

IN THE MATTER OF THE CRANSTON INQUIRY

OPENING STATEMENT ON BEHALF OF THE DEPARTMENT FOR TRANSPORT

Introduction

1. This opening statement is made on behalf of the Department for Transport (“the Department”).
2. At the outset of these public hearings, the Department wishes to express its deepest sympathies to the bereaved, the survivors and to all others who have been affected by the events that took place on 24 November 2021, when at least 27 people tragically lost their lives crossing the Channel. The Department recognises that a number of those affected by this tragedy will be taking part in the Inquiry and that their experiences will rightly be at the heart of the Inquiry’s work. Their voices will be heard. They set the context for everything the Inquiry is doing. The Department recognises, therefore, the very real importance of this Inquiry and the public interest in seeking to understand both what happened on 24 November 2021, and what can be learned from it.
3. The Department has worked hard over the past year to assist the Inquiry with its investigations through the provision of a comprehensive and detailed witness statement from Mr James Driver, the Head of the Maritime Security Division at the Department, as well as by disclosing in excess of 1,000 documents. The Department has sought, and will continue, to co-operate fully with all requests from the Inquiry.
4. The intention of this opening statement is not to rehearse the contents of Mr Driver’s evidence, but rather to provide the Inquiry with, what is hoped to be, a helpful summary of:

- i the Department's role and responsibilities in relation to small boats;
- ii the developing small boat situation in 2021 prior to this incident; and,
- iii key changes to the response to small boat crossings made since this incident.

The Department's role and responsibilities

- 5. The Department's role in relation to small boats attempting to cross the Channel is twofold:
 - i First, it is largely defined through its work with the Maritime and Coastguard Agency ("MCA"), an executive agency of the Department, and by extension, His Majesty's Coastguard ("HMCG"), which forms part of the MCA; and
 - ii Secondly, in interacting with other government departments, in advocating on behalf of HMCG, and highlighting the UK's obligations from a Search and Rescue ("SAR") perspective.
- 6. The Secretary of State for Transport has responsibility for establishing, operating and maintaining an adequate and effective civil maritime and aeronautical SAR service. Whilst the Department does not itself have any operational functions in relation to small boats, the Secretary of State discharges her responsibility through the MCA, HMCG and Aviation Airspace Division. Through HMCG, the Secretary of State discharges her statutory responsibility to initiate and coordinate the operational SAR response within the UK Search and Rescue Region. HMCG provides a national 24-hour maritime SAR service that can operate throughout the UK, at sea and internationally.
- 7. Within the Department, there are two teams that engage on issues relating to small boats and their Search and Rescue: first, the Maritime Security Division, of which Mr James Driver is the head, which primarily engages on issues

relating to small boats; and, second, the MCA Sponsorship Team, which provides a core part of the Department's oversight of the MCA, who in turn oversee SAR operations through HMCG. The Department is responsible for the policy framework within which the MCA operates and for agreeing its strategic objectives, and it is the MCA Sponsorship Board (which is attended by the MCA Sponsorship Team and others from the Department) which oversees the overall performance of the MCA.

8. In terms of its cross-government interactions:
 - i The Department's main role is to contribute to the proposed policies of other government departments and other cross-government initiatives. The Department is not responsible for developing policy to counter illegal migration; that is a matter for the Home Office. The Department's role in all these interactions is to ensure that there is no impact on the UK's obligations to safeguard lives at sea, by liaising with search and rescue experts within HMCG and advocating on their behalf.
 - ii The Department also plays a role in internal incident reporting and cross-government communications (such as media and parliamentary handling). It regularly engages with HMCG on small boats specifically and, on some occasions, liaises with HMCG about the details of specific operations on a fact-finding basis.

The developing small boat situation in 2021 prior to this incident

9. From Autumn 2018, migrant numbers arriving by small boats across the English Channel started to rise very substantially. This led to an increased focus across Government on the issue of small boats. The number of small boat crossings significantly increased in 2021 to 28,526 over the year (compared to the 8,466 crossings in 2020). In November 2021, a record number of 6,971 people crossed the channel by small boat; a significant increase from 2,701 the previous month.

