

OPUS2

The Cranston Inquiry

Day 13

March 24, 2025

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1 Monday, 24 March 2025

2 (9.59 am)

3 MR MATTHEW LEAT (called)

4 SIR ROSS CRANSTON: Yes, good morning, everyone. Good
5 morning, Mr Leat. Mr Rory Phillips , counsel to the
6 Inquiry , has got some questions for you, but just before
7 he begins could you read the affirmation ?

8 A. Yes, certainly .

9 MR MATTHEW LEAT (affirmed)

10 Questions by MR PHILLIPS KC

11 SIR ROSS CRANSTON: Thank you very much. Mr Phillips.

12 MR PHILLIPS: Good morning, Mr Leat. You have provided two
13 statements to the Inquiry on behalf of the Maritime &
14 Coastguard Agency, MCA. A first statement 1 November
15 last year , which is 135 pages long .

16 A. That's correct .

17 Q. And a second one, thank you, dated 17 February , this
18 year , which is seven pages long .

19 A. That's correct .

20 Q. Thank you. And you are still , as we can see , employed
21 by His Majesty's Coastguard which is part of the MCA?

22 A. That is correct .

23 Q. Thank you, and I think you have been employed by the
24 Coastguard since November 2010, is that right ?

25 A. Yes, that's correct .

1 Q. Can you give us a brief outline of how your career has
2 progressed?

3 A. Yes, certainly. So I joined His Majesty's Coastguard in
4 2010. I joined at MRSC London. I then progressed
5 through various roles taking on search mission
6 co-ordinator training. I was a team leader, a maritime
7 controller and then latterly, I moved to be head of
8 technical infrastructure, which -- I was, at the time of
9 this incident, in that post I was responsible for
10 effectively being the intelligent customer between
11 Coastguard operations and our IT department, ensuring
12 that Coastguard had the best equipment that it could.

13 Previous to that which I think may be relevant is
14 I served just over 20 years with the RNLI as
15 a volunteer. I was a commander of the RNLI's busiest
16 lifeboat station and I also operated as the master of
17 a class 5 passenger vessel in the early part of my
18 career carrying 220 people on board fast passenger
19 ferries.

20 Q. And the busiest RNLI station, is that the one in London?

21 A. Yes, that's correct.

22 Q. Thank you. Now just taking us forward from the time of
23 the incident, I think it's right that in January '22 you
24 took up a new role, Assistant Chief Coastguard Migrant
25 and Maritime Security Operations, is that right?

1 A. Yes, that's correct .

2 Q. And were there for a year before moving to the role of
3 Assistant Chief Coastguard National Network Operations
4 and Infrastructure , which I think is still your role , is
5 that right ?

6 A. Yes, that's my current role . Yes.

7 Q. Can I just ask this . Does your previous role , Assistant
8 Chief Coastguard Migrant and Maritime Security
9 Operations, does that role still exist ?

10 A. The — the role does still exist . It has a slightly
11 different title . It's now Assistant Chief Coastguard
12 Channel Operations, but the purpose of that role still
13 exists and there is a person in post in that position
14 today.

15 Q. And is that — the person at that level within the
16 organisation who's responsible for the search and rescue
17 work of the Coastguard?

18 A. They lead strategically on engagement around small boat
19 activity , engaging with stakeholders , other Government
20 departments and ensuring that HM Coastguard is
21 delivering its mandate of search and rescue in the
22 English channel .

23 Q. Yes, but in your current role , going back to you, the
24 one you have had since '23, National Network Operations
25 and Infrastructure , do you have any current

1 responsibility for the Coastguard search and rescue work
2 in the Channel?

3 A. So I oversee HM Coastguard's national network which
4 I believe the Inquiry has heard about during this
5 process .

6 So I ensure that HM Coastguard delivers its state
7 obligations and then I work closely with two other
8 assistant chief coastguards who have the line management
9 responsibility of the staff at those stations , but
10 I make sure, centrally , that HM Coastguard is delivering
11 its service .

12 Q. Thank you. Just by way of introduction to my questions,
13 I think it's right -- fair to say, given the 135-page
14 statement, that you have made yourself familiar with the
15 background and events which preceded the incident on
16 23 November '21, is that fair ?

17 A. Yes, I attempted to make myself as familiar as possible .

18 Q. Thank you very much because you are appearing today in
19 effect as a corporate witness on behalf of the MCA.

20 A. Yes, that's correct .

21 Q. Thank you and I take it also that that applies to the
22 period before the incident and during the night itself ,
23 is that fair ?

24 A. Yes, I have attempted to review as much material as
25 possible , but as you say, I wasn't involved in the

1 incident itself on the evening. So I have read the
2 documents disclosed to the Inquiry.

3 Q. Thank you. Well, you will be relieved to hear I am not
4 going to take you through a full chronology of all of
5 the events, but what I would like to do instead,
6 Mr Leat, is to focus on the issues that have been
7 identified by the Inquiry as relevant to its terms of
8 reference.

9 But first a little background, if we may. On the
10 question of the small boat problem and the increases in
11 small boat activity in the period leading up to the
12 incident, as you know, we have heard a vast amount of
13 evidence about how the problem originated and the
14 increases over the years.

15 Now, you address that in your statement. If we
16 could go please to {INQ010098/8}, and page 8 within the
17 statement, we see here, do you see, paragraph 1.20, you
18 say the Coastguard first became alerted to small boats
19 crossing from France in 2016. And we know, for example,
20 that the Border Force became involved in the dealing
21 with the problem in about 2018, I think that's right,
22 isn't it?

23 A. Yes, that's correct.

24 Q. And as you note in the statement, it's at the very
25 bottom of this page, in December that year, the then

1 Home Secretary declared a major incident in relation to
2 small boat crossings .

3 That's -- again, that's right , isn 't it?

4 A. I believe the Home Secretary used the language "major
5 incident ", but I don't believe that that's the same
6 language or applies in the same way that we, as
7 a category 1 responder , would apply major incident and
8 I think Mr O'Mahoney in his evidence actually used the
9 term " critical incident --"

10 Q. Yes.

11 A. -- which I believe is an internal recognition of the
12 challenge that's being faced .

13 Q. Yes, that is the point you make at the end of your
14 paragraph there , do you see at the top of the next
15 page {INQ010098/9}?

16 A. Yes.

17 Q. That there is a distinction between, as it were, your
18 understanding of that terminology and the
19 Home Secretary's.

20 A. Yes.

21 Q. Thank you. Well, we will come back to that , if we may,
22 but here you give -- the same page, 1.23, the raw
23 figures for '22 -- sorry, between 2019, I'm sorry, and
24 2024 at the time of the statement. And as everybody has
25 explained to the Inquiry , there was an exponential

1 increase in crossings over those years, wasn't there?

2 A. Yes, that's -- that's correct. The number grew and
3 I think as the Inquiry has heard, events in November
4 grew significantly and were not predicted.

5 Q. It was a very, very heavy month indeed, November '21,
6 wasn't it?

7 A. It was a very heavy month indeed and I think, as we have
8 heard in evidence previously to the Inquiry that's been
9 given, that Home Office colleagues were able to predict
10 with very good accuracy, within a few percent, what the
11 expected crossings were able to be, but November very
12 much bucked that trend and the increase was huge.

13 Q. Let's have a look at the more detailed breakdown because
14 in fact, Mr O'Mahoney who you mentioned, sets this out
15 in his own statement. So could we have Mr O'Mahoney's
16 statement up, please, {INQ010134/1} and if we go to
17 page 28 {INQ010134/28} and paragraph 79 and if we can
18 enlarge that, please, thank you very much.

19 That shows a detailed account of the month by month
20 numbers and it's obvious from that, isn't it, if you
21 look at the individual months in 2021 and then '22 and
22 '23 of course, that there was a huge increase continuing
23 throughout this period from 2018, albeit with the
24 monthly variations that we can see there?

25 A. Yes, I think the numbers grow, but we do see, I think in

1 2020 for example, during the winter period the numbers
2 do drop off --

3 Q. Yes.

4 A. -- and through professional opinion, I believe that's
5 due to the weather and obviously the conditions in the
6 English Channel worsen during the winter months, but yes
7 there is a -- an increase, with November being very much
8 an outlier, an anomaly, in that year of 2021.

9 Q. Yes. Well, the '21 numbers overall are much higher, we
10 can see can't we, than the 2020 numbers because, for
11 example, May, June, July, August, September, they are
12 all far higher than any individual month in the previous
13 year, do you see that?

14 A. Yes, yes, that's correct they have grown.

15 Q. But as you say, November of that year was a vast number
16 and you can just see on the table itself that it was
17 only surpassed in the three heaviest months of the end
18 of '22, do you see, August, September and,
19 well, October?

20 A. Yes, correct.

21 Q. Thank you. Could we go back to your statement, please,
22 {INQ010098/9} and this time to page 9. Thank you. Do
23 you see there which is the next paragraph 1.24 you
24 explain that in the summer of this year, '21, you were
25 notified by the Home Office that crossings for the

1 following year, '22, could reach 60,000 people. So just
2 doing simple maths 5,000 a month on average.

3 A. Correct.

4 Q. So by the summer of that year, you, as an
5 organisation -- and in my questions, that's the way I am
6 going to do it --

7 A. Yes.

8 Q. -- because that's why you are here.

9 A. Yes.

10 Q. You were on notice by the summer that the trend of
11 increasing crossings was likely to continue?

12 A. Yes, that's correct. In that summer the organisation
13 was made aware through prediction through Home Office
14 colleagues that 60,000 was predicted for the year of
15 2022. So His Majesty's Coastguard took, as it says in
16 the statement there, some proactive action in terms of
17 recruiting staff to prepare for 2022 which was expected
18 to be a significantly challenging year.

19 Q. Yes. Well, we will come back to the question of
20 recruitment in a moment, if we may. But looking at the
21 numbers again with one further sort of measure in mind,
22 the material the Inquiry has received shows that
23 although November itself was a very high month, as we
24 have seen, within the month, this particular night, 23rd
25 and 24th, was not itself particularly high, is that

1 correct ?

2 A. So I believe there were 15 days during -- or periods of
3 crossing during the month of November. I believe , and
4 I would have to look at the data, but I believe the
5 numbers were -- were high across the month. There was
6 a lot of people that , that made the crossing
7 during November, but I can't recall if they were
8 significantly high. I think the whole month was high
9 numbers which were un-forecast.

10 Q. Yes. Okay, well , let 's look at the challenges
11 associated with this phenomenon and go back in your
12 statement to page 8 {INQ010098/8}, please, where you
13 make the point , and again we have heard a lot of
14 evidence about this , that small boat crossings -- do you
15 see the second sentence --

16 A. Yes.

17 Q. -- have inevitably given rise to new and distinct
18 challenges .

19 And the starting point for this in your statement is
20 on pages 6 and 7, where we have paragraph 1.15
21 {INQ010098/6-7} because here, thank you, you set out the
22 normal position , what normal vessels in the Channel or
23 elsewhere have by way of equipment, lifesaving
24 apparatus, means of communication, navigation , means of
25 detection etc .

1 And the point you make in the later section of your
2 statement, if we could go to page 9 and 10
3 {INQ010098/9–10}, please, paragraph 1.25, is that for
4 the most part the small boats have none of them. Is
5 that fair?

6 A. Yes, that -- pardon me, that's absolutely correct. As
7 is referred to in the statement, a conventional vessel,
8 be that a commercial vessel or even a leisure vessel,
9 will carry lifesaving equipment. It will have
10 navigation equipment on board, it has means for being
11 able to attract attention and to the best of my
12 knowledge, that equipment and the training that -- that
13 goes with, you know, those who operate a commercial
14 vessel at sea, unfortunately those on board small boats
15 who make the crossing do not have any of that.

16 Q. No. And in terms of the evidence we have received, can
17 I suggest there were some further challenges associated
18 with these types of crossing. First, the situation
19 which often arose; that calls came from a number of
20 different people within the same vessel with no single
21 point of contact; that was a challenge, wasn't it?

22 A. That absolutely that's a challenge. There was no
23 designated and -- person on board that would be making
24 calls to the emergency authorities. So if you look at
25 how that would operate with a commercial vessel,

1 a single person would be charged to alert the Coastguard
2 and then continually have communication with the
3 Coastguard so there was a single point of contact.

4 Multiple calls coming from a single vessel created
5 a situation for our staff where it may have appeared
6 that there were more small boats than there actually
7 were. So very, very difficult for our staff and also
8 very distressing hearing lots of people who -- reporting
9 that they are in distress .

10 Q. Yes. The second thing I want to suggest added to the
11 difficulties was that there was generally no properly
12 qualified person helming the boat?

13 A. Yes, that -- to the best of my knowledge, that's
14 correct . There was no training that we are aware of
15 that individuals who piloted the small boats across one
16 of the busiest shipping lanes in the world in very
17 treacherous conditions that they had had any training
18 made available to them.

19 Q. Next, that there were often communication difficulties
20 because English wasn't the first language of those on
21 board?

22 A. Yes. That, that's correct . Those crossing the Channel
23 come from various countries and, therefore , there's lots
24 of different languages and English is not always spoken.

25 Q. And last , that the problem of inaccurate information

1 being provided, whether intentionally or not, about, for
2 example, the number of people on board?

3 A. Yes, that's correct. I think it's the organisation's
4 experience and still is today that information passed to
5 His Majesty's Coastguard isn't always accurate and that
6 may be through people, you know for example, estimating
7 how many persons are on board, it is very difficult
8 potentially for them to do so.

9 So the information that is shared is often
10 incorrect. But I think I make the point that that
11 doesn't really matter to us. I think our staff, day in
12 day out, will treat every report of someone being in
13 distress as being in distress and therefore a response
14 is initiated to that search and rescue case.

15 Q. Thank you. But would it be fair to say, looking at all
16 of the various challenges in your statement, the ones we
17 have just discussed, that taken together, they made the
18 task of those involved in the search and rescue response
19 the more difficult?

20 A. Absolutely, it makes it very, very difficult for any SAR
21 professional to be able to pull all this together, but
22 as I say, we take the information and we respond to
23 those in distress.

24 Q. And would this also be fair, as far as you are
25 concerned: that the organisation, in other words

1 His Majesty's Coastguard, became aware of these
2 particular challenges associated with small boats fairly
3 early on in the time of your involvement?

4 A. Yes, I think that -- that's fair to say, that the
5 organisation was aware of all of these different --
6 these difficulties and challenges, be that the construct
7 of the boat, the training of those on board, or lack of
8 the equipment and the lack of -- so the organisation was
9 very much aware of that.

10 Q. Are you able to help with when, in other words, would it
11 have been from the first emergence of the problem, let's
12 say in 2018?

13 A. I wouldn't be able to say for certainty, but I would --
14 I would consider that 2018 would be an appropriate
15 timeframe.

16 Q. Right. Can we look now at some internal reviews or
17 reports about your organisation's response to small
18 boats which took place before the incident in 2021, and
19 could we bring up, please, {INQ007279/1} and if possible
20 have alongside it {INQ003323/1}.

21 Thank you. The first point is that it looks from
22 the document on the left as though actually its date is
23 from August and that the date July, which appears
24 I think a couple of times including in the heading, is
25 wrong. You can see that from, for example, the second

1 paragraph which refers to a date at the beginning
2 of August, so I think it happened after --

3 A. Yes.

4 Q. -- after then. And you will be no doubt familiar, as
5 a result of your reading, of these reports, is that
6 right?

7 A. Yes, I have seen these documents.

8 Q. Thank you. So they were both produced in August '21.
9 On the left, we have a report from the Clandestine
10 Operations Liaison Officer and I am going to call that
11 person COLO.

12 A. Yes.

13 Q. And the right is from the Coastguard's Head of
14 International Liaison. So if we start on the right,
15 please, and take the other document -- sorry, start on
16 the left and take the other document off the screen,
17 please. Thank you, we can see from the text of this
18 that the COLO had observed his colleagues' performance
19 on 4 August and he sets out, at the bottom of the page,
20 if we could lift the document, please, his observations.
21 Do you see the second line:

22 " ... my overall impression of how migrant incidents
23 generally develop as a pattern of activity over
24 5 phases."

25 And if we turn over to the next page, please,

1 {INQ007279/2}, you see the five phases there too, ending
2 up with "Review and Completion" and then he moves on to
3 specific observations and I would like to pick up some
4 of those.

5 The first is that there had been a delay in
6 providing the French tracker; do you see that, that's
7 paragraph 1?

8 A. Yes, I see that.

9 Q. And the second thing to note in paragraph 3 is that the
10 SMC for the day was remotely located at the station in
11 Humber.

12 A. Correct.

13 Q. 4:

14 "As the 'apparent' number of ... vessels in distress
15 [had] increased ... "

16 There had been an obvious and understandable loss of
17 effective communication with that person:

18 " ... the remote SMC which had consequences to shared
19 situational awareness and joint understanding of risk ."

20 Then turning the page {INQ007279/3}:

21 " ... [during] a 10-minute Aerial Tasking meeting
22 I witnessed another four Distress Phase incidents being
23 created based on 999 calls (many on review, from the
24 same vessel)."

25 That's the point we touched on just a little while

1 ago.

2 And then lower down on page 3, there were issues
3 with sufficiency of resources to attend incidents, one
4 migrant vessel had been left for over two hours with
5 a single Border Force jet ski and the general impression
6 of resources being stretched. Do you see that?

7 A. Yes, I do.

8 Q. And there were often, it is reported in the second
9 sentence of paragraph 5:

10 " ... no available assets to cover the number of
11 'apparent' distress incidents that were being logged."

12 And then moving down the page, please, to the bottom
13 in italics, later in the incident, the remote SMC
14 elected to stand down. And the replacement had focused,
15 unsurprisingly, on reviewing the open incidents and
16 analysing where there were overlaps or duplications.

17 Moving to page 4 {INQ007279/4}, the Maritime
18 Operations Officers, MOO, had been struggling with the
19 amount of information, logging it, analysing it and
20 communicating with the remote CMC and had inadequate
21 times for breaks. And then, under that and -- two
22 paragraphs down:

23 "These are not new observations (some being raised
24 by Border Force colleagues), where previous 'red days'
25 have seen staff at MRCC Dover displaying signs of

1 tiredness bordering on exhaustion with a consequent drop
2 in performance. This [became] particularly apparent
3 when there had been multiple 'red and/or amber days'
4 with the same team (often with MOOs under training)
5 having to manage the SAR response."

6 Now, just standing back from this. The issues which
7 have been identified by the COLO here are all serious
8 problems, aren't they?

9 A. So I think, first of all, you know, HM Coastguard is
10 a learning organisation. So it's absolutely appropriate
11 that we review our response and we, where we can, amend
12 our response or review processes/procedures. And
13 I think probably what may be helpful, whilst you have
14 moved through at some pace there in terms of each of
15 those times, is potentially go back just to talk about
16 each of those.

17 Q. Please.

18 A. So I wonder if we could take the document back to the
19 first point {INQ007279/1}, if that's okay.

20 Q. Do you mean of his observations on the second page?

21 A. Sorry, second page, yes {INQ007279/2}.

22 Q. Thank you. Can we go to the second page, please.

23 EPE OPERATOR: It has frozen.

24 MR PHILLIPS: Oh, it's frozen. Mr Leat, you have broken the
25 system.

1 Well, the first paragraph of his observations was:
2 despite repeated requests from Dover, once the French
3 migrant tracker was finally shared at approximately
4 06:30 it already contained 23 plus incidents .

5 A. Yes. So I think on that one I think the Inquiry has
6 seen through evidence and through meetings regular
7 engagement with the French Coastguard, that we were
8 aware at times, that delays occurred. And obviously, if
9 delays occur, that means that we can't -- were unable to
10 take proactive action which we try to always do when we
11 are aware of crossings. And I think through meetings
12 that's been disclosed to the Inquiry, there's notes of
13 HM Coastguard raising this with colleagues at MRCC
14 Gris-Nez. So whilst on that specific event it may have
15 occurred, I do know through reading documents that
16 engagement with the French Coastguard occurred on
17 a basis to remind them of the importance of sharing
18 information .

19 Q. There we are. It's on to the next page, if you can
20 {INQ003323/2}. I think you are on the wrong document,
21 I'm afraid. What we want is {INQ007279/2}, yes, thank
22 you. Sorry .

23 A. No worries. So yes, so whilst this occurred on this
24 event as the Inquiry has seen, we as an organisation
25 have liaised and reminded colleagues in the French

1 Coastguard that the importance of sharing information .
2 That information is required under the Mancheplan to be
3 shared with His Majesty's Coastguard.

4 Q. Yes. Well, yes. I think it might be more helpful
5 because what I am going to do is to take you through
6 these documents and then we will get to the question of
7 what the organisation did about them. So if we go
8 through this document to the next page, which I am
9 interested in, which page 4 {INQ007279/4}, you will see
10 risks are identified there. Loss of organisational
11 reputation; staff retention, welfare and morale; loss of
12 life at sea from ineffective /inadequate preparation
13 and/or response, etc.

14 Failure to recognise and/or declare a major
15 incident; and inability to adequately defend the
16 organisation at any subsequent investigation, inquest or
17 Inquiry.

18 And you will see that the same Coastguard official,
19 the COLO, made nine recommendations on the next page,
20 please, {INQ007279/5}, thank you. Basically, get the
21 SMC physically based at Dover; get sufficient trained
22 personnel at Dover for all amber and red days;
23 conducting adequate preparation and resourcing when
24 there is credible intelligence and/or information that
25 an amber or red day is likely; implementation of all

1 standard operating procedures and protocols that are
2 tested, trained, exercised and regularly reviewed; the
3 implementation of migrant specific post-incident reviews
4 both internally to ensure that lessons are learned and
5 new strategy and/or tactics can be developed; welfare
6 support for staff exhibiting any signs of stress,
7 tiredness, etc due to repetitive exposure to amber and
8 red days; proportionate and careful use of broadcast
9 action; early access to the French migrant tracker, the
10 point you were just talking about; and the creation of
11 one UK migrant incident tracker which all parties can
12 access and input into.

13 And we know, for example, to take that last example,
14 9, that that indeed did happen, didn't it, just before
15 the incident with which we are concerned?

16 A. Yes, in fact, I believe it was instigated, I believe
17 in August or September, but it took time for that to
18 actually go live due to challenges in security between
19 the Home Office and His Majesty's Coastguard in terms of
20 making sure that documents were controlled and stored
21 safely.

22 Q. Yes. And again, just leaving for the moment what you
23 did in response as a separate question. Do you agree
24 that all of these are serious and important points which
25 needed to be taken on board by the organisation?

1 A. Yes, I do agree and, that's why the organisation
2 responded and took certain actions to respond to these.

3 Q. Great. Let's look at the other document we looked at
4 before from the same month, and there it is, thank you
5 very much, {INQ003323/1}. Again, I am not going to take
6 you through the detail of this one, but I think it's
7 fair to say, isn't it, that it echoed many of the
8 concerns that we have seen in the report of the
9 4 August, is that fair?

10 A. I believe so. I think it would be helpful just turn to
11 the latter pages, if that's okay, just to verify that.

12 Q. Yes, well if we start with the specific observations, it
13 is the same structure.

14 A. Yes.

15 Q. So there is the problems with the tracker, problems with
16 staffing, the SMC working remotely, the lack of
17 effective communication, the loss of situational
18 awareness. Do you see paragraph 5? And then the basis
19 for that is set out.

20 If we go to page 4 {INQ003323/4} similar risks are
21 identified, although this time, interestingly, loss of
22 life has come to the top, but the others are basically
23 the same.

24 And then a series of recommendations. We have 1–7
25 here, rather than 1–9, but again, they cover very much

1 the same territory , don't they, is that fair ?

2 A. Yes, I think they are similar themes, yes.

3 Q. Thank you. Now then, please , to a document slightly
4 later in the month, which is {INQ003379/1}. This is the
5 21 August, entitled "Migrant activity , Full Debrief
6 Report to Follow".

7 We haven't seen a full debrief report . Are you
8 aware, can you help on that , was there a full debrief as
9 far as you are aware?

10 A. I am unable to comment, I don't know.

11 Q. Thank you. And it records a number of actions to be
12 taken under the headings " Strategic ", " Tactical ",
13 "Support" and "Risks"; we have got strategic on the
14 screen at the moment.

15 Can you help us with what sort of document this is ,
16 what it refers to?

17 A. So from my reading of this document, this looks like
18 a report from an individual who would have been at
19 Dover. I don't see a name on the document. My
20 assumption would be it 's from a COLO who was operating
21 at Dover and these would be observations that they have
22 made or actions that they have taken .

23 Q. And, again, without wishing to go through the whole
24 thing , it looks as though it 's covering quite a lot of
25 the same points that we have seen. For example, it 's

1 just an example, under " Tactical " if we can go to
2 page 2, {INQ003379/2}, the second bullet there:

3 " ... overwhelmed by [the] volume of work."

4 And overwhelmed at an operational :

5 "Operational level also overwhelmed."

6 A couple of paragraphs down:

7 "Migrant incidents as Distress ... "

8 That's the categorisation we know that you applied .

9 Refers to the failure there to undertake the R-A-G
10 reviews , the RAG reviews for small boat distress
11 incidents , and again, we will come back to that. But if
12 we go over the page, to page 3, {INQ003379/3} and the
13 "Risks" section , again, they are very familiar and
14 again, "Loss of life through ineffective [or] inadequate
15 preparation and/or response" is at the top.

16 Again, it does cover a similar set of concerns
17 expressed by colleagues within the organisation , doesn't
18 it?

19 A. Yes. They are issues that had been observed and that --
20 they are feeding back to the organisation so the
21 organisation can take appropriate steps to modify or
22 change how we do things. And I think risk number 1
23 there, loss of life .

24 Q. Yes.

25 A. I would expect that in any review because ultimately , as

1 a lifesaving organisation , we want to do the best we
2 can. We want to save every life that is possible to be
3 saved. So, therefore , that is an appropriate risk in
4 any incident review , to be able to have that listed .

5 Q. And indeed, you would normally expect it , wouldn't you,
6 at the top?

7 A. Yes.

8 Q. Number 1?

9 A. Yes, that -- that's our organisation 's purpose is to
10 save life .

11 Q. Yes, exactly . Yes. And on the point about colleagues
12 expressing their concerns, I imagine that that's, as an
13 organisation , what you would hope and expect so that , as
14 you said earlier , you can do the lesson learning that
15 you say is part of the way you approach things?

16 A. Yes, the organisation is a learning organisation , it
17 wants to take on board feedback, it wants to learn from
18 every incident . And in fact , if we look into some of
19 the international legislation , we have to be a learning
20 organisation . So IAMSAR tells us that's what we need to
21 do and we do that to great detail .

22 Q. Yes. Well, a final document from this phase, please ,
23 in August is at {INQ003322/1} and this is the email from
24 Mike Bill and as I am sure you know, he wrote on
25 17 August, he was then I think a divisional commander,

1 wasn't he?

2 A. Yes, that's correct .

3 Q. And he was writing to the Chief Coastguard at the time
4 raising concerns about the organisation 's response to
5 small boat activity and listing various recommendations,
6 do you see, starting at the bottom the page there: lack
7 of situational awareness and challenges of the remote
8 SMC.

9 Again, I don't want to go through all of them with
10 you. But it looks as though what he was doing here was
11 to summarise the areas of concern that we saw identified
12 in the 2 August report , is that a fair way of putting
13 it , do you think?

14 A. I -- I believe so and I would expect any of our
15 strategic leaders to not only identify any risk or
16 challenge , but then to take action to make changes
17 modifications etc , to be able to deal with those .

18 So this is what I would expect a senior leader at
19 strategic level of our organisation to be doing .

20 Q. Yes. Well, if we turn over the page, that -- as we saw,
21 situational awareness was at the bottom of page 1. It
22 continues on to 2 {INQ003322/2} with the details there ,
23 the challenges , the options for the organisation .

