

HM Senior Coroner Jacqueline Devonish  
Cheshire Coroner's Service  
Museum Street  
Warrington  
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Reference [REDACTED]

INVESTIGATION DIVISION

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Date 6<sup>th</sup> September 2024

Dear HM Senior Coroner Devonish

### **PREVENTION OF FUTURE DEATHS REPORT – TONY WILLIAMS**

Thank you for your email and attached Regulation 28 "Report to prevent future deaths" dated 18/07/2024. The report outlines matters of concern arising from the inquest into the death of Mr Tony Williams. Mr Williams was killed while unloading bales from a trailer at [REDACTED] in Cheshire on 2<sup>nd</sup> December 2020. I am the Health and Safety Executive's (HSE) Head of Operations covering the area of Great Britain (GB) in which the incident occurred. In providing this response I have consulted with the team that sets HSE operational policy in relation to safe work with bales, and the team responsible for HSE operational policy in relation to transport.

You raise the following **MATTERS OF CONCERN** in your report:

*It became apparent that there were no clear images in the guidance or support materials produced by HSE to assist drivers who load and unload bales".*

#### **Background**

HSE recognise that unstable loads present a serious risk of harm. Vehicle loading, unloading and load securing cross over two areas of legislation: road traffic, which is enforced by the Driver & Vehicle Standards Agency (DVSA) and police forces, and workplace safety which is enforced by HSE and local authorities. In this response, although I have made reference to some DVSA guidance, I will address the workplace safety aspect as other agencies are better placed to address any concerns regarding how material is transported by road.

#### **Your concerns for HSE to address**

Health and safety legislation is goal setting in its nature, rather than prescriptive. The Health and Safety at Work etc. Act 1974 and Regulations made under it require employers to assess the risk from work operations, including working with bales, and provide control measures to reduce these risks, so far as is reasonably practicable.

To assist employers and provide a framework for compliance with the law, HSE produce guidance for industry to follow. In relation to working with bales in agriculture, HSE produced publication INDG125(rev 3) "Safe working with bales in agriculture" which is available free from our website at: <https://www.hse.gov.uk/pubns/indg125.pdf>. Whilst there is guidance on safe working with bales in other HSE publications, such as "Farmwise" and "What a good farm looks like" (both available free from the HSE website), INDG125 is HSE's primary guidance document for the safe loading and stacking of bales. In addressing your concerns, this reply will focus predominantly on INDG125.

Bales and the trailers on which they are transported, may be of a range of shapes and sizes. INDG125 must therefore contain sufficient information to be useful to duty holders such that they can plan for safe operation of activities, but also be broad and flexible enough to reflect the variations. The guidance therefore sets out the principles that should be adopted rather than be prescriptive for specific situations.

In relation to the safe stacking of bales, the principles are set out on pages 2, 3 and 4 of the guidance supported by Figures 1, 2 and 3. In considering the concerns raised in your report we have concluded that there is sufficient information, by way of both images and supporting material, to allow duty holders to plan their stacking operations safely and that the current guidance is satisfactory.

In relation to the safe loading and unloading of bales, the principles are set out throughout the guidance document but specifically on pages 6 and 7. We acknowledge the absence of images in this section however, having considered the concerns raised in your report we have concluded that there is sufficient information that will allow duty holders to plan and carry out the loading and unloading of bales safely and that the current guidance is satisfactory.

Guidance on the safe loading and unloading of vehicles is also provided in HSE publication HSG136, A Guide to Workplace Transport. Although it does not specifically reference bales, the publication sets out employers' responsibilities under health & safety legislation and provides guidance on key safety issues which also includes managing vehicle movements on sites, work at height, and coupling and uncoupling articulated vehicles. It too takes a broad and flexible approach due to the complexity and variety of the many different transport operations in GB and is available free from the HSE website at <https://www.hse.gov.uk/pubns/books/hsg136.htm>.

### **Other enforcing authorities and industry associations**

HSE also works closely with other enforcing authorities and industry associations to support them in producing their own industry-specific detailed guidance.

This includes work undertaken with the DVSA and trade associations on the production of on-road guidance for drivers and operators. In recognising that loads come in a variety of shapes and sizes, as do the vehicles transporting them, the DVSA guidance is also generally not prescriptive but sets out the general principles of load securing and advice to help vehicle operators and drivers comply with the law.

The current version of this guidance can be found at <https://www.gov.uk/government/publications/load-securing-vehicle-operator-guidance/load-securing-vehicle-operator-guidance>. An updated version is due to be published in autumn 2024 which will contain advice that bales should be properly supported by the vehicle or trailer load bed.

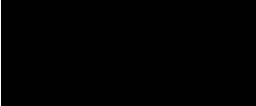
Further queries or comments on the DVSA guidance are best directed to the DVSA.

### **In conclusion**

Having carefully considered the content of your report and your concern around a lack of information HSE provides we have concluded that the guidance currently available in relation to the safe stacking, loading and unloading of bales is sufficient and does not currently require further images or supporting material. HSE legislation is goal setting and not prescriptive. As such HSE guidance documents adopt a broad and flexible approach that will allow duty holders to plan and safely undertake work activities for a wide range of situations.

However we keep HSE guidance, including INDG125, under periodic review and we will keep your report on record for consideration when it is next reviewed.

Yours sincerely,



  
**Head of Operations**