10. This rapid and significant increase presented a unique challenge for Government. Whilst work was taking place to understand the nature and extent of the challenge and to respond effectively, the sharp rise in small boat crossings placed a considerable strain on both surface and aerial assets. Notwithstanding this increase, the Department's position in November 2021 and prior to this incident was that HMCG was able to meet its SAR responsibilities, albeit that difficulties might arise if the high volume of small boat crossings were to continue in the longer term.

Key changes to the response to small boat crossings following this incident

11. Work was underway in autumn 2021 as a result of growing crossing numbers and projections for 2022. There was recognition that maritime assets were under pressure from the then-recent increase in migrant crossings, and that, based on the projections for 2022, there might be an adverse impact on the availability of resources to respond.

12. Ministers were informed in a submission dated 26 November 2021 that the current high numbers of small boats crossing the Channel were expected to continue, and that if they did, that would place pressure on HMCG operational staff and Border Force and RNLI maritime surface assets¹. It also noted that work was underway to address this challenge. Thereafter, a further ministerial submission, dated 14 December 2021, was jointly prepared by the Department and HMCG². This noted that the increase in small boat crossings was stretching maritime assets to the limit and that if the numbers continued to increase it would be considered unsustainable. Accordingly, Ministers were asked to agree to a number of proposals, including that HMCG should explore increasing additional maritime surface SAR assets and HMCG should explore developing enhanced situational capabilities.

¹ INQ000006

² INQ000846

13. The submission made reference to a workstrand, which was already in train from October 2021, to develop enhanced situational awareness through an increase in the number of unmanned aerial vehicles, via Project Caesar. Project Caesar involved a £35 million investment over a three-year period to enable the procurement of S-100 unmanned aerial vehicles to increase aerial surveillance over the Channel³. The project was formally endorsed by the Department and HM Treasury in February 2022 and mobilised in March 2022. The objective of Project Caesar was to assist HMCG in discharging its SAR obligations in relation to small boats by improving its ability to locate and determine the status of the small boats that were crossing, and by prioritising its response.
14. At the end of December 2021, through what was called Operation Isotrope, the Prime Minister asked the Ministry of Defence (“MoD”) to assume primacy over all aspects of the Government’s operational response to illegal migration by small boats. The Department worked with MoD and Home Office to ensure that the UK’s SOLAS obligations and HMCG’s responsibilities for SAR were understood and reflected in the terms of the operation. During Operation Isotrope, HMCG continued to work at an operational level with Border Force and the Royal Navy to provide an effective SAR response irrespective of the change in ultimate responsibility for the response to illegal migration by small boats in the Channel. Additional funding was provided through Operation Isotrope which enabled an uplift in maritime surface assets, including the procurement of five Crew Transfer Vessels . Following these changes, HMCG reported to the MCA Sponsorship Board on 20 October 2022 that it was satisfied that it was ensuring “*adequate and proportionate provision of Search and Rescue in the channel, which [met its] domestic and international legal obligations*”⁴.
15. In addition to the extra resources which were implemented through Project Caesar, and the changes made through Operation Isotrope, the Department was also aware that HMCG were developing and improving its handling of

³ Witness Statement of Mr James Driver, dated 19 December 2024, para. 137.

⁴ INQ003842

small boat operations in the period immediately following the incident by increasing staffing numbers, developing training; and improving its ability to identify the location of small boats in distress through improved communications with France⁵.

Conclusion

16. Following this serious and tragic incident, it is important to identify any lessons that can be learned to ensure that history does not repeat itself. In that regard, the Department fully co-operated with the Marine Accident Investigation Branch's safety investigation into this incident, and the Department understands that both of the recommendations to MCA made by the Marine Accident Investigation Branch have been implemented and closed.

17. The Department welcomes the opening of these public hearings, which will form a key aspect of this Inquiry's investigation. Throughout these hearings, the Department continues to stand ready to provide the Inquiry with any and all assistance it may require in discharging its terms of reference.

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24 February 2025

⁵ Witness Statement of Mr James Driver, dated 19 December 2024, para. 265.