

THE CRANSTON INQUIRY

The Inquiry's work is continuing. The List of Issues will be kept under review and may be revised at a later stage.

LIST OF ISSUES

The Inquiry in fulfilling its Terms of Reference will take account of and build on the MAIB Report (8th November 2023)¹ and will avoid so far as practicable duplicating the work of the MAIB.

I. The victims and survivors

- a. Who were the victims and who were the survivors?
- b. How did they come to be in the small boat on 24th November 2021?
- c. How and when did the victims come by their deaths?

II. The law of the sea and the applicable legal framework

- a. What are the obligations of coastal states, and in particular of the United Kingdom, in respect of the establishment, operation and maintenance of effective search and rescue services at sea?
- b. What are the UK's obligations under domestic law to have appropriate systems in place to protect life at sea?
- c. What obligations do vessels have to render assistance to persons in danger or distress?
- d. How are these obligations enforced?

III. The operational systems in place in the UK as at 23rd-24th November 2021 to respond to small boats attempting to cross the Dover Strait

- a. Which were the relevant persons, structures, organisations, departments, and bodies within departments within these systems as at 23rd-24th November 2021, and what were their relationships to each other? What protocols, memoranda of understanding, and similar documents set out those relationships? How have these relationships evolved in response to the increase in small boat crossings since 2018? As at 23rd-24th November 2021, how did those relationships work in practice?

¹ *Report on the investigation into the flooding and partial sinking of an inflatable migrant boat resulting in the loss of at least 27 lives in the Dover Strait on 24 November 2021*

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- b. What is the nature of the relationship between the relevant UK persons, structures, organisations, departments and bodies within departments and their counterparts in France? What protocols, memoranda of understanding, and similar documents set out those relationships?
- c. What assets and equipment were available to persons, structures, organisations, departments, and bodies within departments in the response to small boat crossings? How were decisions on the deployment of resources reached?
- d. To what extent were the operational systems reliant on volunteers and/or voluntary organisations and/or their assets?
- e. What plans and strategies did those persons, structures, organisations, departments, and bodies within departments have for anticipating and responding to small boats attempting to cross the Dover Strait, including in particular:
 - i. What plans existed for responding to periods of suspected high activity?
 - ii. What plans existed for responding to distress calls in poor weather conditions?
 - iii. How were small boats detected or tracked in the Dover Strait?
 - iv. How were calls from or in relation to a small boat managed? What instructions or guidance existed about obtaining information from passengers on small boats in the course of calls?
 - v. How were incidents involving small boats recorded and updated? And how and on what basis were such incidents closed?
 - vi. How were decisions to suspend a search and rescue mission reached?
 - vii. What was the system for the handling and prioritisation of incidents?
 - viii. What search methods were available for locating small boats and for locating people in the water? What were their limitations and restrictions?
 - ix. What methods were available to differentiate between boats and to identify particular vessels?
 - x. What methods were available to effect the rescue of those in need of assistance?
 - xi. How did the 'Mayday' relay procedure operate and how was it enforced?

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IV. The events of 23rd and 24th November 2021

The Inquiry considers that further investigation into the events of 23rd and 24th November 2021 is appropriate, which will include the following areas:

The victims and survivors

- a. What communications were made by and to the victims or survivors in relation to the incident prior to their death or rescue?
- b. To what extent was the loss of life avoidable?

The search and rescue operation

- c. The adequacy of staffing levels and staff training
- d. The adequacy, availability and tasking of assets, including for surveillance
- e. The adequacy of interdepartmental co-ordination
- f. The adequacy of the systems and equipment used to communicate with the occupants of small boats
- g. The adequacy of the issuance of and response to the Mayday Relay
- h. The adequacy of information sharing and co-operation between the UK and French coastguards
- i. The adequacy of the system for reconciling and closing and suspending any search and rescue mission in respect of incidents involving small boats

V. Inspection and lesson learning prior to 24th November 2021

- a. Had any investigations, reports, lesson-learning exercises, inspections, or similar been carried out, including with other countries, in relation to the systems for responding to small boats attempting to cross the Dover Strait prior to 24th November 2021? If so, by whom and what did they conclude?
- b. Had any recommendations been made? If so, what were they and had they been implemented? If not, who was responsible for that decision and what were the reasons?
- c. What information had been obtained by relevant persons, structures, organisations, departments, and bodies within departments from the experience of any comparable crossing attempts in other countries? Did the extent of the loss of life in any such cases differ? If so, why?

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VI. Recommendations

- a. What actions have been taken since November 2021, including with other countries, to prevent or reduce the risk of a similar incident occurring?
- b. What progress has there been in response to the recommendations made by the Marine Accident and Investigations Branch in November 2023?
- c. What information has been obtained by relevant persons, structures, organisations, departments, and bodies within departments from the experience of any comparable crossing attempts in other countries? Did the extent of the loss of life in any such cases differ? If so, why?
- d. What if any other recommendations are appropriate to minimise the risk of a similar incident occurring?