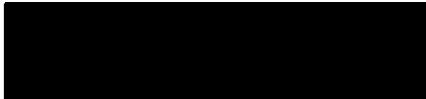


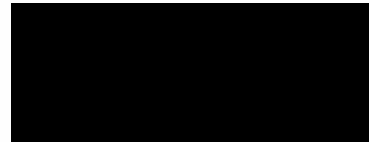
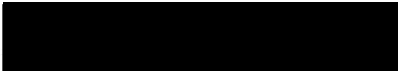
Your Ref:  
Our Ref:



**STRICTLY PRIVATE AND CONFIDENTIAL  
TO BE OPENED BY ADDRESSEE ONLY**

Mr J S Pollard  
Senior Coroner  
Coroner's Court  
1 Mount Tabor Street  
Stockport

Email :



12 November 2014

Dear Sir

**MARJORIE PHILLIPS (DECEASED)**

We write in behalf of our client Sunrise Medical Limited following your request for their response to your Regulation 28 report (letter dated 18<sup>th</sup> September 2014).

We understand that the matter for concern that you raise so far as our client is concerned is confined to paragraph 5.2 of your report, namely

"During the course of the evidence I heard from an Inspector of the Health and Safety Executive that the sling had a tendency to "bagging" at the sides and if Mrs Phillips had leant her weight over to one side of the sling, this combined with the tendency of the sling material to "bag" might have allowed her to fall from the hoist. (FOR SUNRSE MEDICAL LIMITED)."

and that in your opinion "action should be taken to prevent future deaths and you believe that our client have the power to take such action" (paragraph 6).

It is difficult to provide you with any specific assistance based on the information provided within the report for the following reasons –

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Sheffield S3 8DT

1. The date of this tragic incident and subsequent death of Ms Marjorie Phillips has not been referred to specifically. We infer from the reference to Ms Phillips being described as an 82 year old lady born in 1928 that the incident occurred in 2010. This date is significant on the basis that Sunrise Medical Ltd may not have supplied the hoist in question ;
2. Sunrise Medical Ltd between 1983 -2010 was an affiliation of a total of three other companies to form a new holding company of Sunrise Medical Inc, one of which was Joerns Healthcare. (<http://www.joerns.com/company>). It is therefore not clear as to who may have provided the equipment in question as Joerns continued to trade under their own name from 2010.

However, in the spirit of co-operation our client has requested that the attached Instructions for Use (IFU) documents be forwarded to you in the hope that they may assist. An IFU is supplied with each hoist which is delivered, and is model specific.

The first IFU relates to the Oxford hoist which is no longer supplied by Sunrise Medical Ltd. It is submitted that if the IFU is a comprehensive document which at regular interval refers to safety precautions and bullets helpful "do's" and "don'ts", specific references are made to the sling, maintenance of the same and operation of the hoist only with approved slings. On the basis that these hoists are no longer supplied by Sunrise Medical Ltd, it is submitted that if this was the hoist in question, no action can be taken by our client.

The second IFU is the document in relation to Sunrise hoists. On the rear cover of the document you can see that the document was published as recently as July 2014. Page 1 starts with a clear advice that the equipment is not operated until the instruction manual has been read and understood. On the same page the reader / operator / customer is assured that Sunrise hold the CE mark and that the hoists meet a total of four CE directives. At the bottom of the same page specific reference is made to the Lifting Operations and Lifting Equipment Regulations 1998 (LOLER). Safety instructions are clearly set out in easy to understand language at paragraph 3, page 3 with further guidance and illustrations at paragraph 9, page 7.

Specific reference is made on page 3 (under the bold title "Before and during each use of the hoist") that the sling should be checked to ensure it is of a type and size suitable for the patient and that it is adjusted as per the relevant instructions for use. There are additional advice notes in relation to ensuring the patient's safety whilst being moved within the hoist.

Perhaps of most significance at paragraph 11, page 8 under the heading of maintenance, customers are advised to subscribe to thorough inspections and tests of the equipment, including slings, every six months. It recommends that the following checks are made every day, before the hoist is used, specifically

"check for wear on the hooks. Do not use slings which show signs of wear or damage in the lifting straps or sling body" which may include the "bagging" that you are concerned about in this matter.

It is again submitted that this IFU is a comprehensive document which deals with the issues of purchase, maintenance and operation of equipment supplied by them, therefore no action is proposed at this stage. We trust this response deals adequately with the concerns that you have raised but should you require any further assistance, not to hesitate in contacting our client directly.

Yours faithfully



IRWIN MITCHELL LLP