24 Then at the bottom the page, if we can go down,
25 please , thank you, "Staff at capacity for long periods"

1 including a, do you see in italics , genuine concern for
2 the welfare of those officers involved , no adequate time
3 available for rest , comfort or meal breaks ."

4 And then going on over the page {INQ003322/3}:

5 "No single version of the truth ... "

6 Of the problem of the various trackers and trying to
7 reconcile them. And at the bottom of that page:

8 "High level migrant activity is not restricted to
9 Red days and is commonly experienced on Amber and Yellow
10 days as well as days that were considered Green 5 days
11 earlier ."

12 And he then, going over the page again, please ,
13 {INQ003322/4}, refers to the question of major incident :

14 "These high intensity days meet our [that's the
15 point you were making before] definition of Major
16 incident however we are not declaring it as such. To do
17 so would advertise to the wider world (perhaps not
18 preferred by Home Office) but would also inform our
19 partner agencies that we are stretched at Dover and may
20 not be able to support any [response] coming from them."

21 And then he sets out his own version of
22 recommendations at 1 to 10 on the next -- this page and
23 the next page, {INQ003322/4-5}.

24 So is this a fair summary of this material
25 from August '21: that your colleagues in the

1 organisation , including , as you said , somebody in
2 a senior leadership role here , were sounding warnings of
3 significant inadequacies and risks linked to the
4 organisation 's then response to the small boats
5 challenge ?

6 A. I think I would dispute the word "inadequacies"; I don't
7 agree with that. I think what we saw through the summer
8 of '21 and as -- as the -- as the situation develops as
9 today, the dynamics of small boat crossings change on
10 a daily basis and we, as an organisation , have to adapt
11 at pace to change how we respond to try and rescue those
12 that make the very dangerous crossing on small boats.

13 So I don't agree with the wording "inadequacies",
14 I think what the organisation was doing was observing ,
15 learning , tactics were changing from those organised
16 crime gangs that were launching small boats and people
17 making the very dangerous crossing and our organisation
18 was reviewing and modifying. But yes, I don't --
19 I don't agree with inadequacies .

20 Q. Well, would you agree with this: that what we have seen
21 here is a picture in the summer of 2021 of some of your
22 colleagues , including a senior colleague , raising the
23 alarm?

24 A. I think colleagues are observing that the situation is
25 evolving and therefore are highlighting areas where the

1 organisation needs to adapt and therefore -- and after
2 that, as we can see here, through the divisional
3 commander, they are identifying ways to adapt to that.

4 And I think there's a number of elements I could
5 talk about in terms of some of these points in terms of
6 things like staff welfare, for example. The
7 organisation has a trauma risk incident management
8 system in place to be able to support staff. It's got
9 an employee assistance programme and then elements
10 around breaks, for example. I think we heard -- the
11 Inquiry has heard from a number of Coastguard staff.
12 And I think staff on their breaks is a really important
13 point. Coastguard staff are not forced to not take
14 their breaks, but I think coastguards being coastguards
15 and the fact they want to save life, they want to help
16 everybody, they will often decide through a voluntary
17 means they want to stay and they want to assist, to help
18 as much as they can.

19 And that's the culture of the organisation, is that
20 our people want to help people and that's why, on
21 occasion, staff wouldn't take their full rest breaks and
22 I think as Mr Papadopoulos talked about in his evidence,
23 he referred to the staff still had the ability to use
24 welfare facilities, still were able to eat a meal. So
25 I think I could probably go through each of these points

1 and give an organisational view, but I am not sure how
2 the rest of your questioning is going to go, sir .

3 Q. We are going to pick them up as we go when we look at
4 the themes later .

5 A. Okay.

6 Q. What I am doing now is really to look at what the
7 organisation was being told by its own people about
8 perceived problems, just three months before. And the
9 next thing I want to do, if I may, is to broaden this
10 out slightly in terms of the material we are looking at,
11 still some internal material and then touch -- begin to
12 touch, anyway -- on what was done by the organisation to
13 address these concerns.

14 A. Okay.

15 Q. So can we start , please , by looking at the MCA's risk
16 register and that is {INQ000167/1} and hard to read.
17 This is the register from May 2020 as you see. If we
18 can go to page 24, please , {INQ000167/24}, and here, if
19 we can enlarge that:

20 "Extract from Corp Risk Register November 2021, New
21 Risk."

22 And you deal with this in your statement, for
23 completeness, at paragraph 7.19, page 121,
24 {INQ010098/121} where you say that this entry was added
25 in November, as it says. And what it says is :

1 "HMCG may become overwhelmed due to unquantifiable
2 levels of migrant channel crossing activity occurring
3 during periods of good weather."

4 And it's right, isn't it, just on the material we
5 have looked at, that that risk, that the Coastguard
6 might become overwhelmed in that way, was identified,
7 for example in the COLO report, the very first one we
8 saw from 4 August?

9 A. I think -- so, for context, this risk was discussed at
10 the executive in November.

11 Q. Yes.

12 A. '21 and this risk supports the view of the increase of
13 crossing numbers looking into 2022 where we were
14 anticipating 60,000 people crossing. So whilst the risk
15 is labelled as being in November, this was for
16 discussion, I believe, but I wasn't involved in creating
17 or lodging this risk.

18 Q. Right. But -- but, it looks, as I say, as though the
19 first -- in the documents we have been looking at, this
20 concern was identified in August. With hindsight, don't
21 you think it should have made its way on to this
22 register rather than earlier than November?

23 A. I am unable to comment. Unfortunately, I wasn't
24 involved in that.

25 Q. Thank you. Would an earlier appearance in the corporate

1 risk register have had any impact on the way the
2 organisation conducted itself ?

3 A. I think what's really important is whilst this risk was
4 lodged in the November executive, a lot of action had
5 taken place ahead of this . So in August '21,
6 HM Coastguard commenced recruitment for additional
7 staff --

8 Q. Yes.

9 A. -- to be located at MRCC Dover. The organisation
10 commenced work around CAESAR, as we call it, which was
11 the increase of aerial surveillance and that was through
12 the provision of an unmanned drone and fixed-wing
13 aircraft and I think as the Inquiry has heard throughout
14 that aeronautical assets provided the best way for us to
15 be able to have a maritime domain awareness.

16 So the organisation was taking a lot of steps ahead
17 of this risk being lodged -- logged, sorry -- but I am
18 unable to talk about the timing of why this occurred
19 then.

20 Q. Well, we will come back to both of those points you have
21 made, don't worry .

22 And you fairly said that this isn 't something you
23 can assist on. So let 's move on. Looking next at the
24 question of Department for Transport , as it were the
25 umbrella organisation , or the sponsor department.

1 Can we go please to {INQ010337/1}. That is the
2 corporate statement, so as it were the equivalent
3 statement, to yours --

4 A. Yes.

5 Q. -- from the Department for Transport. And if we go to
6 page 30 and paragraph 83, please, {INQ010337/30}, you
7 see there set out the DfT's understanding in November
8 for the situation -- of the situation for the
9 Coastguard, do you see from the third line?

10 A. Yes.

11 Q. This was being successfully managed:

12 " ... whilst ... high crossing numbers and landside
13 issues were putting maritime operations under pressure,
14 and were increasing the risk of maritime capabilities
15 being overwhelmed, this was being successfully managed
16 and an appropriate SOLAS response continued to be
17 delivered ."

18 And then there is a quotation from an email at the
19 time from the director of the JMSC, that the maritime
20 element of small boat operations was business as usual,
21 though stretched . And:

22 "The critical incident is focused on the land
23 response ."

24 So that understanding, that everything was, broadly
25 speaking, fine and being managed, is rather at odds with

1 the reports we have seen from August '21, isn't it?

2 A. I -- I don't think so. I think this, this report
3 acknowledges that resourcing was stretched but not
4 overwhelmed.

5 Q. Yes.

6 A. And I think in the documents that we looked at a short
7 while ago, whilst there were some challenges, the
8 organisation was still successfully delivering search
9 and rescue capability and rescuing those who were making
10 that very dangerous crossing from small boats. And
11 I think it's really important that an independent, be
12 that the director of the Joint Maritime Security Centre,
13 someone who has an understanding of the maritime domain,
14 has -- has noted this as well: that whilst it is
15 stretched, we are continuing to deliver an efficient and
16 effective service.

17 Q. Right. Do you know, as a matter of interest, whether
18 the DfT was briefed on the sort of concerns we have seen
19 expressed by colleagues in August reports?

20 A. I know at the time that there was liaison between
21 Department for Transport and the MCA. There were weekly
22 calls that -- that were undertaken. But I don't know
23 the content of those calls, but I suspect that the
24 high-level themes would have been discussed.

25 Q. Do you know whether a decision was taken within your

1 organisation not to raise the alarm with the sponsor
2 department, as it were to give the message that there
3 was — you know, everything was under control?

4 A. I know that submissions were made to ministers during
5 2021 on a number of issues which I think the Inquiry has
6 had disclosed . And therefore briefings were being
7 shared appropriately . I think the issues that you raise
8 and showed in those documents are very much operational
9 issues , but the important point being, I think it 's
10 emphasised here by the director of the JMSC, is that we
11 were continuing to run although being stretched and that
12 shows the nature of the continued evolving picture that
13 was being presented to HM Coastguard.

14 Q. Right. I mean, if the department had been briefed on
15 these sort of concerns, would there have been
16 an opportunity for, for example, further resources or
17 funding to be directed to the operation via the DfT?

18 A. Can you just say the question again for me, please?

19 Q. If the DfT had been briefed on the context of those
20 reports , would there have been an opportunity for the
21 Coastguard to get further funding to increase resources
22 and to assist with the difficulties in dealing with the
23 small boats problem?

24 A. I think as I mentioned in my statement, for example
25 Project CAESAR, that was delivered — it was delivered

1 through the MCA's own funding, but the department were
2 fully aware of that. The increase in staffing that
3 commenced in August, the department were aware of that.
4 So whether additional funding will have been available
5 or not, I don't know, but from the information I've seen
6 at this time, the organisation was in a good place and
7 was evolving its response.

8 Q. Thank you. And we are staying with the question of
9 politics, as it were, and departments of State, we have
10 already discussed the Home Secretary's declaration
11 in December 2018, the major incident, and we have looked
12 at the passage of your statement which is paragraph 1.2
13 on page 9, about the difference between his
14 interpretation and yours.

15 Could we look at your statement, please, 1.22, it's
16 {INQ010098/8}.

17 Sorry, that's -- I think, yes do you see at the end
18 of the paragraph --

19 A. Yes.

20 Q. -- that's where you make point of distinction. What are
21 the distinctions, please?

22 A. Well, I think -- I am not sure on what basis the
23 Home Secretary made the declaration. We would be
24 looking at the Civil Contingencies Act and effectively,
25 it's looking at the implementation of special measures.

1 And I think for HM Coastguard to declare a major
2 incident , I think there 's a couple of things in the
3 small boat space. I think 1) declaring a major incident
4 would have the greatest impact on landside resources .
5 And what I mean by that is for us to declare a major
6 incident , colleagues from the national health service ,
7 police , fire , etc would, for example, send
8 a predetermined attendance. They may deploy numerous
9 ambulances which would then be sent to a rendezvous
10 point . None of the emergency services or the local
11 resilience forum have any ability to provide additional
12 capability , be that at sea or air , to support a major
13 incident .

14 That doesn't mean that HM Coastguard would not
15 declare a major incident in the English Channel. And
16 I think , specifically , if we look at the events that the
17 Inquiry is interested in , at the point of the incident
18 in the early hours of the morning, there were four small
19 boats that HM Coastguard was aware of coming. So at
20 that point , there was appropriate asset available and
21 there was no requirement to notify landside
22 organisations because of the set up of the structure at
23 the Tug Haven and the facilities that were available
24 there .

25 Q. Sorry , just to be clear on that. Are you saying that

1 a major incident should have been declared on the night?

2 A. No, I am not saying that at all. In fact, far from it.

3 Q. Yes.

4 A. In my -- my understanding and my view, having completed
5 my multi--agency gold incident commander's course, which
6 is the course that all strategic commanders in the
7 emergency services attend, the threshold was not met and
8 from information I've seen, was nowhere near being close
9 to met at the time of that incident.

10 Q. Thank you. Going then to, back to Mike Bill's email on
11 17 August, this was a topic he dealt with at
12 {INQ003322/4} please, page 4 of the document. "Major
13 department or not", do you see? He says:

14 "These high intensity days meet our definition of
15 Major Incident however we are not declaring it as such.
16 To do so would advertise to the wider world (perhaps not
17 preferred by Home Office) but would also inform our
18 partner agencies that we are stretched at Dover and may
19 not be able to support any requests coming from them."

20 Well, let's, with that in mind, look, please, at
21 your major incident plan and that is {INQ000415/1}, and
22 if we go within this document to the foot of page 8,
23 please {INQ000415/8}, you will see at 3.5, which is part
24 of section 3 obviously, definition of an emergency and
25 major incident. 3.5, there is a list of the types of

1 risk identified by you as being potential major
2 incidents, which include: the search for, or rescue of,
3 large numbers of people, or many small craft in distress
4 simultaneously in a geographic region and then later,
5 over the page, please, {INQ000415/9}:

6 "The effects of [the] emergency situation on MCA
7 and/or its partner organisations' own staff, facilities
8 or infrastructure which limits the ability to respond."

9 Now, do you accept, as Mike Bill was suggesting,
10 that during the summer of 2021 the ingredients existed
11 which would have enabled Coastguard to declare a major
12 incident?

13 A. So, not having the detail of the days that Mr Bill is
14 referring to, I am unable to give a comment with — with
15 great detail. But if we look at the point — I think it
16 was point number 1, where it refers to many small craft,
17 that isn't just small boats, in fact far from that.
18 That could be for a significant sailing event, such as
19 the round the island race that takes place where
20 thousands of boats circle the Isle of Wight. So it is
21 a consideration and actually declaring a major incident,
22 I do not believe at that time as well, that any
23 additional resourcing would have been available.

24 So it wouldn't have changed the response and during
25 the summer, to the best of my knowledge, HM Coastguard

1 successfully co-ordinated the response of those
2 incidents . Yes, they were challenging because of all of
3 the things we have talked about in terms of the multiple
4 calls coming in, etc, but I don't believe it would have
5 made a difference , be that in the summer or be that on
6 the night of the incident the Inquiry is looking at.

7 Q. Well, sticking with the summer and the time when
8 Mike Bill was making this comment. Are you -- do you
9 know and are you therefore able to tell us, what the
10 thinking was within the organisation , presumably at the
11 top of the organisation , as to why a major incident was
12 not declared?

13 A. I wasn't involved in the thinking . But as I have said ,
14 whilst some of the ingredients , as you put it , may be
15 there , there was a view that the threshold had not been
16 reached and therefore it was not required .

17 Q. Can we go back to his email , please , at {INQ003322/1}
18 and if we go to the fourth page again , please ,
19 {INQ003322/4} under "Major incident or not" as far as
20 you are aware, were concerns about the political
21 implications of declaring a major incident part of the
22 Coastguard's decision -making?

23 A. Not to the best of my knowledge.

24 Q. And do you agree now -- I think I know the answer from
25 what you have been saying -- that a major incident

1 should have been declared by the Coastguard in August of
2 2021?

3 A. With the information I have, and this is a very high
4 level view, no, I do not believe a major incident should
5 have been declared .

6 Q. If a major incident had been declared , would it , or
7 could it , have led to a request for military aid to the
8 civil authorities , MACA as it is sometimes referred to?

9 A. A MACA request can be done at any time.

10 Q. Yes.

11 A. And therefore , the declaration of a major incident isn 't
12 necessarily required . And I think if we fast forward to
13 2022, in terms of the supports and the working with the
14 MoD during Op Isotrope, whilst additional asset from MoD
15 was provided , that asset wasn't involved in lifesaving
16 operations as such .

17 So therefore , I am not sure that a MACA request
18 would have borne any fruit in terms of asset
19 availability .

20 Q. Well, let 's have a look at the Ministry of Defence
21 position on that, and it 's their corporate statement,
22 {INQ009649/1}, this is the statement, as you see , of
23 Jennifer Armstrong. She explains , if we go to para 1.6,
24 please , on page 2, {INQ009649/2}:

25 "In general the MoD has provided support to other

1 government departments in relation to small boat
2 crossings through the Military ... (MACA) request
3 process. There were no such requests in November ...
4 and seven in total (one of which was withdrawn)
5 between January 2019 and November 2021."

6 Now, as you -- and then if we go on, please, to 2.2
7 and 2.3, she explains {INQ009649/3}, what the support
8 consisted of, 2.3 at the bottom of the page, do you see:
9 range of support, provision of surveillance, defence
10 estate, planning expertise, assistance for novel tactics
11 trials, etc.

12 Now after the incident, we know of course, and you
13 have mentioned this, that under Operation Isotrope the
14 MoD took primacy for the small boats problem; that's
15 right, isn't it?

16 A. They took primacy for the small boats problem, but
17 His Majesty's Coastguard retained primacy for all search
18 and rescue activity and worked in partnership with MoD
19 and other stakeholders.

20 Q. Indeed. But if we look at 1.8, this is their account of
21 what happened, please back to page 2, {INQ009649/2}:

22 "The MoD assumed operational primacy in relation to
23 small boats attempting to cross the Dover Strait ...
24 Whilst the operation was in force there were only seven
25 uncontrolled landings ... compares with 39 ... in ['21].

1 This improved performance took place against
2 a particularly challenging backdrop ... "

3 And in her statement she goes on later on page 15,
4 {INQ009649/15} in paragraph 7, to set out what happened
5 in detail under Operation Isotrope . They provided
6 maritime assets , aviation assets , service personnel ,
7 they brought in enhanced operational co-ordination and,
8 as she puts it -- and this is now 7.8, please , on
9 page 18, {INQ009649/18}:

10 "The legacy of [Operation] Isotrope included the
11 procurement of crew transfer vehicles for [the]
12 Border Force's use ... "

13 And they were used for SOLAS purposes, weren't they?

14 A. Correct , and still are today.

15 Q. Still are, exactly :

16 "... an uplift in the infrastructure available in
17 the relevant [operation] rooms managing the response to
18 small boats, and enhanced multi-agency working."

19 Was -- as far as you are aware, again, was
20 consideration given within your organisation to making
21 a MACA request for MoD assistance before the time of the
22 incident ?

23 A. To the best of my knowledge, no. But I have to caveat
24 answering that question that I wasn't involved in
25 leadership conversations , but I don't think so.

1 Q. With hindsight, do you think that consideration to
2 making such a request should have been given?

3 A. No, at -- at the time, I think, as the JMSC Director
4 talks about, assets were busy, were stretched, but were
5 coping and we were dealing with things and work was
6 ongoing. As we looked forward into 2022 to look at the
7 increase of surface assets, to ensure that the
8 organisation -- so, the Government ensuring it delivered
9 its SOLAS response -- was prepared. And I think the
10 Inquiry has heard through various places around
11 conversations that took place, both within HM Coastguard
12 but also within the Home Office, looking to bolster
13 uplift, increase capability during 2022.

14 And I think the asset that was available in 2021 was
15 wholly suited. The -- the Border Force cutters, whilst
16 not designed specifically for search and rescue, were
17 capable of doing the job and that was evidenced through
18 the great work that they had done since 2018 and also
19 their work in the Aegean.

20 There was also asset available to HM Coastguard from
21 the RNLI, as well as our own search and rescue
22 helicopters and aircraft. So the asset that was there
23 in 2021 was busy, but not overwhelmed. It was
24 stretched, as has been observed, but we were still
25 delivering a service and preparations were well underway

1 for 2022 in terms of uplift of aeronautical capability
2 for that maritime domain awareness and also land --
3 sorry, maritime asset.

4 Q. Thank you. So can I take it from that -- and again,
5 just looking at it in general at this stage before we
6 look at the detail, do you -- is it your position that
7 the issues which were identified in those August
8 documents we saw had been resolved, or the risks either
9 resolved or appropriately mitigated by the time of the
10 incident in November?

11 A. Without looking at them all on the screen again, but to
12 the best of my knowledge yes, they were -- they had been
13 addressed and I think as I made the point earlier those
14 risks would continually evolve as they do today because
15 operations change, tactics change from those organised
16 crime gangs, so we are constantly having to modify our
17 response to ensure that we can do the best we can for;
18 those making that dangerous crossing.

19 Q. Well, just looking at an aspect of this, I don't know if
20 you are aware that Mike Bill in his evidence told us as
21 far as he could recall that no action plan was put in
22 place to implement his own August 2020 recommendations.
23 He didn't know whether that was considered or whether
24 decisions were made or not to progress them and that he
25 hadn't, in fact, received a written response.

1 Is that acceptable?

2 A. So I think there's a couple of things to say on that.

3 Q. Yes.

4 A. 1) Mr Bill was the strategic leader in the southeast and
5 therefore , would have been responsible for delivering
6 the changes or -- or whatever it was that was required .
7 And I -- I note that he emailed , but didn't have
8 a response from the chief Coastguard.

9 My line management at the time was to the chief
10 Coastguard and I am absolutely certain that the chief
11 Coastguard would have engaged on that topic , probably
12 over a phone call . That was the working relationship
13 that I had with the chief Coastguard at the time. And
14 he would have given clear instruction for action to be
15 taken by appropriate leaders , Mr Bill being one of
16 those .

17 Q. Well, thank you for that. And it's right , isn't it ,
18 that the points he was making in his August email were
19 worthy of the chief Coastguard's serious consideration
20 and action?

21 A. I think the small boat crossings are a significant level
22 of incident to His Majesty's Coastguard. They make up
23 a large proportion of the work we do and the evolving
24 picture that's presented by them. It was appropriate
25 that the chief Coastguard was aware of any areas where

1 the organisation could be adapted or make change, as an
2 organisation that wants to continually improve.

3 It also shows that leadership and oversight so
4 I think it was wholly appropriate that the chief
5 Coastguard was aware and I am in no doubt, having worked
6 for the chief Coastguard, that he would have been very
7 robust in ensuring that action was taken.

8 Q. Well, as I say, we will come back to that. But the next
9 topic I would like to look at with you please are the
10 reports that have been produced since the incident
11 because there were a number of reviews after the
12 incident, including a report completed by the US
13 Coastguard at the MCA's request.

14 A. Correct.

15 Q. A report, obviously, completed by Maritime
16 Accident & Investigation Branch, MAIB.

17 A. Correct.

18 Q. And your own internal MCA review and report.

19 A. Yes, that's correct. That -- that report still stands
20 in draft.

21 Q. Yes, we will look at that.

22 A. Because unfortunately, we have not had all the
23 information we require due to the law enforcement
24 proceedings in France.

25 Q. Yes.

1 A. Therefore, that report has not been able to be
2 completed.

3 Q. Thank you. Well, let's look at them briefly, if we may,
4 because as I say I don't think we have touched on this
5 with any of the other witnesses thus far.

6 First, the US Coastguard and that's at
7 {INQ004345/1}, it is dated 14 July, as you see there on
8 the screen.

9 A. Yes.

10 Q. And they were commissioned, I think, by the Coastguard
11 to conduct this case study review, is that correct?

12 A. Yes, that's correct. As part of us wanting, as I have
13 said, to be a learning organisation and actually part of
14 guidance that's within IAMSAR, it's really important
15 that we go and have a peer review completed and we do
16 that actually regularly throughout our business.

17 So every year there's at least two peer reviews done
18 by other coastguard and that's bringing SAR
19 professionals in to effectively come and peer review our
20 work.

21 Q. Thank you. And again in short, if we go, please, to
22 pages 21 and following, so start with {INQ004345/21}
23 here are there recommendations. They made 14 in all,
24 directed, for example, at your working relationship with
25 the French authorities, your organisational processes,

1 resource management, communications, and at
2 {INQ004342/1} please, we can see the MCA's response
3 dated 28 May, the next year, so about 10 months later
4 and about four months after this Inquiry started its
5 work. And I think, again, in summary, you went
6 through -- or the writer of this letter went through all
7 of the recommendations.

8 If we turn over the page, please, {INQ004342/3},
9 there recommendation 2, 3, went through all of the
10 recommendation up to and including 15, I think, and
11 accepted, in part or in full, and implemented, I think,
12 seven of them. And with the others, the other seven,
13 either took no action or didn't accept the
14 recommendations because it considered that the actions
15 were already part of the Coastguard's policies and
16 procedures.

17 And you deal with this in your statement at 7.31 on
18 page {INQ010098/124} but for the record, I think that's
19 correct?

20 A. Yes, that's correct.

21 Q. Thank you.

22 A. Yes, it is in my statement at 7.31 and I think the
23 important point to note there is that two of the
24 recommendations were classed as not accepted and there's
25 rationale in there. The rest were all taken on board.

1 Q. One way or another?

2 A. Yes.

3 Q. Exactly, yes, and then the MAIB report, at {INQ010445/1}
4 we know it is November '23, and you will see it's
5 a safety investigation -- sorry, that's the wrong
6 reference -- {INQ010445/1}, please. Thank you.

7 We see on page 2, {INQ010445/2} it is a safety
8 report, the safety investigation report. And at
9 page 98, {INQ010445/98}, we have the recommendations --
10 the formal recommendations there to you and the second
11 one to Border Force.

12 And again, just to complete the picture, at
13 {INQ009981/1} we have your response or the MCA's
14 response, this time July 24, and in short, is this
15 right, that having considered your responses and indeed
16 the Home Office responses, the MAIB closed the
17 recommendations as complete?

18 A. Yes, that's correct. They, they closed them as complete
19 and accepted the response and the work that had been
20 done by HM Coastguard.

21 MR PHILLIPS: Sir, would that be a convenient moment?

22 SIR ROSS CRANSTON: Yes, of course. So 10 minutes, 23 past.

23 (11.13 am)

24 (A short break)

25 (11.24 am)

1 SIR ROSS CRANSTON: Mr Phillips.

2 MR PHILLIPS: Yes, Mr Leat, can we have up, please

3 {INQ008905/1}, this is the internal review that we were
4 just talking about and as you pointed out to us a little
5 earlier, it says "May 2024 Draft Final Review (subject
6 to French Information)".

7 That's point about the French criminal proceedings
8 that you mentioned, isn't it?

9 A. Yes, absolutely. For this review to be complete,
10 HM Coastguard would want to have a understanding of
11 events leading up to the point that the incident came
12 into the UK and therefore, would want to understand more
13 from the French Coastguard about their involvement that
14 evening, calls that they received, etc.

15 So until we are ability to do that, the report will
16 remain in draft.

17 Q. Yes. Well, it's obviously been underway, the exercise,
18 as we will see, for quite a while. Just to check one
19 thing, is this the latest version of it the one that we
20 have been sent?

21 A. To the best of my knowledge, yes.

22 Q. Right, let's look at what it was and who was involved in
23 it. If we turn to page 5, please, the introduction,
24 {INQ008905/5}, thank you. "Commission" there, at 1.3.1,
25 by the Director of His Majesty's Coastguard, and this

1 is, we will learn, a tier 3 review. Can you explain to
2 us what that means, please?

3 A. Yes, I think, as it says slightly further down there,
4 it's the highest level of review that we as an
5 organisation can internally undertake. It's undertaken
6 independently by a team outside of operations and it's
7 where a fatality has occurred during an incident
8 co-ordinated by His Majesty's Coastguard. Or another
9 organisation looks to conduct an investigation, for
10 example, the Marine Accident Investigation Branch.

11 Q. So it is an internal review, as you say, but conducted
12 by people who weren't involved operationally?

13 A. Absolutely, absolutely. And there's -- through our
14 organisational structure, there is design of
15 independence so that our -- I will call them standards
16 department just for ease of understanding, they
17 effectively can review incidents post-event. Again,
18 coming back to the point of us wanting to ensure that we
19 learn from every -- every event that HM Coastguard
20 responds to.

