on that point , I am not sure I am
25 drawing a causal link between any of those things in my

1 statement.

2 Q. No, I don't understand you to be in your statement. We
3 can go to it, if helpful, but --

4 A. No, that's fine. I just wanted to clarify.

5 Q. It changed statistically in the number of deaths
6 experienced in 2021 versus that period in 2022 when
7 primacy rested with the MoD?

8 A. That's right, yes.

9 Q. What I want to put to you is that, in fact, there was
10 a significant increase in resourcing as a result of the
11 introduction of Op Isotope, that funding assets and
12 personnel increased dramatically with the change in
13 maritime primacy. Is that something you would agree?

14 A. The number of CTVs increased. I think that probably
15 would have happened anyway, as you will have seen from
16 the advice that I wrote to the Home Secretary.

17 I think it helped that the military planners
18 originally proposed -- I think the evidence this morning
19 was 11, I think they proposed 10 CTVs because the
20 operating model that they were proposing was persistent
21 presence at sea, which is essentially doubling the
22 number of assets that we would have had. I think that
23 was helpful making the argument for additional surface
24 assets. Certainly, I think, it may be more credible
25 coming from the military, in many ways.

1 There was an increase in personnel at the Western
2 Jet Foil , which was certainly very helpful . Elsewhere,
3 the increase in personnel really was around
4 headquarters's functions . I don't — I mean, it's
5 almost impossible to say but I — I think you know the
6 reduction in the number of uncontrolled landings in my
7 view would probably have been delivered anyway because
8 the capabilities that's required to stop those was not
9 military capability .

10 I am sure the strengthening of our headquarter's
11 function helped, but I don't think it was the — the one
12 thing that made that difference and that sort of borne
13 out. Since military primacy has finished , there have
14 been no uncontrolled beach landings whatsoever.

15 Q. Is it your view that the increase in the provision of
16 surface assets may have contributed to the reduction in
17 uncontrolled beach landings ?

18 A. I don't think it was a huge factor , in truth . I think ,
19 as Mr Whitton said this morning, the game—changer is
20 ISR, it 's not surface assets .

21 Q. I think we can look at something about the levels of
22 resourcing provided by Op Isotope . If we turn to
23 page 15 of this statement, I think it is at 17.2
24 {INQ/009649/15}, 7.2, forgive me.

25 We can see the different assets described there

1 at 7.2. It says:

2 " ... additional Defence assets ... attributed to
3 responding to small boat migration. These include an
4 offshore patrol vessel, up to six archer-class patrol
5 vessels, one Wildcat helicopter, and three rigid hulled
6 inflatable boats ... additional surface personnel ...
7 deployed on land ... "

8 Which I think you were referring to earlier, to
9 assist Home Office officials in processing.

10 If we turn, then, to 7.3 on the next page, please,
11 {INQ/009649/16}, we can see the MoD was able to obtain
12 an uplift of £50 million for this operation and part of
13 that was used to obtain the additional CTVs, you can
14 see:

15 " ... hire [of] five crew transfer vessels and
16 a recovery vessel [which was] safer and more suitable
17 for migrant interceptions ... "

18 So there was an increase in the budget as a result
19 of the specific budget allocated to Op Isotope and part
20 of that budgeting was used to obtain additional surface
21 assets, is that right?

22 A. That's correct, yes. But, I mean, just to expand on the
23 point I was making earlier, so to take one example, the
24 Wildcat helicopter, it certainly wouldn't be true to say
25 that increased our ISR capable.

1 I mean, the reason that we did not procure any
2 helicopters as part of CCTC is that they are very
3 expensive, they can only fly for short periods of time,
4 etc. So the Wildcat helicopter did a sweep at the end
5 of the day to see if there were any abandoned small
6 boats that the -- I can't remember how it is described,
7 but there was another -- the recovery vessel, sorry, in,
8 in Ms Stewart's(?) statement would then go and rescue
9 those abandoned migrant boats.

10 So absolutely, there was an uplift in funding, much
11 of which was extremely useful. I am not sure I would
12 say that that massively contributed to our ISR
13 capability, our capability to rescue migrants because as
14 I said, I think we would have gone up to five CTVs
15 anyway. But it was very -- it was very welcome and very
16 helpful and it gave us a lot of headspace to do the
17 planning that we needed to do for that year and to bring
18 a bit of stability to the command structures.

