



18 December 2018

Mr D M Salter
HM Senior Coroner for Oxfordshire
Oxfordshire Coroner's Office
2nd Floor
1 Tidmarsh Lane
Oxfordshire
OX1 1NS

Dear Mr Salter

Regulation 28 report

I write in response to the regulation 28 report into the tragic circumstances of the death of Mr Stephen Buck.

The Waste Industry Safety and Health (WISH) Forum exists to communicate and consult with key stakeholders, including local and national government bodies, equipment manufacturers, trade associations, professional associations and trade unions. Those working with, and within, WISH include members and representatives of the waste and recycling sector at all levels and across the full range of waste management, resource recovery, recycling and disposal activities. The aim of WISH is to identify, devise and promote activities that can improve industry health and safety performance.

You invite WISH to give consideration to:

"The issue of concern therefore relates to the apparently common practice for an operative to work in close proximity to trucks to issue the ticket. One might have thought that a different system involving technology could remove the need for this to occur."

I respond on behalf of WISH as follows:

Workplace transport accounts for only about 4% of all accidents and incidents in the waste and recycling sector. The severity of them is such, however, that they are the biggest single cause of fatality and serious injury in the sector. Managing workplace transport risks has been high on the agenda of WISH since its inception in 2001 and forms a major part of the guidance and support materials that WISH have produced in that time. The guidance document most relevant to the circumstances that your report describes as associated with the death of Mr Buck is Waste 09 – Safe transport at Waste and Recycling sites, which I attach for information. This was most recently reviewed and reissued in 2015. Like all WISH guidance and resources, Waste 09 is free to download and WISH promotes the use of its guidance regularly in industry media, at conferences and events and through speeches and seminars. There are also links to the WISH guidance documents from the relevant parts of the HSE website.

As Waste 09 shows, waste and recycling sites do not typically operate a system where an operative is required to operate close to trucks. Having consulted with our members, WISH has been unable to identify a single waste or recycling site where waste consignment notes are issued or received by an individual in circumstances similar to that described. At waste and recycling sites such matters are typically dealt with at weighbridges and gate houses located at the entrance to the site where both the driver and the operative are structurally protected from impact. A wide variety of technological systems are also widely used including ANPR (Automatic Number Plate Recognition) and electronic tags and fobs carried in the vehicles or by the drivers to identify individual loads and consignments. The statutorily required consignment notes can then be generated and even communicated to a receptor site electronically. Even where, due to electrical system, communications, or IT failure, manual (manuscript)

consignment notes have to be issued or received this would be done via a weighbridge, gatehouse or similar.

I note that the site at which the tragic incident occurred was a construction site rather than a site operated under a waste permit or exemption. Since the introduction of the requirement to reduce the generation and movement of construction waste off site, there can be confusion between the activities of a permitted waste and recycling site and a construction site where site generated waste is being recycled or reused elsewhere in the construction. It is my understanding that in some cases the movement of construction waste around a site can give rise to the need for consignment notes to be raised.

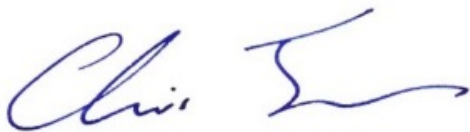
Some WISH guidance could be used and apply to waste activities on construction sites. Such activities are not, however, a focus for WISH, nor one which it has addressed previously. There is an equivalent body to WISH, namely the Construction Industry Advisory Committee (CONIAC), already in existence which provides detailed advice and guidance for the Construction Sector. Information about that body and the safety guidance it produces can be found at:

<http://www.hse.gov.uk/aboutus/meetings/iacs/coniac/index.htm>.

I am unsure as to whether you also intend to raise your concerns directly with CONIAC, but to ensure that they are aware of the details of this case, I shall provide them with a copy of this response (via the HSE, which is a member of the WISH Forum), so that they may consider our standard practices in conjunction with any advice that they provide within their guidance around the issuance of waste consignment notes.

Notwithstanding that this matter has been raised in respect of a construction site, WISH will review the Waste 09 guidance on this point and see what improvement or clarification might be added. The importance of the segregation of pedestrians and vehicles is a key point throughout Waste 09 and a point which regularly features in WISH's public communications and campaigns. In view of the circumstances of this tragic case, WISH will ask its members, and devolved associate organisations, to draw further attention to the dangers of vehicle/pedestrian interactions and, in particular, the dangers of the practice of a pedestrian handing out consignment notes to drivers. The main organisations being the Environmental Services Association (ESA), the Local Authority Waste Safety (LAWS) forum, the Chartered Institute of Waste Management (CIWM), the Scottish Waste Industry Training, Competence and Health forum (SWITCH), the Waste Industry Safety and Health Forum (Northern Ireland) (WISH(NI)) and the Trade Union Congress (represented at WISH by the GMB).

Yours Sincerely

A handwritten signature in blue ink, appearing to read "Chris".

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Chair, Waste Industry Safety and Health forum.