



Royal National Lifeboat Institution

Patron: Her Majesty The Queen
President: HRH The Duke of Kent KG
Chief Executive: [REDACTED]

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From:

RNLI Chief Executive

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Royal National Lifeboat Institution (RNLI), a charity registered in England and Wales (209603), Scotland (SC037736), the Republic of Ireland (20003326), the Bailiwick of Jersey (14), the Isle of Man, the Bailiwick of Guernsey and Alderney

Mr Andrew Cox
Acting Senior Coroner
Coroner for Cornwall & the Isles of Scilly
The New Lodge
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By email only: cornwallcoroner@cornwall.gov.uk

5 June 2020

Dear Mr Cox,

I write with regard to the recent deaths of Gillian Davey and Michael Pender in Cornwall, and your report on Action to Prevent Future Deaths issued pursuant to Regulation 28 ('the Regulation 28 Report') dated 28 May 2020. I note that your investigations have not yet concluded and the inquests into the deaths have not been heard.

Before I respond to your request for details of the planned RNLI lifeguarding service, there is a preliminary matter I need to raise. As you are aware, I have been copied into the letter to you of today's date from Brian Johnson, Chief Executive of the Maritime and Coastguard Agency. I entirely agree with and support the contents of his letter to you.

I appreciate your concerns about the prevention of future deaths. Further, I also appreciate that in accordance with Chief Coroner's Guidance No. 5, you may issue a Regulation 28 Report before an inquest is concluded. However, in this instance I believe the Regulation 28 Report is premature and has been made without the benefit of all the relevant information; this includes the fact it is the landowner, not the RNLI, who has the responsibility to carry out risk assessments covering the public use of beaches, and then to mitigate the risks they identify by, amongst other things, providing a lifeguarding service.

As you set out in paragraph 5 of your report, your request is based upon the fact you believe that, unless lifeguarding services are back on beaches, there will inevitably be a *further* loss of life. This pre-supposes that both deaths were caused by a lack of lifeguards, which of course will require an inquest to determine.

Further, and importantly in the case of Gillian Davey, the incident did not happen next to a beach. Accordingly, no RNLI staff would have witnessed the incident. Instead, as was the case, a RNLI Lifeboat would have been tasked by HM Coastguard to attend. I imagine this will be a matter for evidence.

I note in your report at paragraph 4 you state the Coastguard arrived to perform the rescue and Miss Davey was removed. In fact, it was the RNLI which carried out this rescue.

As is set out above, I consider it very likely the RNLI will be required to provide you with evidence to allow you to fulfil your role. It is for this reason that, insofar as it relates to the RNLI, I consider the Regulation 28 Report to be premature. As you will be aware, paragraph 12 of the Chief Coroner's Guidance No. 5 states that a

report will normally be made after an inquest is concluded. This is because a pre-condition to making a report (Regulation 28 (3)) is:

'A report may not be made until the coroner has considered all the documents, evidence and information that in the opinion of the coroner is relevant to the investigation'. (emphasis added)

The RNLI has not yet provided you with any documents, evidence or information. I hope that once you have been provided with such information, you will not consider it necessary to issue a report.

In these circumstances, I would respectfully ask that you withdraw your report; certainly, insofar as it relates to the RNLI.

Notwithstanding the RNLI's position on the Regulation 28 Report, I appreciate and understand your concerns in relation to beaches. As you may be aware, an objective of the RNLI is 'to end preventable loss of life at sea'. It is clear we share your concerns. I have set out below some information in relation to the current plans for readiness, to give you assurance the RNLI is doing all in its power to provide a lifeguard service on many beaches across the UK, including on beaches in Cornwall. You should also note that many beaches, possibly the majority, never have lifeguard services, and many other organisations beyond the RNLI provide lifeguarding services on beaches around the UK coast.

Our original plan was to have lifeguard patrols on 70 beaches this summer. It was a conservative plan and made and announced when many things were still unknown. We now have a better idea of the journey out of lockdown for all parts of the UK, understand the new regulations with which we must comply as an employer and service provider and, most importantly, feel we can properly manage the risks associated with coronavirus. We were on 18 beaches last weekend, 8 of which are in Cornwall, and we are revising our original plans and exploring which additional beaches we can lifeguard this summer. To this end, we are working hard with 55 landowners and local councils to ensure as many beaches as possible will have RNLI lifeguard cover. With so many local landowners to work with, and so many dependencies, it will take time to confirm individual beaches and timings, but we will make public announcements with more detail over the next few weeks.

I have only set out the plans for the current and future rollout of lifeguarding, but I can provide information as to the reasons why RNLI lifeguarding services were not on the Cornish beaches at the time of the two tragic deaths, along with some of the other preventative steps that had, and will continue to be taken, including widespread media messaging and signage. This can be provided in due course for the inquest.

I hope this provides the information you require. I can assure you that everyone at the RNLI; its leadership, staff, volunteers and supporters, cares passionately about our purpose – saving lives at sea. We have for nearly 200 years and we always will.

Yours sincerely,




Chief Executive