



Regulation 28: REPORT TO PREVENT FUTURE DEATHS

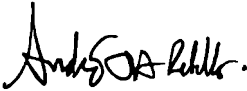
NOTE: This form is to be used **before** an inquest.

	<p>REGULATION 28 REPORT TO PREVENT DEATHS</p> <p>THIS REPORT IS BEING SENT TO: Secretary of State for Transport</p> <p>The Rt Hon Mark Harper MP Secretary of State for Education</p> <p>The Rt Hon Gillian Keegan MP</p>
1	<p>CORONER</p> <p>I am Andre REBELLO, Senior Coroner for the coroner area of Liverpool and Wirral</p>
2	<p>CORONER'S LEGAL POWERS</p> <p>I make this report under paragraph 7, Schedule 5, of the Coroners and Justice Act 2009 and regulations 28 and 29 of the Coroners (Investigations) Regulations 2013.</p>
3	<p>INVESTIGATION</p> <p>On 05 October 2023 I commenced an investigation into the death of Jessica Evie BAKER aged 15. The investigation has not yet concluded and the inquest has not been heard.</p>
4	<p>CIRCUMSTANCES OF THE DEATH</p> <p>Jessica was a 15 year old pupil who was a passenger travelling on the school coach from her home address in Chester to West Kirby Grammar School when the bus was involved in a one vehicle road traffic collision. Jessica and the coach driver died in the incident. There were over 50 students on board.</p> <p>At approximately 08:03 hours a road traffic collision involving this bus has taken place on the northbound carriageway of the M53 motorway between junctions 5 and 4. This is in the Eastham area of Wirral, Merseyside. The motorway at this point is a generally straight stretch of road with three lanes and a hard shoulder in each direction that is separated by a corrugated metal barrier on the central reservation. The collision occurred on the northbound carriageway and this is bordered by a sloped embankment to the nearside that contains shrubbery, trees and general overgrowth. The coach was travelling in lane 2 of 3 (the central lane) and passing another vehicle to its nearside. Having completed this passing manoeuvre, the coach began to move back into lane 1 of 3 (the left hand lane). However, it continued to veer gradually towards the nearside. It has crossed the hard shoulder before leaving the carriageway altogether, where it has entered the embankment and into the overgrowth. It has continued forwards and up the embankment before striking a large tree which has then resulted in the vehicle lurching to its right before barrel rolling down the embankment and back onto the carriageway coming to rest predominantly in the hard shoulder.</p> <p>CCTV from within coach shows that prior to the collision, The driver slumps/falls to his left</p>



	<p>hand side prior to the vehicle leaving the motorway and the collision occurring. During the course of the vehicle rolling down the embankment, a passenger on the coach, Jessica Evie Baker, was partially ejected from the vehicle and become trapped underneath it. This has resulted in catastrophic instantly fatal injuries. Jessica was pronounced deceased at scene by attending paramedics at 09.01. The driver was also pronounced deceased at scene at 08:50.</p> <p>A Roads Policing investigation is ongoing – the court has directed evidence to be obtained and will review the investigation on 20th March 2024</p>
5	<p>CORONER'S CONCERNS</p> <p>During the course of the investigation my inquiries revealed matters giving rise to concern. In my opinion there is a risk that future deaths could occur unless action is taken. In the circumstances it is my statutory duty to report to you.</p> <p>The MATTERS OF CONCERN are as follows:</p> <p>This was a school commuter coach travelling on a motorway. It was constructed after 2001 and will have had seat belts fitted. Review of CCTV does not show the seatbelts were being used.</p> <p>This coach had secondary school children on board. Some of the pupils those below 14 years of age would be expected to wear seatbelts under driver supervision.</p> <p>The driver did not appear to be wearing a seat belt</p> <p>A distinction should be drawn between school buses in built-up areas and school commuter coaches travelling a distance using A roads and the motorway network – with regard to the availability and use of seatbelts.</p> <p>I take judicial notice that using seat belts can prevent some injury altogether, make inevitable injury less severe and reduce the risk of fatal injury.</p> <ol style="list-style-type: none">1. What advice does government wither through the Department of Transport, or the Department of Education give to schools and colleges when contracting for school bus commuter contracts – about the use of seatbelts?2. What public information campaigns are being run about the additional road safety provided by the use of seatbelts?
6	<p>ACTION SHOULD BE TAKEN</p> <p>In my opinion action should be taken to prevent future deaths and I believe you (and/or your organisation) have the power to take such action.</p>
7	<p>YOUR RESPONSE</p> <p>You are under a duty to respond to this report within 56 days of the date of this report, namely by November 30, 2023. I, the coroner, may extend the period.</p> <p>Your response must contain details of action taken or proposed to be taken, setting out the timetable for action. Otherwise you must explain why no action is proposed.</p>
8	<p>COPIES and PUBLICATION</p> <p>I have sent a copy of my report to the Chief Coroner and to the following Interested</p>



	<p>Persons</p> <p>I have also sent it to</p> <ol style="list-style-type: none">1. Carvers Coaches2. Merseyside Police3. Bereaved families <p>who may find it useful or of interest.</p> <p>I am also under a duty to send the Chief Coroner a copy of your response.</p> <p>The Chief Coroner may publish either or both in a complete or redacted or summary form. He may send a copy of this report to any person who he believes may find it useful or of interest.</p> <p>You may make representations to me, the coroner, at the time of your response about the release or the publication of your response by the Chief Coroner.</p>
9	<p>Dated: 05/10/2023</p>  <p>Andre REBELLO Senior Coroner for Liverpool and Wirral</p>