21 Q. Yes. And at 1.3.2, we can see that the lead reviewer
22 Julie -- Anne Wood is the Assistant Director and then
23 "Governance, Policy, Standards and International". Is
24 that the department you are talking about?

25 A. Yes, that's correct.

1 Q. Great, thank you. And she, within the organisation ,
2 without getting into too much detail , is at roughly the
3 same level as you, is that right , or is she a bit senior
4 to you?

5 A. Slightly senior to me.

6 Q. Yes.

7 A. And she has a long career within His Majesty's
8 Coastguard as a qualified SMC. Ran a co-ordination
9 centre , led the operation , led training . So has
10 a wealth of experience and knowledge that's recognised
11 not only in the UK, but also globally as well .

12 Q. And the terms of reference , I don't think we need to go
13 through them are at 111 to 115 of the document, annex A.
14 And we can see there that she had a team working with
15 her within Coastguard, that's at 115.

16 {INQ008905/115} Yes, there they are . "Supporting
17 Investigator and Technical Matter Expert(s)", do you see
18 that?

19 A. Yes, that's correct . So in any tier 3 investigation ,
20 the person leading it will use resource across
21 HM Coastguard and outwith if required , but I suspect
22 it'd be specialist resource to enable them to be able to
23 complete the review that they are undertaking to ensure
24 it is done to a high quality and standard .

25 Q. Thank you. Now going back to the French point , if I can

1 put it that way, pages 6 and 7, please of the document
2 {INQ008905/6-7} if we can have both of those on the
3 screen, thank you.

4 Here, you -- here, the reviewer explains the effect
5 of French Coastguard involvement and in short, as you
6 have explained, because of the French criminal
7 investigation, you have not received the material on the
8 French side that you would otherwise -- or the reviewer,
9 rather, would otherwise have wished to consider before
10 reaching her conclusions, is that a fair way of putting
11 it?

12 A. Yes, that's a fair way of putting it. I think that also
13 applies to the US Coastguard report and I also believe
14 the MAIB report as well. So it's information that's
15 lacking across reports.

16 Q. Yes, and it looks, from 1.5.3, that the reviewer, the
17 Coastguard, it says there, in the second sentence.

18 " ... has not had access to information that would
19 provide the full knowledge and content of the calls made
20 and the actions taken by the French Coastguard whilst
21 the small boat incidents were in the French search and
22 rescue region ... "

23 And how, then, is this going to work through? Is it
24 anticipated within the organisation that you will, at
25 some point, receive this further information from the

1 French?

2 A. I think the organisation -- our organisation would like
3 to receive that, pending the ongoing criminal
4 investigation and I think if the organisation does then
5 receive that, then the review will be able to be
6 completed. There may be additional recommendations as
7 an example that may come from that.

8 I don't know -- I don't know how the information
9 will change or modify the information that was available
10 to the reviewer at the time. But the report was created
11 with the best of the information they had available to
12 them.

13 Q. But obviously, as time goes on and we are now a number
14 of years since the incident, the value of the
15 review/report decreases, does it not?

16 A. So I don't think it decreases by any means. As I am
17 sure we will touch on at some point, there are several
18 recommendations in this report which have been dealt
19 with.

20 Q. Yes.

21 A. And if there are lessons or opportunities for
22 improvement that can be made once that final information
23 is received, then the organisation will do that and if
24 they are relevant to current operations, it will be
25 implemented. If it's irrelevant because of the passage

1 of time, that will also be noted. But I think for
2 completeness, it's appropriate that that is
3 acknowledged, dealt with and then the report can be
4 finalised .

5 Q. Thank you and you talked about the recommendations in
6 this report . Let's look at those, please . They begin
7 at {INQ008905/106} and we see there the introduction
8 first and in the two introductory paragraphs, the second
9 paragraph, as you see, 7.1.2, the reviewer says:

10 "These were the recommendations which were provided
11 to HM Coastguard Operations on 18 March 2022."

12 And there are, in fact, I think 21 of them in all ,
13 is that right?

14 A. Yes, that's correct .

15 Q. Again, just to summarise, covering: information
16 gathering, ViSION, Coastguard communication, Coastguard
17 procedures, the role of the SMC and the tactical
18 commander, stakeholder liaison, search planning,
19 post—incident actions and training and exercise .

20 And my understanding from your statement — and it's
21 paragraph 7.35 on page 128, {INQ010098/128} — is that
22 the Coastguard has, broadly speaking, accepted and
23 implemented certainly the vast majority of these
24 recommendations; is that right?

25 A. Yes, correct . Action has been taken on them all . There

1 are a couple where it's been accepted and implemented in
2 part.

3 Q. In part, yes.

4 A. And ultimately, a specific one around that would be the
5 one around the establishment of a search planning cell.

6 Q. Yes.

7 A. And actually, rather than establishing a dedicated
8 location and a cell to support our concept of operations
9 with the national network, a dedicated search planner is
10 now assigned. So whilst the concept of a dedicated
11 search planning cell hasn't come to fruition at this
12 time, there is still a dedicated search planner for
13 small boat operations.

14 So the spirit of the recommendation has been met and
15 is — and is embedded. It's just not been delivered in
16 full as per the report, but the outcome is still the
17 same. We have a dedicated search planner available for
18 days when small boat crossings are occurring.

19 Q. Thank you. And again, can I take it that the work where
20 recommendations were accepted began after, as the
21 reviewer puts it, they were provided to the Coastguard
22 in March '22?

23 A. Correct. Yes, work — work was underway as soon as
24 possible to be able to take these recommendations and
25 implement them.

1 Q. And again, just for completeness, are you aware of any
2 other reports or investigations in relation to the
3 incidents with which we are concerned which have been
4 undertaken since the incident?

5 A. Not that I can recall.

6 Q. No. Just looking at the reports we have seen and
7 broadening out the question rather, what are the ways in
8 which the HM Coastguard is subject to independent
9 oversight?

10 A. So I think in terms of independent oversight, through
11 the IMO, there is a scheme called the IIC code.
12 Through that, as a coastal state, we are effectively
13 audited every five years.

14 Q. Yes.

15 A. We were last audited in October 2021 and during that
16 audit there were no recommendations for His Majesty's
17 Coastguard. I have talked about peer reviews that we
18 instigate to ensure that people external can come in and
19 review the work that we do. We also do that to other
20 coastal states, so we will send people abroad anywhere
21 across the globe to look at the work that they do.

22 In terms of internally, we have, as we have seen
23 here, a tier 3 review, so there's independence from the
24 operation. And then we also have independent oversight
25 in terms of the MCA sponsorship board, so DfT giving

1 oversight around the work that the MCA and us,
2 HM Coastguard, also do.

3 They are just a few of the areas where others are
4 looking at the work that we do to make sure that we are
5 doing it the best we can and where there is opportunity
6 to improve, that's -- that's shared and delivered .

7 Q. Well, obviously of the examples you have given , and the
8 tier 3 review is obviously the one that delivered its
9 recommendations earliest to the ones we have looked at
10 in a long series of recommendations which, as we said ,
11 mostly you have implemented, I understand that .

12 But isn't there, in principle , a difficulty with an
13 organisation such as yours in effect marking its own
14 homework?

15 A. So I think , as I alluded to, the department sits outside
16 of the operational chain . But we also then have the
17 ability , like we did for this incident , where we
18 contacted another competent SAR authority, such as the
19 United States Coastguard, to come in and independently
20 review the work that we have undertaken . So there are
21 mechanisms to both learn internally by that independent
22 team but also use other SAR professionals . And I think
23 the challenge is that search and rescue , and search and
24 rescue co-ordination specifically , there is a very small
25 pool of people globally that have the relevant

1 experience and knowledge to be able to do such
2 a detailed review. And that is why the peer reviews and
3 also the IMO's independent review to ensure that we are
4 meeting our coastal state obligations occurs.

5 Q. Yes, I understand that. But obviously, you would accept
6 that you -- you are responsible, as an organisation, for
7 deciding to bring in a peer organisation to do a review.
8 You had to decide to ask the US Coastguard to look at
9 the incident, didn't you?

10 A. Yes, we -- we -- we did that because we wanted to learn.

11 Q. Yes. But the question arises of why the Coastguard,
12 like is the case with land-based emergency services,
13 shouldn't be -- such as the police, the Fire Service --
14 shouldn't be subject to independent oversight?

15 A. I think as I allude to in my previous response, there is
16 a very small global network of individuals that have the
17 relevant experience and exposure to be able to provide
18 that.

19 So I would struggle to see how that would occur to
20 any level of credibility. And that's why, you know, in
21 any significant incident, as I alluded to with
22 United States and other states, we will go out and
23 review that. There's also the MAIB who will, as they
24 did in this case, review the work of the incident that
25 evening.

1 Q. Yes, well the MAIB's remit, as we both know, is a rather
2 limited one. This was a safety investigation .

3 A. Correct .

4 Q. Their remit, for example, is a lot narrower than the
5 remit of this Inquiry .

6 A. Correct .

7 Q. If we think though, again, about the police and the Fire
8 Service, her Majesty's — or His Majesty's inspectorate
9 of constabulary and now fire and rescue .

10 A. Yes.

11 Q. Monitors and reports on the efficiency and the
12 effectiveness of the police and the fire and rescue
13 services in the public interest .

14 A. Correct .

15 Q. Publicly funded emergency services, the inspectorate
16 regime is set up, isn't it, in the public interest ?

17 A. Correct .

18 Q. Why should that not apply to His Majesty's Coastguard?

19 A. I think I have outlined a number of ways that there's
20 already independent review and the fact that Department
21 for Transport, we maintain operational independence from
22 DfT and the MCA sponsorship board does have oversight .

23 That said, anything that is done to serve the public
24 best, you know, is for the good — is for the good.

25 Q. Yes. And because, as you have explained, this is an

1 organisation that wishes to learn lessons, would it not
2 be better to have -- for the organisation, to have in
3 place regular independent oversight and review as
4 opposed to crisis --driven one--off reporting such as we
5 have seen here?

6 A. It's probably not an area I can comment on in terms of
7 that would need to be looked at, at a senior level.

8 Q. Yes.

9 A. Both within the MCA and within Department for Transport,
10 but I make the point that there are -- in, for example,
11 policing and fire, there are lots and lots of personnel
12 that have the experience that's requisite to be able to
13 provide an appropriate independent oversight.

14 I think within coastguarding, as I have said, there
15 is a very, very small people that group of people that
16 have the requisite knowledge and skills to be able to
17 provide it and provide it in a way that would add value.

18 So I don't disagree that anything for the public
19 interest is for good, I just have concern, I guess,
20 about the appropriateness of the individuals that may
21 look to do that. Hence, why we go to other states and
22 then the IMO have the IIIC process which provides
23 reassurance around us meeting our international coastal
24 state obligations around search and rescue.

25 Q. Thank you.

1 Now, as I acknowledged in my opening, it's clear to
2 the Inquiry that a significant number of actions have
3 already been taken by the MCA and other agencies
4 involved, with a view to preventing or reducing the risk
5 of an incident similar to this one from occurring in the
6 future. So what I would like to do now, please,
7 Mr Leat, is to ask you about some of those and consider
8 with you the question of whether there are additional
9 actions that should now be taken by the Coastguard or
10 the MCA and what I am going to do, if I may, is use the
11 same broad headings that I did with the seven themes in
12 my opening.

13 So the first heading is: resources and preparedness.
14 And within that, I would like to start, please with the
15 question of staffing which is where we really began this
16 exchange when looking at the August '21 reports and
17 again, just to establish the framework for this, you
18 remember them, we looked at them together, and certainly
19 they were expressing concerns, weren't they, that
20 staffing at Dover in particular, was a significant
21 problem?

22 A. Yes. So that was raised in that August period. I think
23 the concept of operations for His Majesty's Coastguard
24 is very much utilising the strengths of its national
25 network. We have the -- sites that are located all

1 around the UK and that gives us a real benefit in able
2 to bring resource to an incident or a situation .

3 So resource availability within HM Coastguard is
4 today very, very good. In fact, there's very few
5 vacancies that are across the service .

6 And I think there's some elements that, in terms of
7 our network, and it is really important to understand,
8 in terms of if we look at the IAMSAR guidance, it takes
9 about SMCs and their teams being regularly replaced on
10 high complex incidents . Our national network enables us
11 to do that. We talk about SMCs, Search Mission
12 Coordinators . Over 50% of the work that's gone on with
13 small boats has been led by a remote Search Mission
14 Coordinator from 2018 to 2024.

15 So our national network gives us the ability to flex
16 resource to be able to respond to a challenge .

17 In terms of specifically Dover, the recruitment, as
18 we saw, started in August where we increased the
19 staffing throughout the autumn and into the spring in
20 anticipation for the busy 2022 that was forecast .

21 Q. Can we look at that?

22 A. Yes, we can.

23 Q. Because you deal with it in your statement.

24 A. Yes.

25 Q. We will come back to the national network and remote

1 working etc, but if we look at the point you have just
2 made, please. It is in your statement, {INQ010098/1},
3 paragraph 1.24, page 9, {INQ010098/9}. During the
4 summer, you say, the Coastguard were notified by the
5 Home Office of the predictions for crossings for 2022
6 could reach 60,000. We looked at this earlier. In
7 response to this prediction, you determine:

8 " ... that additional staffing was now required to
9 focus on and respond to small boat incidents in the
10 English Channel. This [is] in addition to the National
11 Network. Recruitment for the additional headcount based
12 at Dover ... commenced in August 2021."

13 Had the numbers of staff at Dover been increased to
14 reflect their work on small boat crossings before this?

15 A. I believe this was the period where the organisation was
16 looking at the risk that was coming in 2022. So
17 therefore, this was the point where a decision was made
18 by the chief Coastguard to increase the staffing at --

19 Q. I see.

20 A. -- MRCC Dover.

21 Q. So it was really the warning from the Home Office that
22 things were going to get even worse the next year that
23 led to the recruitment drive, if I can put it that way?

24 A. Yes, that's correct.

25 Q. Yes. But bearing in mind what was being observed

1 in August by your own people, without reference to the
2 Home Office prediction for 2022, isn't -- perhaps with
3 hindsight, isn't this something, increasing the staffing
4 at Dover in particular, that should have been undertaken
5 before August '21 or before the warning from the
6 Home Office?

7 A. So I think there is two parts there. One not being in
8 the senior leadership, shall I say, at the team, ie the
9 chief Coastguard, whilst I think the 60,000 was
10 a trigger, as we saw earlier when we looked at the data
11 for 2021, I think we had seen a steady increase. So
12 I suspect that -- and this is an assumption, not fact --
13 that this was to be the plan in preparation, regardless
14 of the 60,000. I think it was -- the numbers were
15 growing and therefore, action was to be taken. I think
16 the other thing was and we talked about the national
17 network, there is a significant amount of resource
18 available within the national network, as by its design,
19 to be able to support small boat operations.

20 So I -- I can't really -- you know, I don't think
21 I think this was the appropriate time for that staffing
22 increase to occur.

23 Q. Okay. Well, we have seen it recognised in August, the
24 documents we saw, that, I quote: genuine concern for the
25 welfare of those officers involved in the SAR response.

1 And you may remember one of the commanders,
2 David Jones, told the Inquiry that insufficient staff
3 resource was, by the time of the incident, impacting not
4 just at Dover, but across the national network,
5 including the JRCC.

6 So there was a general need, wasn't there, to
7 increase the number of people, the number of your
8 officers involved in this problem?

9 A. I think if we look at the night in question, I think
10 from memory, there were 35 staff on within the national
11 network and I believe the number required was just
12 over 20.

13 Q. Yes.

14 A. From -- from memory.

15 And there was adequate resource within the national
16 network to be able to respond. Especially as, at
17 specifically in November, the rest of the work that --
18 the Coastguard demand curve outside of small boats very
19 much focuses on a high level of activity in the summer
20 and reduces down over the autumn and winter, as people
21 don't go to the beach, don't take their leisure craft to
22 sea. So I believe the resourcing was wholly appropriate
23 and adequate.

24 Q. Well, of course that's actually what didn't happen,
25 unfortunately, in 2021, did it. I mean, the numbers, as

1 we saw, were large in August, September and then
2 obviously enormous in November. So that pattern wasn't
3 followed in November, was it?

4 A. Correct. They dropped off in October, as we would
5 expect, with the weather conditions that we would expect
6 in the English Channel. And as per Mr O'Mahoney's
7 evidence, the Home Office is very good at making
8 predictions on the crossings that were due to occur.

9 I think within a very, very small tolerance.

10 And for whatever reason, and you know, to this day
11 I don't know why, the November figures were
12 significantly different. So this didn't follow any
13 pattern, it wasn't something that, from the information
14 that I've seen, was predictable. But the organisation,
15 you know, as I say, on the night of the 23/24th, had far
16 more staff available within the national network than it
17 was required to.

18 Q. But that, of course, involved using — drawing on the
19 strength of that involved using remote support and in
20 particular, from the JRCC. Whereas that, as we saw
21 earlier, was one of the challenges identified in terms
22 of effective response in August; in other words, the
23 remote working just wasn't working. There was too much
24 going on in the room in Dover for people working
25 remotely to actually contribute something useful?

1 A. So I -- I would give challenge to that, if I may, in
2 terms of --

3 Q. Please.

4 A. -- I think there is a couple of things to consider when
5 teams are working remotely. The first, if we look at,
6 say, for example, a Search Mission Coordinator, being in
7 the room, there is -- you are going to be very much
8 focused and involved. Being remote Search Mission
9 Coordinator you do have the ability to sit back,
10 observe, "take a helicopter view" is the term that's
11 used in training, stand back and oversee everything. So
12 there's actually benefits of not being in the room.

13 In terms of some of the situational awareness,
14 I think through evidence disclosed to the Inquiry, you
15 will see reference to iPads or Surface hubs. So these
16 are enabling virtual teams to be able to work, not only
17 through the systems that everybody has access to the
18 same, but by video conference. Effectively, putting
19 somebody in the room and being part of that team. And
20 working virtually, working with remote teams, I am sure
21 you would have noted the incident that occurred off of
22 the east coast of the UK, I think two weeks ago now,
23 where two cargo ships collided.

24 That was managed with a team in Aberdeen and a team
25 at Humber, showing strength in being able to come

1 together and deal with a very significant challenge. So
2 the concept absolutely works. Some people don't have
3 preference for it and it is very much preference. It's
4 not a requirement.

5 Q. Well, is this fair: that the three Coastguard officers
6 who we have seen reporting about their concerns
7 in August '21, didn't recognise the helicopter view
8 benefits that you have described and thought that it was
9 itself creating problems with this particular
10 high-pressure work on the small boats problem; is that
11 fair?

12 A. Without hearing what they have said, it's very
13 difficult, sir, to make a comment on that, I'm afraid.
14 But as --

15 Q. It was what was in the reports, the ones I showed you.

16 A. In terms of the August one, is this?

17 Q. Yes.

18 A. So I think that was, as one of the actions that you will
19 see was overcome, was by utilising the iPads/Surface
20 hubs about being able to virtually bring team members in
21 and effectively, remove that issue of a perceived lack
22 of shared situational awareness. The systems that
23 Coastguards use, our logging system ViSION, is where
24 everything should be and everything should go.

25 Q. Yes.

1 A. And that is how the remote support element, the concept
2 of staff working at a different location, is utilised.
3 You will also hear reference, I think, to the term
4 TalkBox which is an open communications channel to
5 enable teams to be able to work remotely together.

6 So it's a concept that is fundamental to how we
7 deliver the national network. And if we consider in
8 2021 that, I think, the UK was coming towards the back
9 of Covid, if we hadn't of had the national network and
10 resource being able to work flexibly, with staff
11 potentially having to isolate following Government
12 guidance, if we didn't have the network, that would
13 create significant risk in terms of us being able to
14 deliver our state function.

15 So to me, remote working, staff being able to dial
16 in to support on increased complex incidents, is
17 absolutely vital to ensure that we can deliver the best
18 service to the public that we can.

19 Q. Thank you.

20 Now, going back to your statement here. You say
21 recruitment for the additional headcount based at Dover
22 commenced in August '21. It looks, from the material
23 that the Inquiry has seen, that the recruitment
24 exercise, just sticking with that, had not in fact
25 yielded any helpful results by the time of the incident;

1 is that fair? We know various measures that had been
2 taken, but the recruitment exercise, I think, hadn't
3 produced anything useful by the time of the incident; is
4 that fair?

5 A. So the recruitment had -- had started.

6 Q. Yes.

7 A. I am just trying to find reference into my statement
8 because I know it breaks down the numbers of staff for
9 each of the recruitment campaigns.

10 Q. We will look for that, thank you.

11 A. And it references those that were onboarding, but
12 I think what's really to port to note is that, you know,
13 a Coastguard can't walk through the door and be trained.

14 Q. Precisely.

15 A. It takes a period. Hence why the activity started
16 in August in anticipation and preparation for 2022, the
17 peak season.

18 Q. Yes, that is my point really, that this was driven by,
19 as we see, the warning about 2022 and so you were
20 recruiting in Dover in order to have sufficient, or more
21 people there, for the '22 increases that had been
22 predicted?

23 A. Correct.

24 Q. Thank you. In terms of what had been done by the time
25 of the incident, one point was the change in Dover's

1 responsibilities for zones, so that they were -- two of
2 their zones were, as it were, passed to other stations
3 leaving them just with zone 14; that's right, isn't it?

4 A. Yes, that's correct, that was a decision made by
5 leadership at the time so that staff could focus on
6 small boats in the response and the other zones,
7 utilising the concept of the national network, were
8 passed elsewhere, as well as some of the functions that
9 MRCC Dover would routinely undertake.

10 Q. Thank you. We have just found the passage in your
11 statement on recruitment, so let's have a look at that
12 if we may, it's page 93, this is {INQ010098/93}, yes
13 thank you, there they are. We need the whole page,
14 please. Thank you.

15 Commenced -- you see the recruitment for Dover
16 commenced in 2020, resulted in nine officers and then
17 there was a second recruitment campaign, five, and the
18 third in November which resulted in eight.

19 But my understanding is that those officers came
20 onstream for the 2022 season, if I can put it that way?

21 A. Yes, correct. They would have been on-boarded and the
22 first recruitment campaign, some of those staff --
23 through the training pathway of a maritime operations
24 officer, specific modules are undertaken and on
25 completion of the communications module, that means that

1 that person is able to make up part of the team, they
2 are able to receive distress calls , answer 999 calls ,
3 etc .

4 So whilst the officers would not have completed
5 their full training pathway for some nine months
6 perhaps, actually , a number of those officers would have
7 been available much earlier . I don't have the full
8 detail of each of the individuals .

9 Q. No, no. Well, we will come back to one of them in
10 a moment. Going back, then, to the question of the
11 zones and the focus, allowing Dover to focus on zone 14,
12 is it fair to say, in terms of what happened on the
13 night , that that of itself didn't appear to relieve the
14 pressure on Dover? You will remember the SMC on the
15 night saying that he felt overwhelmed?

16 A. So having not been on duty for that period --

17 Q. Indeed .

18 A. -- I can only take information that I've seen disclosed
19 to the Inquiry . There were two things though that were
20 available , the network commander.

21 Q. Yes.

22 A. Or the tactical commander, I think , as they are referred
23 to at the moment, they had the ability to move resource
24 and I talked about the 35 resource that was available
25 within the national network.

1 Q. Yes.

2 A. The SMC also has the ability to reach out for support if
3 required as well. So there were mechanisms in place
4 that were available that evening should it be required.

5 Q. Well, we will come back to the commanders and the role
6 they played. But just looking, if we may, at further
7 steps which the organisation took to deal with the
8 problem of staffing at Dover, we have heard about
9 requests being made for staff in the national network to
10 go to Dover to work and David Jones in his evidence, for
11 example, described that as a minor improvement. So
12 there was that.

13 But were you aware, for example, that some of the
14 staff at Dover were working an altered shift pattern,
15 six on, two off, rather than two days on -- two days,
16 two nights and four days off. In other words, reducing
17 the rest they were getting, by a third? Were you aware
18 of that?

19 A. So, through -- in preparation for the Inquiry, having
20 looked at information --

21 Q. Yes.

22 A. -- there are occasions where staff carried out
23 additional shifts. But what I would say is that
24 two-thirds of those additional shifts, or the work, were
25 only for short periods. They were for, I believe, four

1 and a half hours.

2 Q. But --

3 A. And therefore, there was appropriate periods of rest
4 between those shifts.

5 Q. Well, presumably, the shift patterns, the normal shift
6 patterns are set out for good reason and if people are
7 working significantly longer periods, different shift
8 patterns, that is likely to affect their performance,
9 isn't it?

10 A. So, I believe from looking at information, there was
11 absolutely sufficient response. I think the other part
12 as well is that additional shifts, altered shifts, or
13 overtime, as it may be referred to, that's all
14 voluntary. There is nothing mandated by the
15 organisation.

16 So individuals would choose, for their own personal
17 reasons, to conduct overtime.

18 Q. So you don't think that, to take an example, Neal Gibson
19 was working this pattern just because he felt that
20 that's what the pressure of work required?

21 A. I am unable to comment. I don't know the details of the
22 pattern he was working, I'm afraid.

23 Q. Can we just look, on this topic, at a red days' meeting
24 minute and this is {INQ000206/1}, you will have seen
25 this the notes of the meeting on 22 November,

1 substantial attendance from your colleagues .

2 And if you remember, it was the -- in terms of the
3 timing, this was when the projected red days at the
4 bottom of the page, do you see there, were from the
5 early morning of 24th, 3 o'clock, to 9 o'clock on the
6 25th. If we turn over, though, to page 4 on the
7 question of {INQ000206/4} staffing, there is
8 a discussion of staffing at Dover.

9 And the Chief Coastguard, "PM", in the second
10 paragraph there, says -- is recorded as saying, anyway.

11 "Two SMCs at Dover on nights isn't enough, if
12 overtime has been taken, it would be useful to have that
13 information for this meeting to appreciate the full
14 picture ."

15 So there was obviously some discussion at the
16 meeting of the level of staffing, particularly at Dover.
17 You see above there "although numbers at Dover are low".

18 Now, in your statement you tell us -- I don't think
19 we need to look at it, you will remember this -- that
20 this minute is wrong and that what the chief Coastguard
21 in fact would have said is "two staff" not "two SMCs".
22 That's correct, isn't it?

23 A. Yes, that's correct. I believe that to be an error and
24 I cannot see any reason why he would have said two SMCs.

25 Q. So what he was saying then, on your account, is that two

1 staff at Dover on nights isn't enough?

2 Now we know, in fact, that there were only two
3 operational staff members on search and rescue at Dover
4 on the night in question, don't we?

5 A. Physically at Dover, yes.

6 Q. Yes.

7 A. However, there were, I believe, 12 staff logged into
8 zone 14 across the national network which was able to
9 provide operational delivery.

10 Q. Well, the part of the minute which you haven't corrected
11 is the part that says "at Dover" and he's saying your
12 Chief Coastguard, isn't he, on your interpretation, that
13 two staff at Dover on nights isn't enough and there
14 weren't two operational staff at Dover that night, were
15 there?

16 A. There were two operational staff at Dover that night.

17 Q. But no more than that?

18 A. No.

19 Q. Thank you.

20 A. There was one new trainee as well. So there were three
21 staff there.

22 Q. Yes.

23 A. The SMC, there was a trainee maritime operations
24 officer, both of who you have heard evidence from during
25 this process, and then a third individual who was

1 a trainee . And then there were an additional number of
2 staff logged in across the national network delivering
3 zone 14.

4 Q. Thank you. Let's go to page 5 of the minutes,
5 {INQ000206/5} where again, the chief Coastguard is
6 making the point that amber days were very busy and
7 starting to look more like red days. And again, that's
8 a point that Mike Bill raised in his email to the chief
9 Coastguard in August.