19 Q. If we turn to page 18, paragraph 7.8 {INQ009649/18},
20 this witness says:

21 "The legacy of Op Isotope included the procurement
22 of [CTVs that we were just talking about] for
23 Border Force's use, an uplift in the infrastructure
24 available in the ... operations rooms managing the
25 response to small boats, and enhanced multi-agency

1 working."

2 Is that something you would accept, Mr O'Mahoney?

3 A. Yes.

4 Q. We know that Operation Isotope came to an end
5 in January of 2023. Can you help us with how the
6 operation came to an end, why did that come about? If
7 it was providing additional resourcing, it was providing
8 headspace to do important planning, why did it come to
9 an end?

10 A. So, I mean, from an operational point of view, it got to
11 the point where Border Force had -- sorry, the
12 Home Office had decided on a new operating model, the
13 small boats operational command, and in that, had -- I,
14 amongst other senior officials, had done a lot of
15 planning around how we might have a different deployment
16 model to support that. So, for instance, previously, as
17 I said earlier, most of the resource required landside
18 was deployed in from multi-functional teams. We
19 reversed that resourcing model. So that there was
20 a standing resource available to the small boats
21 operational command, for instance.

22 So it was -- I think it was felt at that point that
23 the capability developments that were required had been
24 delivered. The uplift in resourcing had been delivered
25 and therefore, the requirement for military primacy had

1 ended.

2 Q. Thank you very much. I want to turn now to a new topic,
3 if I can. I want to ask you a little bit about
4 relationships with the French and through that, I want
5 to ask you a little bit about something called
6 Operation Sommen, if I can.

7 A. Yes.

8 Q. Aside from working with UK agencies like the Coastguard
9 like , RNLI, all kinds of other agencies that we have
10 been talking about over the past few hours, it is right
11 that the Home Office, and in particular CCTC, built
12 a relationship with the French authorities ?

13 A. Yes.

14 Q. Is that right ? If we can pull up your statement, please
15 at page 10, paragraph 28 {INQ010134/10}. We can see
16 there that:

17 " ... the majority of migrant vessels departing from
18 France, [you say], in order it make effective
19 interventions upstream, we needed to establish a good
20 working relationship with our counterparts there."

21 And you tell us further down, in paragraph 29, about
22 the signing of the Sandhurst Treaty and the creation of
23 something called the CCIC.

24 A. Yes.

25 Q. I am not going to attempt to pronounce it in the native

1 language, but the CCIC was effectively , a co—ordination
2 centre between the British and the French authorities
3 focused on the work that was occurring in the Channel,
4 is that right ?

5 A. It was initially focused on co—ordination of work across
6 the juxtaposed ports of Calais and Coquelles , but we
7 then, additionally , moved some people with
8 responsibility for co—ordinating information and
9 intelligence around the small boats as well , yes.

10 Q. Were there CCTC staff members working in the CCIC? How
11 did it function , in practice ?

12 A. There were -- so, there were Border Force officers in
13 there already who we -- who we used as liaison officers
14 for CCTC. And more lately, there have been CCTC liaison
15 officers in there. But at the point of these events
16 that we are looking at, there were Border Force officers
17 in there who worked on our behalf on small boats as well
18 as other issues .

19 Q. Can we turn to page 18, please , paragraph 48,
20 {INQ010134/18}, I want to understand where the CCIC was
21 providing sort of intelligence and situational awareness
22 or whether it was actually undertaking liaison for
23 operational purposes. We can see there , you say , right
24 at the bottom:

25 "CCTC did not have direct operational contact with

1 the French authorities , but we did receive information
2 via CCIC."

3 Was that operational information ? Was that
4 a relationship focused on what was occurring in the
5 Channel, or was it about intelligence and information
6 sharing ?

7 A. It was both, from my recollection . So there was
8 a two—way exchange of information and intelligence
9 through the CCIC.

10 Q. And in your experience , how effective was that process ?
11 How constructive , what was the relationship like ?

12 A. At an operational level , that exchange of information
13 and intelligence continued throughout this period . How
14 effective it was, I think changed over time. I think
15 it 's much more effective today than it was at the time
16 of this incident .

