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Your Ref: 42934-2017
28 June 2018

HM Coroner for Bedfordshire & Luton
The Court House
Woburn Street
Amphill
Bedfordshire
MK45 2HX

Dear Sirs

Deceased : Matthew James Wilmot
Date of Incident : 28 May 2017

We write in response to the Regulation 28 Report dated 17 April 2018.

We note the concern is that there was not enough emphasis within the risk assessment process that a unique route has different risks to a path that is parallel.

It is further noted that the Coroner was satisfied that the evidence given at the Inquest was that the risk assessment undertaken by M&S for the excavation outside 280 Devon Road was in line with the Red Book and Industry Standards.

During the course of the Inquest evidence was given in relation to exhibit 'TH2'. The document was the Team Briefing given following the accident involving Mr Wilmot. The briefing followed a review of the risk to the general public regarding open excavations. It stated:

Please take into consideration the following specifics before leaving an open hole:-

1. *Would you expect high footfall in the area e.g.: school, public house, hospital, GP Surgery*
2. *Is the job likely to be ongoing e.g.: due to Engineering difficulties*
3. *Have you any reason to suspect that a MOP might move our barriers, take into consideration surrounding houses etc.*
4. *If you have to provide the public with an alternative route is it realistic and easy to negotiate? We must be compliant but we must also be realistic in our expectations.*



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Underground Water Mains | New Mains (WIRS) | Plumbing | Drainage | Non-Dig Tree | Flex Jetting | Fusion Welding
Leak Detection | Civil Engineering | RPZ Valve Testing and Commissioning

If any of the above is a concern then please consider all or some of the following:

- 1. Consider storing the spoil elsewhere to enable us to keep the footpath open*
- 2. Consider plating the excavation*
- 3. Consider the need for Heras Fencing*

If you need advice then contact your supervisor.

It is submitted that the additional guidance given to operatives within three days of the accident on 28 May 2017 should assuage the concern regarding unique sites and whether or not there is sufficient focus in the risk assessment process on the likelihood of the public using the alternative route. It will be appreciated that on the Devon Road site the M&S operatives were required to complete the Amey Utility Services Limited risk assessment template.

Given that no two sites are the same, the Company is wary of being too prescriptive in respect of the guidance given to operatives. Therefore, in order to address the specific concern of the Coroner the Company has amended point 4 of the briefing to read as follows:-

- 4. If a footway closure / road closure / alternative pedestrian route is setup, is it suitable / will pedestrians follow it? If the assessment is that they will not, please contact your supervisor for advice.*

The intent is to provide a procedure for operatives to escalate any concerns in relation to 'unique' locations to a supervisor and for the supervisor to then make the final decision on the appropriate control measures to be put in place. As such, the procedure will ensure supervisory involvement in relation to assessments of all 'unique' locations.

The briefing will be a mandatory part of the induction process for any new operatives and will be refreshed for all existing operatives at six month intervals.

It is important to stress that M&S does not fulfil the role of the Job Initiator or Job Planner. The evidence of Amey (paragraph 4.5 of statement dated 14th December 2017) was that the Job Planner reviews the job for any special requirements based on the Job Initiator's comments. The process involves a visit to the site by the Customer Services Technician. To this extent there is also the opportunity within the planning / permitting process to identify any 'unique' locations.

As was highlighted during the Inquest hearing, the Company is committed to going above and beyond existing Industry Standards / guidance in relation to Street Works. The additional processes now put in place are part of the commitment to continuous improvement.

Yours faithfully



M&S Water Services (Utilities) Ltd