10 Are you able to help with this : what was the
11 organisation 's response to this understanding that amber
12 days, under the prediction system, were coming to look
13 more like red days?

14 A. So I think the organisation had made some specific -- or
15 took some specific actions , one of those being around
16 aeronautical response or aerial surveillance . The chief
17 Coastguard gave direction around aeronautical assets
18 being either located or pre-located in the southeast .

19 And with any day, regardless of whether it being
20 red, amber, etc, the organisation reviewed its structure
21 and response to ensure that it could deliver the best it
22 could. As I say, on night in question , there were
23 35 staff available within the national network that
24 could be deployed by the network commander to search and
25 rescue incidents .

1 Q. Yes. Well, let 's -- thank you. Let's look and see what
2 came out of this meeting. If we go back to page 4
3 {INQ000206/4}. Again, under the heading " Staffing ",
4 lower down the page in red:

5 "Action – DL – Send email to network asking for
6 volunteers for Wednesday night at MRCC Dover ..."

7 So it looks as though that was another --

8 A. Correct.

9 Q. -- measure taken to try and increase the number of
10 people at Dover, doesn't it?

11 A. Yes, that -- that's correct. There -- the strategic
12 commander, as I recall with the initials there, they
13 have taken that action and we know that another witness
14 the Inquiry 's seen was going -- or did work from
15 MRCC Dover. And they, from what I recall, voluntarily
16 adjusted their hours to start at a time where crossings
17 had previously started. So I think the Inquiry 's heard
18 not only from that individual, but also Mr Papadopoulos
19 around the general timing in that small boat activity
20 occurred. And usually small boats would be entering the
21 UK search and rescue region 6, 7, 8 o'clock in the
22 morning, much later. Hence, why Mr Cockerill had
23 volunteered to come in at that slightly early period, so
24 that the team were set for what was predicted to come as
25 the day progressed.

1 Q. Yes. So in terms of the night shift on the night, 23rd
2 to 24th we know that there were the two operational
3 staff there at Dover and I think at 05:00,

4 Mr Cockerill --

5 A. Correct.

6 Q. -- joined them?

7 A. Correct.

8 Q. And as we have heard, the SMC that night at Dover didn't
9 take a break all night and, as you will have heard in
10 his evidence, he felt overwhelmed. Now, wasn't all of
11 this foreseeable because your senior Coastguard, the
12 chief Coastguard, had said just a few days before that
13 two staff at Dover wasn't enough?

14 A. I think I -- reiterate the point around the staff
15 available in the national network. There were 35, there
16 were 12 staff, from what I understand, dialled --
17 dialled in. And what I mean by that is actively
18 undertaking work within the zone 14.

19 So whilst there may not have been physical presence
20 there, there was presence across the national network to
21 be able to support operations. And we saw that occur on
22 the night. As an example, Mr Barnett, he acted as
23 an SMC early in the night and operators at the JRCC also
24 supported response. So whilst two, as reported there by
25 the chief Coastguard -- and I must add as well, actually

1 at this point, the chief Coastguard is in this meeting
2 not in his capacity as the chief Coastguard. He is in
3 the meeting in his role as the duty operations director .
4 So that 's an on-call function ; he is not there as the
5 chief . Whilst he wears both hats, his purpose at this
6 meeting was as the duty operations director .

7 Q. But what effect does that have on what he is saying?

8 A. It has no effect . But I just wanted to make it clear
9 that he was there in his on-call capacity and we see in
10 other meetings leading up to this , different personnel
11 in that senior leadership space. But ultimately , the
12 chief Coastguard has said it would be better if we could
13 have two more there, but ultimately , the national
14 network is healthy and can support and did provide
15 staffing to the response .

16 Q. Well, that 's not something we get out of the minutes, is
17 it? It isn 't said round the table , as it were: well , we
18 have only got two at Dover, that 's fine , because we have
19 got the national network. He is saying two SMCs at
20 Dover -- or two staff on Dover at night isn 't enough,
21 it 's as simple as that?

22 A. If we read above, it talks about JRCC numbers being
23 healthy, it talks about network numbers are healthy .
24 And absolutely , as I have talked about this morning,
25 I have talked about our concept of operations and

1 utilising the national network. So staff -- additional
2 staff in Dover, you know, that's something that the
3 chief Coastguard was trying to achieve, but ultimately,
4 our concept of operation has been, since the start of
5 the national -- in 2014, and continues today, to be that
6 we will allocate staff from any of our RCCs to a search
7 and rescue mission.

8 So whilst it's not explicitly said there, that is
9 how our business runs and our concept of operation
10 occurs. So he wouldn't have needed to explicitly say
11 that.

12 Q. Okay. Let's go on to the other people at Dover and we
13 have already mentioned that there was a trainee MOO at
14 Dover that night. And Mr Gibson has explained to us
15 that she had only been with the Coastguard for, I think,
16 30 days of her nine months' training and was therefore
17 as we understand it, non-operational. She didn't have
18 your qualifications, she wasn't, sort of, fully
19 onstream.

20 And in looking at this -- the role or the limits of
21 the roles of trainees, Mr Barnett, who you have
22 mentioned, in his evidence has explained that a trainee
23 was non-operational, essentially observing, learning,
24 finding out how to undertake the work. Do you agree
25 with that?

1 A. Yes, the -- the third member of staff that was on duty
2 that night, they had been with the organisation a short
3 time. And a very useful way to learn about the business
4 is to be involved in the business. So therefore, they
5 were there in a -- an observational capacity. But the
6 SMC has a choice and has the empowerment to be able to
7 utilise a resource as they see fit under their
8 supervision.

9 Q. And maybe that's why we know that the trainee at Dover
10 made calls with -- or had calls with the French
11 Coastguard and operated the mobile phone, for example?

12 A. Yes, that -- that would be a decision that the SMC would
13 take, ultimately, under their supervision. And if
14 someone has prerequisite training or skills and
15 experience before they join our organisation, then
16 absolutely, utilising that would be appropriate for
17 an SMC under their supervision.

18 Q. And you think that's good practice, do you, that
19 a trainee in that position was making calls, receiving
20 information about small boats from the French during the
21 night?

22 A. So, I don't know the details specifically of the calls
23 that were made. That would have been a call that would
24 have been judgment by the SMC, deciding on whether that
25 was appropriate or not. And that's only something that

1 he, he could make. And I think that has to be done on
2 an individual basis. Myself, being an SMC historically,
3 if I had a trainee that showed a high level of aptitude
4 and I had seen them do things before, I would supervise
5 them and allow them to gain experience by doing.

6 So it's a case-by-case basis.

7 Q. But it looks, doesn't it, given that she was making
8 those calls she was operating the mobile phone, etc,
9 that the trainee was taking a pretty full part in the
10 work of the Dover station that night?

11 A. From recollection, I think she made a call to the French
12 Coastguard and I believe some work with the mobile
13 phone. Utilising a mobile phone is something that
14 everybody does today so therefore would be competent in
15 doing that and a conversation with the French Coastguard
16 would have been undertaken before, I suspect.

17 You know, that would be seen as a routine call with
18 another professional organisation, not an emergency
19 distress call from a member of the public. So the SMC
20 made a choice that evening. I -- I can't comment on the
21 appropriateness of it because I don't know the
22 individual concerned, personally.

23 So I can't give any further comment on that,
24 I'm afraid.

25 Q. So you are not able to assist on whether the involvement

1 that night of the trainee was simply because of the
2 resourcing situation at Dover?

3 A. I don't believe so. I don't believe so. I think if
4 the -- if the trainee had been there in the JRCC with,
5 you know, 30 staff, as an example, as you do in an
6 apprenticeship, as an example, gaining experience --
7 practical experience in something, is an appropriate way
8 of doing it under supervision.

9 Q. So far as the night shift went, we know -- and you have
10 already touched on this -- that Dover had remote support
11 from the JRCC throughout the night, first of all.

12 A. Correct.

13 Q. And then between half past 10 and midnight, the JRCC
14 took control of Dover entirely when Mr Gibson was doing
15 his VTS work.

16 A. Correct?

17 Q. Sorry, vessel traffic scheme service work.

18 A. Correct.

19 Q. And Stuart Downs was on a break. And then again, from
20 midnight when Stuart Downs returned until about,
21 I think, half past 1, Mr Barnett was, in effect, the
22 remote SMC from the JRCC. And the picture, which you
23 may also have gleaned from the material, is that the
24 JRCC continued to be involved after Mr Gibson's return,
25 receiving calls that were, as it were, that Dover

1 couldn't take because of too much activity , updating
2 ViSION logs?

3 A. I think in terms of the point about Dover couldn't take,
4 the staff were locked into that zone. So it wasn't
5 because Dover couldn't take them, they were part of the
6 operational team, but it was appropriate that they
7 answered those calls .

8 Q. So they were not just dealing with the overspill ?

9 A. No, the technology is set up is that if somebody is
10 logged into the appropriate zone, they will get the call
11 at the same time as the staff in Dover. So, therefore ,
12 they were answering the calls as appropriate , you know,
13 during any operational response .

14 Q. Thank you. And they were also updating the ViSION logs
15 and making entries in the tracker , weren't they?

16 A. From what I've seen , yes .

17 Q. Yes. But all of this is from what you have seen?

18 A. Yes.

19 Q. But again, going back -- and I think you have already
20 touched on this , but going back to the reports we read
21 in August from your colleagues , all of this remote
22 assistance , remote work, is no replacement, is it , for
23 being there in the room? Information exchange is much
24 easier and that is actually difficult to replicate when
25 people are working remotely in this way; isn 't that

1 fair ?

2 A. So I think that what the organisation has in place in
3 terms of utilising technology to be able to bridge that
4 situational awareness, what is going on in a room,
5 I think using the iPads, the Surface hubs, that bridges
6 that gap, it puts people in a room. So it's -- it's
7 appropriate .

8 Q. Thank you. Now, looking at the more senior people, the
9 commanders, who were present on the night . First , the
10 maritime tactical commander, again, the title may have
11 changed, but can we stick with that . He has explained
12 that he was unable to review small boat incidents and
13 conduct the RAG process which he should have done, under
14 the standard operating procedures because he was the
15 only maritime tactical commander on duty and it wasn't
16 practicable .

17 Which raises this question for you, speaking on
18 behalf of the organisation : why was there only one
19 maritime tactical commander on the night watch where
20 crossings were known to be either likely or very likely ?

21 A. So, a couple of points on that, if I may.

22 Q. Yes.

23 A. First of all , I -- I believe the second tactical
24 commander was either on leave or sick .

25 Q. Yes.

1 A. So wasn't able to respond.

2 Q. Yes.

3 A. Since this event, the team of maritime tactical
4 commanders has grown from two to three, so that now
5 gives a greater resource.

6 Q. Is that a lesson learning from this incident?

7 A. I believe that that is something from this incident, but
8 other incidents as well.

9 Q. Yes.

10 A. Again, showing the organisation's view it wants to
11 learn.

12 Q. Yes.

13 A. I think, in terms of the maritime tactical commander
14 that evening, they -- they had the requirement to make
15 those RAGs comments and review. They didn't and I can't
16 answer why they didn't. What I can say, I guess, is
17 early on in that evening, activity across the national
18 network was not significant. Outside small boats, there
19 was not huge amounts going on. So unfortunately,
20 I can't answer why he didn't do it, but I think what
21 I can say is that there wasn't what I would class as
22 significant activity ongoing, having been in that role
23 myself.

24 So I have been a maritime tactical commander and
25 I don't see why it wasn't done.

1 Q. Well, I think we will have to -- as you concede, I think
2 we will have to take the evidence from him as to what he
3 did on night and why he didn't do it? That must be
4 fair .

5 A. He's given his view, yes.

6 Q. Now, so far as the RAG system is concerned, you deal
7 with that in your statement. So let 's have that ,
8 please , {INQ010098/1} and can we go to paragraph 6.39,
9 please . Thank you. Page 109 {INQ010098/109} yes.

10 "The rationale behind the 'RAGS' system is to
11 support the safe and controlled oversight of the [search
12 and rescue] response and is carried out by the Maritime
13 Tactical Commander in their role of maintaining tactical
14 oversight of accident ."

15 So let 's just look at the situation on the night .
16 As you say, we have had the evidence that it wasn't
17 done, there wasn't a RAG review. Based on what you are
18 saying there , would that not have undermined the
19 tactical oversight of the incident ?

20 A. The tactical commander, if they followed the RAGS
21 process , as is prescribed on the page before it , it goes
22 through what that process is , it gives a level of
23 oversight to the incident . I --I don't know if that
24 occurred if -- if there would have been any guidance
25 given by the tactical commander to the incident

1 specifically .

2 So I don't know what he will have done with that ,
3 I'm afraid .

4 Q. Okay, thank you. So far as that role is concerned,
5 maritime tactical commander, as it was then, you have
6 described it in your statement, I think it is slightly
7 lower down on this page, please 6.42, that the maritime
8 tactical commanders, do you see the third line :

9 " ... held leadership and/or decision –making roles
10 relating to Incident Charlie ."

11 But in terms of the material the Inquiry has
12 received , he, the particular maritime tactical
13 commander, didn't exercise that role , did he, because he
14 didn't review it , as we have just been discussing , and
15 he wasn't told about it , as we know, by the SMC, by
16 Neal Gibson. So he didn't have a chance, did he, to
17 exercise leadership or decision –making?

18 A. So, I am unable to comment on the fact what he did and
19 didn't do.

20 Q. Yes.

21 A. It didn't occur. But the point of the tactical
22 commander is to provide that oversight , provide that
23 review .

24 Q. Yes.

25 A. Actions taken and guidance and that is the point of that

1 team of individuals .

2 Q. Yes, and to take an obvious example based on what
3 happened on this incident , Mr Jones explained that he
4 would expect to be notified verbally if there were
5 reports of a vessel taking on water, or people had
6 potentially entered the water, or if there was a Mayday
7 Relay. And again, based on your experience , you would
8 expect, as maritime tactical commander, to have that
9 information drawn to your attention , wouldn't you?

10 A. So not for a Mayday Relay. Mayday Relays can occur
11 pretty regularly throughout -- throughout the year for ,
12 for a variety of incidents . So I wouldn't expect for
13 that to be drawn to my attention .

14 Q. What about the other two?

15 A. Potentially . But the role of the network commander is
16 sat back and observing and there to provide that
17 support, advice and guidance to the SMC. So they have
18 access to all of those incidents that are ongoing within
19 the system available to them. They have the same
20 information .

21 So I can't comment why there wasn't a review done,
22 I'm afraid .

23 Q. No. But based again on your experience , would you agree
24 that he should have been notified about this incident ?

25 A. I think that's a very difficult point to cover because

1 from what I understand, the SMC didn't believe that
2 there were persons in the water; to the SMC, the small
3 boats were crossing that evening, which was activity
4 that the network commander was aware of.

5 So I -- I can't -- without knowing the information
6 in realtime, I can't comment firmly on whether he should
7 or should not have. But from what the SMC knew, I don't
8 think that there was the triggers to escalate and the
9 requirement would have been on that network commander
10 being -- sorry, the tactical commander being stood back
11 and having oversight of all incidents, to be able to
12 provide support. That's the purpose of the role.

13 Q. Thank you. We will come back to the question of Mayday
14 Relays later. Finally, in terms of the, as it were,
15 backup, more senior people, the small boat tactical
16 commander. We know that Mr Papadopoulos's role had been
17 created, in fact, in August, I think --

18 A. Correct.

19 Q. -- of the same year, to provide tactical support
20 specific to small boat activity. But he wasn't on duty
21 on the night shift. He came on, I think, the day shift,
22 the next day, is that right, isn't it?

23 A. Yes, that's correct. I don't believe he was called and
24 he came in at 7 o'clock or 07:30, whatever it was in the
25 morning, in anticipation, following the usual trend of

1 crossings and small boats arriving in the UK search and
2 rescue region .

3 Q. Are you able to assist the Inquiry on why he wasn't on
4 shift on the night shift that night so there was only
5 one maritime tactical commander on duty?

6 A. I am not able to. I know in his -- I guess, terms of
7 reference , he was -- he tried to be on duty for periods
8 of red activity and the evening of the 23rd into the
9 24th, that was amber. The period of red activity didn't
10 actually come into place until , I believe 18:00 on the
11 24th, which can be seen on the Deveran report .

12 But I am not -- not being involved in those
13 preparation meetings, I can't give you a further answer
14 to that, I'm afraid .

15 Q. Okay. Well, let 's look at your statement on this
16 at 6.45 the next page, please , {INQ010098/110}, thank
17 you:

18 "The staffing arrangements on the night were as
19 follows . The Small Boats Tactical Commander ..."

20 That's Mr Papadopoulos we have just been talking
21 about.

22 A. Correct .

23 Q. " ... and the on-call Strategic Commander were not called
24 on the night ... This was on the basis that none of the
25 requirements for duty calling were triggered ."

1 Can you help us, what were the requirements for
2 calling the small boat tactical commander?

3 A. They would be listed in the SOP guidance and it would be
4 around a significant incident, or persons in the water,
5 etc, but I would -- if I was around, I would look for
6 reference to those criteria.

7 Q. Yes.

8 A. And I can't recall those, I'm afraid.

9 Q. But as far as you are aware, were those criteria,
10 guidance, were they made available to the staff at
11 Dover?

12 A. I believe so. I believe so.

13 Q. Okay. And going back to the Mayday Relay, we have heard
14 a lot of evidence about the fact that it was a very
15 unusual step for the SMC to take. Wasn't that precisely
16 the sort of thing that should have led him to get in
17 touch with the maritime tactical commander or the small
18 boat tactical commander?

19 A. Not specifically. The SMC took the broadcast action to
20 elicit response. At that time, he didn't, from what
21 I can see through documents, have an understanding or an
22 awareness that there were persons in the water. It was
23 a small boat making its way within the UK search and
24 rescue region. The broadcast was to elicit a further
25 response.

1 It -- it wouldn't be a certain thing that he had to
2 inform the network commander. And in fact, I think
3 the -- the Mayday Relay was broadcast from the Joint
4 Rescue Co-ordination Centre where the network commander
5 was located.

6 Q. Thank you. Looking, then, on the question of staffing
7 and those resources to the present day. If we can go to
8 your statement, please, at page 121 {INQ010098/121}, and
9 paragraph 7.19.

10 You are talking there about mitigating actions and
11 do you remember, we have already looked at, for example,
12 some of these. Had -- has the plan for a migrant
13 operational cell involving an increase of 24 staff --
14 sorry, that's on the next page -- at Dover,
15 {INQ010098/122} been put into effect?

16 A. Yes, absolutely. So the increase of staff at Dover has
17 been put into effect.

18 Q. When was that, please, do you know?

19 A. I -- I don't know off the top of my head, I'm afraid.

20 It would have been during -- it started, ultimately,
21 in August '21 and during 2022 that continued. And that
22 increase in staff is there today.

23 Q. And so if we are looking at the position today then, you
24 are saying that there is a migrant operational cell with
25 an increase of, is it 24 staff at Dover?

1 A. So there's additional 24 staff, or posts, that have been
2 placed at Dover to assist with small boat response, as
3 well as to provide additional resource to the national
4 network. My understanding, as of a short time ago, is
5 that out of the total headcount down there now,
6 I believe that there's six posts that are being
7 recruited.

8 But that is through natural turnover, retirement,
9 etc. So the majority of those posts have been recruited
10 and have staff in place.

11 Q. And do you think that at that sort of level of staffing,
12 the organisation, whether it's Dover or elsewhere, is
13 now adequately staffed to respond appropriately to small
14 boat crossings?

15 A. I believe the additional staff that are at Dover, as
16 well as staff across the national network, are able to
17 respond to not only small boat crossings, but search and
18 rescue activity around the UK.

19 Q. Thank you. Now turning to the question of maritime
20 assets, please, and obviously, I am talking about assets
21 available to you because, as we know, you don't have
22 your own maritime assets. You will have seen and read
23 evidence about the significant pressure on the RNLI
24 assets in the lead up to the incident and we also know
25 that by November '21, it was acknowledged that the

1 situation for Border Force Maritime was critical and
2 non-sustainable without an increase in asset numbers.

3 Can we look, please, with that in mind at
4 {INQ009957/1}. So you can see what this is. It's in
5 the context of Operation Deveran, joint activity review
6 meeting.

7 If we go to the foot, please of page 2,
8 {INQ009957/2} to pick up this point under paragraph 5:

9 "Operation Deveran Maritime and Land Assets:
10 Requirements, Availability, Limitations, Deployment and
11 Co-ordination.

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 [going over the page
18 {INQ009957/3}] they remain an effective responder in
19 their main areas of responsibility (ie Law
20 Enforcement ... "

21 And there are various options set out, or possible
22 mitigations at that time. So that, as far as the
23 Inquiry is concerned, is the situation with the majority
24 of the maritime assets that you were being able to call
25 on. They were at a critical level?

1 A. I think I would -- I can't remember the exact
2 terminology on the page before, but they were
3 functioning. They were at the higher level, but it was
4 delivering the service. I think that's on the page --
5 I can't see at the moment, but they were delivering, but
6 it was very, very busy.

7 Q. Yes.

8 A. For sure.

9 Q. And so far as the interplay of these two factors is
10 concerned, ie the RNLI, the pressure they were under and
11 the Border Force, you will have seen and heard the
12 material about the incident on the 20th, where the RNLI
13 at Ramsgate declined a tasking request on the basis
14 that, in their view, Border Force should have been
15 available to attend. And again, I don't think we need
16 to go to that.

17 But can we take it that your organisation was fully
18 aware that both sets of assets, Border Force on the one
19 hand, RNLI, were stretched to the limits before night in
20 question?

21 A. So I think that they were at the highest level of
22 capacity, as it says there. They were still able to
23 respond and I believe work was ongoing at that time,
24 both within the Home Office and within His Majesty's
25 Coastguard, looking at asset availability for 2022,

1 that -- that significant increase in numbers that was
2 predicted and we saw occur.

3 Q. Yes.

4 A. And additional asset came in March, I believe, 2022.

5 Q. Yes, but after the incident, obviously.

6 A. After the incident.

7 Q. Yes.

8 A. But at the time, there was assets that were available
9 for response and whilst acknowledging that they were at
10 their highest level of capacity, they still were and
11 still did effectively respond.

12 Q. Yes. Well, you are reading the first bit of that, what
13 it then goes on to say is for Border Force Maritime,
14 this situation is a critical level which will need to be
15 resolved to ensure they remain an effective responder in
16 their area. So as far as they were concerned, something
17 needed to give something needed to change, didn't it?

18 A. Yes, correct.

19 Q. Thank you.

20 A. And that's what happened during 2022.

21 Q. Exactly. Thank you. If we can then turn to the events
22 of the night, please, and have {INQ000566/1}, now, this
23 is the list of Border Force assets available on the
24 night. You will have seen it before, I am sure. The
25 cutter, Valiant, berthed at Dover was the primary

1 responder. Hunter was on standby also at Dover and
2 Hurricane available from 6 o'clock.

3 "Primary responder" in this context means that the
4 Valiant would be tasked first, but it didn't mean that
5 it was the only vessel that was available to be tasked,
6 did it?

7 A. No, that's -- that's correct. So with -- with early
8 information from the French Coastguard, the plan would
9 be to deploy the Valiant towards areas of crossings.
10 The UK, taking very proactive action ahead of a vessel
11 crossing into the UK search and rescue region, as they
12 did on the night when the French Coastguard notified us
13 of crossings, the Valiant was deployed. But there are
14 other assets available, such as the lifeboats provided
15 by the Royal National Lifeboat Institution, search and
16 rescue helicopters, fixed-wing assets, etc.

17 Q. Yes, but as far as maritime assets are concerned, and
18 just picking up the point you have made about the
19 response to information that boats were coming towards
20 the UK search and rescue region and the median line,
21 that all depended, didn't it, on information coming in
22 time -- in good time, to you from the French Coastguard:
23 this is what's going on, on our side?

24 A. Correct, whilst the vessel -- whilst the small boat is
25 within the French search and rescue region, the French

1 Coastguard are the co-ordinating authority , they have
2 responsibility .

3 Q. Yes.

4 A. But the French Coastguard have and continue to share the
5 tracker , as the Inquiry has heard about, and that
6 enabled HM Coastguard to take proactive action in being
7 able to deploy assets before it enters the UK search and
8 rescue region and there is any responsibility on
9 HM Coastguard, to ensure that asset is in the location
10 of crossings to be able to effect a swift rescue .

11 Q. But as I say, that simply serves to underline the
12 importance of getting early notice from the French of
13 what was happening and as we saw in the August reports ,
14 that was a persistent problem and it turned out to be
15 a problem on the night?

16 A. Correct . And as you have seen through evidence , in
17 liaison meetings with the French Coastguard, we
18 continued to press for that information to be shared and
19 in fact the Mancheplan, which is the regional SAR
20 agreement between His Majesty's Coastguard and the
21 French Coastguard, places mandate responsibility -- I am
22 not sure of the appropriate word to use -- on the French
23 authorities for sharing information with the UK.

24 Q. But would this be fair : it may have been in the
25 Mancheplan, but it was something that wasn't happening

1 in the months before and on the night?

2 A. So I think in the evidence we saw from August -- and
3 that's a snapshot of a couple of days.

4 Q. Yes.

5 A. I can't tell you throughout that period when information
6 was received or not. What I can say is that
7 HM Coastguard, through its liaison with the French
8 Coastguard, reinforced the importance of that
9 information being shared with HM Coastguard in a timely
10 manner so we could take proactive actions in terms of
11 asset deployment.

12 Q. Yes. Now going back to the question of assets, we know
13 that the Valiant was the only maritime asset which was
14 actually tasked on the night and you will have seen the
15 transcript of the call between Neal Gibson and
16 Mr Willows of Border Force discussing Valiant's tasking,
17 this, I think, was at 11 minutes past 3, and deciding
18 not to tasking another vessel.

19 Now during that call, again, you will have seen
20 this, they agreed that it was, and I quote, a dream --
21 "the dream" not to get more than one asset out.

22 Is that a view that His Majesty's Coastguard would
23 endorse?

24 A. So the view from His Majesty's Coastguard is very much
25 that an SMC tasks resource that they, through review of

1 incidents , seems appropriate , or is appropriate , and
2 they are empowered to do -- do that through their role
3 as an SMC. So no, they -- they task appropriate
4 resource as it 's required for a search and rescue
5 mission .

6 Q. Yes. Now, again, we know from that same call that they
7 calculated there were potentially 110 people on board
8 four small boats in the same area, around the Sandettie
9 Lightvessel and we know that the Valiant 's safe capacity
10 was 100.

11 And as it was put by Neal Gibson, I think, in that
12 call, they were pushing their luck for Valiant. Again,
13 standing back from this and drawing on your experience,
14 shouldn't another Border Force vessel, the Hunter, which
15 was on standby, or an RNLI lifeboat, have been tasked in
16 those circumstances?

17 A. Well, I think the SMC was making a dynamic decision at
18 the time with the information available to them.

19 Q. Yes.

20 A. And I think there was experience that the information
21 that was received by HM Coastguard was not always
22 accurate. So post-rescue, we would understand that the
23 number of persons on board was very different to what
24 actually may have been reported.

25 So the SMC deployed an asset which was an

1 appropriate asset. It had a large capacity, it had
2 a large number of crew on board to provide lookouts, it
3 was well experienced, having not only been in the
4 Aegean, as we heard from Mr Toy and having a great
5 amount of experience there, but also working in the
6 Channel since 2018. So a dynamic decision was made and
7 the vessel was deployed. If --

8 Q. The question was whether another vessel should have been
9 deployed?

10 A. That -- that's a decision for the SMC.

11 Q. Yes.

12 A. I think though, in terms of the SMC's thinking, he may
13 have considered -- and I think Mr Toy talked about
14 this -- that 100 is a figure that is -- that is placed
15 on paper, but actually dynamic decisions will be made by
16 the commander of a vessel. The Valiant also has its
17 RHIB, it also has its lifesaving equipment. So
18 whilst 100 is written on paper, I think even in Mr Toy's
19 evidence he even talked about that number could be
20 exceeded and that's a dynamic decision for him.