17 Q. You say there that CCTC itself didn't have direct
18 operational contact with the French. What does that
19 mean?

20 A. So we had a strategic relationship with the French, as
21 I describe in my statement. So I had a relationship
22 with the Prefet , who was my opposite number there. At
23 an operational level — so my gold commanders who ran
24 Operation Altair , for instance , didn't have an
25 interlocutor in France and very few levels of

1 operational command had any interlocutor in France, but
2 there was this contact, at a very, very junior level in
3 CCIC.

4 Q. Understood. Can we turn to page 12, please,
5 {INQ010134/12}. In fact, can we go to 11, please, start
6 with paragraph 33 {INQ010134/11}. You are talking there
7 about the relationship with the French
8 Deputy Prime Minister's office ?

9 A. Yes.

10 Q. And you say you had regular but infrequent meetings with
11 SG Mer.

12 A. Yes.

13 Q. That is the department within the
14 Deputy Prime Minister's office which deals with the
15 Channel, effectively . Other matters, but for these
16 purposes, with the Channel; is that right ?

17 A. Yes.

18 Q. You say:

19 "At an operational level, a similarly regular but
20 infrequent dialogue existed between [Border Force
21 Maritime Command] and the Prefet [for] la Manche ... "

22 A. Yes.

23 Q. What do you mean by "regular but infrequent "?

24 A. So, probably in the two and a half years that I was
25 director of the Clandestine Channel Threat Command,

1 I might have had three meetings with SG Mer.

2 Q. I want to understand how that fit with the
3 communications in practice, on a nightly basis, about
4 operational decisions in the Channel. So we have heard
5 evidence from some Border Force officers, for example,
6 that they were receiving, every night, trackers from
7 Gris-Nez, containing information about boats crossing
8 the Channel. How did that level of operational
9 communications fit with the strategic high-level,
10 infrequent meetings that was taking place through the
11 CCTC?

12 A. I am not sure there was a corollary between the two.
13 I think it was absolutely necessary for the French to
14 exchange information around SOLAS operations.

15 The relationship with the French at other levels, at
16 this particular time, was very difficult. By the time
17 I had left, it was very positive and particularly in
18 terms of my relationship with the Prefet who oversaw the
19 landside aspects of the operation and at a sort of
20 national level in Paris. But at this particular point
21 in time, it was very difficult.

22 Q. If we go on to paragraph 34 {INQ010134/12} you say, the
23 second line :

24 " ... in 2020/21 the relationship was strained at
25 a national level as a result of the UK's exit from the

1 European Union, disputes over fishing rights , the AUKUS
2 submarine deal and Operation Sommen (also known as
3 maritime turnaround tactics)."

4 Is it right that you were the strategic lead for
5 Op Sommen?

6 A. Yes.

7 Q. And in your capacity and experience through that role ,
8 what do you mean when you say it was a cause for strain
9 in the relationship between the UK and France?

10 A. So, just before I was appointed, there was -- there was
11 an agreement with the French, known as the Cherbourg
12 agreement and I think sometimes it was referred to as
13 Op Bowthorpe, Operation Bowthorpe, and that was an
14 arrangement whereby the French had agreed and worked up
15 an operational protocol such that if we rescued migrants
16 close to French waters, we could, on a trial basis , move
17 them to Dunkirk and disembark them at Dunkirk. And that
18 was seen as being a useful potential deterrent for
19 migrants crossing the Channel. There were a number of
20 obvious issues with that, but that was in place before
21 I was appointed.

22 Around the same time as I was appointed, a new
23 Interior Minister in France was appointed and he
24 withdrew support for the Cherbourg agreement and
25 a requirement from ministers to develop an alternative

1 to the Cherbourg agreement was received and we set about
2 developing that. And that was to mirror a set of
3 tactics that were used by the Australians in Operation
4 Sovereign Borders, but in the Channel.

5 Because the French had withdrawn their support
6 for the Cherbourg agreement. They saw this as --
7 they -- they didn't accept that this was an appropriate
8 course of action to take, particularly because they
9 thought it went counter to their obligations and our
10 obligations around safety of life at sea. And
11 therefore, when they became aware that we were
12 developing it, because we -- I informed them we were as
13 part of the sort of open operational dialogue that we
14 were trying to have with them, they objected to it very
15 strongly and it affected our already quite strained
16 relationship with them further.

17 Q. You say there in the next sentence:

18 "[The] national concerns affected regional
19 relationships despite the efforts of colleagues across
20 the Home Office and me personally."

