



SAFETY AT EVERY LEVEL

Miss Karin Welsh  
HM Assistant Senior Coroner  
Newcastle Upon Tyne Coroners  
Civic Centre, Barras Bridge  
Newcastle Upon Tyne  
NE1 8QH

2 February 2022

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Dear Madam

**Inquest touching the death of Edward Cockburn**  
**The Jackloc Company Limited**  
**Report to Prevent Future Deaths**  
**Regulations 28 and 29 Coroners (Investigations) Regulations 2013**

Further to our previous correspondence in this matter, the purpose of this letter is for me, on behalf of the Jackloc Company Limited ("the Company") to provide its response to your Report of 10<sup>th</sup> December 2021.

**Response to Report to Prevent Future Deaths**

Your Report notified the Company that you had concluded the Inquest touching the death of Mr. Edward Cockburn on 10<sup>th</sup> December 2021 and informed it of certain circumstances surrounding his death as well as your concerns regarding the installation of the Jackloc restrictor fitted to one of the windows in a sluice room at the Sunderland Royal Hospital. Your Report noted that Mr. Cockburn fell from a window in the sluice room and that the fixing used to secure a Jackloc Mark 2 restrictor on the window failed.

In paragraph 5 of your Report you expressed your concerns and for ease of reference I set them out again here –

***The fixing was attached to the sill of the window in accordance with fitting instructions issued by your Company and dated July 2017. Subsequent to the installation a data sheet was issued indicating that the fixing should be attached to the window frame only. This change in data/guidance was not highlighted to South Tyneside and Sunderland NHS Trust and presumably other hospital trusts. The position of the fixing on the sill enabled the restrictor to be more easily defeated bearing in mind this was a pivot window.***

In paragraph 6 you set out the action that should be taken by the Company which I set out here also and again for ease of reference –

***The following action should be taken to avoid future deaths:***

- (a) To ensure that the Guidance is changed to clarify the necessity to attach the fixing to the frame and proximity to the points of pivot***
- (b) To ensure that this is effectively communicated to and highlighted with all NHS Trusts and other relevant users using the Jackloc window restrictor system***



Given that the Company had not been invited to provide evidence for, nor to appear at, the Inquest as an interested person I am grateful to you and your Officer for having clarified, by email on 12 January 2022, that during the inquest no concerns were raised regarding the restrictor itself but rather the positioning of the fixing; that during the evidence it became apparent that guidance/fitting instructions issued by Jacklock had changed from July 2017 to November 2019 as to where the part A locking body of the restrictor should be fitted; and that South Tyneside and Sunderland NHS Trust seemed unaware of this change hence the action set out in paragraph 6 of your Report. I am grateful to you also for arranging to forward a number of photographs of the relevant window and fixing to inform the Company's response.

Had the Company provided evidence for the purposes of the Inquest there are a number of matters that it would have been able to clarify and which I wish to set out for the purposes of this response, namely –

- The Company's window restrictors are immensely strong and for one to fail is virtually unheard of. Instances of failure are inevitably at a fixing point where the force is such as to pull the fixing screws out.
- Given that the restrictor is dependent on the fixing point and how well it is secured to either a window frame or sill it can never be guaranteed to prevent the window from being forced wide open.
- The Company does not install restrictors. It supplies them to installers.
- So long as the restrictor is installed properly and the fixing points are secure it will prevent a window from being opened too far, not only the ordinary course of use but way beyond that – however, being dependent on fixings the restrictor will not prevent the window from being opened wide by the application of significant force (which will not result in the restrictor separating but may result in the fixings being pulled from one of its fixing points).
- The fitting instructions for the Mark 2 restrictor are supplied with the product and those to which you refer are the 2017 version. In 2020 the Mark 2 product was rebranded and although the technical specification was unchanged, its name changed to the "Pro5". New fitting instructions were issued to coincide with the name change but the instructions for securing the restrictor remained unchanged. It follows that the instructions for fitting the restrictor in place have not changed since July 2017 and (provided they are fitted correctly) state accurately that the fixings may be secured to either the window frame or the window sill. I attach a copy of the 2020 fitting instructions for completeness.
- The fitting instructions provide instruction as to the width of the opening, with the installer being given the option of fixing the part A locking body of the restrictor (described, by reference to a diagram, as "part A" in the instructions) to either the window frame or sill to limit the width of the gap.
- The instructions also set out the required maintenance procedure to ensure, for example, that nothing is working loose and that there is no excessive "play".
- The data sheet is a technical document, and it is not supplied with the product but is available on request. Typically, though not entirely exclusively, it is requested by architects and designers.



I appreciate that you have highlighted that the fitting instructions allow for Part A of the restrictor to be fitted to either the window frame or sill but the data sheet states, "*Fit Part A (locking body) to the fixed frame and Part B (swivel-cable foot plate) to the opening window frame*".

This does not mean that the restrictor is any less effective if, in accordance with the fitting instructions Part A is fixed to the window sill – always provided that whatever it is fixed to, it is correctly fitted and secure.

Please be assured that in view of your Report the Company and I have very carefully reviewed the fitting instructions and we are satisfied that they are suitable and fit for purpose. We consider that it would be wrong to change them to remove the reference to the window sill because the part A locking body can be fixed to the sill and to do so will be no less safe than securing it to the window frame, always provided that the following direction from the fitting instructions is heeded –

*"Each installation project must be surveyed and evaluated prior to fixing the Jackloc window restrictor to determine the appropriate fixings/anchorage and of the designated restricted opening. Care must be taken to survey each window/door to ensure that the general and specific condition of the material(s) are sound and are not in disrepair to ensure that the Jackloc can be securely fitted"*.

If, rather than follow the fitting instructions, the installer followed the fitting methodology set out in the data sheet and secured the part A locking body to the frame then that would not compromise the effectiveness or safety of the restrictor in any way, provided the following extract from the data sheet is heeded –

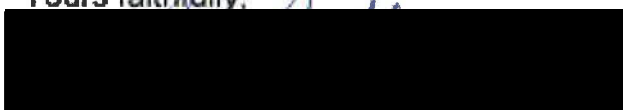
*"Great care must be taken to inspect each and every window to verify that they are in a sound, serviceable condition and to ensure the secure fitting of the Jackloc window restrictor"*.

I wish to make it very clear that the Company and I understand fully the reasons that led you to conclude that a Regulation 28 Report should be required, and we intend you no disrespect in saying that, given everything set out above, we do not propose to alter the fitting instructions and, because the instructions are and remain suitable and fit for purpose it is not considered necessary nor appropriate for us to communicate with Trusts and other users in accordance with paragraph 6 of your Report.

What the Company has resolved to do is to amend the data sheet to make it align it and ensure it is consistent with the fitting instructions and from this point onwards all the data sheets we supply will expressly allow for fitting Part A to either the frame or the sill (copy attached). This will avoid any confusion for those who have and may refer to both the fitting instructions and the data sheets.

I wish to add that if you, Mr. Cockburn's family and South Tyneside and Sunderland NHS Trust have any continuing concerns I shall be most happy to discuss and address them. All are assured of the Company's co-operation and willingness to assist in that regard.

Yours faithfully,



(Managing Director)

For and on behalf of the Jackloc Company Limited