

## Inquest touching the death of James Jackson (Deceased)

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### Response to Regulation 28 Report to Prevent Future Deaths

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This is the Response of Tomkinson Heating Limited to the Regulation 28 Report to Prevent Future Deaths issued by Nigel Sharman, HM Senior Coroner for the area of Manchester at the Inquest touching the death of James Jackson (Deceased) dated 27 November 2014.

The matters of concern raised by HM Coroner were as follows:-

#### 1. Report

**There was no system for the creation of a bespoke written method statement which is properly planned, appropriately supervised and carried out in a safe manner for the movement of the boilers (or any other heavy products, plant or equipment), removal of any pallet or other packaging etc or the use of other tools or equipment.**

#### Response

Following the tragic incident involving James Jackson, Tomkinson Heating Limited introduced the attached method statement in respect of using a pallet truck to manoeuvre boilers and other heavy items entitled "*Use of Blue pallet truck*" ("**THL1**").

We have never undertaken unusual or difficult lifting operations ourselves and on such occasions always use specialist independent contractors. For example, we always ensure that when boilers are delivered to a site, the boiler is delivered by the supplier on a vehicle fitted with a HIAB crane so that it can be safely lifted off the vehicle down to ground level. We only ever accept delivery of a boiler once it is at ground level and can be manoeuvred safely by us using a pallet truck.

We have never had an issue with manoeuvring boilers or other heavy items on flat surfaces using a pallet truck. Operating a pallet truck on a flat surface is not difficult and I would always explain how jobs were to be carried out in my pre-work briefings with operatives. I had such a briefing with James Jackson and [REDACTED] in relation to the Sacred Heart Church job on 11 February 2013 however both James and [REDACTED] were experienced in using pallet trucks.

Following the incident, the HSE undertook destructive testing of the pallet truck and we therefore purchased a new so called "blue" pallet truck capable of lifting weights up to 2500kg. I created the method statement for the new pallet truck entitled "*Use of Blue pallet truck*" dated 3 November 2013 and circulated this amongst our operatives. The method statement clearly explains the steps which are to be taken when operating the pallet truck on flat surfaces and is suitable and sufficient for the majority of jobs that we do.

We have always undertaken specific risk assessments and communicated job specific methods of work to operatives. In respect of the Sacred Heart Church job, I attach the written risk assessment entitled "*D11 Biomass Risk Assessment*" dated 16 March 2012 which specifically states in respect of HDG Biomass Boilers: "*Use of purpose made lifting jacks to remove pallet*" ("**THL2**"). The contents of the risk assessment were communicated to James Jackson and [REDACTED] during the briefing on 11 February 2013 albeit they

would already have been familiar with the risk assessment and method of always using the lifting jacks having both previously installed this particular type of boiler.

Following the Inquest, however, our procedures have become even more robust. We produce individual method statements documents (where appropriate) and I attach two examples entitled "*Speedrite – Method Statement*" ("*THL3*") and "*Method statement moving boiler – Contract Steve Sheldon*" ("*THL4*").

The Steve Sheldon method statement is dated 23 December 2014 and concerned a job involving access issues. The boiler was due to be installed in premises at the end of a narrow lane which the supplier's vehicle was unable to access. The lane surface was not conducive to using a pallet truck and therefore we hired a front loader. The method statement for this particular job includes relevant information such as:-

- a. Weight and dimensions for the boiler;
- b. Issues regarding the weight distribution of the boiler;
- c. Use of a front loader to transport the boiler from the point of delivery to the plant room;
- d. Identity of the operatives due to undertake the installation; and
- e. Accessibility issues, i.e. the front loader could not be used to place the boiler in its final position.

The method statement also contains the manufacturer's instructions which provide specific information in terms of how the boiler should be positioned and unloaded from its pallet. In order to remove the pallet, the manufacturer's instructions were followed.

I met Sandra Tomlinson of the HSE on 28 January 2015 and discussed the Inquest as well as the changes we had implemented. I showed [REDACTED] the Speedrite and Steve Sheldon method statements and recall that she approved them both and made no additional recommendations or comments. The HSE have not taken any enforcement action.

## 2. Report

**There was no apparent system for reporting damage to the lifting jacks (and any other equipment or tools) and any procedure for a subsequent review of condition and replacement or repair.**

### Response

The lifting jacks were not damaged or defective either before or as a result of the incident. However, steps have been taken by the company since.

At the time of the incident, we had a policy for reporting damage to tools and equipment which encompassed lifting jacks entitled "*P31 – Maintenance and Calibration of Tools and Equipment Procedure*" dated 1 April 2011 a copy of which is attached ("*THL5*"). We have never had a problem with operatives failing to report damaged lifting jacks, tools or equipment. Operatives would report any damaged items to their line manager or myself and either a replacement would be issued or the damages item would be repaired. This was however an undocumented system.

Following the Coroner's Regulation 28 Report, we produced the attached form which operatives now use to report any damaged items entitled "*Equipment Damage Report*" ("*THL6*"). The form includes the following headings:-

- i. Equipment
- ii. Fault/damage
- iii. Action taken
- iv. Date resolved

The "Equipment Damage Form" was sent out to all operatives via the attached e-mail on 15 January 2015 ("THL7") which included the following instruction:-

*"This is our form for reporting any damage or repairs to company equipment. From this day forward please inspect your equipment and hand this form in with your time sheets, along with the equipment to be repaired if applicable. Please also use this form to report any equipment that has been damaged that you have subsequently repaired, so that we have an audit trail."*

Although there was a system in place for reporting damaged tools and equipment at the time of the incident, as a result of the Coroner's Regulation 28 Report we have improved those procedures and ensured that all operatives are aware of precisely how to report any damaged tools and equipment.

If we can be of any further assistance to the Coroner then please do not hesitate to contact us.

Signed



Managing Director of Tomkinson Heating Limited

Dated

3/08/15.