21 What was the practical effect of the relationships
22 being adversely affected by this?

23 A. The dialogue that we were having with our interlocutors
24 was much less frequent and in fact, shortly before this
25 incident, I recall having had a meeting with the Prefet

1 in the Nord de France region , which is the first meeting
2 I had with her for three months. There was a period of
3 time prior to that where the French officials were told
4 they could not communicate with us at all .

5 Not directly as a result Operation Sommen, I should
6 say. I think the trigger point for that was the AUKUS
7 submarine deal, but, you know, there was a general
8 atmosphere following EU exit, very frosty relationships
9 with France. And to an extent, these relationships bled
10 through into the operational relationships which also
11 were strained . But I hasten to add, the relationship
12 today is exceptionally good, both at a maritime level
13 and on the landside and by the time I left
14 in December 2022, I had a very , very healthy , open and
15 constructive relationship with my French opposite
16 number.

17 Q. I understand fully and I am focusing in on 2021 in
18 particular .

19 A. Of course .

20 Q. Could we actually turn to the statement of Mr Whitton,
21 please , which is {INQ010137/1}, page 18 {INQ010137/18}.
22 Looking at paragraph 44 there , Mr Whitton is addressing
23 relations with the French and interactions with the
24 French there . Right at the bottom of that paragraph, he
25 says :

1 "We were looking at arranging secure communications
2 between our vessels and those of the French but the
3 deployment of Op Sommen unfortunately had an adverse
4 effect on the relationship ."

5 Is it right that the implementation of secured
6 communication between French and UK vessels was derailed
7 or undermined by Op Sommen as Mr Whitton says there?

8 A. I don't know, I'm afraid . It's not something that I was
9 aware of at the time or since .

10 Q. Understood. Did Op Sommen cause strain with the
11 relationships between the Home Office and any other
12 agencies , so, for example, the MCA, DfT, RNLI?

13 A. No. We had a very — as I said earlier , we had a very
14 constructive relationship and I personally had a very
15 constructive relationship with the Coastguard.

16 We developed the Standard Operating Procedures
17 around Operation Sommen very closely with them; that's
18 not to say that they were in support of them but they
19 recognised that this was a Government policy that needed
20 to be implemented, it was a direction from the
21 Home Secretary and indeed the Prime Minister to deliver
22 on it and we had a very open and constructive
23 relationship , which allowed us to plan or for them to
24 plan around the deployment of Operation Sommen in a way
25 that did not have an adverse impact on safety of life at

1 sea.

2 Q. So at the time when you were in your role taking the
3 strategic lead on this project, you weren't aware of
4 strained relationships or difficulties in the
5 relationships with UK stakeholders caused by the
6 implementation or planning for Op Sommen?

7 A. I don't recall that, no.

8 Q. Okay. The Inquiry has received frankly an enormous
9 amount of disclosure related to Op Sommen from various
10 partner agencies showing the development of policies
11 over time, extensive planning, numerous meetings,
12 training, discussions with other stakeholders.

13 Is it fair to say that planning for Op Sommen
14 occupied a very considerable amount of time and resource
15 within the Home Office in 2021?

16 A. It did and, as I said, this was a priority that was
17 directed by the Home Secretary and indeed the
18 Prime Minister, so it was important that we dedicated
19 the requisite amount of time to it.

20 Q. Are you able to help us with what percentage of your
21 time was spent on Op Sommen?

22 A. I -- I don't recall. I mean, I delegated most of the
23 work to one of the directors in my team who oversaw the
24 development of the policy and legal advice and tactics.

25 I -- I would struggle to put a percentage on it.

1 I think it's fair to say it took a lot of many people's
2 time.

3 Q. Would you accept that it drew focus from planning to
4 meet the increased demand for search and rescue in the
5 Channel?

6 A. I don't think so. I think we were able to plan for both
7 at the same time.

8 Q. I want to ask you now about recommendations looking to
9 the future. Before we do that, I want to understand
10 what introspection and lesson learning the Home Office
11 has already done. This morning, Mr Whitton was asked
12 about the aftermath of Incident Charlie and in
13 particular the reasons why the Home Office did not
14 undertake a internal review or lesson learning
15 processes.