21 If he came across more than that number, then
22 additional assets would be requested and the SMC would
23 deploy it.

24 Q. Thank you. So far as the time it took the Valiant to
25 get to -- from its initial tasking, to get to the scene

1 of the Mayday Relay location , remember it was slightly
2 later ?

3 A. Yes.

4 Q. We know it's about two hours, and you will have heard
5 Mr Ling from the RNLI giving evidence about the speed it
6 takes lifeboats to deploy to a similar position and
7 I think he's now, at our request , provided a second
8 statement which I think you have had a chance to look
9 at. Can we have a look at that, please . It is
10 {INQ010739/1}, I hope.

11 Do you have a copy of it ?

12 A. Do I have a copy.

13 Q. We are going to be very old–fashioned about this .

14 I've got a copy, you have got a copy and everybody else
15 will just have to do their best. This, as you see, is
16 the second statement of Mr Ling.

17 And he deals, at paragraph 6, with an estimate of
18 the time it would take the lifeboat from Dover to the
19 Lightvessel . And his estimate, you see it is
20 paragraph 9, the table is there, you have got that,
21 Mr Leat?

22 A. Yes.

23 Q. Thank you. Is 73 minutes, one hour 13 minutes, from
24 alert to arrival on the scene at the Mayday Relay
25 location . Do you see that?

1 A. Yes, I do.

2 Q. And in your statement -- and we will have this, so you
3 can look at the screen again, {INQ010098/90}, at
4 page 90, thank you, you provide your own equivalent time
5 estimate for the Valiant, this is 5.53, do you see
6 there?

7 A. Yes.

8 Q. And you say that it would have taken 1 hour and
9 22 minutes. Do you see?

10 A. Yes, I see.

11 Q. Does your estimate include time -- the time it would
12 take the Valiant to clear the port at Dover? I don't
13 think it does?

14 A. So, these are from, I believe, the entrance to the port
15 of Dover.

16 Q. Yes.

17 A. And I also make the point that these are straight line
18 calculations, as it may be.

19 Q. Quite.

20 A. And I think Mr Toy went to great lengths to explain to
21 the Inquiry that there is a number of navigational
22 hazards, it is the busiest shipping lane in the world,
23 etc.

24 Q. Yes.

25 A. And through reading the statement from Mr Ling, I --

1 I don't -- these, I imagine, are theoretical times --
2 calculated times, sorry. Not theoretical, calculated
3 times and would not take into account actual traffic or
4 navigation on the evening.

5 That would be very difficult to do in hindsight.

6 Q. Well, I think if you look at his statement, and again,
7 apologies that it's not on the screen, we will see there
8 the factors that have been taken into account and you
9 remember, he mentioned in his evidence that he had
10 consulted the coxswains about all of this?

11 A. Yes.

12 Q. So I think there is a good deal of experience behind the
13 estimates, but can I just ask you to answer the question
14 I posed that -- if we can have it back, please,
15 {INQ010098/90}, thank you. The question I posed to you
16 was: don't we have to add on to your estimate time for
17 the Valiant to clear the port at Dover?

18 A. From what I'm reading there, yes.

19 Q. Yes. And let's say 10 minutes or so. I mean, in other
20 words, hoping for the best. I think in practice it took
21 considerably longer on the night, so that would take us
22 up to an hour and 32 minutes therefore, is that fair?

23 A. Yes.

24 Q. Whereas, I think Mr Ling's analysis -- and again,
25 I'm afraid everybody else will just have to rely on you

1 and me for this -- does take that into account, you will
2 see.

3 However, what we do know is that all of this is
4 theoretical and hypothetical and there are all of the
5 variables that you were mentioning.

6 A. Yes.

7 Q. Quite right. What actually happened, again, we also
8 know, is that it took the Valiant about two hours to get
9 there?

10 A. I think it was about an hour and 50, from memory.

11 Q. I think it was about an hour and 58. So let's not
12 quibble about the two minutes. Was that an acceptable
13 response full-time for a search and rescue operation?

14 A. So I think the time that the Valiant was deployed, the
15 incident was still under the co-ordination the French
16 Coastguard, the vessel was underway and the Valiant was
17 an appropriate asset to be deployed.

18 Q. So that was a response consistent with the test we see
19 in the search and rescue material of immediate response,
20 two hours?

21 A. So immediate response is about delivering a response.
22 It doesn't mean the response will be there immediately.

23 The same could, I guess, be said in terms of someone
24 in cardiac arrest requires an immediate response. There
25 is not always an ambulance at every corner, they have to

1 travel .

2 Q. May be --

3 A. So the SMC made a judgment, from what I can understand,
4 on deploying the Valiant because of its capacity , the
5 number of crew on board, its height of eye, its
6 experience , etc, but his choice of asset is only
7 something the SMC can answer.

8 Q. Right. Thank you. But just in terms of the RNLI that
9 night , turning from Border Force back to them, we know
10 that none of the stations or assets serving the
11 Dover Strait that they had, were off service that night
12 were they?

13 A. No, that's correct . They were all available .

14 Q. So to your knowledge, there was no reason why they
15 couldn't have been tasked?

16 A. That's correct .

17 Q. Thank you. So far then as the situation after the
18 incident , and bringing this up to date, is concerned, we
19 know, from other evidence , that the Border Force now
20 has, I think , a total of five crew transfer vessels .
21 One came in, in the summer of '21 and then four more
22 were added the following year as part of Operation
23 Isotrope .

24 We know that there were going to be three fast
25 reconnaissance vehicles due to be operational in the

1 third quarter of last year. Has that come into effect ,
2 do you know?

3 A. So the crew transfer vessels , recovery vessels , they are
4 all in place .

5 The fast craft that you refer to, I am unsure.

6 Q. Okay. Thank you. But so far as the maritime assets
7 that you are now able to call on, do you believe that
8 you are now able to call on sufficient maritime assets
9 to respond to small boat incidents ?

10 A. The asset available to HM Coastguard through
11 Border Force Maritime --

12 Q. Yes.

13 A. -- the RNLI, etc, is appropriate with the risk , the
14 challenge that we see at this time.

15 Q. Yes.

16 A. And is -- and will be under constant review .

17 Q. Now, in the evidence -- and you have touched on this
18 already I think -- we heard not least from
19 Border Force's own witnesses , including very senior
20 people, that their vessels available to you for tasking
21 in November '21 were not designed for search and rescue .

22 Does that still remain the case in terms of the
23 vessels currently being made available to you?

24 A. So, the vessels made available by Border Force Maritime
25 that their design was for crew transfer vessels as has

1 been explained to the Inquiry .

2 Q. Yes.

3 A. And they have great capability , in terms of a large deck
4 space, the ability to embark a large number of persons .

5 So those -- those vessels have also been modified and
6 are a suitable asset . But I think all responders in the
7 Channel are having to continually review their response
8 and we -- we see from the RNLI, they are continually
9 evolving tools to support their purpose built rescue
10 craft .

11 So as it stands today, the vessels are continuing ,
12 on a near daily basis , to rescue hundreds if not
13 thousands of people, but it 's something that I think all
14 of us need to continually review and as tactics , small
15 boat sizes , etc, change, we will need to review and
16 adapt as the challenge adapts .

17 Q. Are there -- looking at the current situation , the
18 current vessels available to you, are there still
19 limitations on their use? For example, restrictions on
20 their safe deployment, as the wave height approaches or
21 exceeds a metre?

22 A. So, the crew transfer vessels and the over 1 metre wave
23 height is actually something during my time in post in
24 Dover was something that worked closely with the RNLI
25 on .

1 In 95% of occasions, the sea conditions are --
2 consistent with small boat crossings are less than
3 a metre. So therefore they are absolutely appropriate .
4 There are occasions where that isn 't the case, but the
5 RNLI will be deployed either to perform the rescue
6 alongside a crew transfer vessel , or act in the capacity
7 as a -- a supporting asset in the event that something
8 was to go wrong.

9 But the occasions where people make the crossing in
10 significant wave height above a metre is -- is very low.
11 And the plan that is in place is , in my view,
12 appropriate with staff knowing and being made aware that
13 when they do happen in the significant wave height , not
14 only is the CTV deployed, but also a request to the RNLI
15 to launch as well .

16 Q. But would that be an example of something, that
17 limitation , which you have mentioned, that you, as
18 an organisation , would expect to carry on working on to
19 produce ever more improved resources for your search and
20 rescue work?

21 A. Yes, I think as I said , there 's a -- there's a constant
22 review that needs to be undertaken around all of this
23 and will be something that whilst small boat crossings
24 occur, all organisations will work together to modify
25 and adapt resource that 's available , to support the

1 rescue mission .

2 Q. Thank you. Can we now turn to the question of aerial
3 assets and go back to your statement, please ,
4 {INQ010098/101} and page 101.

5 Now, in paragraph 6.12.3 there, you say in relation
6 to the night :

7 "The MCA had plans in place such that, in the event
8 a fixed –wing aircraft was unable to fly , other
9 alternative aerial options were available to it "

10 And then you explain what they were.

11 Now, in terms of, there, of the rotary wing part of
12 the assets, the Coastguard aviation tactical commander
13 has expressed concerns to us about the use of that asset
14 as a plan B, where, as happened, the fixed –wing flight
15 doesn't fly .

16 The way he put it was that the helicopter was, as it
17 were, the Crown jewel of search and rescue aerial assets
18 because it could get involved in rescues as well as
19 searching, so if the tasking -- the relevant tasking was
20 merely conducting a search or a patrol, he would prefer
21 to hold back on the helicopter for, as it were, a more
22 appropriate use.

23 Let me ask you then, was it appropriate to rely on
24 the SAR helicopter for surveillance ?

25 A. Yes. So it very much -- you might call it the plan B,

1 it was another option available . So whilst the
2 fixed –wing asset would be the primary because of its
3 endurance on scene , the search and rescue helicopter ,
4 able to operate at low altitudes with appropriate
5 technology on board , was another consideration .

6 And as we saw on the night , the aviation tactical
7 commander, when finding out that the fixed –wing was
8 unable to fly due to weather and safety concerns with
9 diversion airfields , then deployed the search and rescue
10 helicopter to enable HM Coastguard to have a maritime
11 domain awareness picture .

12 Q. Yes. Would you agree with his view that apart from the
13 helicopter , R 163 in this case, that there was no other
14 contingency plan in place for when 2Excel can fly ?

15 A. I think there is 163. There is also nine other
16 helicopter locations across the UK where asset could be
17 moved from. There's also , under the Mancheplan, for
18 example, arrangements where asset from the French
19 Coastguard as well as reciprocal agreements with the
20 Belgians , the Dutch. So there was arrangements in place
21 for alternative asset if required .

22 Q. But this was the very point , and I think you are getting
23 at this by your reference just a while ago to plan B,
24 that the MAIB was making about the air assets , wasn't
25 it ?

1 If we go to their report, {INQ010445/93} and
2 page 93, paragraph 13 within that, this is the
3 conclusions of MAIB, the third line -- fourth line.

4 "Although JRCC tactical commanders understood that
5 the absence of a fixed-wing flight would negatively
6 affect their ability to understand what migrant traffic
7 was crossing, there was no predetermined contingency
8 plan for achieving surveillance during poor visibility
9 or other situations where fixed-wing aircraft were
10 unavailable ..."

11 And if you then go to -- sorry, just to complete
12 that:

13 "... and they were left to try and engineer
14 a surveillance solution. Although the lack of aerial
15 surveillance was a foreseeable occurrence the
16 detrimental effects of its absence had not been fully
17 recognised and no backup procedure was in place."

18 Do you agree?

19 A. No, I don't agree and as we saw on the evening, the
20 search and rescue helicopter was deployed to perform
21 that task. And I also -- and I don't fully -- I am not
22 sure if the context is how I am reading it in terms of
23 foreseeable, but as we know on that night, up until
24 quite late in the evening, the fixed-wing capability
25 was -- it was tasked, it was going to be proceeding and

1 it was quite late in the evening/early in the morning
2 that actually due to safety concerns that didn't occur.

3 So I believe that there was the rotary capability
4 available as was deployed.

5 Q. Do you agree that there was no predetermined contingency
6 plan for achieving surveillance during poor visibility
7 or other situations where fixed-wing aircraft were
8 unavailable?

9 A. No, because we deployed the search and rescue
10 helicopter.

11 Q. So are you saying there was a predetermined contingency
12 plan?

13 A. I -- in my opinion, yes. It's a tool that the
14 commanders have available to them and they will utilise
15 those tools. So was there a set documented plan?
16 I can't say for certain. But was there a plan and did
17 it actually come to fruition on the night? Yes, it did.

18 MR PHILLIPS: Thank you very much.

19 Sir, would that be a convenient moment?

20 SIR ROSS CRANSTON: Yes, let's come back at 2 o'clock.

21 Thank you.

22 (1.02 pm)

23 (The Lunch Break)

24 (2.00 pm)

25 SIR ROSS CRANSTON: Yes, Mr Phillips.

1 MR PHILLIPS: Mr Leat, we were talking about aerial assets
2 and what I would like to do now please is to look
3 forward to the situation today. So can we go back to
4 your statement, please, {INQ010098/31} and page 31,
5 please.

6 Because here, and you have mentioned it actually
7 a couple of times already, Project CAESAR, here, you
8 explain -- I will just summarise because it is quite
9 detailed that additional aerial asset capability was
10 achieved in 2022 through this Project CAESAR. And you
11 give the details there, the -- I think they are called
12 Schiebel drones and the DA62 fixed-wing aircraft
13 providing an increased flying time of, I think, a total
14 of up to 16 hours a day. And, of course as you point
15 out, live video imagery to you at Dover?

16 A. Yes, that's correct.

17 Q. Thank you. Can you tell the Inquiry whether there have
18 been any other increases or changes in the aerial asset
19 capability?

20 A. For His Majesty's Coastguard -- pardon me -- no.

21 Q. Yes.

22 A. CAESAR continues to run and will continue into the
23 future. I think as the Inquiry heard from Mr O'Mahoney,
24 Home Office have also enhanced aeronautical capability
25 both through unmanned vehicles and drones and also

1 a fixed-wing capability as well.

2 Q. Thank you, but just sticking to the Coastguard for the
3 moment. Do you, as an organisation, consider that these
4 aerial assets are sufficient to give you a reliable
5 maritime picture?

6 A. Yes. I -- I do. The assets have been invaluable to the
7 work that we do in the Channel. Since first coming in,
8 in March, they have really aided search and rescue
9 mission co-ordinators. Having a live video feed has
10 assisted in the ability to review those on board small
11 boats and understand the level of distress that's
12 ongoing, as well as being able to get a more accurate
13 picture in terms of how many persons or casualties there
14 are on board.

15 Q. Thank you. Just for the transcript, when you
16 mention March you mean March '22, don't you?

17 A. Yes, that's correct, March 2022.

18 Q. Which you set out there in 2.22. Yes, thank you. And
19 in terms of the adequacy of the assets, the aerial
20 assets which you have now got, does that apply, is it
21 still the case, in all weather conditions?

22 A. So with any aviation asset, the weather is always going
23 to be a factor, but I believe what we have now both
24 between His Majesty's Coastguard as well as the
25 Home Office, there's a suite of aeronautical assets

1 available that are able to respond in pretty much any
2 weather condition .

3 Q. And picking up the point about the night that we were
4 discussing before lunch, do these assets now provide
5 adequate mitigation, a plan B point, in circumstances
6 where the fixed-wing can't operate?

7 A. I believe they do. And I believe this is also
8 complemented or supported by technology that colleagues
9 within the Home Office — they described in
10 Mr O'Mahoney's evidence. So actually it's having
11 a layered effect of different tools to be able to
12 provide the domain awareness.

13 Q. Thank you and following on from that, can you confirm
14 that the Coastguard gets access to, if I can put it this
15 way, the product of the Home Office, the Border Force's
16 aerial assets?

17 A. Yes, I can confirm that. There is a very good working
18 relationship between Home Office and the HM Coastguard
19 and information is shared from them.

20 Q. And are those Home Office Border Force assets available
21 to the ARCC for tasking or re-tasking if required for
22 search and rescue or SOLAS purposes?

23 A. The aviation, the assets that are there — without
24 trying to go too technical, the drones, for example,
25 have to stay within a specific area, that's due to

1 airspace regulations . And if the team that's
2 responsible for delivering search and rescue for
3 HM Coastguard, be that in Dover or elsewhere in the
4 national network, then they are able to engage directly
5 with Home Office personnel to have that asset support
6 the search and rescue mission .

7 Q. Thank you. Just, again, looking at problems on night .
8 If you remember, one of the difficulties faced by 2Excel
9 was the lack of suitable diversion airfields and the
10 Inquiry has had evidence about the category A problem,
11 the category B tasking, etc. And in the circumstances
12 which then pertained, airfields were not compelled to
13 accept a diversion .

14 Now, the evidence we have received from 2Excel is
15 that ad hoc arrangements have now been made by them with
16 individual airfields to enable their use as diversion
17 airfields in those circumstances . Have His Majesty's
18 Coastguard been involved in that process?

19 A. Only to be the -- His Majesty's Coastguard have been
20 given assurances by 2Excel that they have undertaken
21 plans -- sorry, engagement to facilitate those, those
22 airfields .

23 Q. Yes. And as far as aware, based on your knowledge of
24 current operations, are there still continued issues in
25 relation to this question of diversion airfields ?

1 A. Not that I am aware of. But I am not an expert in
2 aviation .

3 Q. Of course, thank you. Are you able to comment on this
4 question, though; would it in your view and again based
5 on your experience, be desirable or necessary for UK
6 airfields that are open, to be compelled to accept both
7 category A and category B aircraft diversion ?

8 A. I think it -- on the face of it, it sounds wholly
9 logical . However, not being an aviation subject matter
10 expert, I am not sure I am best placed to comment, but
11 the principle sounds appropriate .

12 Q. Thank you very much. So moving, then, from the question
13 which took up a good deal of time before luncheon,
14 resourcing and preparedness .

15 A. Yes.

16 Q. The next big theme is co-operation with the other
17 stakeholders involved in search and rescue. Just first
18 of all, looking at the situation before the incident,
19 and again, we have been over this, but the situation in
20 terms of the involvement of Border Force is this, isn't
21 it: that until sometimes in 2018 they had no, or
22 minimal, role in that process, is that correct?

23 A. To the best of my understanding, yes .

24 Q. Thank you, but we also know that by the time of the
25 incident and indeed, today, that they are heavily

1 involved in the search and rescue of small boats?

2 A. Yes, that's correct .

3 Q. In terms of then of the relationship between

4 Border Force and the Coastguard, the evidence we have

5 received is that at the time of the incident there was

6 no written agreement or memorandum of understanding in

7 place between Border Force and the Coastguard, is that

8 correct ?

9 A. Yes, that's correct .

10 Q. Do you know why that was?

11 A. I do not know why that was. But I am certain that that

12 has no -- or had no impact in the working relationship

13 or how Border Force made their assets available as

14 additional facilities to HM Coastguard. And it's still

15 the case today. There is a very, very good working

16 relationship between His Majesty's Coastguard and UK

17 Border Force and wider Home Office colleagues .

18 Q. So that, as far as you are concerned, the work -- the

19 working relationship is a very good one?

20 A. Correct .

21 Q. But is it also right , please confirm, that it remains

22 the case that there is no written agreement or

23 memorandum between the two organisations?

24 A. Yes, to my understanding, there's no memorandum of

25 understanding between His Majesty's Coastguard and UK

1 Border Force, but that doesn't stop the response, as we
2 see daily at the moment.

3 Q. So would you not accept that a written agreement setting
4 out the respective roles and responsibilities would have
5 been desirable then and would be desirable now?

6 A. I am not sure what -- it wouldn't add anything, in terms
7 of our response.

8 Organisationally, we work together, we plan
9 together, as the Inquiry's seen through disclosure.
10 Regular meetings and liaison occur and assets are made
11 available as additional facilities for search and
12 rescue. So it would only be a form of governance and
13 that's not taking anything away from governance, it is
14 an important thing. However, it wouldn't change the
15 events that happened on the 24th of November, nor would
16 it change how we operate today continuing to provide
17 a search and rescue service.

18 Q. But those points you have made would, presumably, also
19 apply to your relationship with the RNLI, but we know
20 that there was an agreement from 2010 and then
21 a memorandum of understanding from 2020. What's the
22 difference?

23 A. So, I think the 2020 -- sorry, 2010 agreement, as it's
24 labelled, isn't actually a memorandum of understanding.

25 Q. No.

1 A. It is a specific agreement on terminology for broader
2 search and rescue and specific search patterns. The
3 document in 2020, the memorandum of understanding, that
4 sets out a relationship -- because the RNLI is a
5 declared asset to His Majesty's Coastguard and sets out
6 how we will work together, not only in the English
7 Channel but across -- more importantly, it is across the
8 whole of the UK within the UK search and rescue region.

9 So there is an MOU there, but I don't see -- it, it
10 may be post this, you know, Inquiry that an MOU may be
11 produced between HM Coastguard and UK Border Force, but
12 I think it's important for the Inquiry's awareness is
13 that that won't change the operational working
14 relationship or the response that happens on a daily
15 basis.

16 Q. That's a different point. The question is whether,
17 given that there is one, in 2020, a memorandum of
18 understanding, for what were obviously thought to be
19 good reasons, why there isn't one with Border Force and
20 if there isn't one now, why there shouldn't be one in
21 the future? For all of the good reasons you have given
22 about the RNLI?

23 A. So I am unable to answer why there hasn't historically
24 been one. I think looking forward, it will be something
25 that our leadership, including myself, will be able to

1 consider moving forward.

2 Q. Thank you. So far as the RNLI is concerned, as we have
3 discussed at the time of the incident in November '21,
4 they were under enormous pressure and in that context,
5 can I just ask you about a specific point of liaison
6 between the two organisations.

7 This relates, Mr Leat, to your policy to classify
8 all small boats within the UK search and rescue region
9 in the Dover Strait as being in distress.

10 A. Correct.

11 Q. Do you recall, as a matter of interest, when that policy
12 was implemented?

13 A. I do not recall when that was implemented, but what I do
14 know is that that information was shared with the
15 regional manager of the RNLI in October 2021.

16 Q. Thank you. And going back to the policy decision, are
17 you able to help us, as the corporate witness, as to why
18 that policy was implemented?

19 A. I believe at the start of my evidence we talked about
20 the challenges with small boats and if we look
21 specifically in terms of the -- the very unsuitable
22 craft, the construct of them, they are not built to any
23 specific standard, those persons that embark don't have
24 the appropriate lifesaving equipment, they are not
25 provided with the appropriate training, they have no

1 mechanism for being at sea and able to call for help.

2 So it's for those reasons and in my statement I go
3 into much further detail around that. That is why the
4 organisation viewed that these vessels are to be
5 categorised in the distress phase.

6 Q. Right. Well, the specific thing I wanted to raise with
7 you and you have anticipated it in the evidence you have
8 just given, is that Mr Ling explained that he had not
9 fully understood until, I think, he said December that
10 year, '21, that the Coastguard considered a vessel was
11 in distress once it passed the median line.

12 I mean, that's a very important point, isn't it?
13 It's something that should have been communicated, or
14 communicated better or more effectively, to the RNLI?

15 A. What I do know is that was shared with the regional
16 manager --

17 Q. Yes, you said.

18 A. -- of the RNLI. Why that was not in Mr Ling's
19 awareness, I can't comment on.

20 Q. No.

21 A. I think though what can be shown is that the very swift
22 action and engagement that took place in -- after that
23 event, where RNLI managers engaged with HM Coastguard
24 and then consulted or engaged with the crew at the said
25 lifeboat station, shows that there was an awareness, it

1 wasn't new information to that regional team. Whether
2 it was in the sphere of Mr Ling's awareness, I can't
3 comment on.

4 Q. Okay. Going back to this question of MOUs and you have
5 explained your position on that. I think I should also
6 show you, in the post-incident phase, the MOU which came
7 into being as a result of Operation Isotrope. Can we
8 look, please, at {INQ008944/1}. This is, as you see,
9 a revised version, version 2 of a memorandum of
10 understanding between the Ministry of Defence, the
11 Home Office and the Department of Transport, which we
12 know, from the evidence, that was put in place for
13 Operation Isotrope when, as you explained earlier, the
14 Ministry of Defence had primacy, subject to the
15 qualification you gave, for responding to small boat
16 crossings.

17 And at this time, in 2022, you, I think, had taken
18 up your new role as Assistant Chief Coastguard Migrant
19 and Security Operations?

20 A. Yes, that's correct.

21 Q. So presumably, you were very well aware of this document
22 and the work that went into it?

23 A. Yes, that's correct.

24 Q. Thank you. And I don't want to take you through it.

25 You will have seen it before, you must be very well

1 aware of it. But it defined, didn't it, the respective
2 roles of the organisations involved in small boat search
3 and rescue during Operation Isotrope?

4 A. Yes, that's correct.

5 Q. Then going back to the questions I was asking you
6 before. Isn't there a strong case for putting in place
7 MOU of this kind to clarify respective roles and
8 responsibilities between Coastguard and Border Force?

9 A. I think this MOU was put in place because of the change
10 of primacy and the lead agency, as such. But in terms
11 of an arrangement with the Home Office and MOU between
12 HM Coastguard and the Home Office, I can see how --
13 where your view is coming from and I am sure that's
14 something that, organisationally, we can take away and
15 look at.

16 Q. Right. So far as the RNLI MCA agreement is concerned,
17 again, we touched on this, the agreement and the MOU.

18 A. Yes.

19 Q. We were told, I think by Mr Ling, that the agreement has
20 been under review for I think he said some years and he
21 was hoping, perhaps against the weight of history, that
22 it would be finalised in May this year.

23 Does that accord with your own understanding?

24 A. Yes, it does, yes.

25 Q. What about the situation with the MOU, is that under

1 review and is that also going to be finalised ?

2 A. So the MOU is the document that Mr Ling refers to in
3 terms of May, to be --

4 Q. Oh, I see.

5 A. -- looked at.

6 Q. Thank you.

7 A. And then after that, once that's been completed as the
8 strategic document, any underlying documentation would
9 they be appropriately be updated, modified, etc.

10 Q. Thank you. On the question of joint working and joint
11 exercises between the various stakeholders, again,
12 Mr Ling's evidence to us was that there had been, to
13 date, no formal joint exercise between Coastguard,
14 Border Force and the RNLI and that, in effect, there
15 should be more of that kind, joint training involving
16 all stakeholders.

17 Would you agree?

18 A. Yes, I would agree and I think since the event in 2021,
19 there's been various exercises, both in a table-top
20 fashion and a practical fashion, at differing levels.
21 But I would agree that it's really important that all
22 organisations involved in the continued response to the
23 small boat crossings continue to engage and exercise as
24 we move forward.

25 Q. Well, there is an obvious case, isn't there, for all of

1 those involved to undertake joint training exercises ?

2 You are working together .

3 A. Correct , we are working together . We are working
4 together on a daily basis , delivering live operations .

5 Q. Yes.

6 A. So that is a good way for training . But that doesn't --
7 that -- sorry, but it also means that we can take time
8 out with those live operations to then look forward and
9 plan exercises for future .

10 Q. Yes. And do you think that those joint training
11 exercises should also involve the French?

12 A. I think exercising with colleagues in France has some
13 potential .

14 Q. Well, we are told the relationship is very much better
15 and things are working well .

16 A. Yes.

17 Q. So, why not?

18 A. It 's very good. I think the challenge that -- that all
19 organisations actually have is the days when a practical
20 exercise would be best to be undertaken are the days
21 when it 's likely that crossings may occur. So there is
22 a challenge in co-ordinating when an exercise could be
23 undertaken in a practical sense.

24 But absolutely , engagement and exercising across all
25 stakeholders , as well as exercising with colleagues in

1 France is an appropriate thing to do.

2 Q. Indeed.

3 A. And I --

4 Q. Sorry.

5 A. Apologies, yes.

6 Q. No, please continue.

7 A. The final thing I would say is that exercising doesn't
8 need to occur with everybody at the same time.

9 Depending on the objective of the exercise, it may be,
10 for example, that an exercise happens between the RNLI
11 and UK Border Force and HM Coastguard may not need to be
12 involved. Likewise, there's an exercise where
13 HM Coastguard is leading co-ordinating. So different
14 exercises will achieve different outcomes.

15 Q. Yes. Focusing on the question of joint exercise
16 including the French Coastguard, are you aware of any
17 arrangements in place at the moment for that?

18 A. So I do know that in the regular meetings that occur,
19 conversations occur around new themes, tactics, etc and
20 therefore, they are deemed in my mind as a table-top
21 exercise. It may not be a practical exercise, but
22 there's continued engagement and learning amongst
23 parties.

24 Q. But in terms of my question about whether there are
25 plans in place for future joint training with the

1 French, is the answer no?

2 A. I believe that there are exercises planned. Within
3 Coastguard we have got a board that specifically looks
4 at training and exercising and I know that our lead that
5 is in the role that I was during 2022, he's
6 co-ordinating with partners to look at an exercise
7 programme for the future.

8 Q. Okay. Can you give us any idea of when they might take
9 place?

10 A. Unfortunately, I don't have that detail.

11 Q. Thank you. Then on the RNLI's triage protocol, Multiple
12 Persons in the Water, let's just have it up on the
13 screen, the card, please. It is {INQ009006/1}, and you
14 have heard the evidence about it.

15 A. (Nods).

16 Q. Has this protocol been adopted and incorporated into
17 your policies, procedures and guidance?

18 A. Yes, in short. The work and actually the flowchart we
19 can see here, was work that was commissioned by
20 HM Coastguard through its medical director. The RNLI
21 then -- then worked alongside and -- and created
22 a different flowchart, but it achieved the same outcome.

23 Q. Yes.

24 A. This is now in trial, effectively, in the southeast. So
25 it's available, it's written in policy, there is

1 guidance to support that. And I think, as Mr Ling said
2 in his evidence, this is now about gaining useful
3 insights from live events as well as then taking this
4 Multiple Casualty in the Water triage tool to events
5 like the IMRF, where Dr Paddy Morgan, our medical
6 director, spoke and then looking to see how this can be
7 incorporated internationally.

8 Q. So just to be clear, it is still in trial.

9 A. (Nods).

10 Q. Do you know what the programme is for getting it fully
11 in force?

12 A. So I think -- I think Mr Ling talked about there needs
13 to be cases to test this -- this tool. So thankfully,
14 they don't occur on a regular basis. So we are
15 continually reviewing it and at an appropriate point, it
16 will be transitioned into not a trial. But the tool is
17 available to both RNLI staff and HM Coastguard staff are
18 aware on the Coastguard information portal.

19 Q. Yes, well, I think he told us that it actually been
20 followed and worked successfully in practice. So as far
21 as they are concerned, it has had, as it were, a real
22 life trial.

23 Are you able to give us a timeline for when you
24 think it will stop being in trial for Coastguard and be
25 fully in practice?

1 A. Unfortunately , I am not able to give a timeline on that.

2 Q. Thank you. Is there anything else that you think needs
3 to be done in order to give this wide currency and make
4 it more universally adopted? Is it something that ought
5 to be taken up, for example, with the IMO?

6 A. So, I think we are on that journey now in terms of
7 Dr Morgan briefed the IMRF. That is about sharing this
8 with international partners .

9 Q. Yes.

10 A. I believe Mr Ling has actually spoken on this as well in
11 the international forum and it is now about getting
12 feedback and views from across the global search and
13 rescue community, for this then to be considered to be
14 taken into international guidance or legislation .

15 Q. Does the Coastguard have a role in that? Is there
16 something that you can do to assist that process?

17 A. I think we are doing that . We have started the ball
18 rolling in terms of raising it at the IMRF and it is
19 something that , as we learn and understand this tool , we
20 will continue to push forward .

21 Q. When did you first start using it on a trial basis?

22 I should have asked you that . Do you know?

23 A. I am unable to recall that date.

24 Q. Right . Some years ago?

25 A. Yes. But I am uncertain in terms of the date. It would

1 be listed in the Coastguard information portal .

2 Q. Yes, I am just trying to get an idea of how long it 's
3 been in trial , you see .

4 A. I suspect it 's been in trial for perhaps 18 months and
5 these are me making educated views on a date .

6 Q. Yes.

7 A. But I think what's important to note is that thankfully ,
8 whilst there have been a few cases that Mr Ling
9 referenced , this isn 't something used on a daily basis ,
10 which to me is a positive . So therefore , the trial will
11 be in place as long as the trial needs to be in place ,
12 so that we can assure ourselves that the tool is
13 suitable .

14 Q. Thank you. So the next theme or topic is situational
15 awareness and I want to start , if I may, with this
16 question of the French tracker and the delays in
17 receiving it which we saw, in the earlier material ,
18 in August that year .

19 And I don't want to take you back to all of those ,
20 but the two August reports , Mike Bill 's email, show that
21 it was a persistent and, by the look of it ,
22 long-standing problem that was having an impact on
23 Dover's ability to respond. Otherwise, it wouldn't have
24 been mentioned and recommendations. All of that ,
25 I think we have seen .

1 And you have explained how requests were made by the
2 Coastguard in meetings with your French counterparts
3 for — how can I put it — improvements in, I think,
4 late 2020 and the summer of 2021.

5 But given what happened on the night, when it came
6 very late with a lot of information, including the boat,
7 the one we are concerned with, nearly at the median
8 line, it looks as though by then there hadn't been
9 a material improvement in the French's performance, is
10 that fair?

11 A. I think from evidence that I've seen and what we have
12 talked about today, I think that the tracker did not
13 always arrive as early as we would want so that we could
14 take proactive action as early as possible to deploy
15 resource to the median line.

16 Q. The system that was in place on night depended on the
17 French Coastguard, them sending it over. Can you help
18 us with this question: was consideration given at the
19 time, to sharing, ie in the same way that you share the
20 live tracker with Border Force, and proceeding in that
21 way?

22 A. So at the time, I am unable to comment, but what I can
23 say is that now there is a live document —

24 Q. Yes.

25 A. — that enables near realtime sharing of information.

1 So that challenge should no longer occur.

2 Q. No and I was going to ask you about that in a moment,
3 but I mean, yes, the evidence we have received is that
4 the precise problem we are talking about was addressed
5 by a live internet –based tracking and identification
6 system accessible to you.

7 A. Correct, yes, ourselves and the French Coastguard.

8 Q. Exactly. Now, that wasn't in place at this time,
9 in November '21. Are you able to help with this: was
10 consideration given to regular chasing of the French
11 during a shift? In other words, rather than waiting and
12 waiting and waiting, for some hours in the case of the
13 shift we are concerned with, putting in place, as it
14 were, a diary, a reminder, to keep pressing them,
15 I don't know, every hour during evening?

16 Had any consideration been given to that, as far as
17 you know?

18 A. I'm unable to -- to comment as such in terms of that.

19 Q. Thank you.

20 A. But I do think it's really important to stress that it's
21 a requirement for that information to be shared with us.

22 Q. Yes. And as far as you are aware now, based on your
23 reading of the material etc, were any other processes or
24 procedures put in place at Dover to mitigate the impact
25 of this to the effects of these delays?

1 A. Not that I can recall , but there 's so much information
2 I've had to read , like yourself , I am sure.

3 Q. Of course . Then turning to the night itself and again ,
4 we discussed this , but we know that that in the early
5 part of the evening in a call between Mr Gibson on the
6 one hand and Mr Barnett at the JRCC, Mr Gibson referred
7 to the French , and I quote "not playing ball " by not
8 sending their tracker until hours after they were aware
9 of the activity . And we know , of course , more
10 importantly , that on the night , the tracker from the
11 French didn't appear for the first time until , I think ,
12 just before 1.00 am?

13 A. Correct .

14 Q. Yes . Can we look at your witness statement on this
15 point , please , and this is {INQ010098/110} , at page 110.
16 It 's paragraph 6.48, I think . Yes . Now , in dealing
17 with this , do you see , you begin the paragraph by
18 saying :

19 "The delay in this information [the one we have just
20 talked about] being shared had an impact on
21 HM Coastguard's SAR response. The primary impact was
22 that , had notification been received sooner ...
23 Coastguard would have been able to task the ...
24 (Valiant) sooner and it would have been positioned
25 closer to the median line to rescue the small boats ... "

1 A. Yes, that's correct. I -- I think I have explained that
2 in -- in today's session.

3 Q. Exactly. Now, against that, we have also received
4 evidence from Mr Gibson himself, the man who was, as it
5 were, in charge on night, that if they had received the
6 tracker earlier, it's unlikely -- if he had received it
7 earlier, it's unlikely he would have done anything
8 differently because Border Force would not, in fact,
9 have sent out their surface assets until it was known
10 for certain what boats were going to be in English
11 waters, and where they were.

12 Do you remember the Border Force approach of, as far
13 as I could understand it anyway, basically waiting and
14 meeting them in the middle?

15 A. (Nods).

16 Q. In practice, would receipt of the French tracker earlier
17 have made little difference if -- if Border Force were
18 not willing to send assets earlier?

19 A. So I think that that may have been misunderstood or
20 maybe not explained clearly.

21 So if His Majesty's Coastguard had the information
22 earlier, they would have -- staff would, as I referenced
23 there in 6.49, would have looked to create some
24 predictions on when vessels would enter the UK search
25 and rescue region. Through those calculations, at that

1 point, that's where the tasking of the appropriate asset
2 would be sent out.

3 Q. Yes.

4 A. So I believe that earlier information would have seen
5 the earlier deployment of an asset.

6 Q. Exactly. I mean, that, if I may say so, is just common
7 sense.

8 A. Yes.

9 Q. If you have a little more time to plan and decide how to
10 deploy your resources, it is always helpful?

11 A. Absolutely and I think at this point HM Coastguard has
12 no responsibility for any search and rescue activity, we
13 are not the co-ordinating authority.

14 But it does, and always does, take proactive action
15 to try and reduce a risk.

16 Q. Yes, but in this -- on this night, as far as we can see,
17 there was no proactive action in terms of chasing the
18 French: where's the tracker, where's the tracker?

19 A. Not that I can see.

20 Q. No. Now, the other problem, as we again have discussed,
21 in terms of situational awareness was the absence of the
22 fixed-wing cover and 2Excel's failure to fly. If we can
23 bring up, please, {INQ000235/1} and can we have up on
24 the screen pages 2 and 3 {INQ000235/2-3} of that
25 document, please.

1 This is the migrant admin log and if we look at the
2 bottom of the page now on the left , do you see the entry
14:36:27 3 for the 24th, "00:41:35"?

3 A. Yes?

4 Q. "D Jones" and then on the top of the next page
5 {INQ000235/3}, the second paragraph, you will see that
6 the maritime tactical commander and the aviation
7 tactical commander had significant concerns about the
8 dangers of the night . Do you see:

9 " ... allowing ourselves [to] be drawn into relaxing
10 and expecting a normal ... migrant crossing night
11 whereas this has the potential to be very dangerous."

12 That's in -- because of poor visibility and:

13 " ... our surveillance aircraft being limited to
14 conduct mission we [are] [misspelt] effectively blind ."

15 A. Correct .

16 Q. Now, Mr Gibson has told us that he does not recall
17 seeing this information on the night and he's also added
18 that if he had, it would have made no difference . Would
19 you not agree that this was important information for
20 the SMC at Dover to see?

21 A. Yes, I think it 's information that is appropriate for
22 the SMC to -- to know and to be aware that the asset
23 providing its -- the maritime domain awareness was, at
24 that time, the fixed -wing wasn't going to fly . It was

1 only later that the rotary is put in to provide the
2 task.

3 Q. Yes, yes. And was there -- just dealing with the thing
4 in terms of generalities, was there a process in place
5 at the time, the Coastguard, I mean, for sharing this
6 sort of information, or drawing it to the attention of
7 people who ought to know?

8 A. That, that would be something for the tactical commander
9 to -- to do. So they were aware of the information.
10 It's been entered into this log. This log would have
11 been visible to everybody within the Coastguard network.
12 But it would have been appropriate for it to be made
13 aware.

14 Q. Yes. You think the tactical commander should have drawn
15 it to the attention of the SMC?

16 A. I think that's reasonable.

17 Q. Yes. Thank you. Now looking at the situation after the
18 incident, so coming up to date -- we can take this
19 document off the screen, please -- you have already
20 addressed the question of the live tracker, where the
21 French Coastguard and you have access to what they have
22 done.

23 Just to confirm, is that system, in your view now,
24 effective? Is it doing the job it needs to do?

25 A. Yes, it -- it does -- it does the job that it needs to

1 do. It does the job well. And I think it's constantly
2 under review.

3 Q. Well, on that, I suppose being a little bit more
4 specific and remembering the problem we had in 2021, as
5 far as you are aware, is information now being promptly
6 entered onto this system by the French so that you have,
7 in effect, immediate information of small boat
8 incidents?

9 A. To the best of my knowledge, yes.

10 Q. Thank you and is there any guidance that you are aware
11 of which -- because it's now effectively, a joint
12 tracker -- which addresses the question of who should
13 input into that system?

14 A. Can you clarify the question? Apologies.

15 Q. Is there any guidance in place dealing with the question
16 of who, between the French and you, should input into
17 that system?

18 A. I think so, but I can't recall the document.

19 Q. And are you able to help with this; do the UK and France
20 jointly now seek to reconcile incidents?

21 A. I believe so, yes.

22 Q. And are there, now, consistent alphanumeric references
23 used by France, you and the Border Force?

24 A. I believe that the alphanumerics are still on the UK
25 side used and the French still use a numbering system.

1 I believe .

2 Q. So the answer to that one would be "no"?

3 A. Yes.

4 Q. Thank you. So, the next topic is communication between
5 HM Coastguard and small boats. And again, as we saw
6 from the August '21 material and other material , the
7 Coastguard was aware -- the organisation was aware in
8 2021 of the numerous problems we discussed right at the
9 start of your evidence , about communication with small
10 boats, language, bad network connectivity , unreliable
11 information , etc .

12 A. (Nods).

13 Q. Taking those in turn. Language first . The evidence is
14 that the Coastguard had a contract in place from,
15 I think , the summer of '21 with a service called
16 Language Line. An interpretation service ; that's right ,
17 isn't it?

18 A. I believe before '21, but yes, there was a service
19 available .

20 Q. Thank you. Yes, so it was in place at the time of the
21 incident ?

22 A. In place but I think , as the Inquiry has already heard ,
23 and you've alluded to there , the challenges with using
24 Language Line are that you need to sustain a call for
25 a long period whilst a translator is sourced . And the

1 organisation has gone on, since this incident , to
2 develop a tool which utilises messaging, but enables
3 translation near realtime so that that can be utilised .

4 Q. Yes, we will come to that . Thank you.

5 Let's look at your statement, at {INQ010098/52},
6 page 52 now and this is paragraph 3.28. What you say
7 there, having confirmed that the service is available :

8 "This is not typically utilised in the English
9 Channel due to the challenges [the point you have just
10 made] to obtain reliable mobile phone signals and the
11 inability on occasions to call back the casualty ."

12 And is it correct , as far as you are aware, that the
13 organisation knew, at the time of the incident , about
14 these limitations on Language Line?

15 A. The organisation was aware of how Language Line operated
16 and staff were trained in Language Line use and it was
17 a tool available to staff .

18 Q. But not typically utilised in the Channel, as you say?

19 A. Not that I am aware and as we talk about here, mobile
20 signal is -- is very patchy. It's designed for
21 land-based operations and I think the latter part of
22 that section talks about the inability to call
23 a casualty back.

24 On the night in question , specifically , actually ,
25 not many calls came via the 999 system. Therefore, with

1 a caller line identity , effectively , it gives
2 HM Coastguard a phone number. So that was lacking . The
3 other part being that if a phone is from -- its home
4 network is , say , a French SIM, it will roam onto the UK
5 emergency network, but there will be no -- there won't
6 necessarily be a phone number for us to be able to go
7 back. So there 's a number of challenges that occur .

8 Q. Yes. In the light of those difficulties , particularly
9 in the context of this small boat rescue work, are you
10 aware of any attempts by the Coastguard, before the
11 incident , to put in place other options?

12 A. Not that I am aware of. I know of the work that has
13 happened since --

14 Q. Since , yes .

15 A. -- around translation of text .

16 Q. Okay. Can we go up to the top of this page , please , to
17 3.26, because one of the obviously key pieces of
18 information to be obtained from callers from small
19 boats, if possible , is location and that's where you
20 address that issue . And the training given to your
21 officers to ask callers to hang up and dial -- do you
22 see the fourth line -- 999, so that Coastguard can get
23 a position .

24 Now, just to be clear . I think there you are
25 referring to the function whereby if a phone is

- 1 connected to a UK network, emergency services can get
2 location information and a telephone number from the
3 999 call . Is that what you are -- what's behind that?
- 4 A. Yes, absolutely . So what I am trying to say there is
5 an officer , regardless of how the call comes in, will
6 try and ascertain as much information as they can about
7 a call and actually , the ISIK information , which
8 effectively gives a location , can only be achieved
9 through the 999 system. So, at an appropriate point ,
10 an officer may ask a caller to call back on 999 for
11 a chance to get a location . So they gather as much
12 information as they can at that point -- and this is
13 something that we may do if a member of the public
14 walking the coastal path rings on a non-emergency
15 number, doesn't know where they are, the questions would
16 be asked and then it would be a case of actually : now,
17 can you call us on 999? So it 's part of the toolkit
18 that a Coastguard officer has.
- 19 Q. Yes, but even in that context, is it right to say that
20 this particular functionality was less useful in the
21 Channel since -- because the phones might still be on
22 the French network whilst being in UK waters? Was that
23 a problem?
- 24 A. I -- I think there 's no -- mobile phone coverage is
25 an interesting thing and it will go into the Channel as

1 it decides. It's physics. There is no physical line
2 that stops. And a mobile phone will connect to the
3 strongest phone network it can see.

4 So to me, it's totally appropriate after the
5 questioning has happened, this is another option for
6 someone to be able to try and gain the location of
7 somebody who is in difficulty.

8 Q. But were there, as far as you know, efforts made to
9 address this -- this potential problem anyway between
10 the two -- or other networks for people making these
11 calls, was that something which was on the radar, do you
12 think, as it were?

13 A. It's not something that -- that we have control of.

14 Q. No.

15 A. But what does happen, and I think as we see throughout
16 the incident in question, is emergency calls, whether
17 it's 999 or 112, they will go to an emergency authority.
18 So they will either come to the UK emergency services or
19 in the case of the English Channel, likely go to the
20 French emergency services, depending on the position and
21 what the strongest phone network -- sorry, strongest
22 phone signal is.

23 Q. Yes, thank you. And again, just in broad terms, were
24 there any other systems or processes that you were aware
25 of at the time of the incident which were used in this

1 location attempt? The Coastguard mobile phone, for
2 example, was that used?

3 A. So as the Inquiry has heard around the Coastguard's use
4 of the mobile phone, that was a locally adopted tool.

5 It came from --

6 Q. Do you mean in Dover?

7 A. In Dover. Sorry, yes. Apologies, yes.

8 Q. Thank you.

9 A. That came through learning through engagement with the
10 French Coastguard. They had found that the use of
11 WhatsApp was a good way in trying to gather location.
12 That was shared in the operational liaison meetings that
13 occurred between Dover Coastguard and MRCC Gris-Nez.

14 And that mobile phone, you know, was set up locally
15 and then used to send requests for a location.

16 Q. Yes.

17 A. We have now taken that product as the concept and
18 evolved it into something far greater that's available
19 across the whole of the Coastguard.

20 Q. Right.

21 A. With the appropriate SOPs etc.

22 Q. Again, we will come to that.

23 But at the time, it's right isn't it, that the
24 mobile phone, the Dover one we have been talking about,
25 wasn't integrated into your system, is that right?

1 A. That's correct .

2 Q. Why not, do you know?

3 A. So I think firstly , it was -- it was set up locally . So
4 that's why in the documentation, I think the use of
5 WhatsApp disclosed to the Inquiry , it is a very
6 different format to all of the other SOPs for
7 Coastguard. It was done on a local basis . In my view,
8 the team were trying to do the right thing and
9 ultimately , that mobile phone in its time of service
10 I have no doubt saved thousands of lives by its use.

11 It wasn't integrated because it was -- it was
12 a situation evolving at pace, learning was happening at
13 pace and it couldn't actually be integrated . And we'll
14 talk later , I am sure, about the evolution of the
15 product now.

16 Q. Yes. But the risk of not integrating the mobile phone
17 is that information might get lost , isn't it? Because
18 it's not going into your system as a whole?

19 A. That --

20 Q. It is a standalone system.

21 A. That's correct .

22 Q. That's a risk and that's, presumably, one of the things
23 you have since addressed?

24 A. Absolutely , yes .

25 Q. Thank you. Are you aware -- because you have made the

1 point that this was a local solution , so was there any
2 Coastguard guidance or policy about its use, for
3 example, on the question of whether it should be
4 answered or not?

5 A. So the only documentation that I've seen with regard to
6 the use of the phone was actually how to use WhatsApp
7 and ask for a location . There was no, from what I am
8 aware, any information around not answering the phone,
9 etc .

10 Q. No. And that -- you have now touched on another way
11 that I think was used at the time to get callers from
12 small boats to send their location . One of them was
13 WhatsApp, wasn't it?

14 A. That's correct .

15 Q. And I think Google Maps as well at some point?

16 A. I believe that might have been something that -- that
17 people shared, or tried to share a GPS position from.

18 Q. Yes. Well, the final challenge I wanted to talk about.
19 And again, as I said , we have picked all of these up
20 earlier , is something, again, you deal with in your
21 statement. And can we go now please to {INQ010098/64},
22 page 64 and your paragraph 3.81. This challenge is an
23 awareness of exaggeration in terms of the level of
24 distress with small boats, exaggeration by callers . And
25 again , based on the preparation you have done, the

1 material you have looked at, was this problem
2 a long-standing feature of the small boat work by the
3 time of the incident?

4 A. Yes. HM Coastguard was -- was having information passed
5 to it that once an incident had been concluded, it was
6 found to be not correct. I had personal experience of
7 that, not in November, but during 2022, my time in
8 the -- when I was leading the response for
9 HM Coastguard, I operated as a call-taker, effectively,
10 as a Coastguard officer, as a Maritime Operations
11 Officer and I had examples of this occurring.

12 Q. Yes.

13 A. And I think that may occur because, you know, one
14 person's view of distress is very different to another,
15 but I think what's clear -- and I've seen through all of
16 the evidence that's been disclosed and my time in the
17 Channel and leading our national network -- is it
18 doesn't really matter.

19 We will take, at face value, what is -- what is said
20 and then a response will be deployed. And IAMSAR
21 actually supports that view. Everything should be taken
22 on face value and the organisation makes the appropriate
23 response.

24 Q. Yes. Well, that's what you say at 3.84, do you see
25 there, the information is taken at face value.

1 A. Correct .

2 Q. But from the material we have seen , it looks as though
3 there was a pretty widespread belief within the
4 Coastguard that callers did exaggerate . Did that not ,
5 in practice , lead to a different approach on the part of
6 Coastguard for these kinds of search and rescue
7 operation ?

8 A. No, not at all . An appropriate response was dispatched
9 and I think the view around exaggeration I don't think
10 was just amongst Coastguard . I think it was amongst all
11 responders because often the situation was very
12 different as search and rescue units arrived on scene .
13 But I can wholeheartedly say that every call was treated
14 on face value and the appropriate response given .

15 Q. Now, is that actually right ? You remember giving some
16 evidence this morning when you were talking about
17 Neal Gibson's response and his response , in particular ,
18 to being told there were people in the water and you
19 appeared to suggest there that his response was
20 conditioned by the fact that he didn't believe them .

21 That's a very good example of what we are talking
22 about, isn't it ?

23 A. I -- through look at the transcripts , actually , I am not
24 sure whether it is in the water or on the water , so
25 I think --

1 Q. But what about the question of whether he took that
2 information at face value, which is what you are saying
3 in your statement?

4 A. Mr Gibson, from what I understand, didn't, by listening
5 or understanding, did not believe there were persons in
6 the water.

7 Q. No. Well, that's not what you are telling us was the
8 approach of Coastguard, is it?

9 A. Sorry, I am --

10 Q. The information gathered is taken at face value --

11 A. Correct.

12 Q. -- that's completely inconsistent with what you have
13 just described.

14 A. I -- I don't agree. Mr Gibson tasked resource. There
15 was a maritime asset, an aeronautical asset, to search
16 the area for that event. So a response was given.

17 Q. Thank you. But you tell us that there was no specific
18 training or guidance to deal with this particular
19 feature of small boat rescues. Why do you think it was
20 that no training was required for this?

21 A. So all small boat search and rescue is search and rescue
22 and all Coastguards are taught from day 1 that you take
23 all information on face value. And that's -- that's
24 instilled in all Coastguards throughout training, all
25 throughout our career.

1 Q. Thank you. Did the Coastguard not consider the impact
2 of continued exposure to what were thought to be
3 exaggerated distress calls on the staff and factor that
4 into risk analysis at the time?

5 A. At the time -- pardon me -- I am unable to answer that
6 question .

7 Q. Well, you are here as a corporate witness, you have
8 given a lot of evidence based on what you have read and
9 are you able to give me an answer to my question?

10 A. In terms of that specific question, no.

11 Q. Thank you. As far as you are aware, was any
12 consideration given to the risk that Coastguard staff
13 would consider that small boats were generally in less
14 severe danger than they claimed?

15 A. No.

16 Q. Did the organisation consider the risk that, whether
17 deliberately or not, calls from small boats would in
18 fact be treated by those on the frontline at Coastguard
19 in a different way to other calls from people in
20 distress in the Channel?

21 A. I am uncertain on that point, but I do know that
22 response was delivered .

23 Q. Well, Mr Golden who was involved on the night told the
24 Inquiry that whilst, as he put it, the staff answer to
25 the question of whether potential exaggeration would be

1 relevant to his decision as to whether to task an asset
2 or which asset to task was "no", at the back of his
3 mind, the idea that it could be a false alarm or a cry
4 of wolf, could potentially have some impact.

5 Do you think that was true of others as well?

6 A. I think people hearing reports which don't turn out to
7 be true, for whatever reason, may be something that sits
8 in the back of someone's mind. But as Mr Golden did
9 himself, asset was tasked and others continued to task
10 resource to any call treating it as they heard.

11 Q. It's just common sense, this, Mr Leat, isn't it?

12 If you begin to think that a lot of the calls you
13 are getting are -- the descriptions are exaggerated, in
14 the end, it will have some impact on your behaviour?

15 A. I am not sure I -- I agree with that statement.

16 Q. So you don't agree, therefore, that a widespread belief
17 that callers from small boats exaggerated levels of
18 distress could have an impact on decision-making?

19 A. No.

20 Q. Thank you. On the night in question, looking at the
21 various topics we have now covered, we know that the
22 Language Line service was not used and given what you
23 said in your statement, you can't be surprised by that
24 because it wasn't effective in the Channel, as you said.
25 But without an interpretation service, that presumably

1 left the language difficulty that we discussed right at
2 the outset still very much in play?

3 A. It made things very, very difficult .

4 Q. Yes.

5 A. And staff did and do the best that they could to glean
6 as much information from those on emergency calls .

7 Q. Yes. In terms of the Coastguard mobile phone number —
8 mobile phone, we know that there were two positions sent
9 to that phone at 02:20 and 02:21 which were missed and
10 calls were not taken, save for one which was answered
11 but was not recorded because the system wasn't
12 integrated .