16 I think he indicated this morning that question was
17 better directed to you, Mr O'Mahoney.

18 A. Yes.

19 Q. Are you able to assist us with why that was not done?

20 A. So I -- I recall that there was a debrief or lessons
21 learnt process that the Coastguard undertook and we fed
22 into that process. We also conducted more or less
23 constant review of our operational deployments and
24 planning.

25 We conducted -- when I say "we" I think in

1 Government conducted a number of table-top exercises to
2 look at various issues including mass casualty
3 incidents .

4 But I think it 's also fair to say, as you have heard
5 from a number of people who have given evidence , we
6 simply didn 't know at the time exactly what had happened
7 and many of the operational commanders and operational
8 officers within the Home Office and Border Force didn 't
9 really have much understanding of what had happened
10 until we were engaged by the Maritime Accident
11 Investigation branch.

12 So certainly there were lessons learnt exercises
13 happening, including with the Coastguard which we
14 participated in , but it wasn 't apparent to us at that
15 time that there was a necessity to do it specifically
16 for the Home Office.

17 Q. Is that a concern, that the Home Office couldn 't
18 recognise its involvement in a mass casualty event?

19 A. Well, in so much as there was a lessons learnt exercise
20 conducted by the Coastguard and we took part in that .

21 There wasn 't -- from what we knew at the time we
22 didn 't -- there was nothing in that that made us think
23 we needed an independent Home Office-led lessons learnt
24 exercise that looked at what we might have done
25 differently , but we were conducting constant reviews of

1 our capability and deployments and the campaign plan as
2 a whole.

3 Q. And what about once, as you say, the MAIB exercise
4 began, the MAIB investigation. At that stage, why did
5 the Home Office not conduct a review or a lesson
6 learning exercise ?

7 A. Well, I think -- I can't remember the exact timing of
8 when we received the MAIB report, but I certainly
9 remember in the later stages of its production the
10 recommendations that were being made by the report
11 primarily around having a plan B for aerial
12 surveillance , we had reached the point where we did have
13 that plan B for instance .

14 So when I looked a the MAIB report, I didn't think
15 immediately: Okay, we need to go back and look at this
16 and see how we deliver on the recommendations because it
17 was our view at that point that we already had.

18 Q. Understood. We have spoken quite a lot this afternoon
19 about the changes implemented by the Home Office, both
20 in the period leading up to November 2021 and of course
21 thereafter .

22 Is there anything you would like to add to our
23 understanding of those changes of how the situation
24 progressed to what you have said today or to what is in
25 your statement?

1 A. I don't think there is anything in addition to what
2 I would say than what I said earlier in that the
3 capability that we have in place today is very
4 comprehensive and provides a high level of assurance and
5 you can see that demonstrated in the operational
6 outcomes in that there have been no uncontrolled beach
7 landings for some two plus years.

8 Q. My final question: is there anything that you would like
9 to share with the Inquiry in terms of changes or
10 improvements to feed into recommendations for the
11 future?

12 A. Nothing additional to what I have said already.

13 MS WOODS: Thank you very much, Mr O'Mahoney.

14 Those are all my questions.

15 SIR ROSS CRANSTON: Well, Mr O'Mahoney, thank you very much
16 for your statement and also for the evidence you have
17 given this afternoon.

18 A. Sir, if I may just make one more point, if I may.

19 SIR ROSS CRANSTON: Absolutely.

20 A. The -- my teams in the Home Office and Border Force
21 Maritime dedicated their professional lives to saving
22 lives at sea in the Channel and I am sure that there are
23 many hundreds, if not thousands of migrants alive today
24 who might not otherwise have been, and so the events
25 of November 2021 came as a huge blow to all of us

1 professionally and personally .

2 But I recognise that is as nothing compared to the
3 huge and devastating impact those events had on the
4 families of those who died and the trauma experienced by
5 those who survived . So I would like to offer my
6 personal condolences to the families and to restate the
7 Home Office's commitment to you, sir , in delivering your
8 terms of reference because I think that is the best way
9 that we can honour the memories of those who died.

10 SIR ROSS CRANSTON: Well, thank you very much for that.

11 I am sure those remarks are appreciated . So thanks very
12 much, Mr O'Mahoney.

13 We will resume on Monday, yes. Well, thank you very
14 much.

15 (4.23 pm)

16 (The Inquiry adjourned until 10.00,
17 on Monday, 24 March 2025)

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