13 How can I put this? Is it a fair comment to make
14 that the Coastguard mobile phone at Dover that night
15 wasn't properly monitored, first of all?

16 A. I — I think the fact that some positions , as you say,
17 were missed.

18 Q. Yes.

19 A. They weren't received . So I don't know how the SMC of
20 the night tasked that out, but they were not received .

21 Q. No and that's important information , location , as we
22 have agreed, and they were simply missed?

23 A. They — they were missed, but I think , as the Inquiry 's
24 aware, that those positions and then the relative drift
25 from those positions was well within the search area

1 that rescue helicopter 163 undertook its search of the
2 area, tragically, not finding small boat Charlie, but it
3 did identify three other small boats in that vicinity.

4 Q. Well, we will come back to the helicopter search in
5 a moment, if we may. On the question of calls from the
6 boat, we have had evidence from Stuart Downs telling
7 a caller that if they weren't connecting to UK 999 calls
8 then they were still in French waters.

9 And he explained that this was a standard practice
10 at Dover, despite it not being in any standard operating
11 procedure. Were you aware of that approach being taken
12 at Dover in November '21?

13 A. No.

14 Q. Does the Coastguard have a -- or did the Coastguard then
15 have a view on the reliability of connection to the UK
16 999 network from the middle of the Channel as an
17 indicator of whether the boat was in UK or French SAR --
18 search and rescue region, sorry?

19 A. No.

20 Q. No. Were Coastguard, as far as you are aware -- did
21 Coastguard know of these practices at Dover that weren't
22 part of the standard operating procedures?

23 A. To the best of my knowledge, no.

24 Q. No. Was it appropriate for Dover to have its own
25 practices potentially not recognised elsewhere in the

1 Coastguard network?

2 A. Are you talking about, for example, what you were
3 talking there around 999?

4 Q. Yes.

5 A. Or are you talking about the WhatsApp phone?

6 Q. Well, either, but we started with the 999. Was it
7 appropriate for a station to have its own practices?

8 A. All staff and all stations should follow SOPs as
9 located -- or produced on the Coastguard information
10 portal.

11 Q. Yes, thank you. Now looking then forward to the
12 situation today. Dealing with the mobile phone, first
13 of all, and this is the point you have mentioned on
14 a couple of occasions. There is one still in use, as
15 I understand it; is that right?

16 A. It's not a mobile phone. There's a product that has
17 been developed through bespoke development, that has --
18 it's available to all Coastguard staff. There's
19 appropriate SOP governance, etc, and training behind it.
20 It utilises a number of elements. The product is called
21 ICU. And it has the ability to gain a geolocation. It
22 has the ability to do a text translation into different
23 languages and it has the ability for video streaming as
24 well.

25 Q. And my understanding, tell me if this is right, is that

1 this system, the ICU system, enables text messages sent
2 in English from the Coastguard to be automatically
3 translated to the relevant language; is that correct?

4 A. Yes, that's correct .

5 Q. And it also has the further benefit of providing
6 positional data automatically for the mobile phone being
7 used, is that right?

8 A. The user still has to interact , but it provides the
9 information and -- yes.

10 Q. Now, with hindsight , this would have been an excellent
11 system to have in November 2021. As far as you are
12 aware, was any consideration of trying to upgrade to
13 achieve something like this undertaken before the time
14 of the incident?

15 A. Not that I am aware.

16 Q. No. And has the operation of the new system alleviated ,
17 in your view, the difficulties we have been discussing
18 about communicating with small boats?

19 A. I think it hugely assisted . I don't think it 's
20 alleviated because, as we talked about, using a mobile
21 phone to cross the English Channel is not a recognised
22 maritime tool to be able to call for distress .

23 But in terms of the situation we see today, it 's
24 hugely been advantageous and assisted us.

25 Q. Right. The other point on this that we have heard

1 evidence about, or had evidence about, is the planned
2 roll out of the Artemis mobile phone system to search
3 and rescue aircraft operating in the Channel and, again,
4 perhaps you can help on this. The Inquiry understands
5 that this will enable communications between Coastguard
6 and small boats in your SAR region even where there is
7 no mobile phone signal.

8 Is that correct?

9 A. That is an element of the system.

10 Q. Yes.

11 A. It has the ability to provide, effectively, a temporary
12 phone network.

13 Q. Yes. Has that system, the Artemis system, been
14 implemented?

15 A. Work is ongoing to implement that system and that's
16 mainly around legislation in terms of working with Ofcom
17 and also policing colleagues around legal aspects of its
18 use.

19 Q. Are you able to assist on when that's likely to come
20 into force, as it were?

21 A. I am unable to assist, but as soon as we -- we know, we
22 will absolutely let the Inquiry know.

23 Q. Thank you. And the next theme or topic is the adequacy
24 of the search and rescue operation itself. And going
25 into the detail of points on the night, first of all,

1 the Mayday Relay. You mentioned this in your evidence
2 this morning, but it's right, isn't it, that this relay,
3 the Mayday Relay on the night, was the first ever
4 broadcast for a small boat incident?

5 A. Extremely rare. Whether it's the first -- small boats
6 have been running since 2018.

7 Q. Yes.

8 A. But extremely rare.

9 Q. Yes. Can you think of one that had occurred before the
10 incident?

11 A. Not to my knowledge occurred.

12 Q. Now, Mr Gibson has told us that part of the reason for
13 his decision to issue a Mayday Relay was to get the
14 French naval vessel, the Flamant, to respond given that
15 it was the closest vessel to the boat, the last known
16 position of Incident Charlie. You remember that?

17 A. Yes.

18 Q. And in his evidence he has accepted that he didn't
19 expressly request Gris-Nez, the French, to task the
20 Flamant to the incident. So that's the sort of
21 background to these questions.

22 First, the -- His Majesty's Coastguard could have
23 directly requested the French Coastguard to task
24 an asset in a search and rescue mission in UK waters;
25 that's correct, isn't it?

1 A. Yes, through -- through Gris-Nez, through the
2 co-ordinating authority that -- that is something that
3 can be done.

4 Q. Yes, and --

5 A. No, carry on.

6 Q. You deal with this in your statement, I was going to
7 say. You have written it down so we can see it at
8 page 72, {INQ010098/72}, where you are setting out
9 articles of the Mancheplan which is something you
10 mentioned earlier. Do you see 4.17, Article 35,
11 I think --

12 A. Yes.

13 Q. -- states that:

14 "All and any assets belonging to a State Party may
15 be requested by the other State Party."

16 And then you explain, having set out two more
17 articles:

18 "Requests for the assistance of the French
19 Coastguard by HM Coastguard have been made in relation
20 to previous small boat incidents in the past.
21 HM Coastguard has also assisted the French
22 Coastguard ... "

23 Well, an example of that is, of course, what
24 happened later on the 24th, isn't it, where the French
25 came to you and said: can you help? And you did?

1 A. That's correct .

2 Q. Thank you. And that I think leads -- so we know,
3 therefore under the Mancheplan, that this could have
4 been done. Are you able to assist with this question :
5 if a direct request had been made in this way, do you
6 think it would have made a difference ?

7 A. I -- I don't know. Reading the transcripts , I think ,
8 whilst the specific language was not, you know, used "we
9 request", I think you can clearly read the conversation
10 that goes on and take that as a request being made.
11 That said, I don't know the outcome.

12 Q. Well, I mean, you will have to take it from me that
13 Mr Gibson has expressly accepted that he didn't
14 expressly request the tasking . So that would have been
15 him, as it were, expecting the French to interpret what
16 he said ; that's fair , isn't it ?

17 A. I mean, I believe he -- he made it very clear what was
18 going on. But he did not, from reading it , specifically
19 say: I request .

20 Q. No, perhaps not clear enough?

21 A. Perhaps.

22 Q. Yes. Now, in terms of the Mayday which was issued, we
23 know that the incorrect alert was used, it was an
24 urgency alert , not a distress alert . Again, do you
25 think that would have had any impact, if he had got the

1 right level of alert?

2 A. No. So the voice alert that went out was wholly
3 appropriate. The error that occurred was in the digital
4 selective calling. That went out in the urgency phase.
5 But actually, a ship's radio would still switch to
6 channel 16 and therefore, the alert would be heard. And
7 I believe there is reference in the MAIB report to
8 a number of ships that did hear, or record hearing, that
9 alert.

10 Q. Yes. Well, there is and that's my next question.
11 Should information about the responses of various
12 vessels have been recorded and if so, where?

13 A. So if a vessel had responded --

14 Q. Yes.

15 A. -- they would have been entered into the communications
16 log, or the radio log as it may have been heard, or the
17 specific incident that the response was being -- the
18 Mayday Relay was against.

19 Q. Yes.

20 A. So --

21 Q. Well, we've heard in particular about a vessel called
22 the Concerto, I think just after 03:00 on the night or
23 the early morning that vessel, it seems, contacted Dover
24 on VHF channel 16. And it looks as though Dover
25 responded to tell them to go to another channel,

1 channel 67, and await a call . Are you familiar with
2 that?

3 A. Yes, I am.

4 Q. And the Concerto was the vessel which is identified in
5 the MAIB report to have also contacted the French
6 Coastguard with information that she, the Concerto, had
7 sighted a vessel in difficulties , but was told by the
8 French, I think , that she could continue on her way. Is
9 that also your understanding?

10 A. Yes, that 's my understanding. And my understanding also
11 is that the conversation that took place between the
12 Concerto and the French Coastguard was never relayed to
13 Dover Coastguard or His Majesty's Coastguard.

14 Q. In terms of communications on channel 67, with the
15 Concerto, as far as you are aware there is no continuing
16 material on that, there is no evidence of what was said,
17 is that correct?

18 A. Yes, as far as I am aware, I -- I don't know what
19 occurred.

20 Q. No.

21 A. The vessel was sent, told to go to channel 67.

22 Q. Yes.

23 A. There's nothing after that, I'm afraid.

24 Q. There is simply no record of what happened thereafter on
25 channel 67?

1 A. No, I would -- I would imagine, and this is me making
2 a professional judgment, is that potentially that the
3 Concerto was too far away from a radio mast perhaps, or
4 the signal was not strong and that's why they then
5 contacted the French Coastguard and had the engagement
6 with MRCC Gris-Nez.

7 MR PHILLIPS: Sir, would that be a convenient moment?

8 SIR ROSS CRANSTON: Yes. So, we will come back about
9 24 past. Thank you very much.

10 (3.15 pm)

11 (A short break)

12 (3.24 pm)

13 SIR ROSS CRANSTON: Mr Phillips.

14 MR PHILLIPS: Now looking at further questions about the
15 search on the night, Mr Leat, and first of all, dealing
16 with Valiant. She arrived, as we know, about 03:24 at
17 the Mayday Relay position and found nothing and then
18 followed the drift, as Commander Toy explained to us.

19 A. Yes.

20 Q. And there, found two small boats, one underway and one
21 stopped and she went to the one that was stopped, do you
22 remember that?

23 A. Yes.

24 Q. So the Valiant found what became the first of the small
25 boats, but from that point on, it's right, isn't it,

1 that it was the helicopter R 163 airborne at about,
2 I think, 4 o'clock that did the rest of the searching
3 and was the reason why Valiant went first -- or rather,
4 after the first boat to the second boat and then on to
5 the third boat in Southwest Goodwin?

6 A. Yes, that's correct.

7 Q. And so in terms of Valiant's own role in searching, in
8 fact, once she had found the first boat, actually that
9 stopped because from there on, the helicopter was, in
10 effect, directing?

11 A. Correct.

12 Q. Thank you. Now, that takes us to the helicopter and
13 what we have heard in the evidence is that R 163 was
14 never specifically tasked to Incident Charlie. The
15 tasking given to the helicopter was to search for small
16 boats generally and also that the SMC at Dover didn't
17 tell the helicopter that a small boat was possibly
18 sinking, there might be people in the water, that there
19 was a Mayday Relay, etc.

20 Now, can -- with that in mind, can we please look at
21 {INQ003795/1}. This is a Coastguard document, and the
22 first question I wanted to ask you about is -- it is, of
23 course full of acronyms, can you help us, for the
24 transcript, please, first of all, what is an SAC?

25 A. Search area coverage.

1 Q. Sorry, rather unhelpfully, the top of the document
2 hasn't been displayed. Can we go to the very top? Can
3 you see SAC?

4 A. Yes, search area coverage.

5 Q. Thank you, and SRU?

6 A. Search rescue unit.

7 Q. Thank you very much. And on that page 1, you see under
8 the heading "TAPSIC", which I think is a mnemonic to be
9 used in giving search instructions: target, area,
10 pattern, search, information, communications.

11 Then below that under the heading "Target", it says.

12 "The SRU must be given as much information as
13 possible on the target or targets ..."

14 And then it includes those bullet points -- seven
15 bullet points below it. Including, as you can see, the
16 third point:

17 "Condition -- e.g. semi-submerged, overturned,
18 sinking ... etc."

19 Now, from the material you have seen, it looks as
20 though this SAC was not followed in terms of the search
21 instructions given to the helicopter, was it?

22 A. To the best of my recollection, no.

23 Q. Thank you. And that meant, didn't it, looking at the
24 way target is addressed here and -- that the captain,
25 the pilot of the helicopter, didn't have the information

1 he needed to perform an effective search for a sinking
2 small boat, or for persons in the water, did he?

3 A. I -- I believe he did. He was -- he was tasked to do an
4 expanding square search for a small boat. And I think
5 what's also important to note is that whilst searching
6 for a target of that size, if there were a large number
7 of persons in the water, people, when they go into the
8 water, they do spread and, therefore, actually their
9 size would be larger than, potentially, a small boat in
10 terms of the surface area that they would cover.

11 Q. I see. Well, let's look at what, as far as we can tell,
12 happened. Mr Gibson gave the helicopter a choice of two
13 search patterns. He didn't provide any specific
14 request, did he, about track spacing or sweep width?
15 And again, without knowing about the condition, the
16 point about whether it was taking on water, people in
17 the water, etc, without knowing about the condition of
18 the incident, would you agree that it would be difficult
19 for the helicopter captain to make an informed decision
20 as to which of those to use?

21 A. No. As I referred to a moment ago, in terms of the size
22 of a small boat versus a large number of persons in the
23 water, the geographical footprint of people in the water
24 would actually be larger than a small boat, so they
25 would be utilising their search tools on board that

1 state of the art helicopter --

2 Q. Yes.

3 A. -- to locate any objects . They would be looking for
4 debris , they would be looking for persons , they would be
5 looking for vessels . So it wouldn't impact -- or have
6 impacted, sorry -- the search that was undertaken.

7 Q. Well, you may not be aware that the captain himself ,
8 Mr Trubshaw, told us that determining the best sweep
9 width was: not down to us in the aircraft to do it . In
10 other words, he regarded it as the job of Coastguard.

11 Do you agree with him?

12 A. I think the crew on the aircraft are trained to perform
13 that as part of their training . However, it 's also
14 appropriate for an SMC to pass that information .

15 Q. Yes, well , that 's whether this SAC is all about, isn 't
16 it ?

17 A. It 's -- TAPSIC is about passing of the searching
18 instructions .

19 Q. And he didn't?

20 A. That was not done, to the best of my knowledge.

21 Q. No.

22 A. However, much like helicopter crews, lifeboat crews,
23 they have the training and the understanding , through
24 the IAMSAR manual, to be able to perform this function
25 if it 's not allocated by the co-ordinating authority .

1 Q. All right . Well, let 's -- on the same subject of the
2 helicopter search , let 's turn to what the MAIB had to
3 say about this and this is at {INQ010445/1}, please, and
4 page 58, {INQ010445/58}.

5 Under the heading "Sweep width and track spacing" it
6 gives , as you see there , 1.13.6, recommended sweep width
7 and track spacing based on the IAMSAR manual, taking
8 account of the environment conditions on night ; that's
9 right , isn 't it?

10 A. Correct .

11 Q. And the helicopter used a sweep width of 0.7 on the
12 night , which, as is shown there, is for searching for
13 small boats of over 5 metres.

14 So the recommended small boat search sweep width
15 was, I think I am right in saying , 0.0; is that right?

16 A. That is what's said in the tables .

17 Q. Yes.

18 A. Or is said here .

19 Q. Yes.

20 A. But if that was the case, the helicopter effectively
21 would be hovering , it wouldn't be moving?

22 Q. Yes.

23 A. So that's not appropriate . And as I talk about -- or
24 spoke about a moment ago, if there were several persons
25 in the water, the area that they would cover would be

1 that of the size of at least a 6-metre boat.

2 Q. Yes.

3 A. Being spread out in a geographical area. So the sweep
4 width of 0.7, I believe is appropriate.

5 Q. Okay. Well, let's go on to where this goes in the MAIB
6 report and see whether you agree with that. It's
7 page 78 {INQ010445/78}, paragraph 2.4.5 because there
8 you see, and you will have seen this before, of course,
9 the report concludes that the effectiveness of the
10 search for Charlie may have been affected by the track
11 spacing and the sweep width. And if you look at the
12 middle of the second paragraph there, five lines down:

13 " ... the occupants of the swamped ... [do you see
14 that] were not detected until many hours later when the
15 victims were found by a French fishing vessel. This may
16 have been because the search pattern's track spacing
17 of 0.7 ... aligned with the IAMSAR recommendations for
18 searching for boats, not people in the water, and the
19 likelihood of the victims being detected by the
20 helicopter was therefore much reduced. Effective
21 detection of people in the water required a lower track
22 spacing than that required to detect small boats and the
23 IAMSAR manual recommendation given the visibility on the
24 night was for a sweep width of 0.0 ... This effectively
25 meant that the chance of detecting those in the water

1 was negligible unless the helicopter flew almost
2 directly over them."

3 This is what you were saying about the hovering.
4 Whereas IAMSAR guidance was 0.0. And again, can I ask
5 you this question: do you agree with the MAIB's
6 conclusion?

7 A. So, I think 0.7 was an appropriate search and 0.0
8 wouldn't have been appropriate.

9 Q. Wouldn't have been?

10 A. No, because the aircraft would not have moved. It would
11 have stayed static.

12 Q. No, so you don't agree with the MAIB on this?

13 A. No.

14 Q. Thank you. Now, in his oral evidence, you may remember,
15 Mr Trubshaw suggested that the helicopter could not fly
16 an expanding square search using track spaces under 0.7,
17 but as you also know, he has since corrected that in
18 a second statement, I think we have got it on the
19 system. I am a little nervous after this morning, but
20 {INQ010743/1} please. Bingo.

21 And there it is in the paragraph 2.2, stating there
22 that the helicopter could fly any search pattern at
23 a track spacing of 0.2.

24 Do you agree with this then; that that track
25 spacing, 0.2, would have been more effective at

1 searching for people in the water or a sinking small
2 boat?

3 A. I think the track spacing would have meant the aircraft
4 wouldn't have covered as big a search area as it did.
5 It had the appropriate technology on board to be able to
6 complete that search and from reading this statement as
7 well, this is around what the aircraft could do, not
8 what Mr Trubshaw thought was appropriate to do.

9 Q. Thank you. Well, we know about the conditions on the
10 night. We know about low light, we know about poor
11 visibility. And they may well have contributed to the
12 helicopter's failure to find Incident Charlie. But do
13 you accept, today, that the effectiveness of its search
14 was hampered by the failure to give the full search
15 instructions which the SAC suggested?

16 A. No.

17 Q. And search parameters?

18 A. No, I do not.

19 Q. You don't, thank you. Now looking at the position now,
20 and the actions that have been taken on this front,
21 since the incident, in relation to Mayday Relay first,
22 the Inquiry has understood that the Coastguard has
23 accepted and implemented the recommendation of the US
24 Coastguard, in the review we saw, by reminding staff to
25 use the appropriate distress alert when making a Mayday

1 broadcast through a hot topic notification of existing
2 procedure.

3 Is that right?

4 A. Yes, that's correct.

5 Q. And in relation to the failures as the MAIB saw them in
6 relation to the R-163 search on the night -- and perhaps
7 I know what the answer is going to be given your
8 responses thus far -- has any action been taken to
9 address this?

10 A. No.

11 Q. Can I ask you this question about the MAIB report and
12 quite generally. We have seen together a number of
13 criticisms in the report which you have not accepted and
14 they are criticisms which did not, then, go on to take
15 their place at the end of the MAIB report as formal
16 recommendations. Is it a fair characterisation of the
17 Coastguard's response to the MAIB report that it has
18 accepted and acted upon the formal recommendations but
19 nothing else?

20 A. I believe -- so, first of all, yes, we accepted the
21 formal recommendations from the MAIB report.

22 Q. Yes.

23 A. And as we talked about earlier, they have all been
24 actioned and dealt with and acknowledged by MAIB as
25 appropriate. And those actions have been dealt with.

1 Q. Yes, but you have described the organisation as a lesson
2 learning organisation . What lesson learning process has
3 the Coastguard instituted in the light of the other
4 criticisms made by MAIB in its report?

5 A. So the expertise from, for example, the US Coastguard
6 who are SAR professionals , that's where lesson learning
7 has occurred .

8 Q. So, in answer to my question, have you instituted any
9 lesson learning in relation to criticisms made by the
10 MAIB in their report?

11 A. Those search and rescue recommendations or observations
12 will have come from either the US Coastguard or the
13 MCA's internal report due to the expertise of both the
14 United States Coastguard and HM Coastguard internally as
15 SAR practitioners . Colleagues at the MAIB are extremely
16 well versed in reviewing accidents that occur at sea,
17 but search and rescue expertise is not something,
18 I believe , that they fully hold.

19 Q. So the answer is no, you haven't?

20 A. Correct .

21 Q. Thank you. Next topic is information management and
22 recordkeeping . There are two key systems here , aren't
23 there , the ViSION system and the trackers ?

24 A. Yes, so the ViSION incident management system is
25 HM Coastguard's primary tool for incident management and

1 recordkeeping .

2 Q. Yes.

3 A. With the tracker , and I am guessing we are alluding to
4 the UK tracker --

5 Q. Yes.

6 A. -- here. That is for information , information sharing
7 purposes with colleagues within Home Office.

8 Q. Yes. But it 's nonetheless , a system used for recording
9 and capturing information ?

10 A. Yes, noting ViSION is a primary system.

11 Q. Yes, well indeed , Mr Gibson described ViSION as the
12 Coastguard's single source of truth , would you accept
13 that?

14 A. Yes, that is as the system is designed to be.

15 Q. Right. Well, we know from the August material we looked
16 at earlier and in material disclosed to the Inquiry ,
17 that there were concerns expressed about the way records
18 were kept, the way information was inputted into ViSION,
19 so that at the time of the incident this , along with the
20 other points we saw in that sum of material , was
21 an issue that Coastguard were aware of; that 's right ,
22 isn 't it?

23 A. Pardon me. Yes, that 's correct . I think in any busy
24 period on any review that 's conducted into any incident ,
25 recordkeeping is always a challenge that emergency

1 service personnel face and there's a balance that has to
2 be struck between taking appropriate action in a timely
3 manner versus recordkeeping .

4 And it's absolutely something that I think all
5 emergency service personnel are aware of, but my
6 preference would always be that action is taken to
7 rescue a person. That doesn't take away from the fact
8 that appropriate records are required for events such as
9 this. And HM Coastguard will be, in the near future ,
10 looking at future technology around its systems and part
11 of the things that I will be looking at, as it sits
12 within my -- my sort of business area, is how we can
13 support staff in recording information, be that through
14 artificial intelligence or other means.

15 So continually evolving our platforms as new
16 technology becomes available .

17 Q. Well, thank you. Again, we will come back to that. But
18 looking at the period just before the incident, and
19 bearing in mind the concerns or criticisms we have
20 looked at together, do you know what, if anything, had
21 been done to address those concerns before the incident?

22 A. I believe that -- I think it's in my statement, but
23 information was cascaded and shared to staff around the
24 importance of appropriate information being logged
25 within the incident management system, via the

1 Coastguard information portal .

2 Q. So a reminder of the rules , as it were?

3 A. Yes.

4 Q. Okay. At the time of the incident , our understanding is
5 that the maritime and aviation teams were using
6 incompatible versions of the ViSION system, is that
7 right ?

8 A. They were two separate systems.

9 Q. Yes, and so they couldn't see each other's incident
10 logs , for example?

11 A. Yes, that's correct .

12 Q. And that incompatibility lasted for several years , is
13 that right ?

14 A. I don't recall the exact timeframe. The system that the
15 ARCC were utilising , ViSION 5, that was effectively
16 developed as HM Coastguard took on the role of the
17 Aeronautical Rescue Co-ordination Centre, the aviation
18 tasking authority . And then the rest of HM Coastguard
19 was planned to move on to that platform , but it was
20 vital that ViSION 5 had the appropriate tool-sets and
21 was set up to work for maritime operations and that's
22 why it took a period of time.

23 I think it 's also worth knowing that the ARCC being
24 on a different system, this is exactly how it works with
25 other emergency services who would contact the

1 Aeronautical Rescue Co-ordination Centre. For example,
2 the police, ambulance services and fire services. The
3 ARCC were a tasking authority and therefore, it had no
4 direct impact on how they operated.

5 Q. I think we have been told, just on the history of this,
6 that the problem -- or the two systems, was in place
7 from as early as 2019. Do you know when it was
8 resolved, when the two systems were merged?

9 A. I am not sure if I reference it in the statement
10 I believe -- I believe it may be late '21 or early '22.

11 Q. Okay, thank you. Now just, then, looking at the
12 question of trackers and the interrelationship between
13 Coastguard and Border Force. We saw in Mr Bill's email
14 his reference to -- do you remember, there was a heading
15 "The absence of a single version of the truth" because
16 of all the different organisations' trackers. And we
17 know that some action was taken to address this shortly
18 before the night when Border Force were given access to
19 the Coastguard tracker.

20 As far as you are concerned, is it right that by the
21 time of the incident, Border Force personnel were able
22 to make their own input onto what became the shared
23 tracker?

24 A. To the best of my knowledge, yes.

25 Q. Yes, thank you very much. Now, looking at the night in

1 question and starting with the ViSION system, there are
2 various points where it's clear that there were problems
3 in the recordkeeping. First of all, on the
4 Incident Charlie ViSION log, information about all three
5 of the small boats the Valiant embarked was recorded,
6 but without actually any of them being identified as
7 Charlie. And the Inquiry's understanding is that this
8 happened automatically because where an asset was tasked
9 to a particular incident, the system would record, as it
10 were, everything located by the asset for the incident
11 to which it had been tasked, is that correct?

12 A. Yes, that's correct. That, that's how staff utilised
13 the system.

14 Q. Yes.

15 A. Since the event, staff have been reminded in terms of
16 the use of how to create — the terminology used in
17 ViSION is a spawn, but effectively it's a — it's
18 another resource that can be applied to multiple
19 incidents which then tackles the problem that you are
20 describing.

21 Q. Because you can see immediately how — the way it was
22 actually being done is more or less a recipe for
23 confusion?

24 A. I think that it didn't make things as clear as it could
25 and that's whilst during training, staff are taught

1 about the process to spawn an asset to overcome that
2 problem.

3 Q. And it made it difficult not just during the night watch
4 but also for the incoming day watch, didn't it, to try
5 and untangle all of these entries on the same log?

6 A. I -- I would suspect so.

7 Q. Yes, it seems logical. The next point is that there was
8 no decision recorded to terminate the search and rescue
9 operation in relation to Incident Charlie, or reasoning
10 set out in the incident log. That's correct, isn't it?

11 A. To the best of my knowledge, yes.

12 Q. Yes. If we go to your statement, please,
13 {INQ010098/68}, and page 68, paragraph 3.99, and you set
14 out there what should happen to achieve this:

15 "The SMC from the originating station must firstly
16 make sure that the mission statement for the incident is
17 fully up to date and that all fields have sufficient
18 detail within them so as to provide no room for
19 ambiguity to the reader."

20 And this is the -- as it were, the handover moment:

21 "They are then to brief the receiving SMC ..."

22 Etc, etc.

23 And so this is something that should have been
24 recorded, is it not, but wasn't?

25 A. Sorry, I think I am slightly lost because you were

1 talking about termination --

2 Q. Yes.

3 A. -- a short moment ago and this is specifically around
4 handover. So they are slightly different issues.

5 Q. But it means, doesn't it -- if there is no detail as to
6 why decisions were made to terminate, it means the
7 incoming shift is starting at a disadvantage. It is as
8 simple as that, isn't it?

9 A. Yes, I -- I agree with that.

10 Q. Thank you. And one of the Coastguard officers on duty
11 the next day, Mr Papadopoulos, has told us that a record
12 that a vessel is clear from an event, which is what was
13 entered, clear from Incident Charlie, would not be
14 sufficient to tell him that accident had been resolved.
15 And he would have expected the SMC to confirm within the
16 log, in a formal entry, that the incident has been
17 concluded. And it sounds as though that would have been
18 your expectation too?

19 A. Yes.

20 Q. Thank you. Now, the next aspect of all this is on the
21 material the Inquiry has had, it seems as though the
22 tracker was used to update the ViSION log rather than
23 the other way round. So for example, when the maritime
24 tactical commander on the day watch reviewed
25 Incident Charlie at about 10 o'clock on the day, the

1 next day, the entry said and I quote:

2 "Note from tracker -- this incident shows as
3 resolved ."

4 Are you aware of that? I can show it to you.

5 A. I am not aware of it , but I am sure --

6 Q. Let 's have a look .

7 A. Yes.

8 Q. It 's {INQ000237/1}, please. Page 13 is the one we want.
9 {INQ000237/13} you can see -- you will be very familiar
10 with the way this document works, of course .

11 A. Yes, yes .

12 Q. Page 13. Do you see the third line -- third entry on
13 this page:

14 "Stuart Downs, 06.46:15: Valiant . Clear from
15 incident ."

16 And that's Incident Charlie .

17 A. (Nods).

18 Q. And then just after 10 o'clock , you see George Close
19 makes an entry, the "Commander message", do you see
20 that?

21 A. Yes.

22 Q. "Note from tracker , this incident shows as resolved ... "
23 Etc. So it looks as though the thing is operating
24 the other way round; in other words, that the tracker is
25 being used, in effect , to update the log, which is the

1 wrong way round, isn't it?

2 A. So that's obviously information that Mr Close has taken
3 from the tracker added to this narrative, but I think at
4 this point, the SMC had made a view that this incident
5 was resolved.

6 Q. Yes.

7 A. The incident was not handed over. There was no further
8 asset actively searching and, therefore, yes. But what
9 you say there is that -- that is what this looks like on
10 this occasion.

11 Q. And the day watch SMC had told us that Incident Charlie
12 was closed directly as a result of this entry on the
13 ViSION log by the maritime tactical commander.

14 So it looks as though the tracker here played a key
15 role in the formal process of closing Incident Charlie?

16 A. I think it -- I acknowledge it plays a part, but I think
17 that the key part is that, for example, as we know, the
18 search and rescue helicopter completed its search and
19 was not redeployed to the incident because the SMC had
20 believed that all persons were rescued.

21 Q. Thank you. And the next aspect on recordkeeping is that
22 calls which were taken by the Dover office, as it were
23 during the night, 03:06, 03:12, for example, which
24 contained information consistent with information from
25 Incident Charlie: they were sinking, they were finished,

1 their bodies were in the water, etc, were never
2 allocated to specific incidents but were always closed
3 as repeats in the migrant administration log.

4 That's right, isn't it?

5 A. To the best of my knowledge, yes.

6 Q. Yes. And by closing the incidents as repeats, it meant,
7 didn't it, that no further action would have been taken
8 on those individual incidents?

9 A. An assessment was obviously made that they were repeat
10 call. Not being there, I can't comment on that, but --
11 but that's what I perceive to have happened.

12 Q. Well, do you agree with this at least: that the migrant
13 immigration logs shouldn't have been used in that way,
14 the way I have just described?

15 A. Yes.

16 Q. Thank you. And finally on this, the aviation tactical
17 commander said that whereas he had been able to track --
18 check, I'm sorry, the ViSION logs when he first joined
19 the Coastguard, on the night in question, he was unable
20 to see any entries from the maritime team. This is the
21 point about incompatibility. And for example, he was
22 unaware of the Mayday Relay.

23 Would you agree with this; that his situational
24 awareness including that a Mayday Relay had been issued,
25 would have been increased and improved had he been able

1 to access the ViSION log, the maritime ViSION log?

2 A. I don't think it would have made a difference because
3 ultimately , the aviation commander provides a search and
4 rescue helicopter to the task. It 's then the search
5 mission co-ordinator that then decides on that tasking .

6 I also recall that they were -- the aeronautical
7 commander and the maritime commander were co-located in
8 the same room, I believe , and therefore , sharing of
9 information would have been able to occur verbally .

10 Q. Well, going back to my question, would you agree that
11 his situational awareness would have been improved had
12 he been able to access the maritime ViSION log?

13 A. I -- I think it 's obvious it would have been improved,
14 but it has no sort of outcome or impact on his role .

15 Q. Right. Now then, in terms of recordkeeping , we know
16 that the wrong M numbers were added on two occasions.
17 The first is that M957 was added to Incident Charlie at
18 03:57 by the JRCC SMC, using information on the Charlie
19 incident log but before the SMC at Dover had actually
20 identified that 957 was Incident Lima; that 's right ,
21 isn 't it?

22 A. I believe so, yes .

23 Q. Yes, and of course, is this fair , going back to the
24 discussion we had earlier ; that if Mr Barnett had been
25 in the operations room at Dover, he would have been

1 privy to Mr Gibson's belief that M957 was, in fact ,
2 Lima?

3 A. I can't pass comment on that.

4 Q. It would have made it much more likely , surely ?

5 A. Potentially , but I think as we heard through evidence
6 from Mr Downs, he recalled he didn't hear the mobile
7 phone, I think he talked about. So whilst being in the
8 same room if people are carrying out tasks , it doesn't
9 mean that information is necessarily shared and
10 therefore information from the single source of the
11 truth , as Mr Gibson put it , ViSION, that's the place
12 where information should be.

13 Q. Yes. Well, anyway, the error went uncorrected
14 throughout the night watch and the oncoming day watch;
15 it was missed by the SMC at Dover when he added
16 information about Incident Lima to the tracker .

17 Then the second error was during the day watch, at
18 08:35, when a non—operational member of staff added the
19 M number allocated to the second small boat, M958, to
20 Incident Lima. Were Coastguard, at this stage, as far
21 as you know, aware that non—operational staff were
22 entering information on the tracker ?

23 A. I am unable to comment. I —I don't know. I wasn't in
24 the team there .

25 Q. It sounds like common sense that that is something that

1 would have been more likely to lead to errors?

2 A. Potentially .

3 Q. Yes. Now, so far as the Border Force tracker or log is
4 concerned, did you understand, as far as you know, at
5 the time, that Border Force were entering information on
6 their log, they call it, not tracker, independently of
7 the Coastguard?

8 A. I --I don't know, I'm afraid. Apologies.

9 Q. Okay, thank you. Now, so far as the current position is
10 concerned the situation as it is now, I think you began
11 to explain to me about the changes that have been made
12 since the incident. This is your chance.

13 What has changed in terms of ViSION, the trackers,
14 your recording systems?

15 A. So I think lots has changed. So obviously, ViSION 4 is
16 no longer. We are now all utilising ViSION 5.

17 The tracker is now a joint tracker accessed by all
18 parties involved. And then, I think you can look at
19 a whole raft of other changes that have occurred which
20 come out the back of the recommendations, from both the
21 internal report, the US report, which are all in the
22 statement that I have provided to the Inquiry.

23 So lots of work has gone on, lots of changes have
24 been made. Additional staffing has now come to
25 fruition. Project CAESAR is live, additional technology

1 is in place. And the organisation is continually
2 reviewing its position to make sure that we can deliver
3 the best search and rescue service that we can.

4 Q. Thank you. So now we move on to the last of these
5 themes, which is -- which concerns the procedures for
6 suspension or termination of search and rescue
7 operations and the attendant recordkeeping.

8 Now, we have seen together that well
9 before November '21 the Coastguard was aware of multiple
10 small boat crossings occurring and of the difficulties
11 in trying to identify and reconcile identifications of
12 them and it -- that particular problem created an
13 obvious risk, didn't it, that boats would become
14 confused, to put it simply, particularly on a busy
15 night?

16 A. I think the amount of calls being received, often from
17 the same vessel, different people, made it very
18 challenging for Coastguard staff.

19 Q. Yes, and we know that there were various standard
20 operating procedures in place at the time dealing with
21 this question of suspension or termination of search and
22 rescue operations. I would like to look at them very
23 quickly, if I may.

24 The first, please, {INQ000450/1}. This is a copy,
25 as I say, of the search suspension termination SOP which

1 was in place at the time. You can see the date there,
2 13 October.

3 A. Yes.

4 Q. It continues over a couple of pages only. The question
5 I wanted to put to you: do you accept -- and let's have
6 both pages on the screen, please, for Mr Leat to see,
7 {INQ000450/1-2}, that it doesn't address the process
8 which should be followed where it is not believed that
9 a search is being terminated, rather, that duplicate
10 incidents have been created? It doesn't deal with that,
11 does it?

12 A. No, it does not.

13 Q. No. And it doesn't provide any process to assist your
14 staff in reconciling or closing, if appropriate, such
15 incidents, the very problem that we discussed just
16 a moment ago, where you have a whole series of boats and
17 information is patchy or unreliable?

18 A. So this -- this -- this SOP would be utilised when the
19 SMC was looking to suspend or terminate a search.

20 Q. Yes.

21 A. It wouldn't be used if they believed that they had
22 successfully rescued individuals.

23 Q. Thank you. That's very helpful. Now, if we can go on
24 to {INQ000428/1}, this is another standard operating
25 procedure. Again, it's the one, as far as we can see,

1 which was in place at the time.

2 Here it's a broader policy, incidents involving
3 migrants. If you look at page 2 {INQ000428/2} under the
4 heading "Information Gathering", there is information --
5 there is guidance there on what information should be
6 sought from callers. Do you see a little higher, under
7 "Distress Phase", last bullet:

8 "Log multiple reports as separate incidents."

9 That's the point we touched on earlier:

10 "Merge once details across multiple incidents
11 match."

12 And, again, we can look at the document together,
13 but will you take from me that this document deals with
14 what should be done when details do match, but it
15 doesn't provide any guidance on what details should be
16 checked or processed or procedure followed to ensure
17 that there was enough confidence in that decision before
18 merging the details?

19 A. I think this has to be seen in line with -- or alongside
20 training as well for staff.

21 Q. Yes.

22 A. And staff training would look at all of that information
23 gathering and trying to come up with a consolidated
24 picture. So I think in terms of your question, this
25 doesn't, in an SOP form, but it lends -- it adds value

1 and supports alongside that decision —making that an SMC
2 would undertake.

3 Q. Okay well, let 's go to page 5, please, of this document,
4 {INQ000428/5} under the heading "Coordination". There
5 is a reference there, the second bullet point, to the
6 potential termination of SAR. Do you see, in the last
7 bullet point:

8 "Vessel [s] and Persons on Board are not in need of
9 SAR assistance/SAR is terminated."

10 Which again, doesn't address this particular problem
11 of duplicate incidents, does it?

12 A. No, it does not.

13 Q. And turning the page to page 6, "Termination",
14 {INQ000428/6} which relates to the question of
15 determining if the distress incident should be
16 downgraded, so from distress downwards, and again, no
17 attempt to deal with duplicate incidents here?

18 A. No — pardon me — in terms of reference in that
19 termination —

20 Q. Yes.

21 A. — if you look slightly below the hyperlink, that
22 provides a flowchart and that was specifically in use
23 around Operation Sommen.

24 Q. Yes.

25 A. Where you have heard evidence on that before.

1 Q. Yes.

2 A. So this element in the SOP is very much around

3 termination of search and rescue around

4 Operation Sommen.

5 Q. Well, actually, the next document is the one

6 specifically about that. So if we could look at that

7 now please, {INQ007381/1}. Protocol for Coastguard

8 termination of search and rescue. September that year:

9 "This Op Detail provides background information on
10 the protocol for terminating a SAR response."

11 Then:

12 "This page is marked ... OFFICIAL SENSITIVE ..."

13 And one gets a sense already that this is a slightly
14 different type of document.

15 And it does address the potential termination of
16 search and rescue incidents, doesn't it, but it is in
17 the context, I think, of Operation Sommen; is that
18 right?

19 A. Yes, that's correct.

20 Q. Thank you. So we can see that at page 5, {INQ007381/5}

21 under "Distress – Coordinated Response Required", there

22 is a reference there to tactics, second line, to

23 physically stop vessels at sea. That's

24 Operation Sommen, isn't it?

25 A. Yes, that's correct.

1 Q. And the second paragraph from the bottom, there is
2 a reference to potential Border Force or MoD enforcement
3 operations against small boats. So again, we are in
4 rather different territory .

5 And overall , it looks as though this was a policy
6 created to deal with Coastguard termination of search
7 and rescue before the potential use of the turnaround
8 tactics by Border Force or Ministry of Defence?

9 A. Yes, that's correct .

10 Q. Again, it doesn't provide any relevant guidance or
11 assistance on this question of the reconciliation of
12 duplicate incidents ?

13 A. Correct .

14 Q. No. Now, in this context, can we look at {INQ003287/1},
15 please, this is a Border Force document, "Combined SOP
16 for preventing small boats progressing through UK
17 Territorial Waters". Do you see the date, 22 July?

18 If we go on to page 3, please, {INQ003287/3}, and
19 down at the bottom, the second paragraph from the
20 bottom, this explains that Operation Sommen involves
21 a migrant vessel, MV not in distress or alert which may
22 be, and I quote:

23 " ... de-escalated from SAR using an agreed protocol
24 with HMCG, allowing [Border Force] to conduct ...
25 tactics [and I quote] to coerce the MV to

1 turnaround ... "

2 And that then leads us to page 8, please ,
3 {INQ003287/8} which, under the numbered paragraph
4 states , do you see in the middle of the page,
5 a sentence :

6 "Information required to consider the termination of
7 an SAR is contained within the agreed MCGA Protocol."

8 A. Yes.

9 Q. And that, I think , again , just so we have understood
10 this , is a reference to the document we looked at
11 a little while ago, the protocol for HMCG termination of
12 SAR.

13 A. Yes.

14 Q. Is that right ?

15 A. Yes, that's correct we wanted to ensure within HMCG --
16 very much putting the lives of those at sea first , we
17 wanted to ensure that it was done when there were no
18 obligations still placed on HM Coastguard and that there
19 was no longer a distress , a very long checklist for us
20 to work through. Yes.

21 Q. Do you accept that the Coastguard didn't provide any
22 training to its staff before the incident in relation to
23 the reconciliation and closure of apparently duplicate
24 small boat incidents ?

25 A. No. I -- I believe that training occurred through basic

1 training through the SMC pathway. And there was also
2 training that was delivered in the summer, I believe ,
3 around -- there were a couple of presentations , I think ,
4 the -- the Inquiry has seen , around CPD and training,
5 where that topic was discussed .

6 Q. So you are saying that there was specific training in
7 the context of small boat search and rescue which
8 covered this topic of reconciliation and closure of
9 apparently duplicate incidents , is that what you are
10 saying?

11 A. In terms of Coastguard incidents , yes .

12 Q. Yes. Well, given the problem that we have seen occur --
13 which occurred as a result of this , there certainly
14 should have been training dealing with that before the
15 time of the incident , shouldn't there?

16 A. Yes, and I think in the -- the training that occurred in
17 the summer of '21, that topic was covered with staff .
18 More through CPD, continued professional development,
19 but that was covered.

20 Q. Yes. Okay. And do you not also agree that this
21 specific problem of duplication should have been dealt
22 with in one of your operating procedures or policies and
23 we have seen that it wasn't?

24 A. I think that there was -- there is reference , I think ,
25 in wider Coastguard information portal about how

1 incidents are closed a repeats, when they are closed as
2 repeats as a separate SOP, when that should occur.

3 Q. Yes, I see. But what we do know you did was to create
4 a specific policy on the termination of search and
5 rescue in relation to the -- in order to enable the
6 potential use of enforcement tactics by Border Force: we
7 have seen that.

8 A. Yes, you have seen that and, I think, as the Inquiry
9 will have seen through disclosure, HM Coastguard had
10 quite a strong view on that.

11 Q. Yes.

12 A. And I think Mr O'Mahoney in his evidence talked about
13 that whilst we have a great working relationship, we may
14 not have always had the same views on things. And --
15 and Sommen was very much one of those. And we wanted to
16 ensure that anybody that was crossing, you know, they
17 weren't in distress. So there was a procedure that was
18 put in place which, when you look at the criteria, was
19 very, very difficult to be able to effectively terminate
20 search and rescue.

21 Q. Yes.

22 A. Under that guidance.

23 Q. Well, you have referred to the material. I was going to
24 ask you about this. But rather, from this perspective,
25 we have seen -- how can I put it tactfully -- a lot of

1 engagement by you on the proposed turnaround tactics .

2 Looking back on it now, did Home Office,
3 Border Force's plan to introduce the turnaround tactics
4 require a great deal by way of Coastguard input,
5 resources, focus, which frankly, might otherwise have
6 been better spent dealing with the known risks of small
7 boat crossings?

8 A. So, I think the -- the resource that was put on to this
9 was actually quite small at a very strategic level, but
10 it didn't impact any day-to-day operations.

11 Q. It was small, but it was paciferous?

12 A. Yes, I think that's fair to say, sir.

13 Q. Yes, but as far as you are concerned then, there was no
14 distraction from your main responsibility, your
15 statutory responsibility, for SOLAS search and rescue by
16 the pressure of Border Force's new plans?

17 A. No, not that I am aware.

18 Q. Thank you. Looking then with all this in mind, to the
19 events of the night, and can we start with your
20 statement {INQ010098/58-59} and pages 58 and 59, if we
21 could have them up, please. And it's paragraph 3.54 on
22 suspension of termination. You say there:

23 "[The] Coastguard's suspension and termination
24 policy is underpinned by IAMSAR."

25 A. Mm-hm.

1 Q. And you set out what IAMSAR provides in Chapter 9:

2 " ... operations enter the conclusion stage when:"

3 Then: 1, information is received that the relevant
4 vessel is no longer in distress ; 2, the vessel , for whom
5 SAR facilities are searching , has been located and the
6 survivors rescued ; or, 3, during the distress phase the
7 SMC, or other proper authority , determines that further
8 search would be to no avail . In effect , because the
9 chances of finding anybody are no longer reasonable .

10 And in the case of Incident Charlie , bearing in mind
11 that this was the foundation for your suspension and
12 termination policy , are you able to help us with which
13 of these applied ?

14 A. So -- pardon me -- through reviewing information,
15 I believe the SMC in his view believed that persons had
16 been rescued .

17 Q. 2, therefore ?

18 A. Correct .

19 Q. Yes. Now, in the SOPs in place at the time which we
20 have just looked at, we saw that a search and rescue
21 operation could not be terminated unless there was --
22 and I am quoting -- "reliable or credible information
23 that an emergency no longer existed " .

24 And is that your understanding that the view was
25 taken that the emergency for Incident Charlie no longer

1 existed?

2 A. Yes, from what I've seen, that is -- and that I think
3 that is made from a number of elements in terms of
4 information received on the ground, but also supported
5 by the best asset. And I think the Inquiry has heard
6 lots about the capability and how good aeronautical
7 surveillance or search is. So that, in my personal
8 opinion, and it is my personal opinion, would have
9 supported the SMC's thought process around the recovery
10 of persons linking to 3.54.2.

11 Q. And was any part of it, the reasoning, do you think, the
12 fact that the helicopter didn't find a sinking small
13 boat?

14 A. I -- I think that that logically supports a decision.
15 The helicopter reported no -- no vessels, noting that it
16 had spotted other vessels. So therefore, the search
17 conditions were good. It reported no debris, no persons
18 in the water. So that would support rationale on that
19 there were no persons in distress at that time.

20 Q. And again, looking at this perhaps in a more general
21 way, if an initial search doesn't locate a sinking
22 vessel, what would need to be considered in order for
23 a search and rescue operation to be safely terminated?
24 Would it include, for example, speaking to, in this
25 case, the helicopter pilot about the effectiveness of

1 its search?

2 A. Potentially , yes .

3 Q. Yes, and would you also agree that there would need to
4 be consideration of survivability when deciding how long
5 to continue searching or whether it could safely be
6 terminated?

7 A. That is a factor , yes .

8 Q. Yes. Do you agree with me that there is no evidence in
9 the written material that the effectiveness of the
10 helicopter search or the question of survivability were
11 factored into the decision to terminate search and
12 rescue at about 06:45 the next morning?

13 A. From the evidence that I've seen, I cannot see anything
14 written . That ultimately would be a question for the
15 SMC.

16 Q. But it should have been written down, should it not?

17 A. Correct .

18 Q. Thank you. Looking at, then, the situation after the
19 incident . Can we go back, please , to the internal
20 review which we looked at this morning. That's
21 {INQ008905/58} and at page 58. Thank you very much.

22 Here, your internal reviewer and her team make
23 comments about the conclusion of SAR incidents . You can
24 see them. I am not going to read them all out for
25 everybody's benefit . But the conclusion they reach is

1 the process used for the termination was inconsistent
2 with some small boat incidents having a clear
3 conclusion , others remaining open until the end of the
4 day and others being closed with no rationale recorded .

5 That's the point we have just been talking about.
6 And again, do you see in the middle of the next
7 paragraph:

8 "During the review a number of small boat incidents
9 were identified as being closed by an operator , which
10 when questioned the SMC was unaware of. Since 2021
11 HM Coastguard has introduced a process to ensure
12 improvements on how small boat incidents are
13 suspended/terminated ."

14 So the internal reviewer 's conclusion was, wasn't
15 it , that there was an unsatisfactory response here to
16 terminating the search and rescue response?

17 A. The reviewer has said that we could improve the process
18 and in my statement and it talks -- we talk -- I talk
19 about how those -- how they were made, in terms of
20 oversight and additional SOPs.

21 Q. And this is an area where you have accepted the
22 recommendation made by the reviewer , is that right ?

23 A. Yes, that's correct .

24 Q. Yes, thank you. Then, if we can go on, please , to
25 page 77 {INQ008905/77} still in the same report , the

1 relevant SOP is at the penultimate box, do you see,
2 "Termination and cessation " and it looks as though the
3 first version of that is in July 2022?

4 A. (Nods).

5 Q. So it looks as though this is part of what you have just
6 been talking about, namely, an improved procedure?

7 A. Yes, that's correct .

8 Q. Thank you very much. Are there any other steps that the
9 Coastguard intends to take to improve the situation in
10 relation to terminating search and rescue operations?

11 A. I think other than continually reviewing the SOPs that
12 we have taking feedback from staff , reviewing incidents .

13 Q. Yes.

14 A. -- not that I am aware of.

15 Q. No, and are you aware of any continuing difficulties in
16 this business of reconciling and closing duplicate
17 incidents ?

18 A. I think duplicate incidents as such is a problem today,
19 in terms of multiple calls coming from a single vessel .
20 One of the things that HM Coastguard is doing at the
21 moment, in terms of bidding for future funding , is
22 looking for other technology which may be able to
23 support HM Coastguard. I talked about artificial
24 intelligence earlier .

25 Q. Yes.

1 A. So through technology upgrades, if funding is approved,
2 we will look to see how we can take any of the
3 challenges that we face with small boats and bring that
4 into the platforms that we have, as the situation
5 continues to evolve.

6 Q. Thank you very much. Now, reading on in this report --
7 and moving from the themes to a more general question .
8 This is page 106 please , in this same document,
9 {INQ008905/106}. Here, "Observations and
10 recommendations", I think we have looked at the page
11 before .

12 But the paragraph I want to focus on now is 7.1.2.

13 We looked earlier at the last sentence:

14 "These were the recommendations provided ... "

15 What I want to look at now is the second sentence:

16 "Nothing suggested ... "

17 So that 's recommendations/observations:

18 " ... would have materially changed the impact to the
19 SAR response on the morning of the 24 November ... "

20 Can I ask you first , what do you understand that
21 sentence to mean? Is she saying , for example, that none
22 of the recommendations she's making -- there were 21, as
23 you know -- would have materially changed what happened
24 on the morning of the incident ?

25 A. Yes, that 's how I read that .

1 Q. So even if this is what the internal reviewer is saying;
2 that even if all 21 changes, improvements had been put
3 in place, neither any of them individually, or the whole
4 lot collectively, would have made any difference?

5 A. That is how I understand that.

6 Q. Is that a view that you share?

7 A. I believe so. I think — I have spoken on a number of
8 occasions today about the fact that the search and
9 rescue helicopter, which everybody has spoken about, the
10 aviation capability being the best asset, was tasked and
11 tragically, did not locate any persons. That occurred.
12 So any of the SOP changes or recommendations would not
13 have changed that. And therefore, I believe the
14 situation would still be, sadly, the same.

15 Q. So in short, your belief today is that the loss of life
16 on 24 November could not have been prevented by the
17 changes that you, as an organisation, made in response
18 to this review?

19 A. That's correct.

20 Q. And does the same apply to the other changes you have
21 made in response to the US Coastguard report and the
22 MAIB report?

23 A. Yes, I would agree so.

24 Q. So that nothing recommended by any of these reviews or
25 reports would have prevented the loss of life in the

1 incident ?

2 A. I -- I think, in terms of recommendations -- and there's
3 lots of them, as you know -- but I think the biggest
4 thing that may have assisted would have been the early
5 information sharing so that assets could have been
6 deployed earlier proactively .

7 Q. And are you saying that that would have made
8 a difference on the night?

9 A. I am unable to say if it would have made a difference to
10 the very sad outcome. But, for example, Valiant would
11 have been deployed much sooner.

12 MR PHILLIPS: Thank you very much, Mr Leat. Is there
13 anything else you would like to say to the Inquiry this
14 afternoon?

15 A. I think personally , and on behalf of HM Coastguard,
16 I pass on condolences to the family of those who sadly
17 have lost their lives and the trauma that has been
18 caused to them. It 's tragic and I hope that through my
19 evidence , I have tried to show that everybody that
20 worked within HM Coastguard comes to work, day in day
21 out, to save life . And that's what we do. We are very
22 passionate and proud about that. And that takes nothing
23 away from the loss of life that's occurred , but I think
24 it 's also important to note that the work that goes on
25 day in day out, not only by staff within His Majesty's

1 Coastguard, staff at the Home Office and staff within
2 RNLI and other organisations, we continue to respond to
3 the small boat challenge, but we will continue to
4 respond to those in distress. And I -- I acknowledge
5 the great work they do, but I do recognise that that's
6 nothing on the tragedy that occurred on the day itself.

7 MR PHILLIPS: Thank you.

8 Sir, do you have any questions?

9 SIR ROSS CRANSTON: No, I don't. Well, Mr Leat, thank you
10 very much for your statement and also for the evidence
11 today. It's been very helpful. So, thank you.

12 So, tomorrow morning at 10 o'clock.

13 MR PHILLIPS: Yes, sir.

14 SIR ROSS CRANSTON: Yes.

15 (4.28 pm)

16 (the Inquiry adjourned until 10 o'clock,
17 on Tuesday, 25 March 2025)

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I N D E X

MR MATTHEW LEAT (affirmed)1
 Questions by MR PHILLIPS KC1

25

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